

MALHEUR COUNTY COURT MINUTES
April 26, 2023

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Ron Jacobs and Commissioner Jim Mendiola present. Staff present was Administrative Officer Lorinda DuBois. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Notice of the meeting was posted on the County website, Courthouse bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # 2023-1187

PROCLAMATION - BUILDING SAFETY MONTH

Building Official Adele Schaffeld met with the Court and presented a proclamation declaring the month of May as Building Safety Month; also present in support of Building Safety Month were Kraig Stevenson, ICC (International Code Council) Government Relations Department; Casey Kump, Field Deputy State Fire Marshal; Jim Sayers, ICC Board of Directors; David Spencer, ICC Secretary/Treasurer; Elizabeth Bunga, Oregon City Plans Examiner; Jack Applegate, ICC Board of Directors; Clint Benson, Ontario Fire Chief; and Madison Scott and Elena Hammar from the County Building Department. Ms. Schaffeld provided an update on some of the outreach activities of the department including donation of books to the local schools. Fall training on the residential code will be held locally and continuing ed credits will be available.

Ms. Schaffeld read the proclamation:

PROCLAMATION - BUILDING SAFETY MONTH - MAY 2023

Whereas, our County is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

Whereas, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and;

Whereas, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

Whereas, “It Starts with You,” the theme for Building Safety Month 2023, encourages us all to raise awareness about building safety on a personal, local and global scale, and;

Whereas, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, we, the County Court of Malheur County do hereby proclaim the month of May 2023 as Building Safety Month. Accordingly, we encourage our citizens to join us as we participate in Building Safety Month activities.

Commissioner Jacobs moved to declare May 2023 as Building Safety Month in Malheur County. Commissioner Mendiola seconded and the motion passed unanimously.

Themes for this year's Building Safety Month are: Building Safety Starts at Home; Building Safety Professionals and You; Prepare Your Community; Advocate for Your Community; and Solving Challenges Together. Ms. Schaffeld thanked those present for their partnership.

AWARD OF AERIAL APPLICATOR CONTRACT

Weed Inspector Amanda Zander met with the Court. The Weed Department was granted two grants in March by Oregon Department of Agriculture; a small portion of the grants is for aerial applications (\$10,400). Applicators were contacted for weed treatment quotes; responses were received from two applicators. A committee was formed with Malheur Watershed Council and Pheasants Forever to review the quotes and the committee recommended that South County Helicopter LLC (Limited Liability Company) be award the contract. The Court had no objections to awarding the contract to South County Helicopter LLC.

CROSSING PERMITS

Commissioner Mendiola moved to approve Crossing Permit #19-23 to Windwave Communications for communication fiber work on Moores Hollow Road #673; Permit # 20-23 to Windwave Communications for communication fiber work on Old Oregon Trail Road #751; and

Permit # 21-23 to Chris Payne for irrigation pipe work on Lee Road # 882. Commissioner Jacobs seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of April 12, 2023 as written. Commissioner Mendiola seconded and the motion passed unanimously.

ODOT AGREEMENT - OPERATING 5311 FUNDING

Commissioner Jacobs moved to approve Public Transit Division Oregon Department of Transportation (ODOT) Agreement No. 35427, Operating 5311. Commissioner Mendiola seconded and the motion passed unanimously. Funding is in the amount of \$594,642 for administration and operations to provide general public commuter, demand response, ADA (Americans with Disabilities Act) paratransit, and fixed route services in Malheur county with connections to Greyhound, Grant County Transportation District, Kayak Public Transit, and Oregon POINT services. General public route services are provided Monday through Friday with an abbreviated schedule on Saturdays. The agreement expires June 30, 2025. A subcontract will be drafted with Malheur Council on Aging and Community Services. A copy of the agreement will be returned for recording.

LETTER - FINDLEY/OWENS

The Court signed a letter to Senator Lynn Findley and Representative Mark Owens; the letter provides information on the steps the County is taking to conduct third-party analysis of the Treasure Valley Reload Center (TVRC) project (related to the County's legislative request for additional funding for TVRC). See instrument # 2023-1188

AMENDMENT - IGA #169522

Commissioner Jacobs moved to approve Twelfth Amendment to Oregon Health Authority 2021-2023 Intergovernmental Agreement (IGA) for the Financing of Public Health Services, Agreement # 169522. Commissioner Mendiola seconded and the motion passed unanimously. The Program Element Descriptions in Exhibit B are modified as is the Fiscal Year 2023 Financial Assistance Award in Exhibit C. Program Element #63 MCAH (Maternal Child and Adolescent Health) LPHA (Local Public Health Authority) Family Connects Oregon Community Lead is added by Attachment A. A copy will be returned for recording.

CONTRACT - WESTERN RIVERS CONSERVANCY

County Counsel Stephanie Williams presented the proposed Contract between Malheur County and Western Rivers Conservancy regarding Disaster Peak Ranch. Also present was Western Rivers Conservancy Vice President Nelson Mathews and Stewardship Director Mik McKee. WRC (Western Rivers Conservancy) has indicated it will use its good faith efforts to maintain the property as a working ranch, however it might not always be a working ranch depending on economics. WRC has indicated it is not looking for any kind of tax relief based on its nonprofit status and will not apply for a conservation easement assessment (WRC currently does receive

farm use assessment). Deed restrictions will be subject to the requirements of the USFWS (United States Fish & Wildlife Service) Section 6 Grant. There is also a provision in the Contract that addresses mining. The Contract will be recorded after WRC receives its grant funding. Mr. Nelson and Mr. McKee thanked the Court and Ms. Williams for working on the agreement with WRC. Commissioner Jacobs moved to approve Contract between Malheur County and Western Rivers Conservancy Re: Disaster Peak Ranch. Commissioner Mendiola seconded and the motion passed unanimously.

BUREAU OF LAND MANAGEMENT (BLM)

Vale District BLM Public Affairs Officer Larisa Bogardus and Malheur Field Manager Jonah Blustain met with the Court. Also present was Planner Eric Evans. Mr. Blustain was introduced to the Court members; Mr. Blustain is the new Malheur Field Manager following the retirement of Pat Ryan. Mr. Blustain previously worked with BLM in Tonopah, Nevada. Mr. Blustain inquired if the Court had any questions on projects or the quarterly report of activities released earlier in the month. Mr. Blustain encouraged the Court to become a cooperating agency with BLM for the Grassy Mountain project. Mr. Evans is working with Mr. Blustain regarding the Lytle Boulevard Landfill power project. The Southeast Oregon RAC (Resource Advisory Council) will meet in June in McDermitt.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

*Letter to ODOT requesting cancellation of Local Agency Agreement State Funded Local Project Program, Project Name: Lytle Blvd Signing Improvements (Malheur Co.) Agreement No. 32884 (recorded as instrument # 2018-3110, was sent April 28, 2023. ODOT Letter to cancel is recorded as instrument # 2023-1220