

MALHEUR COUNTY COURT MINUTES
May 3, 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 # 2023-1304

COUNTYWIDE RANGELAND HEALTH STRATEGY

Owyhee Watershed Council Coordinator Nicole Sullivan and NRCS (National Resources Conservation Service) District Conservationist Lynn Larsen met with the Court and discussed a countywide Rangeland Health Strategy project. The Council submitted a Regional Conservation Partnership (RCP) program application a year ago; the application ranked well but was not funded. The application may have done better if the project was a bit more focused on priorities and projects, such as rangeland health restoration projects. Instead of reapplying it was suggested that the partners come together to put the strategy together to help prioritize and create a framework. The original RCP partnership group met with the OSU (Oregon State University) rangeland fire specialist; and met with Vale BLM (Bureau of Land Management) and some members of the Harney County partnership. The core group of partners is now working to garner additional partner support. Verbal agency support has been received from BLM, SWCD (Soil & Water Conservation District), Vale Sage-grouse Local Implementation Team (LIT), and both watershed councils. Key goals of a county-wide strategic plan include: articulate a shared vision for Malheur County rangelands; advance a framework to prioritize activities and align different organizations' projects and resources across landownership boundaries to leverage their effects; and include a plan for sustaining and adapting strategy over time. A countywide Rangeland Health Strategy would engage local partners living and working in Malheur County to establish a shared vision for rangeland health; identify potential project areas for cross-boundary work; allow for preparation to capitalize on funding opportunities when available; and develop an understanding of different entities' authorities, capacities, and abilities to act within a project area. A Rangeland Health Strategy would provide scaffolding for diverse organizations to plan and prioritize activities that are in support of a broader vision. Grant funding will be pursued to assist with the project. The Court was supportive of the project and asked to be notified of meetings. See instrument # 2023-1313

CROSSING PERMIT

Commissioner Jacobs moved to approve Crossing Permit #22-23 to Windwave Communications for placement of communication fiber on Mesquite Road #956. Commissioner Mendiola seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of April 26, 2023 as written. Commissioner Jacobs seconded and the motion passed unanimously.

BUDGET MEETING MINUTES

Commissioner Jacobs moved to approve Budget Committee Minutes of April 18 -19, 2023 as written. Commissioner Mendiola seconded and the motion passed unanimously.

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Jacobs moved to approve Supplemental Budget Resolution R23-17: In the Matter of Fiscal Year 2022/2023 Supplemental Budget by Resolution Under Local Budget Law ORS (Oregon Revised Statutes) 294.471. Commissioner Mendiola seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate Oregon State Fire Marshall reimbursed grant funds that were not anticipated when the adopted budget was prepared; the funds will be used to conduct a table top exercise to test the EPCRA (Emergency Planning and Community Right-to-Know Act) compliant emergency response plan. See instrument # 2023-1305

SUBAGREEMENT WITH MCOA&CS - ODOT AGREEMENT 35427

Commissioner Mendiola moved to approve Sub-Agreement with Malheur Council on Aging and Community Services (MCOA&CS) for General Public Transit Service Pursuant to State Agreement Number 35427, 5311-Operating. Commissioner Jacobs seconded and the motion passed unanimously.

CONTRACT - WEED SPRAYING

Commissioner Jacobs moved to approve Professional Service Contract for Weed Spraying with South County Helicopter LLC (Limited Liability Corporation). Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-1306

QUITCLAIM DEEDS - REF. # 12164; 5149; 11976

Commissioner Jacobs moved to execute Quitclaim Deed to the Michael Kincade Revocable Trust of 2014 for Ref. # 12164; Quitclaim Deed to 2J Contracting LLC for Ref. # 5149; and Quitclaim Deed to Government Land Sales for Ref. # 11976. Commissioner Mendiola seconded and the motion passed unanimously. These properties were sold at the recent County Land Sale. See instrument #'s 2023-1331; 2023-1329; 2023-1330

LETTER OF SUPPORT - COMMUNITY IN ACTION GRANT APPLICATION

Commissioner Jacobs moved the Court sign a letter of support for Community in Action's (CinA) grant application for a USDA (United States Department of Agriculture) Section 533 Housing Preservation Grant. The grant funds will provide additional rehabilitation efforts within the housing repair program. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-1307

DOMAIN CHANGE

IS (Information Services) Director Joshua Kreger met with the Court requesting authorization to work towards changing the County domain from .org to .gov; also present was County Clerk Gayle Trotter. .gov is a top-level domain; the government regulates the .gov domain and it is available only to US (United States) based government organizations; and using .gov increases security. After discussion, the Court authorized Mr. Kreger to proceed forward with the domain change. (It may take 1-4 years to completely move everything to .gov.)

SUBDIVISION PLAT

Surveyor Derrick McKrola presented a subdivision plat for the Court's consideration. Mr. McKrola explained he was the surveyor who did the subdivision plat in his private capacity before becoming the County Surveyor; as such, the Grant County Surveyor has reviewed and approved the subdivision plat. Commissioner Jacobs moved to approve Wagon Wheel Subdivision Plat, in the City of Vale. Commissioner Mendiola seconded and the motion passed. See instrument #2023-1319

ONTARIO SANITARY SERVICE/ WASTE CONNECTIONS - PROPOSED RATE INCREASE

Waste Connections District Manager Mark Fulwiler and Ontario Sanitary Service Site Manager Nathan Wilson met with the Court and discussed a proposed rate increase of 8% effective July 1, 2023; the last rate increase was 2019. Also present was Planner/Interim Environmental Health Director Eric Evans. Waste Connections purchased Ontario Sanitary Service in July 2022. Waste Connections has cameras in all the trucks and containers are readily available. Waste Connections is decentralized; the trucks remain Ontario Sanitary Service and there is an effort to retain local leadership roles. Pricing is based on time and tonnage. Additionally, it is proposed to create zones for Roll-off rates - zones will be based off round-trip mileage traveled during the haul at \$2.50 per mile; as well as establishing an approved rate schedule for front load containers. The Court was agreeable to scheduling a public hearing to take public comments on the proposed rate increase. Mr. Evans noted he is in discussions with Ontario Sanitary about possibly diverting some of the waste to Lytle Landfill Blvd. rather than Clay Peak in Idaho.

BROADBAND PRESENTATION - HARNEY COUNTY

The Court joined the Harney County Court meeting (via telephone) to hear a presentation from Susan Christensen with Greater Eastern Oregon Development Corporation (GEODC) and Rachel Maddock-Hughes with Sequoia Consulting about forming a Broadband Action Team (BAT) and developing a Rapid Design Study; and answered various questions from the County Courts. Sequoia Consulting is a rural technical assistance firm that focuses on helping communities secure state and federal funding for the projects they need to thrive. Broadband services include BAT Facilitation and Development; Pre-engineering Design - Rapid Design Study; and Grant Analysis, Detail-Level Engineering Support and Grant-Writing Assistance. The cost for the services of Sequoia for a two-county BAT is \$65,000 for 12 months. It was suggested that the two counties commit to funding the two-county BAT for one year and then when the Oregon technical assistance program opens up an application can be made for a second year of funding. The Rapid

Design Study is an additional \$14,500 for Malheur and \$18,500 for Harney. Grant Analysis, Detail-Level Engineering Support and Grant-Writing Assistance is \$250/hr (dependent on sub-contracts and availability and may change).

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

** Sheriff's Return of Sale for April 25, 2023 County Land Sale is recorded as instrument # 2023-1327

** Affidavit of Publication (Of Sheriff's Notice of Sale). See Instrument #2023-1328