

MALHEUR COUNTY COURT MINUTES
May 7, 2025

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. with Commissioner Ron Jacobs and Commissioner Jim Mendiola present. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Present in the meeting room were Administrative Officer Lorinda DuBois and Economic and Community Development Coordinator Taylor Rembowski. 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 2025-1325

PROCLAMATION - TREATMENT COURT MONTH

Circuit Court Judge Erin Landis, SAFE (Stop Addiction Forever) Court Program Coordinator Lydia Machuca, Trial Court Administrator Marilee Aldred, District Attorney Dave Goldthorpe, SAFE Court clinician Kellie Dickinson, and Lifeways CEO (Chief Executive Officer) Steve Jensen met with the Court and presented a proclamation declaring the month of May as Treatment Court Month. Judge Landis shared a story of an individual who has been in and out of the justice system since 2002; this individual got involved with the SAFE Court program and has now turned their life around. Ms. Dickinson echoed the importance of the program and the impact on the population that is served. Mr. Goldthorpe has been successful in receiving grant funding to support the program and commented the program is a team effort. Judge Landis read the proclamation:

Malheur County

PROCLAMATION

"National Treatment Court Month"

May 2025

WHEREAS according to All Rise, treatment courts are the most successful justice system intervention in our nation's history for reducing crime by addressing substance use and mental health disorders; and

WHEREAS treatment courts save an average of more than \$6,000 for every individual they serve; and

WHEREAS treatment courts provide a range of economic benefits to a community, such as reduced costs in court and prison expenditures, increased tax revenues, lowered foster care expenses, and decreased costs related to victimization; and

WHEREAS treatment courts combine accountability with evidence-based treatment; and

WHEREAS treatment courts annually refer more than 150,000 people to lifesaving treatment and recovery support services; and

WHEREAS according to All Rise, treatment courts significantly improve substance use and mental health disorder treatment outcomes and prevent fatal overdoses, and

WHEREAS treatment courts facilitate community-wide partnerships, bringing together public safety and public health; and

WHEREAS there are now more than 4,000 treatment courts nationwide; and

WHEREAS treatment courts demonstrate that when one person rises, we all rise.

THEREFORE, BE IT RESOLVED that Malheur County declares that Treatment Court Month be established during the month of May.

Commissioner Jacobs commended the SAFE Court team and commented on the gratification of seeing someone turn their life around. Commissioner Jacobs moved to declare May as Treatment Court Month. Commissioner Mendiola seconded and the motion passed unanimously. The Court signed the proclamation.

LIFEWAYS - PROJECT HOPE UPDATE

Lifeways CEO Steve Jensen met with the Court and provided an update on Project Hope. It is strongly believed that the Project Hope facilities will be able to be on one campus - substance use bed and residential beds on the same campus (and Lifeways would not purchase the County-owned property as previously discussed). Project Hope will allow Lifeways to expand into the primary care area with a certified behavioral health center. Statistics show that individuals struggling with mental health do not seek primary care and die almost 20 years earlier than the regular population. By providing primary care services alongside mental health and substance use disorder services, Lifeways will be able to impact those statistics and get people into treatment. The goal is to provide a "one-stop" location for all behavioral health, social services and primary care services on the campus. The contractor for Project Hope is McCormack out of Pendleton; this contractor built the mental health facility in Baker (New Directions) and recently built a substance use residential facility in Pendleton. It is estimated the design and architectural phase will take two to three months; the City permitting process will probably be two months or so; hopefully around October ground can be broke; and construction will take approximately 18 months. It is anticipated that Project Hope will provide jobs for approximately 30 additional individuals.

Mr. Jensen also provided a brief update on the upcoming County Financial Assistance Award (CFAA) agreement. The State is possibly changing some of the funding streams. Flex funding that has gone to coordinated care organizations may be included in the County agreement. The CFFA

agreement is the agreement with the State for counties to provide the safety net services of the community mental health program; reporting requirements and auditing will also be changing.

This month, Lifeways will begin providing substance use and mental health services in Nyssa; and is in discussion with the Vale Food Bank to partner to provide services in Vale. See instrument # 2025-1328 for handouts from Mr. Jensen.

ALTRUISTIC RECOVERY AND INSIGHT COUNSELING & THERAPY

Altruistic Recovery (Altruistic) Executive Director Annette Volk and Insight Counseling & Therapy (Insight Counseling) Executive Director Becky Wolery met with the Court (Ms. Wolery was present electronically.)

Ms. Volk: We want to just do a follow up and make sure we're answering questions and providing more information on the funding. One of the questions was from Mr. Jacobs about would this interfere with any of the services or any of the funding that Lifeways is getting now and it will not. So, this is some of the other funding sources that they receive so it won't impact any of their services. And there's information on the capitation check and the fee for service, because we talked a little bit about that, and I apologize, my copier I noticed wasn't doing very well, and then just a couple pages on the profit and information that Lifeways has to operate on. (Referring to handouts provided to the Court, recorded as instrument # 2025-1329) So what we're asking is just a small percentage of the GOBHI (Greater Oregon Behavioral Health Inc) capitation check or whatever percentage or addendum you guys could do to the contract.

Ms. Wolery: And we're happy to answer any questions that you might have at this point.

Commissioner Jacobs: So, we have the ability to divide this money up that we're going to receive from the State?

Ms. Volk: It's the GOBHI capitation check. There's other counties that do that, and I was trying to get in touch with one of the counties that does that to see how they sparse those funds out – whether it's a percentage, because we also provide, for choice for the community members, that there is a percentage, I don't know if it's an addendum, how they do the contract, because we're also approved by the State, Insight and Altruistic is approved by the State to provide those services. And it's just never been done in this county; it is done in dozens of other counties. It just hasn't been done in this county, there hasn't been other providers at that level.

Judge Joyce: So, I've got a couple of questions.

Ms. Wolery: It's especially done in other parts of this state that EOCCO (Eastern Oregon Coordinated Care Organization) doesn't provide services for. And really what it stems from is having a contract is you don't have to have one CMHP (Community Mental Health Program) contract that provides all the different services such as Lifeways, but we can have a contract, for

example, just to provide behavioral health or mental health services or alcohol and drug services. And so that contract then drives the capitation check.

Judge Joyce: So, has any Medicaid clients been turned away due to the EOCCO pre-authorization?

Ms. Volk: From us? No, if they deny services, we end up doing them for free. If they're coming to us for services, and they have OHP (Oregon Health Plan), even if they don't, we can get them OHP, get them signed up, because we can also bill open card, which is a space between when they're qualified, between when they're actually logged into the EOCCO program. So, nobody's been turned away. We've been denied payment, but we're not going to not see somebody, especially if they're already coming in established with us.

Ms. Wolery: And I do want to also add to that because we're the same with Annette, we have a sliding fee scale. We do pro bono services. We don't always get paid for different reasons. But we will still continue to provide the services. When we first started this process, we had to have all of the clients actually sign, all the residents sign a paper saying why they chose not to go to the community mental health provider. And that was a requirement in order for them to be able to have a choice to be able to go to someone else. Since then, they have eliminated that, but anytime there is a barrier for somebody receiving services, that's exactly what we have them do. We'll still have them write a letter directly to GOBHI requesting to have services with us.

Judge Joyce: So, have you guys been denied payment through the Medicaid process?

Ms. Volk: Regularly. There is an appeal process, but they have up to 120 or 180 days to answer you, and it's a tracking administrative nightmare to wait that long and then try to track the funds. And in the meantime, in that amount of time, people have successfully completed the program. But yes, we have regular denials of payment.

Ms. Wolery: And the other issue is there's not just denials, but there's a lot of problems on the GOBHI side with their systems. And so, we have a huge list of claims that they did not even receive. They're secondary claims, they should be paying them. We have sent them. And so that puts us in a real financial situation when we have all of these services that we provided but we don't get reimbursed for it.

Judge Joyce: And you're aware that we have no control over the GOBHI policies or EOCCO policies?

Ms. Volk: Right, yeah, and the amount of funding and that, and so that's why I was trying to get ahold of one of the other counties to see how they either have an addendum or a different arm to the contract that comes in and just signed, allotting a percentage of the funds to other agencies.

Judge Joyce: I think it would be helpful for us to have a conversation with GOBHI on this process and their policies.

Ms. Volk: Or other commissioners that do that in their counties and I wasn't able to get in touch with any of them.

Commissioner Jacobs: Do you know what counties do?

Ms. Volk: Well, on the other side of the state, almost all of them, but I thought there was one that Becky had identified in the EOCCO, but I can't remember what county that was. I don't know, Becky, if there's a ...

Ms. Wolery: Yeah, I'm trying to remember if it was Clackamas County, that's the one that comes to my brain, but it's hard to know. I do know that there is one particular, a couple of counties that have a combination of services, partially though, because they have tribal services also. And so, they have the CMHP, plus they have the tribal services contract for behavioral health.

Judge Joyce: We don't have these here do we – tribal?

Ms. Volk: No. Umatilla county does.

Ms. Wolery: It is very possible and it just eliminates the concern for, you know, frankly, for residents being able to get services so that they have choices on where to go and not running into the barriers of not having a choice.

Ms. Volk: Choice definitely drives success with this population. And somebody might have had a bad experience with Altruistic or Insight, and they have, you know, then we offer, I've made appointments from my office for somebody to go to Lifeways because they didn't feel like for whatever reason we were a good fit. So, I've made appointments for, you know, because it's about the client choice, and if it's client driven, then where they go matters for their success.

Commissioner Jacobs: And personally, I think that's an important aspect. People may not feel comfortable going to one place or the other.

Ms. Volk: For whatever reason, yeah.

Commissioner Jacobs: For whatever reason.

Ms. Volk: For whatever reason. And so, it's just nice to have the choice. Thank you.

Commissioner Jacobs: But let us do some checking with GOBHI and try to get ahold of some of the counties.

Ms. Volk: Okay. And if I do get in contact from the counties, I will let you guys know.

Commissioner Jacobs: Let Kim know.

Ms. Volk: Yeah, let Kim know, because the commissioners are probably going to be able to advocate better or just say, hey, here's how we did it or here's how this contract looks or here's the addendum that we did to make that happen.

Judge Joyce: So, do all of these counties have a Lifeways?

Ms. Volk: Yes. There's a CMHP in each county. Yeah, and then the additional State approved services because we're approved by the State also.

Commissioner Jacobs: Okay. Appreciate you coming in again.

Ms. Volk: Thank you. I know we're going to do follow up because we know that's coming up on the timeline and it was too hard to connect with everybody individually, so like, well, Becky won't be here, but I found out there was this option, so it was nice to be able to do this in this timeframe.

Ms. Wolery: Thank you very much.

FARMERS MUTUAL TELEPHONE COMPANY (FMTC)

Farmers Mutual Telephone Company (FMTC) General Manager Ron Rembelski and Outside Plant Manager Blake Seamons met with the Court. Mr. Rembelski provided an update on the Broadband Deployment Program (BDP) grant award. FMTC received an award of \$18.9 million to service 931 locations around the outskirts of Ontario. FMTC has been engaged in engineering - staking of the routes, identifying permitting needs, working on establishing electronic sites along the route, and drawing up an engineering design of the area. A public awareness program is also taking place - including sending out flyers to residents in the area and putting up a billboard. Construction is scheduled to start in August and project completion is scheduled for September 2026.

The application period for the Broadband Equity, Access, and Deployment (BEAD) Program is now open. Funding will be distributed throughout Oregon based on school district boundaries. Using information garnered from the BDP, FMTC is now working on an application for the BEAD Program; and a letter of support from the County Court is requested. At this time, the focus areas are the Annex School District, Ontario School District, and Vale School District. Mr. Rembelski and Mr. Seamons answered various questions from the Court members about the grant application and fiber optic infrastructure. Commissioner Jacobs moved to sign a letter of support for FMTC's BEAD application. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2025-1326

LINE OF CREDIT - MCDC

Mr. Rembowski requested the Court extend the line of credit for Malheur County Development Corporation (MCDC) and increase the line of credit to \$2.4 million. The State has approved funding to complete the Track C and Track D projects. ODOT (Oregon Department of Transportation) uses a reimbursement process; MCDC must pay the contractors and then request reimbursement from ODOT. Commissioner Mendiola moved to extend the line of credit in the

amount of \$2.4 million through December 2025. Commissioner Jacobs inquired if the County receives reimbursement for the interest on the line of credit; the County does not. Commissioner Jacobs seconded and the motion passed unanimously.

POVERTY TO PROSPERITY (P2P)

Riley Hill with Poverty to Prosperity requested funding to support the efforts of P2P. Mr. Hill was unable to attend budget committee meetings held in April. Mr. Hill said that approximately 150 CTE (Career Technical Education) students recently received certifications. P2P efforts currently include trying to get plumbing and electrician schooling at the high school level and trying to change the apprenticeship ratio requirements through BOLI (Bureau of Labor and Industries) as well as efforts to establish a John Deere school program locally. Mr. Hill said that the County funding is primarily used for the Poverty to Prosperity scholarship program. The Court noted that P2P has not reported on how the funding is used in the past and would like to have an annual report.

PROCLAMATION - CORRECTIONAL DEPUTY WEEK

Undersheriff Dave Kesey, Lieutenant Rachel Reyna, and various corrections staff met with the Court and presented a Proclamation declaring May 4-10, 2025 as Correctional Deputy Week. Undersheriff Kesey expressed appreciation for the work of those who work in corrections. Undersheriff Kesey read the Proclamation.

PROCLAMATION CORRECTIONAL DEPUTY WEEK

MAY 4-10, 2025

BY THE MALHEUR COUNTY COURT, OREGON

WHEREAS, since 1984 the Congress of the United States, and the President of the United States have established the first week of May as National Correctional Officers' Week; and

WHEREAS, Malheur County considers the services of the Sheriff's Correctional Deputies to be critical to the interest of the community; and

WHEREAS, Corrections employees model ethical and pro-social behaviors while holding offenders accountable for their actions and reducing the risk of future criminal behavior and future victimization; and

WHEREAS, Corrections Deputies are highly trained and productive members of the County workforce; and

WHEREAS, our County enjoys a high standard of public health and safety and we owe a great deal of gratitude to them. During this special observance we extend a profound thank you to each member of the corrections staff.

NOW, THEREFORE, the Malheur County Court proclaims the week of May 4-10, 2025 to be Malheur County Corrections Week. We invite all residents to observe this week in honor of our Corrections Deputies who help to protect our health and safety.

Commissioner Jacobs expressed appreciation for the Sheriff's Correctional Deputies and moved to proclaim the week of May 4-10, 2025 to be Malheur County Corrections Week. Judge Joyce thanked Lt. Reyna for her mentorship. Commissioner Mendiola seconded and the motion passed unanimously.

Lieutenant Reyna also expressed appreciation for the corrections staff.

AWARD OF AERIAL APPLICATOR CONTRACT

Weed Inspector Amanda Zander met with the Court regarding selection of an aerial applicator to perform applications on BLM (Bureau of Land Management) land (through an assistance agreement); and to complete aerial survey work through an Oregon Department of Agriculture (ODA) grant. A request for proposals was sent to three applicators; responses were received from two applicators. Ms. Zander has worked with both companies that responded and both are good applicators. Leading Edge Aviation's proposal was the lower overall cost. Leading Edge will also draw from live water and some of the locations for the project are difficult to haul water into; and Leading Edge has more up-to-date technology and equipment. Commissioner Jacobs moved to award the contract to Leading Edge Aviation LLC (Limited Liability Company). Commissioner Mendiola seconded and the motion passed unanimously. There is a 7-day protest period; protest of the selection of the contractor must be submitted in writing to Ms. Zander within 7 days.

CROSSING PERMITS

Commissioner Jacobs moved to approve Crossing Permit #53-25 for work related to the Boardman to Hemingway (B2H) transmission line project on Alkali Flats Road #751 and Alkali Gulch Road #534; and Permit #54-25 for work related to the B2H project on Moores Hollow Road #673. Commissioner Mendiola seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of April 30, 2025 as written. Commissioner Jacobs seconded and the motion passed unanimously.

BUDGET COMMITTEE MINUTES

Commissioner Jacobs moved to approve Budget Committee Minutes of April 22 and April 23, 2025 as written. Commissioner Mendiola seconded and the motion passed unanimously.

EMPLOYMENT AGREEMENT - DENNIS

Commissioner Jacobs moved to approve Cleaning Bully Creek Park - buildings, restrooms and facilities Temporary and less than part-time employment of PERS (Public Employees Retirement System) retiree Employment Agreement with Shelly Dennis. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2025-1327

ACCEPTANCE OF RESIGNATION

Commissioner Mendiola moved to accept the resignation of Planning Director Carol Parker. Commissioner Jacobs seconded and the motion passed unanimously.

BOR GRANT APPLICATION

Commissioner Jacobs moved to approve submittal of an application for funding to Bureau of Reclamation (BOR) for funding assistance for maintenance operations of Bully Creek Park. Commissioner Mendiola seconded and the motion passed unanimously.

SCHOOLHOUSE DEDICATION

Judge Joyce noted he attend the Sheaville/Cow Creek Schoolhouse dedication held in Jordan Valley on May 3rd.

COURT ADJOURNMENT

Commissioner Mendiola moved to adjourn the meeting. Commissioner Jacobs seconded and the motion passed unanimously.