

## **MALHEUR COUNTY COURT MINUTES**

**June 5, 2019**

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

### **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of May 29, 2019 as written. Commissioner Wilson seconded and the motion passed unanimously.

### **CONTRACT - ANI-CARE**

Commissioner Hodge moved to approve Contract with Ani-Care Animal Shelter, Inc. Commissioner Wilson seconded and the motion passed unanimously. Ani-Care will accept delivery, custody, and responsibility of care and disposition for abandoned or stray canines located within the confines of Malheur County (not city limits); Ani-Care is not responsible for the initial capture and transportation of the abandoned or stray canines. Financial consideration is \$2,884.80 per month; the contract expires June 30, 2020. See instrument #[2019-2117](#)

County Counsel Stephanie Williams joined the meeting.

### **EXECUTIVE SESSION**

Executive Session was called in accordance with ORS 192.660(2)(h) - Legal Counsel with Judge Joyce presiding and Commissioner Hodge and Commissioner Wilson present. Also present were County Counsel Stephanie Williams and Administrative Officer Lorinda DuBois. No decisions were made during or following the session.

### **EXEUCTIVE SESSION**

Executive Session was called in accordance with ORS 192.660(2)(a) - Employment of Public Officers, Employees and Agents with Judge Joyce presiding and Commissioner Hodge and Commissioner Wilson present. Also present was County Counsel Stephanie Williams and Administrative Officer Lorinda DuBois. No decisions were made during the meeting.

### **BUILDING DEPARTMENT**

Commissioner Wilson moved to authorize Ms. DuBois extend an employment offer for a Building Official/Oregon A-Level Structural Inspector/Plans Examiner position to the number one candidate at a starting salary of Step 7, Range 15; the County paying the costs of transferring the candidate's certifications to Oregon certifications and paying the costs of various association dues, however, the department's FY 2019/2020 budget is not to be exceeded. Commissioner Hodge seconded and the motion passed unanimously.

### **LEASE AGREEMENT - CITY OF NYSSA**

Commissioner Wilson moved to approve Lease Agreement for office space usage for County inspection services and staff in the offices of the City of Nyssa. Commissioner Hodge seconded and the motion passed unanimously. The monthly rental charge for the office space is \$525 from

July 1, 2019 through January 31, 2020. A copy will be returned for recording. See Instrument #2019-2260.

### **LABOR AGREEMENT - AFSCME**

Commissioner Hodge moved to approve General Employees Labor Agreement with the Malheur County Employees Local 3831, an affiliate of Oregon AFSCME Council 75 of the American Federation of State, County and Municipal Employees, AFL-CIO. Commissioner Wilson seconded and the motion passed unanimously. The agreement expires December 31, 2021. See instrument #[2019-2118](#)

### **AMENDMENT - CONTRACT WITH STEVE'S BACKHOE SERVICES**

Commissioner Wilson moved to approve Fourth Amendment to Personal Service Contract to Operate and Maintain Lytle Boulevard Landfill between Malheur County and Steve's Backhoe Services, Inc. Recorded with Malheur County Clerk as Instrument Numbers 2007-7609 (Contract), [2009-3546](#), [2010-6428](#), and [2014-0679](#). Commissioner Hodge seconded and the motion passed unanimously. Financial consideration is \$96,192 annually through June 30, 2024. See instrument #[2019-2119](#)

### **PERS RETIREE CONTRACT**

Staff explained that an employee in the Sheriff's Office was considering retiring but wanted to continue to work for the Sheriff's Office as a PERS retiree. As a PERS retiree rehire in law enforcement in a County with a population lower than 75,000 the employee is not subject to the hourly restriction of 1039 per calendar year.

Ms. Williams left the meeting.

The employee is requesting the County continue its employment as a contract employee with full County benefits. The County has contracted with retired employees in key positions in the past; however, the County policy states that retired employees do not receive County benefits including paid holidays, vacation leave, personal leave, cost-of-living increases or sick leave. Oregon law provides for sick leave at the rate of one (1) hour for every thirty (30) hours worked. County health insurance is available for full-time retired employees and is currently paid at 85% employer and 15% employee per month.

Consensus of the Court was that County policy regarding employment of retirees be followed with an exception to the hourly restriction of 1039 per calendar year (sick leave is available per Oregon law requirements and County health insurance is available as a full-time employee; no other County benefits are included).

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.