

MALHEUR COUNTY COURT MINUTES

June 12, 2019

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

Public present was John Messick.

ANNEXATION INFORMATION

Surveyor/Engineer Tom Edwards met with the Court and provided information on an annexation that the City of Ontario is doing. An area of Malheur Drive and Verde Drive is going through the City of Ontario's annexation process and it is Ontario's policy and practice to include all right-of-ways adjacent and along the properties that are being annexed. The County has a small parcel, Ref. #19766, that will be included in the annexation as well as all County right-of-ways within the annexation area. The Court had no objections to the annexation.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of June 5, 2019 as written. Judge Joyce seconded and the motion passed.

LETTER OF SUPPORT - COMMUNITY IN ACTION GRANT APPLICATION

Commissioner Wilson moved the Court sign a letter of support for Community in Action's (CinA) grant application for a USDA Section 533 Housing Preservation Grant. If received, the grant funds will provide additional rehabilitation efforts within the housing repair program. Judge Joyce seconded and the motion passed. See instrument #[2019-2197](#)

CHILD SUPPORT SERVICES AGREEMENT - DOJ

The Court resigned the Department of Justice Cooperative Agreement Child Support Services, Agreement #19299. (The agreement was previously signed on May 29, 2019; DOJ made minor changes and requested the agreement be resigned.) The agreement is for the District Attorney's child support services program. Funding is for program activities commencing July 1, 2019 and ending June 30, 2023. A copy will be returned for recording. See Instrument #2019-2236.

AMENDMENT - JUVENILE CRIME PREVENTION

Commissioner Wilson moved to approve Amendment No. 1 to Intergovernmental Agreement No. 11082 with Department of Education, Youth Development Division. Judge Joyce seconded and the motion passed. The amendment adds additional Juvenile Crime Prevention (JCP) Prevention funds. The original agreement is recorded as instrument #[2017-3049](#); Amendment No. 1 is recorded as instrument #[2019-2204](#)

AMENDMENT - IGA #90G000247

Commissioner Wilson moved to approve Amendment #2 to Intergovernmental Agreement #90G000247 with Building Codes Division. Judge Joyce seconded and

the motion passed. The amendment adds language regarding the ePermitting program Virtual Merchant account fees. See instrument #[2019-2213](#)

IGA #159822 - PUBLIC HEALTH SERVICES

Commissioner Wilson moved to approve 2019-2021 Intergovernmental Agreement (IGA) #159822 for the Financing of Public Health Services with Oregon Health Authority. Judge Joyce seconded and the motion passed. The IGA outlines the programs and services provided by the Health Department and Environmental Health; the agreement expires June 30, 2021. A copy will be returned for recording.

PUBLIC HEARING - COUNTY BUDGET

Judge Joyce opened the public hearing for consideration of Resolution R19-11 adopting the County budget; notice of the hearing was published in the Argus Observer. Ms. DuBois explained the changes that were made since the budget was approved due to labor negotiations being finalized. Judge Joyce closed the hearing. Commissioner Wilson moved to approve Resolution No. R19-11: In the Matter of the Adoption of a Budget and Levy of Taxes for the Fiscal Year 2019/20 as Required by ORS 294.456. Judge Joyce seconded and the motion passed. The total sum of the budget for the 2019/20 fiscal year is \$32,863,699; and the tax rate is \$2.5823 per \$1,000 of assessed value. See instrument #[2019-2198](#) for the document listing the changes before budget adoption; and instrument #[2019-2199](#) for Resolution R19-11.

PUBLIC HEARING - ADOPTION OF ASD BUDGET

The Court met as the governing body of the Ambulance Service District (ASD). Judge Joyce opened the public hearing for consideration of Resolution R19-12 adopting the Ambulance Service District budget; notice of the hearing was published in the Argus Observer. Ms. DuBois provided information on the changes made since the budget meetings. Judge Joyce closed the hearing. Commissioner Wilson moved to approve Resolution R19-12: In the Matter of the Adoption of a Budget and Levy of Taxes for the Fiscal Year 2019/20 as Required by ORS 294.456. Judge Joyce seconded and the motion passed. See instrument #[2019-2200](#) for the document listing the changes before budget adoption; and instrument #[2019-2201](#) for Resolution R19-12.

PUBLIC HEARING - ADOPTION OF EXTENSION TAX DISTRICT BUDGET

The Court met as the governing body of the Malheur County Agricultural Educational Extension Service District. Judge Joyce opened the public hearing for consideration of Resolution R19-13 adopting the Extension tax district budget; notice of the hearing was published in the Argus Observer. Ms. DuBois provided information on the changes made since the budget meetings. Judge Joyce closed the hearing. Commissioner Wilson moved to approve Resolution R19-13: In the Matter of the Adoption of a Budget and Levy of Taxes for the Fiscal Year 2019/20 as Required by ORS 294.456. Judge Joyce seconded and the motion passed. Total Appropriation is \$874,420 and the tax rate is \$0.23 per \$1,000 of assessed value. See instrument #[2019-2202](#) for the document listing the changes before budget adoption; and instrument #[2019-2203](#) for Resolution R19-13.

Larry Meyer of the Argus Observer joined the meeting.

County Counsel Stephanie Williams joined the meeting.

ST ALPHONSUS UPDATE

Saint Alphonsus Health System President/CEO Odette Bolano and Saint Alphonsus Medical Center - Ontario President Ken Hart met with the Court. Also present were County Clerk Gayle Trotter, Planner Eric Evans, Assessor Dave Ingram, Treasurer/Tax Collector Jennifer Forsyth, Sheriff Brian Wolfe and Craig Geddes, Environmental Health Director. Ms. Williams introduced Ms. Bolano.

Mr. Hart provided an update on Saint Alphonsus Ontario:

OREGON MEDICAID (EOCCO)

- Oregon Medicaid expansion (Eastern Oregon Coordinated Care Organization (EOCCO) - Renewal of program for January 2020
- 9,800 covered lives in Malheur County
- Provided over \$1.5 million to Malheur County in health grants since 2012 - Allocated through the EOCCO Community Advisory Committee of which Commissioner Hodge is a member
- Program is a shared savings model (savings are shared between providers and hospitals)
- Goals (with financial incentives): Utilization of Emergency Department is 51 visits per 1,000 (goal was 52); Adolescent Well Care Visits at 41.5% (goal of 47%); Colorectal Cancer Screening at 48% (goal of 47%); Child Immunization status 77% (goal was 79%)
- Oregon health medical inflation goal is to keep annual increase below 3.4% (EOCCO came in at 3.2% for 2018 and includes prescription costs)

SAINT ALPHONSUS ONTARIO STATISTICS

- Number of Full Time Employees (FTE) - 344; Average salary and benefits per FTE is \$88,192
- Volume at Ontario and Fruitland locations: 15,000 annual clinic visits; Average of 40 births per month; 2,000 patients a year admitted to the hospital; 16,000 annual emergency room visits; 2,500 annual surgeries
- Payor mix: 57% of hospital/clinic patients are on Medicare; 23% of hospital/clinic patients are on Medicaid
- Quality: Readmission rate at 7.2% (goal of 15.4%); Likelihood to recommend the hospital at 74.7% (goal of 70.1%); Likelihood to recommend the emergency department at 67.8% (goal of 77.6%)
- Property taxes paid in 2018: \$42,000 - Thank you for the continued property tax exemption for the hospital
- Saint Alphonsus Ontario Foundation: 4th Annual Hoedown raised \$17,000 for health care scholarships to be awarded in 2020; \$12,000 in scholarships were given for 2019

Additionally, two quality awards were recently received - a national award for the hospital's readmission and infection rate; and an "A" rating from Leapfrog.

Ms. Bolano explained that the population that is served is vulnerable and the property tax exemption allows for the hospital to provide services for patients that don't have a means to pay

or the reimbursement amount is well below the total cost of care. Health care is a complex issue; in the United States the health care system for the last 100 years has been built on "sick care" and over the last ten years that has changed with the realization that education and infrastructure of communities really impacts health.

Ms. Bolano and Mr. Hart offered to answer any questions from the Court members.

FIRST PUBLIC HEARING - ORDINANCE 220

Public members present for the first public hearing regarding Ordinance No. 220: Occupancy of Recreational Vehicles and Declaring an Emergency included: Ivan and Elma Hershberger, Susan Thaler, Bonnie and Larry Stuart, Chelsie Bates, Alan and Dorothy Dixon, Christie and Garrett Tolman, Barry Stream, Joanie Glaves, Shelli Monroe, and Dave Eyler (not all public members were present the entire hearing). Notice of the hearing was published in the Argus Observer and posted on the County website.

Judge Joyce opened the hearing and asked for a Staff Report and confirmed that those present had signed in.

County Counsel Stephanie Williams: I'm Stephanie Williams, I'm the County attorney. I worked with the Planning Department, Environmental Health, and the Sheriff's Office in drafting the first reading of this ordinance - it's number 220. The County has always had some limitations on recreational vehicle use; we never really had a set time limit on how long someone could occupy a recreational vehicle. Due to the changes in ordinance enforcement where the County recently adopted a budget to hire an enforcement officer for ordinances in the Sheriff's Office we started looking at maybe this ordinance needed to be clarified to make it clearer what our past practices have been about occupying recreational vehicles. So what we did is we took the past practice and we codified it and put it in the Malheur County Code. So we think what we wrote is status quo; this is currently what's in effect. We just clarified the time limits. It is a starting point, I know that there's some public comment - I took a phone call this morning and when we get to the public comment section I can tell you what was said. There's some other things that we could do to make this ordinance better.

Judge Joyce asked if there was a reading or copy of the ordinance. Ms. Williams said she had copies of the ordinance and it has been posted online.

Ms. Williams: This (ordinance) is just for the County. In the urban growth area we have a joint management agreement with the City of Ontario and under the joint management agreement we adopt the planning and zoning codes of the city for enforcement in the urban growth boundary.

Judge Joyce asked for any other comments; and then asked for proponent testimony.

Susan Thaler said she had a question: Short notice, this was spoken that it was an emergency; I can't see anything anywhere that this would be an emergency hearing.

Ms. Williams: Okay, we're still going to have two hearings. This is one hearing. We have a hearing in two weeks. The emergency provision means it goes into effect immediately; if the Court does not want to do an emergency provision it will go into effect in 90 days.

S. Thaler: Why, what qualifies this making this

Ms. Williams: It's just for the health and welfare of the community.

S. Thaler: An emergency though, I mean this, the status quo has been evidently for years, but an emergency says something needs to be done right now. Why? Why right now?

Ms. Williams: It's said in the ordinance for the health and welfare of the community.

S. Thaler: So give me a violation. What makes an emergency that affects the whole county?

Ms. Williams: That it needs enforcement and to take effect immediately. Otherwise (inaudible)

S. Thaler: Why?

Ms. Williams: Well it doesn't have too; they can decide not to do it as an emergency. They could have it take effect in 90 days if they'd like. This is just being proposed.

Judge Joyce: We haven't gotten to the opponent part yet so we're trying to figure out if there's proponents for it here or those people that are affected one way or the other. So in other words is there anybody in favor of the ordinance? That'll be proponents. Hearing none we'll go to opponents.

Planner Eric Evans explained to the public present that if they were in favor of the ordinance and wanted the ordinance to go into effect now was the time to speak.

Public members talking. Judge Joyce said he would back up. Commissioner Wilson said he had a question for County Counsel. Commissioner Wilson asked if the ordinance were passed when would it go into effect? Ms. Williams explained with the emergency provision it would go into effect the day it was signed; if the Court does not want an emergency provision it would go into effect in 90 days.

Judge Joyce again asked for proponent testimony.

Bonnie Stuart: In favor of the ordinance?

Judge Joyce: Yes

B. Stuart: Yes, because we have some people that live next door, they have, and they're trespassing on somebody else's property but there's maybe forty people that's living there, and nobody works, they're all out all hours of the day and night. They work on their cars, they're rip roaring around, we were woke up this morning at 3:30. There's no electricity, no water, no

sanitation of any kind, and we have our property for sale and what's going on next door to our property has really brought our value of our property down and every time they have a real estate person there they think well what is going on next door. And we've been complaining about this for three or four months, they have, there's trailers and trailers of garbage and there's people living in tents and there's dogs and the fire department's there and the Sheriff's there, and yes, I would declare it an emergency since we live next door to them and we're woke up at all hours of the day and night.

Larry Stuart: Yeah, and its, there hasn't been any, what I would describe as any decent sanitation around there for about three or four months. So this has gone on long enough that I think there ought to be something done about it; because there's no, I can't see where any of these motorhomes or trailers or anything have been hooked up to any kind of a sewer of any kind. I don't know where they're getting their water. And I mean, they're just literally camped out there and like my wife says, they make all kinds of noise every, just about every night, not maybe every night but every other night. And sometimes in the evening they get drunk and they start cussing and you can hear them all over, so I mean, it's not a good element at all.

Commissioner Wilson: Whose property is it on Larry?

B. Stuart: Easom.

L. Stuart: Well Easom, but they're camped out on Benjamin's. Remember Dr. Benjamin that used to live here?

Commissioner Wilson: Yes

L. Stuart: Okay, it's part of his property.

Commissioner Wilson: Oh okay

B. Stuart: And Dr. Benjamin, his wife is living in Washington but they still own the lot next to us and the oldest daughter has power of attorney and she's been willing to work with the real estate people to get all these squatters off the property because there's another person interested in buying the property but they won't until something's done. They have no children over there that I know of, thank goodness for that. But, the police are there, the Sheriff's there and they probably know us very well by name and we were woke up this morning by 3:30. The smells that are coming from that place is awful and it's not (inaudible) and I don't think anybody would want to live with such a mess.

Judge Joyce asked for other proponent testimony.

Dorothy Dixon: I was just wondering with her situation how many other County ordinances or State ordinances are they violating already? Why do you need (inaudible)

Judge Joyce: I don't know, that's a good question.

Mr. Evans: I guess from my standpoint is its just clarifying the ordinances that we have in place and bringing them together to make them a lot easier to understand and enforce.

S. Thaler: It seems to me like it's a people problem not a RV problem. The fact that there's RV's there is one thing but...

B. Stuart: They've been there for months...

Unknown: Or a homeless problem

B. Stuart: And there's people coming and going all the time...

Unknown: But that has nothing to do with the RV that (inaudible)

Multiple talking

L. Stuart: (inaudible) they're not hooked to any kind of sanitation or anything

B. Stuart: And there's trailers full of garbage and abandoned cars

S. Thaler: That's still a people problem

B. Stuart: Would you like to live next door to them?

S. Thaler: I have people like that but they don't live in a RV they live in a regular home.

Multiple talking

Judge Joyce called for a timeout and requested persons speaking state their name first. Judge Joyce asked for opponent testimony.

Ms. Williams: I received a call from Nancy Haidle who's opposed to the ordinance because she believes that if you own the property you should be able to live in a RV on your own property; that there are firefighters who are on call in the BLM area and they're here for the entire summer and they should be allowed to live in RVs for at least 120 days; that contractors who come from out of the area to Malheur County to do construction projects that sometimes they live in RVs and they're here for 180 days to a year; that there's a housing shortage in Malheur County and now is not a good time to have such an ordinance; and also families fall on hardships and people need a place to live. That's what she indicated to me over the phone today and I told her that I would take her comments and put them on the record.

Court Assistant Kim Ross said she had received comments in writing from two individuals; the comments were given to the Court members and placed in the record. Written comments were received from Sheryl Childs and Kevin Curfman.

Written comments from Sheryl Childs as follows:

Malheur County Court: I wanted to express my disagreement with the Ordinance Number 220 timelines. As the cost for rentals and buying property in Oregon and Idaho have gone up it is harder for families to get into a home. Some of those families have turned to other options as temporary accommodations till availability comes up. May of 2018 we sold our home on the outskirts of Vale after being on the market for a while. My husband was put on orders with the Military and was driving one way to work for 1-1/2 hours during that time. Our goal was to sell and then purchase closer to Boise so the travel for both of us to get to work was not a burden to us financially and family since I work in Ontario. Our home closed finally that we ended up moving into our trailer on a temporary bases while looking for a home with property. After searching for a home to purchase and/or land to build and unable to find any within our price range or renting something that would accommodate our family with animals we ended up living in our RV for an extended period of time. The cost of staying in our trailer was better than the cost of renting if we could have found one to accommodate us and saving for a down payment to purchase. And our trailer was in better condition than some of the homes that we looked at buying within our price range. We were also hooked up directly with a septic tank and water so we were not hurting the environment or hurting the property and had all the accommodations of a regular home. In the past month we have moved into a family owned rental but it was a year before it opened, and took a month and half to fix the rental after the renter moved out without paying for damages or rent, so I clearly understand why homes are empty and people do not want to rent their property out. In that year we looked at several homes and property and went through 2 realtors. So the timeline of 14 days in a 30 day period seems like a short period of time when sometimes purchasing a home might take longer than 30 days to close and it is very hard to find a rental that will allow you to have animals. Also, when building, it might take longer than 6 months to get finished. When talking to a contractor on a home we were going to build, he stated that it would be 9 months to a year before it was finished. So considering the poverty and availability in Malheur County I think the timelines should be extended longer than the proposed Ordinance Number 220. I also think that it should be on a case to case bases when dealing with families that feel they have no choice to live in their RV's: are they unemployed, actively searching, etc. I see posts every day for families looking for places to rent or buy and unable to find anything. I would rather see families living in a Recreational Vehicle than along the Snake River like we have now. Thank you, Sheryl Childs

Written comments from Kevin Curfman as follows:

Hello and thank you for the opportunity to give input on this ordinance. I am from out of the area but have operated a wildland firefighting business out of Ontario for the past 15 years. Each year we have rented an apartment from the same complex for myself, or our fire crew, as needed. This year with the shortage of housing available the complex had no openings and we have had difficulty in finding a unit available. This year I only need housing for myself, as our other employees are local, and we have friends who allow me to park my 5th wheel on their property. It is a modern, fully self-contained RV and waste water is properly disposed of at a local RV dump station as needed. I also know of other people who come into the area for firefighting who also use RVs for temporary housing for the time between fire dispatches. I do understand that in some situations some individuals may not dispose of the waste properly but also would assume that there are already sanitation rules in place to handle those situations. I feel that this ordinance goes beyond what is needed and would make a difficulty housing situation even more difficult. It would also restrict those who want to live in their RV on their

private property even when all sanitation rules are being complied with. Perhaps rules that limit the number of RVs could be an option if the concern is essentially improper RV parks. I encourage you to vote no on this ordinance. Thank you. Kevin Curfman 360-880-3473

S. Thaler: Susan Thaler, I was born and raised in this County. I'm 64 almost 65 years old. I own my property. I have spent the last nine years cleaning it up and getting ready for a home. Four years ago, or nine years ago when I moved back here I went to the County Planning and Zoning, I was told I couldn't build on my own property that I own. I couldn't put a mobile home on it, I couldn't do nothing to it, that my mom and dad had already been down this road. Jack is his name in Planning and Zoning and a supervisor is who I talked to. I had no other choice, I had nowhere else to go, nine years of every dollar I have spent has gone into my land. I have built a nice home around a fifth wheel. I've lived in that home for five years; it's nicer than a lot of county homes you see out in this whole county and the fact that I'm probably going to have to move out of it and move into a tent is just, it just blows me away. I am hooked up to a well, I'm hooked up to a septic tank, I'm under a carport, my lawn is mowed every week, I've planted flowers, I've put \$50,000 into my home, and now the County wants to put an ordinance that I can't live there on my own land, that I pay taxes for, that I've worked my whole life for, I've never received a handout from anybody, my social security gets started taken down when I turn 65 in August, I'm going to be living on \$1,000 a month. You tell me how I can afford housing anywhere else on \$1,000 a month without government handouts. I've never had it my whole life. Why now? At 65 I can't do this again. I give up everything because I can't afford housing and live in a tent because the County needs an ordinance that I can't live there. I think it's just wrong all the way wrong. We are working people out here trying to make a living, trying to make ourselves and our families proud by not relying on the government for housing, for subsidies and everything else and we're being punished that we can't live in our own homes. There's something wrong here. Let the laws be laws. Take care of what we've already got not make new ones.

Judge Joyce asked for further opponent testimony and stated rebuttal testimony would be taken later.

Elma Jean Hershberger: I go by Jeannie but my legal name is Elma Jean Hershberger. We have a RV on our property, I have been in Vale since '62, we had a home where the old carwash (inaudible) on Washington Street where the old carwashes were, I had a business there also. Okay, we moved up farther up the street by the Starlite, we had a home there, six years ago we were gone, the home flooded, it was in July, the home flooded, black mold set in, I have medical problems, we could not live in it anymore, we had to pull it out. We have no means of any besides our fifth wheel. We back it up to our deck, we're hooked up to City water, City garbage, sewage, everything, it's just like a home. We've kept the property up. We've tried to make a nice looking place of it. We are on social security, we are retired. I'm 74 years old. I cannot go back to work. We cannot really, what do we do now? We're having everything taken away from us. We pay our taxes, our property taxes, I'd even be willing to pay a RV tax like when you have a home there, I'd even be willing to pay a RV tax if we had to do that.

Ms. Williams explained that Ms. Hershberger's property is in the Vale city limits and the ordinance does not apply to that property. The County ordinance does not apply to any properties located within the boundaries of incorporated cities in Malheur County.

S. Thaler: We have so many laws on the books, so many and like these folks, there's got to be some way, somebody's falling through the cracks not getting those people off that property, whether it's the landowner or what, but why do we need more paperwork, more laws, more regulations, I mean, when is enough, enough.

Unknown: And why isn't somebody trying to help these people (inaudible multiple talking)

Judge Joyce asked for other opponent testimony.

Ivan Hershberger: Ivan Hershberger. We live here on Washington Street. We've got them two mobile homes - two ex-carwashes sitting there, anyway that's where we live and we've got everything, we hooked up to the sewer, just like she said, we're ...

Judge Joyce: I'm going to stop you for a minute because you're in the City of Vale, it doesn't apply to you.

Marvin Dixon: I'm Marvin Dixon, I go by Alan. I see it going in the wrong direction. I'm an opponent. It seems to me if somebody's hooked up to power, they're living there, they've got sewer, water, everything on their own property, you guys are going after them. To me you're going after the wrong people. You're making these homeless people, you're making people that live in motorhomes, RVs, pay for the homeless people, you're not going after your laws for them, you're letting the squatters go and going after the RV owners, I mean if they're living on their place, they're paying taxes, they should be able to live in their home what they choose to, as long as it's hooked up to sanitary and all this. That's my say.

Dave Eyler: Dave Eyler. I have property here in Vale and a cement pad where Christie and Garret are living that they put in for sewage, it had sewage there already, but power and water....

Staff asked if the property was in City limits; it is outside city limits.

D. Eyler: (inaudible) I should be able to do what I want to with my property; it's my property. And if they're hooked up to sewage, water and power and they have a pad, it did nothing but increase the value of the property and to say that you're going to displace them, first I think it's injustice and second it's a violation of my rights as a property owner. I just feel that's not right; you shouldn't tell somebody that they can't do something economically benefiting to them on their own property.

It was determined that the property is in the Vale Urban Growth Boundary and as such the Vale City Code would apply to Mr. Eyler's property through the Joint Management Agreement.

S. Thaler: The problem I have is the short notice of this meeting; we're talking about Vale, this code would affect all of Malheur County. There's a lot of people out there that aren't being

spoken for here. I mean, Malheur County is pretty big, there's a lot of mileage there and then short notice, I found out about it from a friend yesterday, I mean, come on now, that's not enough notice and I have heard nothing about an emergency, that really constitutes an emergency.

Dorothy Dixon: I'm Dorothy Dixon. I have a couple of things. One is because of the short notice and not knowing what we hear, we don't know what the original ordinance says, so we don't know what we're arguing against for one thing. Basically it's just adding timeliness. So is the ordinance, if you have a piece of property and you put in a pad and you've got, or maybe even not a pad, but you've got sewer and water and electricity, is that a no, no then.

Ms. Williams: If it was legally established you can still have it.

D. Dixon: But what happens if you need to put one in for whatever reason, what about these little houses, the tiny homes.

Unknown: They're considered RVs.

Multiple talking

Mr. Evans: There's actually some statutes also about some of that stuff that's proposed right now, they call them ADUs or Accessory Dwelling Units...

D. Dixon: (inaudible) Portland because I've heard where they were putting those in because they had so many tent cities (inaudible)

Mr. Evans: So there's some proposed legislation out there that would address the ADUs, the tiny homes.

Ms. Williams: We are not going to displace a legally existing use.

D. Dixon: No, but you're making it so that it can't be done in the future for whatever reason may come up.

Ms. Williams: And if we need to make changes or you know to issue temporary permits for things that don't fall in or outside of this ordinance they could do that. The Court could take more time in looking at this. We can show you what other counties do if you care.

Chelsie Bates: My name is Chelsie Bates, I actually live here in town but my in-laws actually live just outside of town. We actually just moved into our trailer out at their property. We haven't proceeded to go with a hardship yet, trying to get parents to understand that they need a hardship is a little bit harder than hey come sign this paper. So my thing is, is we do plan on building, well we're going to put a doublewide in but it's not going to be until next Spring, it's just not feasible right now, so, and I do live in town, I pay my taxes, I own a business, I pay all of that, and I'm actually neighbors with these guys. My thing is, in their situation I think it's kind of a people problem and the RVs need to be removed. But I think that if we're paying our taxes, we're hooked up, it's on our land, I would even be willing to pay an extra tax to keep my trailer

up there. I mean we're not causing any problems, our property is clean, we have a home, I mean...

Ms. Williams: Do you want it on a temporary basis or do you want that to be permanent?

C. Bates: It will be temporary but it could be up to a year. I mean thirty days...

Ms. Williams: (inaudible) a temporary permit that we could probably work

Multiple talking

Commissioner Wilson: So, but are you talking some, I mean we have, there's already regulations for hardship dwellings

C. Bates: Right but they take longer than thirty days sometimes and if you're putting a thirty day stipulation on a twelve month period

Ms. Williams: No a hardship dwelling can be there until the hardship goes away

Multiple talking

C. Bates: To get the hardship. So we got out there, we have to meet with doctors...

Mr. Evans: So in the meantime, so in limbo from you getting it to the...

C. Bates: Yeah

Mr. Evans: I can tell you from my, I'm not going to be, we're not going to be policing that quite as stringent as what you think. Just to clarify one other thing, right now, what our rule says, it says: boats, trailers, travel trailers, pickup campers or coaches, motorized dwellings or similar recreation vehicles may be stored but not occupied on a lot as an accessory use to a dwelling in any zone. That's what it says right now. So we're actually allowing time periods, we're actually kind of expanding that, we're allowing it in zones now for certain temporary uses. Where in this one it says you can't do it in any zone period is what it currently says.

C. Bates: So if our property is zoned for two houses currently and there's only one house on it.

Mr. Evans: You'd have to come in and talk to me.

C. Bates: Okay.

Ms. Williams: And that might be a good thing, pending a conditional use permit or pending a land use permit, you know, occupancy is allowed, I think that we say that while you have an ongoing permit, but,

Mr. Evans: The other thing is we also have the ORS's that we're looking at; we're looking at state statute. So in Exclusive Farm Use zones we're regulated by what that statute allows and doesn't allow as well. This helps us, for planning and zoning, helps us, clarifies for us, makes it a little easier for us to read what the law is and what we need to be enforcing and not enforcing.

C. Bates: I think maybe take into consideration in to maybe doing some permitting, especially for our BLM too, I mean thirty days in a twelve month, they are our contractors, we do have a lot of people (inaudible) that come to work here because we don't have - try and find a rental, look it up online, have someone say hey do you have a house to rent, you're not going to find it.

Mr. Evans: So that's already in place, and we've had the discussion, we have temporary uses written in our ordinance and we're not proposing to change the temporary use part and it allows, and just so everybody's aware, maybe I ought to introduce myself, my names Eric Evans and I'm the Planning Director here in the County, so we already have that clause to where it can be a Planning Director decision. I pulled our sheets, it's an \$85 permit fee currently, \$100 if I have to send it in front of the Planning Commission for that decision to be made.

Commissioner Wilson: The reason I brought up the hardship dwelling, really it's a totally separate issue, that originally evolved from folks, they've got a property and it's only zoned for one residence, that was to circumvent the land use rules that nobody else can build two houses on their lot but they were calling it that and so, if I'm not mistaken from my old planning commission days, I mean, you can build, you could put a doublewide out there but upon termination of the hardship it has to leave and you can't, you have to tie it into the existing septic and well so that you don't have it set up as two...

C. Bates: Right. We're going to two-acre lot it so we're going to take two acres off of it is what we're going to do.

Commissioner Wilson: Well but that's a totally different story. I mean, that's not dealing with this really because you've got...

C. Bates: Well we have a trailer out there right now...

Commissioner Wilson: When you say trailer...

C. Bates: Our travel trailer, our RV.

Commissioner Wilson: Okay, well, there's a lot of different, I didn't know what you were talking about...

C. Bates: Yeah, it hooks up to our car bumper pull but we're hooked up to the (inaudible)

Commissioner Wilson: But I don't know that the hardship dwelling - Eric does a hardship dwelling, does it say anything about it can be a travel trailer or fifth wheel?

Mr. Evans: It can be.

Ms. Williams: She's just saying that between now and when she actually gets the hardship permit because she has to get doctors notes and apply and she has to get her family settled that she may be there longer than thirty days...

Mr. Evans: And obviously she has an immediate need...

Ms. Williams: But as long as you proceed in good faith; I agree with you that sometimes we're really over regulated but I don't think we're heavy handed. We're not. And so, if people are doing stuff in good faith...

Unknown: It's our own land, why do we need

Multiple talking

D. Dixon Okay, you're working with us in good faith and I appreciate that but administrations and bureaucracies change and the one that we had before was not a very good one and caused a lot of problems, especially for us. So how do you guarantee that, okay the law's on the books but hey I can work with you and we can do with it and the next guy walks up and says the law's the law.

Ms. Williams: Well there's a couple stopgaps, one is the ordinance officer and when the ordinance officer, our County Code says that you're supposed to work with the people - give them notice of the violation, work on corrective action, only then when they don't would you cite them into justice court, and even when you go to the justice of peace there's still more time and I know that they try to work with you there too. I mean it's only as a last resort do we ever impose a fine or...

D. Dixon: You've got two different situations then. You've got the squatters...

Unknown: What you're doing leaves it legal

(inaudible)

D. Dixon: But you've got the squatters and nothing is apparently being done with it, of course you're giving them time so that's three or four months of making the place unlivable and then you've got future prospects that own their own property that may come up with situations like Sue where the Planning Department won't allow her to build but there was the ability to put a RV on there at the time and she's got it all hooked up and it's regular, it's a living, it's a dwelling, it's not an RV at this point, so you have the ordinance officer come out there and say in certain situations you say you're working with her, you'll leave her alone, she's grandfathered in but in new situations what's to keep somebody from saying, okay, well the law's the law and you can't do that. It's common sense on the landowners part too, they need to make sure that they are doing things, you know, has to have septic, has to have a well, has to have power, that all goes to sanitation and like you said, the well-being of the people in the county. Your squatters are not going towards the well-being of people in the county.

C. Bates: So maybe adding a clause or something in there if you come by and there's been no issues, it's kept up, it's clean, there's no trash, it's hooked up to water, sewer, garbage, I mean, and power

D. Dixon: And you hope that your neighbor doesn't have something against you and starts complaining

C. Bates: Yeah, and I mean, if you're keeping it clean like you keep your house clean in town and they're not causing problems that wouldn't, I don't feel that that would be a reason to say hey, you know you've got thirty days and you've got to get out. Their situation, I think it's a whole bunch of everything, I think you have ordinances, I think you need police, I mean they're just not going away, I think it's going to take a lot more, but if they were living there and that was their property and they still kept it like that I still think that they should be told that they can't do that

D. Dixon: Yeah, that they need to straighten it up, that they need sewer

C. Bates: That they need to straighten it out, here's your time limit, if you don't you're going to have to leave

Judge Joyce asked Barry Stream for his comments.

Barry Stream: My name is Barry Stream. I'm here because the language sets up part of a panic, you just don't quite understand what it's reading. I live several miles outside of Ontario on 201; been there for over ten years; my mother-in-law lives in a fifth wheel on the property, it had an existing power pole, septic hookup and everything when we moved it in there, we've got it under a cover, we might have even applied for a hardship clause - I don't know, we were going to put a doublewide there when she found this fifth wheel and just fell in love with it, it's a forty-foot Montana, beautiful, maintained yard and everything around it, and like I said I felt I needed to come in here because I can't find any provisions here in the statement that say anything existing or managed or, it was I better go see what's going on.

Mr. Evans: And so a lot of that stuff is going to be found throughout our ordinances and code; we would consider that a nonconforming use at that point and time and we have code provisions that talk about nonconforming uses.

Ms. Williams: I think you might have a hardship on that too.

Multiple talking

Mr. Evans: I feel like we came out and did the septic for you on that hardship (inaudible)

Commissioner Wilson: The thing is it's nice that you folks, not you folks, but people come in and let us know too because believe me most laws and stuff and regulations are because a few bad apples spoil it for everybody. I mean that's just the way it is and not trying to brush this aside but we hear all kinds of complaints and I went through a horrible one on, it was in Ontario, squatters were using that and believe me trying to go the legal route it's a mess, but thanks to

your comments and stuff and I know you've got something else to say, but what we can do too is take all of this, we have to have another hearing on it, and we can discuss it and get together with Eric and see if we can come up with something as far as regulation goes, the best fit that fits most everybody.

Mr. Stream: Who do I see to verify I have a hardship clause or hardship case or not?

S. Thaler: So what's the point to go through a hardship? I mean you're already in a hardship and here we're having to come down and fill out forms and fill out forms, doctor visits I'm hearing, I mean

Mr. Evans: You can come down and talk to me as well...

S. Thaler: Well I'm already grandfathered in evidently

Mr. Evans: I can talk to you about what the temporary hardship dwelling

Unknown: What are the costs involved on the hardship?

Unknown: I think we had to pay \$180, that's what mom was saying she thinks she remembers seeing something about \$180

Mr. Evans: Temporary Hardship Dwelling, I think we call it a conditional use, I believe it's \$100 for a hardship dwelling.

S. Thaler: I mean do you ever waiver that fee? I mean the fact that somebody's applying for a hardship, I mean if that ought

Mr. Evans: I'll be honest, in my time nobody's ever thought \$100 was too much in my time.

Unknown: Being on social security it's a lot

Mr. Evans: I'm not saying that people don't, and I'm not saying that I don't think \$100 is a lot (inaudible)

Commissioner Wilson: Well that's been kind of the set fee for years and years so

S. Thaler: Well I mean that right there may deter a lot of people, I'm sorry to say folks but there's a lot of poor people out there and the fact that they have to pay an extra 100 bucks for a hardship fee just to see if they qualify - there's something wrong there.

Garret Tolman: My name's Garret Tolman. We live in a RV; we have a couple of businesses in town, we're saving to buy a house. I just have a question - so is it, ultimately is it up to the enforcement officer on all these regulations? I mean is it, it's his decision to go, the ordinance officer

Ms. Williams: It'd be the justice of the peace who actually would decide whether there was a true violation or not.

G. Tolman: But the ordinance officer would have to come out and decide that there's a problem initially there? and then it would go to the justice of the peace?

Ms. Williams: Yes

Judge Joyce: Or they've been turned in for a complaint maybe

Ms. Williams: The County Code allows the ordinance officer, a deputy, the Planning Director, the Environmental Health Director, the Weed Inspector, they can all write violations under the County Code, but for this particular it could be the Planning Director or it could be the ordinance officer.

Shelli Monroe: My name is Shelli Monroe. I'm Ontario. One thing that I look at is that right now as a landowner there are a lot of rules, a lot of regulations, to the point that you basically almost have to ask for permission to even go to the bathroom any more. And if somebody is squatting on a piece of property well you know what go after the squatters. Don't go after the people who have worked all their lives, families who are trying to help their parents out because their parents don't have enough money to live on their own, don't go after them because they're trying. The people that who are sitting, squatting and making problems, using the drugs, leaving garbage everywhere, leaving their waste, their bodily waste on the property and so forth, those are the people you need to be going after. To pass another law or another ordinance that's going to affect those people that are innocent - I have a problem with that because there's already too many on the book. There's already too many of those on the book. And just because somebody makes a law because the neighbor has squatters on the property doesn't make that law right. You guys may interpret it a certain way if this passes, you may interpret it a certain way but the next people that step into your shoes they may say no this is the law and this is how it is. And it affects everybody and so in a situation like that we really need to be very careful and everything needs to be very, very well thought out before jumping the gun. My mom and I found out about this meeting thanks to Christie. Christie called my mom last night; there's nobody else that really new about this meeting because it was like boom we're having a meeting.

Staff noted that notice of the public hearing was published in the newspaper twice and posted on the County website. Ms. Monroe noted that most people don't get the newspaper or look at the County website. Commissioner Wilson explained that it is not possible for staff to contact every individual person in the County every time there is an issue and that the notice requirements are followed.

Ms. Monroe: My main point here is that if you're going to go after people that are actually technically breaking the law because they're not doing stuff like they're supposed to - it's not even their property that they're on, they're just squatting on a piece of property then you need to pull the landowner in and say hey you need to clear the squatters off, you need to get the police involved and get the squatters off. You need to make them clean it up. But don't go after the people that are on a very, very fixed income like this lady back here, she's worked hard her entire

life; my mom, she's worked hard her entire life and so forth and she has lost her home and we will be coming to see you here today, that's why we're down here. Because she doesn't have the finances to live on her own. So think about it very carefully.

Judge Joyce asked for further testimony.

L. Stuart: I'm just going to make a comment. Our complaint it was about squatters it wasn't about any of these other people who are trying to have a decent place and are hooked up to sanitation and stuff, but our complaint is about the squatters.

Ms. Williams: Well what the squatters say is that after they've been there for so long they have rights almost rising to the level of having the right to be there and without any timeframe there's no way to refute that. A landowner let somebody there temporarily and the next thing you know they can't get them off because there's a relationship there beyond just squatting. They're saying oh he allowed me to stay there; oh I gave him 25\$...

Commissioner Wilson: Well Larry to answer your question too, where we run into problems is a lot of out-of-state owners, I can think of one up near where I live out there, it was up off the end of Imperial Avenue, they didn't even know anybody was out there. They hadn't been to see the property for years. Well unless it's complaint driven by a neighbor; but if we have no rules at all to set any guidelines whatsoever the only thing we can hope for is that your mom moves in and she's not a messy person, we have no way of knowing, we have people that sound wonderful when they come in and make an application but unfortunately, you know, if we have a set of rules that you kind of have to go by, not kind of, but that we have to go by it eliminates hopefully the bad ones but it doesn't unduly restrict others. But like I said in the city of Vale, Nyssa and Ontario it's a whole set of different rules.

B. Stuart: We're also senior citizens, social security, we pay high taxes, the problem is these neighbors used to be very good neighbors until the parents passed away; they kept their house up and everything was fine. Their house is now, I mean there's trailers and trailers of garbage, there's people moving in not only RVs and motorhomes, they have pickup campers, they're sleeping in old cars, they're not homeowners, there's no sanitation, no electricity, not even a porta potty...

Commissioner Wilson: We're not dealing with enforcement here. I mean you need to be filing a complaint, that's how...

Multiple talking

B. Stuart: We even have to put up with gun shots. Somebody is going to get killed.

Commissioner Wilson: I know, and that, unfortunately that has nothing to do with what (inaudible) that's sort of a separate issue

B. Stuart: These people are all homeowners and they have a problem (inaudible) but these people are just living out there and what they do with their waste. The fire department's called

all the time because they're hooked up to the homeowners that live there into their electricity and then they have a big fire and the fire department has to come and well most of them are all elderly people - the lady across the street, she's scared, she is really upset, and the people on the other side they're elderly people too and not in good health and having to put up with this on a daily basis is not right either so we as homeowners, I'm not talking about you because you own your property, these people and you've got maybe thirty-five, forty, people living there.

Commissioner Wilson: Well if we did have some regulations that they had to follow to put a camper there it makes it easier for us to enforce it is what Stephanie was trying to say. So in the lack of any regulations it makes it harder for us, and unfortunately the three of us up here aren't the enforcers.

L. Stuart: But the people who own the property like Benjamin's, we talked to their daughter and she said she didn't even know they were, there was a bunch of motorhomes and campers up there, and so she didn't know.

Multiple talking

S. Monroe: That's the landowner is the one that needs to enforce and have them evicted and have them removed.

B. Stuart: (inaudible) but Eric knows what it looks like, the Sheriff, we've called them, I mean we should not have to call the Sheriff or the police every day, every night, listening to them fighting.

Judge Joyce asked if anyone had any new information to present.

E. Hershberger: I just have one question. Okay, we're in the City limits, on Washington, so we, for now we're okay with our RV on the property - correct?

Staff told Ms. Hershberger that the City of Vale has its own rules and regulations and they would need to inquire with the City at Vale City Hall.

I. Hershberger: We're also gone for six months, we go down to Arizona for the winter time and then come back here and this is where we live, so we're actually...

Commissioner Wilson further explained that Hershberger's would need to make their inquiries with the City of Vale as the County does not have jurisdiction over the city limits of Vale.

Judge Joyce closed the hearing. The next hearing will be June 26, 2019 at 11:00 a.m.

Judge Joyce noted that Baker County Commissioner Bill Harvey had joined the meeting.

PERS RETIREE REHIRE POLICY

Sheriff Brian Wolfe and Lieutenant Rich Harriman met with the Court. Sheriff Wolfe discussed with the Court the request to modify the County policy regarding PERS Retiree Rehires.

Lieutenant Harriman plans to retire and wants to then contract with the County to continue his employment with full County benefits. The current County policy states that retired employees do not receive County benefits such as paid holidays, vacation leave, personal leave, cost-of-living increases or sick leave. Sheriff Wolfe explained the benefits of continuing to employ Lieutenant Harriman as a PERS retiree; it would not cost the County any more financially and it would retain the experience and leadership of Lieutenant Harriman in the Sheriff's Office.

There is current PERS legislation under consideration which would eliminate the hourly restriction of 1039 per calendar year for all PERS retirees from January 2020 through December 2024; the legislation would also require the employer to continue to pay the employer contribution on the retiree rehires salary (the employee does not contribute).

The Court agreed to consider the request; the matter will be put on the agenda again next week.

ADJOURNMENT

The meeting was adjourned.