

MALHEUR COUNTY COURT MINUTES

June 12, 2024

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 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. Staff present in the meeting room were Administrative Officer Lorinda DuBois, Economic and Community Development Director Taylor Rembowski, and Veterans Services Officer Connie Tanaka. Also present was Malheur County Development Corporation (MCDC) Board Member Mike Walker. 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 # 2024-1728

SECOND PUBLIC HEARING - ORDINANCE NO. 236 - GERULF PAPA

Present for the second public hearing for consideration of Ordinance No. 236 - An Ordinance for a Post Acknowledgment Plan Amendment (PAPA) to Expand an Existing Mining Site by Adding 63.34 acres of Tax Lot 500, Map 17S47ED001 of the Malheur County Assessor's Office as a Significant Aggregate Site within Malheur County's Comprehensive Plan, Goal 5, Mineral and Aggregate Inventory were Applicant Chad Gerulf and Property Owner Steve Gerulf. Notice of the hearing was published in the Argus Observer. Planning Department File No. 2024-03-001. Applicant is Chad Gerulf. Property Owner is Steven and Barbara Gerulf Trust.

Judge Joyce opened the hearing and asked for any abstentions, potential or actual conflicts of interest, ex parte communications or site visits to be divulged from the members of the Court. There were none.

Judge Joyce asked for any objections to the jurisdiction. There were none.

Judge Joyce asked if there were any objections to any member of the County Court hearing the matter. There were none.

Judge Joyce stated: Failure to raise an issue may preclude raising it before LUBA (Land Use Board of Appeals). Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the County Court to respond to the issue may preclude an action for damages in Circuit Court.

There was no further information to add to the Staff Report that was orally given at the hearing on May 29, 2024.

There was no proponent, opponent, or public agency testimony.

The Court had no further questions for the Applicant.

The Planning Commission recommended approval of the PAPA.

Judge Joyce closed the hearing.

Commissioner Jacobs commented that he had reviewed the reports and that it appeared to him that the requirements for quality, quantity, and location had been met. Commissioner Mendiola moved to approve Ordinance No. 236 - An Ordinance for a Post Acknowledgment Plan Amendment (PAPA) to Expand an Existing Mining Site by Adding 63.34 acres of Tax Lot 500, Map 17S47ED001 of the Malheur County Assessor's Office as a Significant Aggregate Site within Malheur County's Comprehensive Plan, Goal 5, Mineral and Aggregate Inventory. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2024-1729

Pat Caldwell with the Malheur Enterprise joined the meeting.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of June 5, 2024 as written. Judge Joyce seconded and the motion passed. Commissioner Jacobs was not present on June 5, 2024.

AGREEMENT - DR SMITH

Acting as the governing body of the Ambulance Service District, Commissioner Jacobs moved to approve Professional Service Agreement Supervising Physician to Emergency Medical Service Providers within Malheur County with Morris H. Smith, MD. Commissioner Mendiola seconded and the motion passed unanimously. The agreement expires June 2025; compensation is \$500 per month. See instrument# 2024-1731

ARPA PROJECTS

Ms. DuBois and the Court discussed proposed ARPA (American Rescue Plan Act) projects. Proposed projects discussed were: an e-ticketing system for the Sheriff's Office (was previously discussed at Budget Committee meetings in April); outfitting the remaining patrol vehicles with Toughbooks and MDTs (Mobile Data Terminals); purchasing Motorola Flex's mapping module Quickest Route; and contributing funding (\$100,000) for Veterans' Medical Rides to Malheur Council on Aging. Mr. Tanaka explained that the Oregon Department of Veterans Affairs Transportation of Veterans in Highly Rural Areas grant runs out of funds after about five months and providing additional funds to the program would be extremely beneficial for local veterans. Approximately 1000 rides are provided each year for approximately 50 veterans. The IS (Information Services) Department is being relocated in the Courthouse using ARPA funds. Another project being looked into is Starlink for the marine patrol boats. Commissioner Jacobs moved to approve the projects as discussed. Commissioner Mendiola seconded and the motion passed unanimously.

Mr. Tanaka left the meeting.

MCDC - LINE OF CREDIT

Ms. DuBois explained that the line of credit for Malheur County Development Corporation (MCDC) expired May 31, 2024; there is a fifteen-day grace period to renew the credit line. ODOT (Oregon Department of Transportation) recently approved \$100,000 to MCDC to hire Comtrex and for earthwork for switches to tie into the existing rail. The County can extend the line of credit; or close the credit line, pay it off, and pay the MCDC invoices for the ODOT approved projects and be reimbursed by the ODOT funding. Commissioner Jacobs noted concern with the interest on the line of credit that the County pays as it takes quite some time for ODOT reimbursement funds to be received.

Mr. Walker recommended that the County pay off the line of credit and extend the credit line. Mr. Walker explained that it is hoped that MCDC will go out to bid this Fall to finish construction and having the \$2-\$4 million credit line will give credibility to contractors bidding on the project; additionally, it sends a message that the County Court supports the project.

Ms. Williams explained a resolution is needed to extend the line of credit and she had one drafted if that is what the Court decided to do. Ms. Williams also is working on a Funding Agreement with MCDC and asked the Court members to let her know if they had any specific provisions or terms they wanted in it (the current agreement expires June 30, 2024).

Commissioner Jacobs moved to pay off the line of credit, subject to reimbursement when MCDC receives the ODOT funds. Commissioner Mendiola seconded and the motion passed unanimously.

The Court continued discussion on extending the line of credit and in what dollar amount. Commissioner Mendiola moved to extend the line of credit in the amount of \$250,000 through the end of December 2024. Commissioner Jacobs seconded and the motion passed unanimously. Resolution R24-16 - In the Matter of: Resolution Extending and Guaranteeing the Line of Credit with Bank of Eastern Oregon to the Malheur County Development Corporation (MCDC) in the amount of \$250,000 for the Treasure Valley Reload Center, in order for MCDC to pay bills and receive reimbursement from the Oregon Department of Transportation under Oregon State Agreement No. 33744 and amendments thereto; and based on ODOT correspondence dated June 6, 2024 granting \$100,000 to MCDC; and Authorizing Malheur County to be the Guarantor; instrument # 2024-1723

Ms. DuBois explained that a supplemental budget resolution is needed to pay off the line of credit and she had one drafted.

Mr. Walker left the meeting.

ONTARIO SANITARY SERVICE/ WASTE CONNECTIONS - PROPOSED RATE INCREASE

Waste Connections District Manager Mark Fulwiler met with the Court and discussed a proposed rate increase of 4%; the last rate increase was 8% in July 2023. The CPI (Consumer Price Index)

has been trending up for the last six months and the rate increase is needed to keep up with inflation. Approximately \$1 million in renovations (environmental, storm water) were done at the Ontario facility when Waste Connections bought the business. Clay Peak is expected to raise their rates approximately 25%. The Court requested a hearing to take public comment on the proposed rate increase be scheduled. See instrument # 2024-1745 for the written request.

IGA #180022 AMENDMENT

Commissioner Mendiola moved to approve Amendment No. 9 to Agreement #180022; Amended & Restated 2023-2025 Intergovernmental Agreement for the Financing of Public Health Services. Commissioner Jacobs seconded and the motion passed unanimously. The Original Agreement is amended to provide the second fiscal year (July 1, 2024 - June 30, 2025) Financial Assistance Award, provide the awarded Program Elements, and update the funding amounts in the Information Required by 2 CFR (Code of Federal Regulations) Subtitle B. A copy will be returned for recording. See Instrument #2024-1810

IGA #26018 AMENDMENT

Commissioner Jacobs moved to approve Second Amendment to Oregon Health Authority 2024-2025 Intergovernmental Agreement for the Financing of Community Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services, Agreement # PO-44300-00026018. Commissioner Mendiola seconded and the motion passed unanimously. Funding is added to Civil Commitment Services (MHS (Mental Health Services) 24). See instrument # 2024-1732

AGREEMENT - KNIGHT CANCER INSTITUTE

Commissioner Mendiola moved to approve Award Agreement with OHSU (Oregon Health & Science University) Knight Cancer Institute Community Partnership Program (CPP), Grant #20241006. Commissioner Jacobs seconded and the motion passed unanimously. The Health Department is awarded \$30,000 to improve HPV (Human Papilloma Virus) uptake amount in Malheur County Adolescents. The agreement expires July 31, 2025. See instrument # 2024-1794

AGREEMENT - FAIR BOARD/TVCC

Commissioner Jacobs moved to approve Agreement between Malheur County Fair Board and Treasure Valley Community College (TVCC). Commissioner Mendiola seconded and the motion passed unanimously. This is a lease agreement for the TVCC rodeo program. The term of the lease is July 1, 2024 through June 30, 2025. See instrument # 2024-1817

IGA #1483 AMENDMENT

Commissioner Jacobs moved to approve Amendment No. 1 to Intergovernmental Agreement with Oregon Youth Authority for Expunction of Juvenile Records, Agreement #1483. Commissioner Mendiola seconded and the motion passed unanimously. The Agreement expires December 31, 2025. A copy will be returned for recording.

AGREEMENT - DEPARTMENT OF REVENUE (DOR)

Commissioner Jacobs moved to approve Intergovernmental Services Agreement, Contract #DOR-081-24 with Department of Revenue for map maintenance and related cartographic activities to be performed by Department of Revenue for Malheur County for fiscal year 2024/2025. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2024-1786

MCDC

Commissioner Mendiola moved to approve Resolution R24-15; In the Matter of Fiscal Year 2023/2024 Supplemental Budget by Resolution Under Local Budget Law ORS (Oregon Revised Statutes) 294.741. Commissioner Jacobs seconded and the motion passed unanimously. The supplemental budget allocates General Fund Cash on Hand to pay off the Bank of Eastern Oregon line of credit and expenses to be reimbursed by ODOT. See instrument # 2024-1730

Ms. DuBois explained that MCDC's operating funds are overspent under the terms of the Funding Agreement and requested authorization to pay MCDC outstanding invoices in the amount of \$5295. By consensus, the Court authorized payment of the invoices.

COURT ADJOURNMENT

The meeting was adjourned.