

MALHEUR COUNTY COURT MINUTES
June 22, 2022

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Ron Jacobs present. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Administrative Officer Lorinda DuBois was present. Various members of the public were present in the meeting room at various times of the meeting. 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 # 2022-3019

TREASURE VALLEY PARAMEDICS (TVP) - PERSONAL SERVICES CONTRACT

Present to discuss the personal services contract with Treasure Valley Paramedics were: Tim Rines, Co-Chair of the Ambulance Service District (ASD) Advisory Board; Jim Maret, ASD Advisory Board member; Steve Patterson and Heather Land with Treasure Valley Paramedics; and Shawn Logan, Attorney for Treasure Valley Paramedics. The personal services contract with TVP (Treasure Valley Paramedics) for emergency medical and ambulance services for the Ontario Ambulance Service Area (ASA) and Nyssa Ambulance Service Area (ASA) expires July 1, 2022. TVP has provided services in Malheur County since 1999.

Tim Rines explained to the Court that the ASD Advisory Board met and reviewed a draft of the revised contract with TVP. Mr. Rines read an email from Advisory Board member and Medical Director Dr. Brian Kitamura to the the ASD Advisory Board members suggesting the Advisory Board recommend the term of the TVP contract be one to two years. The Advisory Board reviewed the changes in the revised contract page by page. The key provisions in the contract the Advisory Board deliberated on included: the term of the contract, the level of certification required in the Nyssa ASA, and TVP's request to separate the contract into two contracts; one for the Ontario ASA and one for the Nyssa ASA. The Advisory Board voted (by majority vote) to recommend the term of the contract with TVP be for five years; recommended the proposal of TVP to separate the contracts into two contracts; and recommended to allow a change in the Nyssa ASA to replace Intermediate with Advanced. The Advisory Board was split on the Material Breach provision of the contract and whether or not it should be eliminated.

Mr. Maret expressed concern about the shortage of EMT's (Emergency Medical Technician) (nationwide) and encouraged the Court to work with TVP.

Shawn Logan, attorney for TVP noted that the ASD Advisory Board did recommend a five-year contract, splitting the contract into two contracts, and changing the Nyssa ASA staffing requirement from Intermediate to Advanced. Ms. Land explained to the Court some of the past issues with transfers from the hospital; St. Alphonsus-Ontario had an overwhelming amount of transfers to other hospitals during COVID and TVP could not do them all (Payette County did some of the overflow transfers).

A 90-day termination clause is not good protection for the County; the current contract is 180 days; the County is not setup to provide ambulance services.

Mr. Logan explained that improvement to charting skills is being worked on; charting skills though should not be compared to patient care skills. It was also discussed that the previous medical director met with providers to review charts, which was very helpful, and the current medical director does not. For financial stability a 5-year contract is needed.

County Counsel received TVP's proposed contracts this morning; she will need to review those contracts before she is able to make a recommendation to the Court. It was discussed that the contracts need to have provisions that a contract for one ASA cannot be terminated without the other. (For example, TVP could not terminate the Nyssa ASA contract but keep the Ontario ASA contract).

BROGAN COMMUNITY SOCIETY

Meeting with the Court from Brogan Community Society were Rick Simmons and Rick Larcade; also present was Kelly Larcade. Mr. Simmons explained that Brogan Community Society recently received a grant from Northwest Farm Credit Services in the amount of \$30,450 to pursue their community kitchen project. Mr. Simmons requested that the Court contribute matching grant funds for the project. Mr. Simmons referenced the Court's letter of October 2021 in which the Court stated it could provide match funding as determined by the County on a grant-by-grant basis. (Recorded as instrument # 2021-5211) Ms. DuBois explained that the Budget Committee did not approve Brogan Community Society's request for grant funds for the community kitchen project at its meeting in April 2022. (Funding was approved related to maintenance of the park facility.) See instrument #2022-3050 for documents submitted to the Court pertaining to the community kitchen project.

COURT MINUTES

Judge Joyce moved to approve Court Minutes of June 15, 2022 as written. Commissioner Hodge seconded and the motion passed. (Commissioner Jacobs was not present on June 15, 2022.)

JUVENILE DEPARTMENT DIRECTOR VACANCY

The Court members will individually score the applications received for Juvenile Department Director; an interview committee will be assembled; and interviews will tentatively be scheduled for July 13, 2022.

CONTRACT FOR PERSONAL SERVICES - GREGORY SMITH & COMPANY

Commissioner Jacobs commented that the Court members had individually met with Greg Smith. Commissioner Jacobs commented he personally felt that Mr. Smith had done a good job with economic development; the years of COVID had put a damper on communications with new businesses, but there had been a number of new businesses through the efforts of Mr. Smith and his staff. Commissioner Jacobs asked that the matter be tabled until next week as discussions with

Mr. Smith are still taking place. Commissioner Hodge concurred with Commissioner Jacobs that the matter should be tabled until next week.

Malheur County Development Corp. (MCDC) board member Kay Riley voiced concerns about the potential impact to the Treasure Valley Reload Center (TVRC) project if a contract is not continued with Mr. Smith and inquired what the Court's plan would be for the TVRC project. Commissioner Hodge indicated these are some of the ongoing discussions with Mr. Smith. Commissioner Hodge said he has talked with MCDC board president Grant Kitamura. MCDC board member Corey Maag commented that mistakes have been made by all, and that Mr. Smith has been an integral part of the project; the project is a significant project and needs to be continued. Nyssa City Manager Jim Maret stated it is concerning if the project leader (Mr. Smith) is lost and that it would be detrimental to the County and the Cities around the project.

Mike Walker questioned how barring a local newspaper from a press conference helps the county's image. Mr. Walker also told Mr. Maret that he should not be very happy over a project that's had significant delays and the resulting impacts to the local businesses; Mr. Maret said he disagreed with Mr. Walker.

Commissioner Jacobs commented that he did not believe that Mr. Smith was responsible for all of the delays.

Kelly Johnson commented that he didn't see how Malheur County can pay someone to be an economic developer and botch an opportunity like was done to source material out of his pit.

The Court tabled the matter until their June 29, 2022 meeting.

IGA - BAKER COUNTY

Judge Joyce said he contacted the Chair of the Baker County Board of Commissioners and advised him of discussions in Malheur County to possibly terminate the IGA (Intergovernmental Agreement) for the Food Borne Illness Prevention Program; the Chair was going to visit with the other Baker County Commissioners and get back with Judge Joyce. Ms. DuBois suggested that if the contract is continued with Baker County there should conversation about additional compensation for providing the services.

AMENDMENT - IGA #173143

Commissioner Jacobs moved to approve Fourth Amendment to Oregon Health Authority 2022 Intergovernmental Agreement for the Financing of Community Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services #173143. Commissioner Hodge seconded and the motion passed unanimously. Early Assessment and Support Alliance (EASA) funds are awarded. See instrument # 2022-3037

RESOLUTION GUARANTEEING LINE OF CREDIT

Commissioner Hodge moved to approve Resolution R22-16: In the Matter of A Resolution Guaranteeing a line of credit with Bank of Eastern Oregon to the Malheur County Development Corporation in the amount of \$4 Million Dollars in order for the Corporation to build the Treasure Valley Reload Center and receive reimbursement from the Oregon Department of Transportation (ODOT) under Oregon State Agreement No. 32574; and Authorizing Malheur County to be a Guarantor. Commissioner Jacobs seconded and the motion passed unanimously. The line of credit will be used to pay invoices as they come in for developing the Treasure Valley Reload Center; the invoice and receipt will be turned into ODOT for reimbursement; all reimbursement funds from ODOT will be deposited back into the line of credit. Commissioner Jacobs noted that ODOT's turn over time is approximately 45 days and the contractors need to be timely paid. See instrument # 2022-3024

RESOLUTION APPROVING LOAN FOR FINANCING OF GRADER

Commissioner Jacobs moved to approve Resolution R22-17: In the Matter of Resolution Approving Loan/Borrowing Monies from Bank of Eastern Oregon for the Purpose of Financing the Purchase of a 2014 John Deere 770G Motor Grader for the Malheur County Road Department. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2022-3023

AMENDMENT - IGA #169206

Commissioner Jacobs moved to approve Amendment 1 to State of Oregon Intergovernmental Grant Agreement for the Financing of Community Developmental Disabilities Program Services. Commissioner Hodge seconded and the motion passed unanimously. Exhibit B Part 2, "Service Element Standards and Procedures", Section 9, "Special Projects" is amended. A copy will be returned for recording.

EMPLOYMENT AGREEMENT - DENNIS

Commissioner Hodge moved to approve Accounting Specialist / Malheur County Road Department - employment of PERS retiree Employment Agreement with Shelly Dennis. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-3087

QUITCLAIM DEEDS - SEPULVEDA

Commissioner Hodge moved to approve Quitclaim Deed to Juan Manuel Nuno Sepulveda for Ref. # 8466; and Quitclaim Deed to Juan Manuel Nuno Sepulveda for Ref. # 3045. Commissioner Jacobs seconded and the motion passed unanimously. Mr. Sepulveda has paid off his installment contracts for these properties he bought at County Land Sales. See instrument # 2022-3022 and 2022-3021

AMENDMENT TO EMPLOYMENT AGREEMENT - JAENSCH

Commissioner Hodge moved to approve First Amendment to Employment Agreement, Malheur County A-level Commercial Plumbing Inspector recorded with the Malheur County Clerk as instrument number 2019-2705 with Tim Jaensch. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-3049

IGA - CITY OF LA GRANDE

Commissioner Jacobs moved to approve Intergovernmental Agreement with the City of La Grande for reciprocal inspection services. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2022-3020

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.