

MALHEUR COUNTY COURT MINUTES

June 28, 2023

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 Ron Jacobs and Commissioner Jim Mendiola present. Staff present were Administrative Officer Lorinda DuBois and District Attorney David Goldthorpe. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. 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 # 2023-1914

PUBLIC HEARING - ADOPTION OF COUNTY BUDGET

Judge Joyce opened the public hearing for consideration of Resolution R23-14 adopting the County budget; notice of the hearing was published in the Argus Observer. No public comments were received. Several changes were made to the Approved Budget prior to adoption and Ms. DuBois provided those changes to the Court members in advance of the hearing. Judge Joyce closed the hearing. Commissioner Jacobs moved to approve Resolution R23-14: In the Matter of the Adoption of a Budget and Levy of Taxes for the Fiscal Year 2023-2024 as Required by ORS (Oregon Revised Statutes) 294.456. Commissioner Mendiola seconded and the motion passed unanimously. The total sum of the budget for the 2023/24 fiscal year is \$63,884,187; and the tax rate is \$2.5823 per \$1,000 of assessed value. Changes to the General Fund before adoption were: County Court - Increased Commissioners' hours/salary from 15.0 hours a week to 18.75 hours a week; and added prorated health insurance benefits for Commissioners in Payroll Costs; Surveyor - Changes to Personal Services and Payroll Costs to stay within the Corner Preservation policy that limits 10% of the County Surveyor salary to be paid from the Corner Preservation Fund; County Counsel - Increased Travel & Training line \$1,000; Sheriff - Added \$5,000 to Crime Prevention line which is the County's contribution to the High Desert Task Force; Non-Program - Added \$500 to Museum (Stonehouse) Expense due to increased costs; and \$1,300,000 transfer to the Reload Facility to pay off the balance on the MCDC (Malheur County Development Corporation) line of credit that was not reimbursed by ODOT (Oregon Department of Transportation); Assessor - Decrease in the State Tax & Assessment Grant; Courthouse - Increase in Payroll Costs due to staff member now taking health insurance. Changes to Special Funds before adoption were: Corner Preservation - Changes to Personal Services and Payroll Costs to stay within the Corner Preservation policy that limits 10% of the County Surveyor salary to be paid from the Corner Preservation Fund; Special Transportation - Confirmed ODOT grant amount; Economic Development - Less Cash on Hand due to MCDC and Reload Facility related expenses; Reload/Industrial Park Project - \$1,300,000 transfer from General Fund to pay off balance on MCDC line of credit; Fair Fund - New revenue line for the City of Ontario TOT (Transient Occupancy Taxes) Tax; New revenue and expense lines for Rental Property (manufactured home); Increased the amount in Facility Improvement line; New revenue and expense lines for Biz Oregon grant to remodel the Commercial Building Kitchen; Increased the Caretaker/Maintenance Personal Services and Payroll Costs to reflect a full-time position (the Fair Board has not confirmed that the

position will be advertised as full-time but are discussing it); ARPA (American rescue Plan Act) - Added an Admin Fee; Juvenile Crime Prevention Fund - Housekeeping changes to the expense lines were made to better match the reporting (the changes did not affect the budget amounts). See instrument # 2023-1915 for the document listing the changes before budget adoption; and instrument # 2023-1916 for Resolution R23-14.

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 R23-15 adopting the Ambulance Service District budget; notice of the hearing was published in the Argus Observer. No changes were made to the Approved Budget. No public comments were received. Judge Joyce closed the hearing. Commissioner Jacobs moved to approve Resolution R23-15: In the Matter of the Adoption of a Budget and Levy of Taxes for the Fiscal Year 2023/24 as Required by ORS 294.456. Commissioner Mendiola seconded and the motion passed unanimously. Total Appropriation is: \$299,910. See instrument # 2023-1917

LEADERSHIP GROUP

The Ontario Area Chamber Networking & Leadership Program participants joined the meeting; the participants were welcomed and introductions were made. The Court members briefly gave an over view of their positions.

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 R23-16 adopting the Extension tax district budget; notice of the hearing was published in the Argus Observer. No changes were made to the Approved Budget. No public comments were received. Judge Joyce closed the hearing. Commissioner Mendiola moved to approve Resolution R23-16: In the Matter of the Adoption of a Budget and Levy of Taxes for the Fiscal Year 2023/24 as Required by ORS 294.456. Commissioner Jacobs seconded the motion and noted that during budget meetings he contemplated if the County should contribute additional general funds to the Extension Service but upon reflection of the budget the County contributes general funds dollars that pays the full salary and payroll costs of the Office Manager which is over \$80,000 a year and the County does not contribute general fund dollars to other special districts in the County. The motion passed unanimously. Total Appropriation is \$2,043,053 and the tax rate is \$0.23 per \$1,000 of assessed value. See instrument # 2023-1918

DISTRICT ATTORNEY'S OFFICE

District Attorney (DA) David Goldthorpe met with the Court and discussed the vacant Deputy District Attorney position that has been in his office since April; there have been zero applicants for the position. Mr. Goldthorpe explained that he believes the salary compensation for the position is no longer competitive. Other counties have increased their salary compensation due to the same problem. Mr. Goldthorpe suggested raising the starting salary for a Deputy District Attorney to as close to \$80,000 a year as possible; this increase would make the County competitive with other

Eastern Oregon counties. Additionally, it may be helpful to restructure the Deputy DA (District Attorney) pay-scale in the office moving from deputy DA's and Assistant DA to DA I, II and III, or in lieu of III a Chief Deputy position.

Judge Joyce requested Mr. Goldthorpe explain about the State legislature not supporting proposed legislation to make the elected DA salaries equitable. Mr. Goldthorpe responded that his intent in meeting with the Court was to discuss the Deputy DA salary compensation, not the elected DA salary issues; the DA's Association tried to get legislation passed to increase compensation for elected DA's as well as an increased retirement benefit and was told No on all fronts. Legislation was passed that includes Deputy DA's on the police and fire classification for PERS (Public Employees Retirement System).

The Court took the Deputy DA compensation matter under advisement. See instrument # 2023-1919 for the written correspondence from Mr. Goldthorpe.

Those present answered various questions from the leadership group.

CROSSING PERMIT

Commissioner Jacobs moved to approve Crossing Permit #26-23 to Oregon Idaho Utilities for placement of new fiber optic cable in the town of Jordan Valley; County roads are: Crest Drive #1555, Valley Drive #1557, Ackerman Road #699, Mountainview Circle #1556, and Jaca Road #808. Commissioner Mendiola seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of June 21, 2023 as written. Commissioner Mendiola seconded and the motion passed unanimously.

MALHEUR WATERSHED COUNCIL

Commissioner Jacobs moved to appoint Warren Chamberlain as a member of the Malheur Watershed Council (as recommended by Malheur Watershed Council). Commissioner Mendiola seconded and the motion passed unanimously.

TEMPORARY EMPLOYMENT AGREEMENT - GROSVENOR

Commissioner Mendiola moved to approve Temporary Employment Agreement to Perform Duties of WIC (Women, Infants and Children) RD (Registered Dietitian)/Nutritionist for Malheur County Health Department with Lindsay Grosvenor. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2023-1920

EASOM CLAIM

County Counsel Stephanie Williams visited with the Court about the County's Claim in the Irvin Easom Estate. Ms. Williams was contacted by the Personal Representatives Attorney regarding the Claim. The Personal Representative is requesting the County forgive the interest in the lien amount filed in the Claim. (The Claim is for cleanup costs of the property incurred by the County

and for funds advanced for attorney fees to assist with probating the Estate.) In July 2022, the County Court agreed to release the lien against the real property so the real property could be sold. The County's Claim against the Estate for the lien amount was allowed. It was also noted by Commissioner Jacobs in the July 2022 meeting that he could possibly consider forgiving the interest but could not support forgiving the actual out-of-pocket costs paid by the County. Commissioner Jacobs moved to forgive the interest in the Claim. Commissioner Mendiola seconded and the motion passed unanimously. Receipt and Release recorded as instrument # 2023-1967

AGREEMENT - ENGINEERING NORTHWEST/WOODCOCK

Commissioner Mendiola moved to approve Agreement for Professional Services between Malheur County and Engineering Northwest LLC (Limited Liability Corporation). Commissioner Jacobs seconded and the motion passed unanimously. The Oregon Legislature recently budgeted \$5 million for the Treasure Valley Reload Center project (Malheur County had requested \$8.5 million); Engineering Northwest will assist the County to determine an itemization of cost and how much construction should be performed with the \$5 million dollars. See instrument # 2023-1921

COMMITTED FUND BALANCES

Commissioner Jacobs moved that the Malheur County Court hereby report the 2022/2023 ending fund balances of the following Special Revenue Funds as "Committed Fund Balances." These committed fund balance amounts can only be used for the specific purposes for which they were imposed unless the Malheur County Court removes or changes the specified use by taking the same type of action (legislation, resolution, or ordinance) it employed to previously commit those amounts. The Special Revenue Funds are: Major Bridge, Surveyor Corner Preservation, Community Corrections, Law Library, Boat License, Corrections Assessment, DA Enforcement, Taylor Grazing, Task Force, Ambulance Service District, Juvenile Crime Prevention, Federal Forfeitures Fund, Agricultural Educational Extension Service District, LATCF (Local Assistance and Tribal Consistency Fund), 911 Fund, Traffic Safety, Court Facilities Security, State Drug Court, State Mediation, CVSO (County Veterans Service Officer) Expansion, Search & Rescue, GIS (Geographical Information System) Maintenance, Clerk's Record Fund, Special Transportation Fund, Work Release Construction, Economic Development, American Rescue Plan, and Opioid Settlement.

Commissioner Mendiola seconded and the motion passed unanimously. This motion is effective as of June 30, 2023.

EARLY LEARNING HUB BOARD APPOINTMENTS

Commissioner Mendiola moved to appoint the following to the Eastern Oregon Early Learning Hub Board for July 2023 through June 2025: Suzanne Bolyard, Treasure Valley Community College; Becky Padilla, Malheur County Child Development Center; Marshall Hooker - (Alternate), Malheur Education Service District; Hilda Mejia, Malheur Health Department; and Michelle Russell, Oregon Department of Human Services. Commissioner Jacobs seconded and the motion passed unanimously.

TORT LIABILITY COVERAGE AS PROVIDER FOR PSRB IGA; LIFEWAYS CONTRACT

Commissioner Jacobs moved to approve Intergovernmental Agreement #180802 Tort Liability Coverage as a Provider for Psychiatric Security Review Board (PSRB); and Amendment No. 6 to County Contract No. 2013-3013 between Malheur County and Lifeways Inc. (23-25 PSRB Liability 3rd Party Amendment). Commissioner Mendiola seconded and the motion passed unanimously. The agreement expires June 30, 2025. A copy will be returned for recording.

LEASE OF PROPERTY - LIFEWAYS

Commissioner Jacobs moved to approve Lease of Property to Lifeways for Housing and/or Respite Services for Individuals in Need for the property commonly called the Burdic Home located at 1152 SW 3rd Street, Ontario. Commissioner Mendiola seconded and the motion passed unanimously. The lease agreement expires July 31, 2028. See instrument # 2023-1922

CANCELLATION OF MEETING

The Court will not meet on July 5, 2023 as there will not be a quorum.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

**FY 2023 Forest Service Payment to States, Public Law 117-58 Election to Receive Payment Election to Allocate the State Payment is recorded as instrument # 2023-2023 Malheur County elects to receive the Secure Rural Schools Act State payment and allocates 100% for public Schools & Roads (Title I).