

## **MALHEUR COUNTY COURT MINUTES**

**July 13, 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 and County Counsel Stephanie Williams were present. Les Zaitz with the Malheur Enterprise and public member Mike Walker were present. 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 # 2022-3249

### **BOXING PROGRAM**

Mike Padilla from Ontario School District met with the Court. Mr. Padilla explained that the boxing program will be a USA Boxing sanctioned club and will serve Malheur County youth enrolled in middle school through high school; the program will be located on Ontario School District property. Mr. Padilla requested the Court contribute one-time start-up funds for the program in the amount of \$6,000. The City of Ontario has appropriated \$6,000 for the program and the Ontario Chamber of Commerce appropriated \$10,000 to assist with the purchase of a competition boxing ring. See instrument # 2022-3251

Commissioner Jacobs thanked Mr. Padilla; and explained that the County budget process for the current fiscal year was completed earlier in the year and funding to support the program is not in the adopted budget. Commissioner Jacobs moved to approve execution of the Memorandum of Understanding (MOU) for Use of Boxing Ring with Ontario School District No 8C. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2022-3250

### **JUVENILE DEPENDENCY CASES AND FUNDING**

Public Defense Attorney Gary Kiyuna met with the Court. District Attorney Dave Goldthorpe also joined the session. Mr. Kiyuna explained that in January 2022 the Oregon Project Report was released. This is an analysis of the Oregon public defense system and attorney workload standards. The study found that there is a substantial deficiency of public defense attorneys for adequate representation at the current caseload levels. Additionally, the Parent Child Representation Program (PCRP) is active, but only serves 10 counties; parents and children in those 10 counties receive more attorney time than the rest of the counties in the state. Attorneys in the PCRP program have a cap of 80 dependency cases per attorney; attorneys under contract with the Public Defense Services in Malheur county average approximately 120 dependency cases per attorney. No eastern Oregon or central Oregon counties are included in the PCRP. Mr. Kiyuna noted that Malheur county has as many juvenile dependency cases as Deschutes county. Oregon Judicial Department (OJD) has recognized the need for a third trial court judge in Malheur county. Civil commitment cases have greatly increased also. Mr. Goldthorpe explained that DHS (Department Human Services) has increased their staffing levels in the County over that last few years; the

decriminalization of drugs, along with medical and recreational marijuana, draws new people to our County and also allows people with drug problems to go untreated. Mr. Goldthorpe explained that a unified front advocating for Malheur county is needed; Malheur county needs more resources to provide adequate representation for all. Mr. Goldthorpe noted he has been advocating for federal funding for a mental health respite center. The Court thanked Mr. Kiyuna and Mr. Goldthorpe for sharing the information.

### **EASOM PROPERTY LIEN**

Attorney David Brown met with the Court regarding the County's lien on the Irvin Easom property. Mr. Brown represents the Personal Representative of the Estate of Irvin Easom. The County filed a lien in 2019 against the estate's property for cleanup costs incurred by the County. The property is currently under contract to be purchased and the purchasers intend to completely renovate the property. Mr. Brown requested the County release its lien against the property so that it can be sold (closing is scheduled for July 15th). Mr. Brown confirmed that the County's Claim against the Estate for the lien amount has been allowed; it was also discussed that negotiations regarding the Claim against the Estate could take place at a later date after confirmation that the property is sufficiently cleaned up by the new owners. (The buyers have signed declarations of their intent to clean up the garbage and debris from the property within 60 days of the closing.) The Personal Representative is requesting the County consider releasing its Claim against the Estate after the property is cleaned up by the new owners. Cory Easom suffers from mental illness and proceeds from the Estate are needed to provide for his treatment and care. Mr. Brown confirmed that the Claim against the Estate for the lien as well as the \$3,000 advanced for attorney fees to assist with probating the Estate are valid Claims against the Estate. Commissioner Jacobs noted he could support releasing the lien against the real property; and possibly consider forgiving the interest and/or surcharge on the lien but he could not support forgiving the actual out-of-pocket costs the County had paid for the cleanup costs resulting in the lien. Commissioner Hodge concurred with Commissioner Jacobs. Commissioner Jacobs moved to authorize Judge Joyce to sign the Release of Lien. Commissioner Hodge seconded and the motion passed unanimously. See instrument #2022-3259 for the Notice of Release of Lien; and instrument # 2022-3254 for written correspondence from Mr. Brown.

### **CROSSING PERMITS**

Commissioner Jacobs moved to approve the following Crossing Permits: Permit #30-22 to Terri Collinworth for installation of pipe along Oliver Road #797; Permit #31-22 to Idaho Power for installation of a pole on Russell Road #675; Permit #32-22 to Idaho Power for installation of a pole and transformer on Juniper Road #1012; and Permit #33-22 to Idaho Power for removal and installation of poles on Oak Road #1066. Commissioner Hodge seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

### **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of June 29, 2022 as written. Commissioner Jacobs seconded and the motion passed unanimously.

### **CERTIFICATION STATEMENT**

Commissioner Hodge moved to sign the Oregon Parks and Recreation Department County Parks Assistance Program Certification Statement for July 1, 2022 - June 30, 2023. Commissioner Jacobs seconded and the motion passed unanimously. The estimated RV fee revenue distribution for Malheur County is \$55,467.00 which will be budgeted in the Marine and Parks budget. See instrument # 2022-3256

### **EMPLOYMENT AGREEMENT - MILLER**

Commissioner Hodge moved to approve Child Support Specialist/Malheur County District Attorney's Office - employment of PERS (Public Employees Retirement System) retiree Employment Agreement with Teresa (Teri) Miller. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-3252

### **EXTENSION AGREEMENT - GREGORY SMITH & CO.**

Commissioner Hodge moved to approve Extension Agreement with Gregory Smith & Company LLC. Commissioner Jacobs seconded and the motion passed unanimously. The agreement extends the Contract for Personal Services and Third Addendum through July 31, 2022 and sets out how work products under the Contracts will be transferred to the County and MCDC (Malheur County Development Corporation). See instrument # 2022-3304

### **INTERIM ENVIRONMENTAL HEALTH DIRECTOR**

Commissioner Hodge moved to authorize Judge Joyce and Ms. Williams to negotiate with Eric Evans to provide interim Environmental Health Director services as Mr. Evans holds the necessary state license and can oversee the environmental health specialist trainee. Commissioner Jacobs seconded and the motion passed unanimously.

### **AMENDMENT - GOLDTHORPE**

Commissioner Hodge moved to approve Second Amendment to Agreement between Malheur County Court and Malheur County District Attorney for Additional and Temporary Services within the Malheur County Juvenile Department Recorded with the Malheur County Clerk as Instrument Number 2022-2472; First Amendment to Agreement Recorded as Instrument Number 2022-2832. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-3253

### **FOOD BORNE ILLNESS PROGRAM - BAKER COUNTY**

Baker County indicated their willingness to increase their fees for the program. Environmental Health staff have indicated they are comfortable with continuing the contract with Baker County. Consensus of the Court was to not terminate the contract with Baker County for the Food Borne Illness Program.

### **MCDC REQUEST**

The Court received correspondence on behalf of the Board of Directors of Malheur County Development Corporation (MCDC) requesting the retainment of the services of Gregory Smith &

Company LLC for the Treasure Valley Reload Center for the next year. Commissioner Jacobs noted he has had conversations with MCDC Board Chair Grant Kitamura; and he is in discussions with Representative Owens and ODOT (Oregon Department of Transportation) about how to potentially finance the project manager position through the project rather than through the County. Commissioner Jacobs requested the matter be tabled for a week. See instrument # 2022-3255

### **PUBLIC COMMENTS**

Public member Mike Walker gave public comments and offered his advice to the Court to not retain the services of Gregory Smith & Company for the reload center project.

The meeting recessed until 1:30 p.m.

### **EXECUTIVE SESSION**

Executive Session was called in accordance with ORS (Oregon Revised Statute) 192.660(2)(a) - Employment of Public Officers, Employees and Agents with Judge Joyce presiding and Commissioner Jacobs and Commissioner Hodge present. Also present were: Administrative Officer Lorinda DuBois, District Attorney Dave Goldthorpe, Jason Cooper from Ontario Police Department, Christine Phillips from Department of Human Services, Angie Arriolla from Malheur Education Service District, and Joshua Hoffman. No decisions were made during or following the session.

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Department of Human Services, Angie Arriolla from Malheur Education Service District, and Jennifer Schaffer. No decisions were made during or following the session.

**COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.