

MALHEUR COUNTY COURT MINUTES

July 15, 2020

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 Larry Wilson present. Staff present was Health Department Director Sarah Poe. Various members of the public, media and staff were present electronically. Notice of the meeting was posted on the County website 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 #[2020-2496](#)

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of July 8, 2020 as written. Commissioner Hodge seconded and the motion passed unanimously.

AGREEMENT - FAIR BOARD AND TREASURE VALLEY COMMUNITY COLLEGE

Commissioner Hodge moved to approve Agreement between Malheur County Fair Board and Treasure Valley Community College (TVCC). Commissioner Wilson seconded and the motion passed unanimously. The Agreement is for lease of specific property located at the Fairgrounds for TVCC's rodeo program. The Agreement expires June 30, 2021. See instrument #[2020-2521](#)

QUITCLAIM DEEDS – KINCADE

Commissioner Wilson moved to execute Quitclaim Deed to Michael Kincade Revocable Trust of 2014 for Ref. #12204; and Quitclaim Deed to Michael Kincade Revocable Trust of 2014 for Ref. #15291. Commissioner Wilson seconded and the motion passed unanimously. These properties were sold at the recent County Land Sale. See instrument #'s [2020-2524](#) and [2020-2523](#)

Administrative Officer Lorinda DuBois joined the meeting.

ECONOMIC DEVELOPMENT UPDATE AND RELOAD FACILITY PROJECT UPDATE

Economic Development Director Contractor Greg Smith met with the Court and provided an update on economic development activities. An enterprise zone application was recently finalized with a California-based company that is committing to a minimum of 25 jobs (and most likely will lead to the creation of 45 new jobs) in Malheur county. The initial investment will be approximately \$3.2 million. Staff is working with two different companies that have expressed interest in placing a bid at auction on the Oregon Trail Mushroom facility. (Farmers Fresh is one of the companies interested and plans to have a representative at the auction; Farmers Fresh also has recently purchased a farm in California.) The office has been very active with Adrian 2040 and working with six different individuals in Adrian developing a prepping center concept which could be a need of the Amazon facility locating in Idaho. Assistant Ryan Bailey is currently developing a list of active businesses in Malheur county with a goal of reaching out to each of these businesses. There is a major issue with the Economic Injury Disaster Loan (EIDL) program in terms of how are businesses who access those dollars going to ensure that they comply with the requirements of SBA (Small Business Association); one major issue is for businesses that rely on lines-of-credit that are secured with a UCC (Uniform Commercial Code); numerous meetings are

being held on the issue. Work continues with an entrepreneur in the Nyssa area that is working to acquire a longtime community business.

An update on the Treasure Valley Reload Center project was also provided by Mr. Smith. Last week executives from Atlanta, Boise, Chicago, and other destinations participated in a terminal operator meeting with representatives of the Treasure Valley onion shippers; the meeting was extraordinarily productive and next steps were identified to continue moving forward with what an agreement may look like. The potential operator and MCDC (Malheur County Development Corporation) are also exploring what other commodities could utilize the reload center such as compressed hay and alfalfa, potatoes and apples. An upcoming meeting is planned with Union Pacific executives and representatives of ODOT (Oregon Department of Transportation) later this week. The design process has been halted due to COVID-19 travel restrictions; those restrictions have now been lifted and work will be done on the rail switches and rail crossing and once that work is completed it is anticipated that design engineering will be moved to 100% within 90 days after that work is completed. ODOT has modified the agreement with MCDC and change orders no longer have to be brought before the OTC (Oregon Transportation Commission) but rather the Director can authorize change orders now. An appraisal will be ordered soon through Bank of Eastern Oregon. MCDC is requesting that the County enter into a professional services agreement with MCDC in order for the County to be reimbursed for services provided related to the Reload Center and the Grant Agreement between ODOT and MCDC. Civil engineering is currently on schedule and under budget. The BUILD grant was submitted and award status is pending.

AGREEMENT – MCDC

Commissioner Wilson moved to approve Agreement for County Services with Malheur County Development Corporation (MCDC), Project Name: Treasure Valley Reload Center. Commissioner Hodge seconded and the motion passed unanimously. The Agreement establishes collaboration between the County and MCDC in order for the County to perform services related to the Treasure Valley Reload Center and the milestones in the ODOT Grant Agreement with MCDC and identifies the procedure authorizing services, invoicing and payment to the County for the services. See instrument #[2020-2522](#)

COVID-19 RESOLUTION AND PROCLAMATION

Health Department Director Sarah Poe met with the Court and explained that herself and the COVID-19 Taskforce recommends the County adopt temporary measures to social gathering sizes. Currently Malheur County has 449 positive COVID-19 cases; 373 of those cases are currently in isolation and potentially infectious - not recovered. There has been a significant spike in cases in the last couple of weeks. Malheur County is now fourth per capita in the state for new infections. There are concerns in regards to the testing supply chain regionally; it is important for the public to follow the guidance as testing cannot be done at the rate that is needed. The temporary measures include no group of 10 or more individuals are to gather indoors and no group of 25 or more individuals are the gather outdoors; both identified groups are to wear face coverings and observe social distancing guidelines. (The governor has already implemented the 10-person limit for indoor gatherings effective July 15, 2020.) These temporary measures apply to local social gatherings including civic, cultural and private gatherings and events. The limitations do not apply or change the State Phase 2 guidance with respect to business and churches.

Written comments were received from Charles Sumey, Vicki Heinz, Todd Heinz, and Jesse Collins; see instrument #[2020-2494](#) for the comments. Judge Joyce asked for public comments. Ryan Bailey from Economic Development offered his assistance from an economic development standpoint.

Commissioner Hodge moved to approve Resolution R20-27 - In the Matter of: Resolution to Protect Malheur County Citizens and Mitigate the Effects of the COVID-19 Emergency through Temporary Social Gathering Measures Restricting the Size of Local Social Gatherings. Commissioner Wilson seconded and the motion passed unanimously. The resolution is effective through August 5, 2020 or until rescinded, modified or extended. See instrument #[2020-2492](#) for the complete resolution.

Ms. Poe also read a Proclamation for the Court's consideration:

TOGETHER, WE CAN KEEP MALHEUR COUNTY OPEN

WHEREAS, the Malheur County Court requests our communities and citizens to unite and commit to pandemic guiding principles so that "Together, We Can Keep Malheur County Open" during the COVID-19 emergency; and

WHEREAS, the following guiding principles define a commitment to "Together, We Can Keep Malheur County Open":

We endorse a message campaign lead by the Malheur County Health and Environmental Health Departments as well as the Malheur County Sheriff's Office - Emergency Management Division - consisting of print and audio messages on a variety of social and media platforms illustrating and reminding our community members what they must do to keep Malheur County businesses open and to move forward.

We are committed to:

Physical Distancing: Individuals from different households must maintain a distance of at least 6 feet apart. Stay home if you are sick. Stay close to home.

Protecting Others. Cover your cough and sneeze into your elbow or a tissue. Avoid touching your face. Use face coverings in public.

Keeping Clean. Frequently wash your hands for at least 20 seconds or use hand sanitizer with at least 60% alcohol. Frequently clean your work and living space, especially high touch places like doors and handles.

NOW, THEREFORE, THE MALHEUR COUNTY COURT PROCLAIMS:

That the Malheur County Court joins with the Malheur County Health Department, the Malheur County Environmental Health Department and the Malheur County Sheriff's Office - Emergency

Management Division - to begin a message campaign with the above guiding principles so that "Together, We Can Keep Malheur County Open."

Commissioner Wilson moved to sign the proclamation. Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2020-2493](#)

PROPOSED DROP BOX PROJECT

Maintenance Supervisor Don Dalton explained a proposed project to install a drop box in the southwest corner of the back-parking lot; and move the ballot drop box to a drive-up site at the same location. Also contributing to the discussion were Treasurer/Tax Collector Jennifer Forsyth and Clerk Gayle Trotter. Homeland Security recently did a site visit and reviewed four proposals and supported a proposal for a drive-up lane on the southwest corner of the back-parking lot. Four parking spots would be lost. A solar lighting system would be installed. Surveillance cameras would be installed. The estimated cost of the project is \$10,000-\$11,000. The project would allow for tax payments to be dropped off in the drop box and provide an alternative way for the public to conduct business without having to access the courthouse. It may be possible to apply for reimbursement for the project from the CARES Act Coronavirus Relief Fund. Consensus of the Court was to proceed with the project.

Homeland Security also endorsed a proposal to alter the main entrance to the courthouse for a security station.

BURN BAN

Commissioner Hodge moved to approve Order No. GO-07-20: Order Prohibiting Outdoor Open Burning in Unincorporated Areas of Malheur County Located Outside a Fire District. Commissioner Hodge seconded and the motion passed. The ban begins July 25, 2020. See instrument #[2020-2495](#)

ROAD ACCEPTANCE

Commissioner Wilson moved to accept road dedication of a portion of King Avenue on Roderic, Dixie and Steven Moeller's Partition Plat #20-11. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2020-2497](#)

RESOLUTION RECOGNIZING 911 TELECOMMUNICATORS AS FIRST RESPONDERS

Deputy Charlotte Clements met with the Court and presented a verbal request and a resolution recognizing 911 telecommunicators as first responders. Deputy Clements explained that the Homeland Security Act of 2002 defines the term first responder as "individuals who in the early stages of an incident, are responsible for the protection and preservation of life, property, evidence, and the environment". Who better by this very definition can be considered a first responder than the dispatcher who is the start of everything. 911 dispatchers are highly trained, skilled individuals who are able to control even the most traumatic of situations with confidence, compassion and professionalism. While the public safety community understands the importance of 911 telecommunicators the Office of Management and Budget currently categorizes 911 telecommunicators as office and administrative support. This category also includes hotel desk clerks, postal mail sorters and human resource assistants to name a few; these professions do not endure the same amount of stress or trauma that comes with being a dispatcher. 911

telecommunicators' days are hectic and require meticulous handling of high risk medical, fire or law enforcement situations. The 911 SAVES Act (Supporting Accurate Views of Emergency Services), was introduced by Congresswoman Norma Torres and is the first bill of its kind; it was created to change the classification of 911 dispatchers. The SAVES Act would update the OMB's (Office Management Budget) classification from Office and Administrative Occupations to a Protective Service Occupations. This, in the opinion of Deputy Clements, is a critical move to ensure that 911 dispatchers receive the resources, benefits and recognition that they deserve. It would also allow the OMB to accurately report statistics related to 911 dispatchers, in turn hopefully improving resources needed for them. The bill did pass the House but it is currently stalled in the Senate and has been since March 2019. It is unknown why it stalled but as a result many states and counties have been supportive of it and are making their own changes on a local level; recently Harney County and Clackamas County have passed resolutions declaring 911 telecommunicators as first responders and Grant County's is currently pending approval. In 2019 Grant County Dispatcher Camillia Haney conducted a nationwide survey with approximately 750 participants and the results showed that dispatchers suffer depression at about a five times higher rate than the general public and they also have a PTSD (Post Traumatic Stress Disorder) rate about five times higher than the general public. The number of dispatchers diagnosed with PTSD is very comparable to that of police officers - dispatchers 18%; police officers 19%, yet dispatchers continue to be grouped with the general public and clerical staff. The State of Oregon has recognized that 911 telecommunicators suffer from PTSD and did include 911 telecommunicators in the PTSD legislation under ORS 656.802 along with police, fire, and medical personnel, however the State has yet to declare 911 telecommunicators as first responders. By approving a resolution declaring 911 telecommunicators as first responders in Malheur County the County Court is sending a clear message to the State of Oregon and the rest of the country that the occupation of a 911 telecommunicator is more than a secretarial or clerical position. 911 telecommunicators are the eyes and ears of the county and are the calming force for the person that has been brutally beaten by a spouse and fears what will come next; 911 telecommunicators are the ones keeping the suicidal person on the line engaged in conversation long enough to get help out to them; are the ones who coach people through lifesaving measures on medical calls before EMS (Emergency Medical Services) can reach them; are the ones listening to the pleading cries of callers as they beg for help for family members not breathing; and are the ones entrusted to do everything they can to keep the officers, fire fighters, EMS personnel, and citizens safe and to return them home to their families at the end of the day. 911 telecommunicators are the first, first responders and are asking to be recognized for the work they do. There is no financial gain to the 911 telecommunicators by the Court passing the resolution; ultimately it opens up opportunities for trainings specifically designated for first responders and would open up the door to be eligible for grants that would help with training and readiness; and would also include the 911 telecommunicators in national studies; and would allow better access to resources and treatment if affected by PTSD or depression.

Commissioner Wilson moved to approve Resolution R20-28: In the Matter of Recognizing 911 Telecommunicators as 1st Responders in Malheur County. Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2020-2490](#)

COURT ADJOURNMENT

The meeting was adjourned.

*Note: The Sheriff's Return of Sale for the July 14, 2020 County Land Sale was recorded as instrument #[2020-2507](#)