

MALHEUR COUNTY COURT MINUTES
July 10, 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 and Economic and Community Development Director Taylor Rembowski. 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 # 2024-1949

PUBLIC HEARING - RATE INCREASE FOR ONTARIO SANITARY SERVICE

Present for the public hearing for consideration of rate increases for Ontario Sanitary Service were Mark Fulwiler and Travis Williams from Ontario Sanitary Service/Waste Connections. Notice of the hearing was published in the Argus Observer on June 26, 2024. Judge Joyce opened the hearing. A rate increase of 4% was proposed. No written comments were received; no oral comments were received. Mr. Fulwiler explained the proposed increase is based on the CPI (Consumer Price Index) for rural Oregon. Mr. Fulwiler also noted that since Waste Connections acquired Ontario Sanitary (approximately two years ago) there has been an effort to have competitive wages for the employees as it is safer for the communities and the company to have the same drivers on the same routes; it is important to retain employees for long term. The hearing was closed. Commissioner Jacobs moved to approve the requested rate increase. Commissioner Mendiola seconded and the motion passed unanimously. The changes are effective August 1, 2024. See instrument# 2024-1950

QUAGGA AND ZEBRA MUSSELS

Friends of the Owyhee Executive Director Tim Davis, Campaign Coordinator Andrea Bonadiman and Community Organizer MJ Winter met with the Court. Also present were Sheriff Travis Johnson and Don Dalton. Mr. Davis explained that Friends of the Owyhee in collaboration with Oregon Department of Fish and Wildlife are holding an educational event focused on Quagga and Zebra Mussels at the Indian Creek Boat Ramp parking lot on July 27 at 10:00 a.m. These mussels are a significant threat to the area and the event will educate on how to inspect watercraft to prevent their spread. Mr. Davis also explained that ODFW (Oregon Department of Fish and Wildlife) has identified Owyhee Reservoir as Oregon's highest-risk area due to the unique calcium and pH levels in the water. The existing watercraft check stations in Ontario and Marsing, Idaho operate for limited hours, potentially allowing boats carrying mussels to pass through. Over the past decade, the Ontario Check Station has intercepted invasive mussels on boats originating from Texas, Ohio, and Tennessee, underscoring the ease with which these mussels can bypass check stations despite national efforts to prevent their spread. If these boats were headed to the Owyhee Reservoir, they would not have passed through the Ontario Check Station instead traveling through Parma or Wilder after reaching Boise. Invasive mussels pose a severe threat. If established in the Owyhee Reservoir, they could clog irrigation infrastructure (intake pipes and canals) leading to significant

disruptions in water supply for agriculture. Mr. Davis asked that the County advocate with the State for or explore the possibility of, establishing seasonal check stations at Owyhee Reservoir and Leslie Gulch from spring to fall and also during the rafting season from March to May/June at the Rome boat launch.

Deputy Frates joined the session.

Those present discussed the concerns with the invasive mussels and possible location for a check station. See instrument # 2024-1955 for the handouts.

CROSSING PERMITS

Commissioner Jacobs moved to approve Crossing Permit #65-24 to Probst Electric for work on Grand Avenue #562; and Crossing Permit #66-24 to Middle Mile Infrastructure for work on Clark Boulevard #857. Commissioner Mendiola seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of July 3, 2024 as written. Commissioner Mendiola seconded and the motion passed unanimously.

LETTER OF SUPPORT - COMMUNITY IN ACTION GRANT APPLICATION

Commissioner Jacobs moved the Court sign a letter of support for Community in Action's (CinA) grant application for a USDA (United States Department of Agriculture) Housing Preservation Grant for fiscal year 2024. The grant funds will provide additional rehabilitation efforts within the housing repair program. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2024-1951

CONTRACT - VALLEY FAMILY HEALTH CARE

Commissioner Jacobs moved to approve Amended and Restated Affiliation Agreement for Medical Services in the Malheur County Jail with Valley Family Health Care Inc. Commissioner Mendiola seconded and the motion passed unanimously. The Contract expires June 30, 2026. See instrument # 2024-1952

ARCADIA INDUSTRIAL PARK - WEEDS

Commissioner Jacobs discussed the weeds on the Arcadia Industrial Park property with the Court members. Commissioner Jacobs would like to have a program implemented to control the weeds long term. Farmer's disked the property and sprayed earlier in the year and the County Weed Inspector sprayed some of the rail areas; additional spraying is needed now. A right-of-way license is needed to spray the rail areas. The rails should also be sterilized this fall. Consensus was to move forward with spraying the property.

EMPLOYMENT AGREEMENT - VITTO

Commissioner Mendiola moved to approve Employment Agreement with Maverick Vitto Malheur County Deputy District Attorney I. Commissioner Jacobs seconded and the motion passed unanimously. Mr. Vitto is a participant in the Oregon Supervised Practice Portfolio Examination (SPPE) program and is working under the supervision of District Attorney David Goldthorpe. See instrument # 2024-1954

RESOLUTION - DIRECTORS HOLD/LIFEWAYS

Commissioner Jacobs moved to approve Resolution R24-17: Resolution Authorizing Andrea Recla, Oscar Hernandez, Austin Robishaw, Ryan Kelly, David Tovar, Sarah Reece, Ron Van Ausdal, Katrina Alford, Madison Shira, Tim Koberlein, Gaby Kissell, Bradi Fritts, Lisa Tovar, Hannah Radford, and Brandon Plumb to Direct a Peace Officer or Approved Secure Transport Provider to Take Allegedly Mentally Ill Persons into Custody. Commissioner Mendiola seconded and the motion passed unanimously. See instrument# 2024-1953

PLANNING DIRECTOR VACANCY

The Court was given applications for the Planning Director vacancy; the Court members will individually score the applications and interviews will be scheduled.

EXECUTIVE SESSION

Executive Session was called in accordance with ORS (Oregon Revised Statutes)192.660(2)(e) Real Property Transactions with Judge Joyce presiding with Commissioner Jacobs and Commissioner Mendiola present. Also present were County Counsel Stephanie Williams, Administrative Officer Lorinda DuBois, Economic and Community Development Director Taylor Rembowski, and Antonio Sunseri with the Argus Observer was present electronically. No decisions were made during or following the meeting.

COURT ADJOURNMENT

The meeting was adjourned.

Delegation of Authority with the Oregon Office of State Fire Marshal for the Cow Valley Fire was signed by Judge Joyce on July 12, 2024; instrument # 2024-1986; and Relinquishment of the Delegation of Authority was signed by Judge Joyce on July 15, 2024; instrument # 2024-2002