

## **MALHEUR COUNTY COURT MINUTES**

**July 27, 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. Also present were: Nyssa City Manager Jim Maret, Nyssa City Mayor Betty Holcomb, and Jim Mendiola. 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 # 2022-3393

### **FIRST PUBLIC HEARING - PSILOCYBIN**

Judge Joyce opened the first public hearing for consideration of Ordinance 228: An Ordinance Prohibiting the Establishment of Psilocybin Product Manufacturers and Psilocybin Service Centers within the Unincorporated Area of Malheur County; A referral to Electors. Notice of the hearing was published in the Argus Observer and posted on the County website. In November 2020 Oregon voters approved Ballot Measure 109, which allows for psilocybin product manufacturers and service centers and is regulated by the Oregon Health Authority; OHA (Oregon Health Authority) will begin accepting applications for psilocybin-related licenses January 2023. ORS (Oregon Revised Statutes) provides for an opt out provision in which the County Court may adopt an ordinance to be referred to the electors at the general election prohibiting psilocybin manufacturers and service centers.

Judge Joyce asked for public comments. Written comments were received from Michelle Ericksen urging the County to not opt out of Measure 109. See instrument # 2022-3394 for the written comments.

Nyssa City Manager Jim Maret commented that the Nyssa City Council had recently passed an ordinance and resolution to put the matter on the ballot in November.

Judge Joyce closed the hearing; the next hearing is August 10, 2022.

### **CROSSING PERMIT**

Commissioner Hodge moved to approve Crossing Permit #34-22 to Idaho Power Company for installation of a junction pole on Evergreen Road #941. Commissioner Jacobs 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 July 20, 2022 as written. Commissioner Hodge seconded and the motion passed unanimously.

### **FUND TRANSFER RESOLUTION**

Commissioner Hodge moved to approve Resolution No. R22-19: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Jacobs seconded and the motion passed unanimously. The resolution accounts for end of the 2021-2022 fiscal year necessary budget transfers. See instrument #2022-3395

### **FUND TRANSFER RESOLUTION - EXTENSION SERVICE DISTRICT**

Acting as the governing body of the Malheur County Agricultural Educational Extension Service District, Commissioner Hodge moved to approve Resolution No. R22-20: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Jacobs seconded and the motion passed unanimously. The resolution accounts for end of the 2021-2022 fiscal year necessary budget transfers. See instrument # 2022-3396

### **FUND TRANSFER RESOLUTION – ASD**

Acting as the governing body of the Ambulance Service District (ASD), Commissioner Hodge moved to approve Resolution No. R22-21: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Jacobs seconded and the motion passed unanimously. The resolution accounts for end of the 2021-2022 fiscal year necessary budget transfers. See instrument # 2022-3397

### **MENTAL HEALTH ADVISORY COMMITTEE**

Commissioner Jacobs moved to appoint Michelle Belnap as the Community Member representative to the Malheur County Community Mental Health, Local Alcohol and Drug and Developmental Disability Advisory Committee. Commissioner Hodge seconded and the motion passed unanimously.

### **AGREEMENT - DR SMITH**

Acting as the governing body of the Ambulance Service District, Commissioner Jacobs moved to approve Professional Service Agreement Supervising Physician to Emergency Medical Service Providers with Malheur County with Morris H. Smith, MD (Medical Doctor). Commissioner Hodge seconded and the motion passed unanimously. Dr. (Doctor) Brian Kitamura resigned as the supervising physician. The term of Dr. Smith's agreement is August 1, 2022 through July 31, 2023; compensation is \$500 per month.

### **COMMITTED FUND BALANCES**

Commissioner Hodge moved that the Malheur County Court hereby report the 2021/2022 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 (District Attorney) Enforcement, Taylor Grazing, Task Force, Ambulance Service District, Juvenile Crime Prevention, Economic Development, Agricultural Educational Extension Service District, 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, Federal Forfeitures Fund, and American Rescue Plan.

Commissioner Jacobs seconded and the motion passed unanimously. This motion is effective nunc pro tunc as of June 30, 2022.

### **RESIGNATION - EDWARDS**

Commissioner Jacobs moved to accept the resignation of Surveyor/Engineer Tom Edwards effective September 30, 2022. Commissioner Hodge seconded and the motion passed unanimously.

### **FIRST PUBLIC HEARING - MARIJUANA RETAIL TAX**

Judge Joyce opened the first public hearing for consideration of Ordinance No. 229: An Ordinance Relating to a Tax Imposed on the Sale of Marijuana Items that are Sold in the Unincorporated Area of Malheur County by a Marijuana Retailer Who Holds a License Issued Under ORS 475C.097 - if Ordinance 210 is Repealed; and Referring this Ordinance to the Voters for Approval. Notice of the hearing was published in the Argus Observer and posted on the County website. The purpose of the ordinance is to establish a 3% tax on the retail sale of marijuana items in the event Ordinance No. 210 (prohibits activities related to marijuana) is repealed. An ordinance imposing a local tax on the sale of marijuana items can only be referred to voters at a general election. A measure, initiated by petition and signatures, may be on the ballot at a future election to repeal County Ordinance No. 210. No public comments were received. Judge Joyce closed the hearing. The next hearing is August 10, 2022.

### **EXECUTIVE SESSION**

Executive Session was called in accordance with ORS 192.660(2)(a) - Employment of Public Officers, Employees and Agents with Judge Joyce presiding and Commissioner Hodge and Commissioner Jacobs present. Also present were Administrative Officer Lorinda DuBois and Eluterio (Ted) Martinez. No decisions were made during the session.

### **EXECUTIVE SESSION**

Executive Session was called in accordance with ORS 192.660(2)(a) - Employment of Public Officers, Employees and Agents with Judge Joyce presiding and Commissioner Hodge and Commissioner Jacobs present. Also present were Administrative Officer Lorinda DuBois and Jennifer Schaffer. No decisions were made during the session.

**JUVENILE DEPARTMENT DIRECTOR**

Commissioner Jacobs moved to authorize Ms. DuBois to make an offer for the Juvenile Department Director position to the number one candidate. Commissioner Hodge seconded and the motion passed unanimously.

**COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.

\*\* Employment Agreement for Health Officer Services between Malheur County and Dr. Sarah Laiosa recorded as instrument #2022-3452