

MALHEUR COUNTY COURT MINUTES

September 18, 2019

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois, County Counsel Stephanie Williams, Planner Eric Evans, Surveyor/Engineer Tom Edwards, and John Braese, employee of Gregory Smith & Co. whom the County contracts with for Economic Development. Notice of the meeting was posted on the County website, Courthouse public bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice.

Also present was Pat Caldwell of the Malheur Enterprise.

BUSINESS OREGON - SPECIAL PUBLIC WORKS FUND & REGIONALLY SIGNIFICANT INDUSTRIAL SITES PROGRAMS

Business Oregon Southeast Oregon Regional Development Officer Scott Fairley met with the Court and provided information on two Business Oregon programs that might be utilized in conjunction with the reload facility project. Mr. Fairley has met with Economic Development; there is interest in using the programs to help purchase industrial land associated with the reload facility as well as to help extend infrastructure to those lands to make them marketable for development. Business Oregon has received the Intake document; it has been reviewed and Business Oregon will be inviting an application, should the County decide to proceed, either today or tomorrow. The Special Public Works Fund is an infrastructural loan program available to public entities for public facility land purchases and infrastructure projects; the current interest rate is approximately 3.25%; terms are flexible - up to 30 years with annual payments; has no prepayment penalty; and in the past some loans have allowed principal forgiveness. The loan cannot be used to pay off existing debt. Funds used for infrastructure begin to accrue interest upon project completion. Land purchased with this fund must remain publicly owned until the loan is paid off; partial releases are allowed.

Mr. Fairley explained that the timing on this application would be tight if the County needs to purchase the property by the end of December 2019 and encouraged the Court to have a backup funding plan in place for the land purchase. The application needs to be submitted quickly and be thoroughly complete; Business Oregon staff will review the application and develop a staff recommendation. The loan application would then have to be approved by the Infrastructure Authority Finance (IAF) Board (their next meeting is December 6th). Once approved by the IAF Board it would go through the contracting process and Department of Justice.

The Regionally Significant Industrial Sites (RSIS) program is an incentive program that offers state income tax reimbursements for industrial site readiness activities. The County would need to apply to be designated as a Regionally Significant Industrial Site; the designation must be in place before eligible activities can be reimbursed. Companies are then recruited to locate on the site and employ a minimum of 25 employees whose average wages are 150% of the area median income. 50% of the state income taxes that are generated from those jobs each year is then

reimbursed to the applicant to pay approved site preparation costs, such as land acquisition, utilities, off-site transportation improvements, environmental remediation and financing costs.

Mr. Fairley answered questions from the Court members and stressed that there is no commitment until a contract is signed with Business Oregon for the Special Public Works Fund loan.

Commissioner Wilson motioned to authorize Judge Joyce to work with Economic Development to complete, sign, and submit the Special Public Works Fund application and the RSIS application; and stressed that he is confident in the County's repayment ability for the loan as the County has good faith and credit, there will be sales and leases of the land as it is developed, lottery funds/economic development funds can be utilized, the RSIS program is a reimbursement tool that can be promoted, and the Malheur County Development Corporation should generate funding once the reload facility is operational. Commissioner Hodge seconded and the motion passed unanimously.

Commissioner Wilson commented that if the HB 2017 funds had been used to purchase the property it was his understanding now that none of the property could later be sold - which could have discouraged companies from developing at the site.

Mr. Braese left the meeting.

CONSENT FOR RELINQUISHMENT

Surveyor/Engineer Tom Edwards met with the Court and recommended acceptance of ownership of Ref. #19756 and Ref. #19759. The parcels were acquired in ODOT's (Oregon Department of Transportation) name instead of Malheur County's for the construction of NW 13th Street in relation to the SW 4th Ave - N Oregon Street (Ontario) project in 2001. Commissioner Hodge moved to accept the parcels as per Cooperative Improvement Agreement No. 20,199 for the above mentioned project, recorded as instrument #[2002-3977](#). Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2019-3504](#). ODOT will prepare the deed to complete the transfer.

Mr. Evans and Mr. Edwards left the meeting.

BOPTA

Clerk Gayle Trotter met with the Court regarding names of persons to serve on the Board of Property Tax Appeals (BOPTA). The Court members are still reaching out to individuals.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of September 11, 2109 as written. Commissioner Hodge seconded and the motion passed unanimously.

BUS BARN PROPERTY

Ms. Williams inquired of the Court if they wanted a Phase 1 Environmental Site Assessment (ESA) completed on the property to be purchased for the MCOA&CS bus barn. The purchase will be made with STIF monies from ODOT and the property will be in the County's name. An

appraisal on the property is being done; under the ODOT grant the County can apply for a categorical exclusion to the Phase 1 ESA. Consensus of the Court was not to require a Phase 1 Environmental Site Assessment and to apply for the exclusion.

COUNTY POLICIES

Commissioner Hodge moved to approve Policy 121 - Employment Process; Policy 122 - Nepotism; and revisions to Policy 305 - Unpaid Sick Leave/Non-FMLA/OFLA Medical Leave. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2019-3499](#); #[2019-3500](#); and #[2019-3501](#)

MALHEUR COUNTY DEVELOPMENT CORPORATION BOARD

Commissioner Wilson moved to appoint Jason Pearson to the Malheur County Development Corporation Board. Commissioner Hodge seconded and the motion passed unanimously. Mr. Pearson's appointment fills the vacancy as a result of Jeremy Leathers resignation. Commissioner Wilson noted that the Development Corporation should update their filing(s) with Secretary of State as appropriate.

BURN BAN LIFTED

Commissioner Hodge moved to approve Order No. GO-11-19: Order Lifting Burn Ban in Unincorporated Areas of Malheur County Located Outside of a Fire District; Repeal Order GO-06-19; Effective September 14, 2019. Commissioner Wilson seconded and the motion passed unanimously. The local fire districts have lifted their bans as has BLM; Burn Permits are still required. See instrument #[2019-3503](#)

LETTER OF SUPPORT - VFHC

Commissioner Hodge moved to sign a letter in support of Valley Family Health Care's (VFHC) request to the Health Resources and Services Administration for authorization to serve the inmates of the jail. Judge Joyce seconded and the motion passed. Commissioner Wilson abstained as he is a board member for Malheur Memorial Health District. See instrument #[2019-3502](#)

AMENDMENT - IGA#159822

Commissioner Hodge moved to approve Second Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement for the Financing of Public Health Services. Commissioner Wilson seconded and the motion passed unanimously. The amendment adds funding to State Support for Public Health; and to the Tobacco Prevention and Education Program (TPEP). The original IGA is recorded as instrument #[2019-3374](#) A copy of the amendment will be returned for recording. See instrument #2019-3614

OUTREACH PROGRAM IGA- HEALTH DEPARTMENT

Commissioner Hodge moved to approve State of Oregon Intergovernmental Grant Agreement (IGA) Number 160678. Commissioner Wilson seconded and the motion passed unanimously. The program to be supported under the agreement relates principally to Oregon Health Authority's External Relations Division Community Partner Outreach Program. The IGA terminates June 30, 2021; funding is not to exceed \$150,000 and is to be used to conduct

outreach activities to inform the local community of health coverage options and methods of applying. A copy of the IGA will be returned for recording. See instrument #2019-3577

CROSSING PERMITS

Commissioner Hodge moved to approve Crossing Permit #24-19 to Idaho Power Company to install a pole and transformer to serve a pivot on Echo Road #770; and Permit #25-19 to CenturyLink to provide service to a customer on Dustin Drive #1523. Commissioner Wilson seconded and the motion passed unanimously. The original permits will be kept on file at the Road Department.

Mr. Caldwell left the meeting.

BUILDING DEPARTMENT

Building Official Adele Schaffeld met with the Court. Ms. Schaffeld explained that the Permit Technician staff position was put on hold and never filled; after evaluation of the department's needs it has been determined it would be a better use of resources to have an electrical inspector position. A job description has been drafted. An electrical inspector will be able to provide inspections 5 days a week; if a successful recruitment also has some building inspector qualifications they could be cross-trained, and could provide technical assistance to customers in the office; the position will be paid for by funding generated from electrical permits. Commissioner Hodge moved to approve the inspector position and authorized the recruitment process to begin for the position. Commissioner Wilson seconded and the motion passed unanimously.

The Building Department will have two interns from Nyssa High School through the CTE (Career Technical Education) program; ESD (Education Service District) will provide workers compensation insurance for the interns; there is a curriculum that will be followed - the interns will learn building codes, do plan reviews and inspections, and receive ICC certifications at graduation. Ms. Schaffeld has also offered to work with the Vale High School construction program when they are working on building codes and plans.

Projected revenue from Baker for plan review services is approximately \$95,000 (under the IGA recorded as instrument # [2019-3281](#)). The ability to do electronic plan reviews is moving forward - large monitors are ordered and the software from the State was received. Electronic plan reviews will provide a better service to the public and the associated costs are paid by building permit fees; revenue from the program must be used to directly serve the building program per state law.

Judge Joyce inquired if the location of the department was satisfactory. Ms. Schaffeld stated the location is ideal for the public and contractors; the location is great for dispatching for inspections for where development is in the County. Additionally, the office location is quiet for performing plan reviews which is very technical work.

Bids have been received for painting and flooring in the office; the County IS Department is working up a bid for hardwiring for the infrastructure. The information will then be submitted to the City of Nyssa; negotiations for a long-term lease on the office space will then take place.

It was also noted that Ms. Hays will be out of the office and in training Thursday and Friday (Sept. 19 & 20).

COURT ADJOURNMENT

The meeting was adjourned.