

# **MALHEUR COUNTY COURT MINUTES**

**September 1, 2021**

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. Staff present was Administrative Officer Lorinda DuBois. Members of the media, public, and staff were present electronically. 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 # 2021-4435

## **PROCLAMATION - RECOVERY MONTH**

Various members of the Malheur County Drug Free Communities Coalition were present for the signing of the Proclamation declaring September 2021 as Mental Health, Substance Use, and Harmful Gambling Behaviors Recovery Month. Jennifer Shaffer read the proclamation:

### **Malheur County Proclamation**

Mental health, substance use and harmful gambling behaviors affect all communities nationwide. With commitment and support, our family members, friends, colleagues, and community members with these disorders can achieve healthy lifestyles and lead rewarding lives in recovery. By seeking help, people who experience mental health, substance use and/or harmful gambling behaviors can embark on a new path toward improved health and overall wellness. The focus of our local theme for Recovery Month for September 2021 is “Recovery is for Everyone: Every Person, Every Family, Every Community!” To celebrate their journey, we recognize the challenges of recovery and we support them! We realize the need to share resources and build networks that support recovery in all forms, as we are all part of the solution. Recovery Month and Hands Around the Park spreads the message that behavioral health is essential to one’s overall health and wellness, and that prevention works, treatment is effective, and people do recover.

The impact of mental health and substance use disorders is apparent in our country, with 9.5 million adults having had a co-occurring mental illness and substance use disorder in 2019. Oregon ranks first among all states for adults with substance use disorders and third in the nation for youth with substance use disorders. Additionally, an estimated 88,000 adult Oregonians have moderate or severe gambling disorders. These conditions in one way or another affect us all. Through Recovery Month, people become more aware and able to recognize the signs of mental health, substance use, and harmful gambling behaviors, which can help guide more people into needed treatment. Managing the effects of these conditions can help people achieve healthy lifestyles, both physically and emotionally.

The Recovery Month observance continues to work to improve lives to promote and support treatment, recovery practices, educating communities about prevention, and acknowledging the

dedication of service providers and community members who assist in making recovery possible. For the above reasons, we are asking the citizens of Malheur County to join us in celebrating this September as Recovery Month.

We, as Malheur County Court, do hereby proclaim the month of September 2021 as

**MENTAL HEALTH, SUBSTANCE USE, AND HARMFUL GAMBLING BEHAVIORS  
RECOVERY MONTH**

In Malheur County, we call upon our community to observe this month with compelling programs and events that support this year's observance.

Commissioner Hodge moved to proclaim the month of September 2021 as Mental Health, Substance Use, and Harmful Gambling Behaviors Recovery Month. Commissioner Jacobs seconded and the motion passed unanimously.

Paula Olvera explained that Hands Around the Park will be held at Rotary Laxton Park in Ontario on September 16, 2021. The 2nd Annual Sidewalk Chalk Challenge will also take place during the month of September and everyone living in or working in Malheur County is encouraged to participate.

September is also Suicide Prevention Awareness Month and the State is doing a statewide suicide prevention campaign on September 9th - it is a "Don't Give Up" sign rally.

**IDAHO POWER SERVICES CONTRACT**

County Counsel Stephanie Williams presented the Services Contract with Idaho Power for energy assistance for businesses in arrears in Malheur County due to the impacts of COVID-19. Also present electronically was Idaho Power Community & Economic Development Advisory Mike Ybarguen. 85 small businesses were identified that have invoices that are 31+ days past due with a balance of at least \$10.00 as of July 31, 2021, but which were not 31+ days past due as of February 29, 2020. The County will pay 90% of the identified customer's past due account balance and Idaho Power will provide an Idaho Power Bill Credit equal to 10%. (Maximum of \$1,200 per identified customer.) Total funds contributed by Malheur County is \$21,516.60 (funds are COVID-19 funds the County received last fiscal year). Idaho Power identified the customers and written correspondence from Idaho Power and Malheur County was sent to the customers. Commissioner Jacobs moved to approve the Services Contract with Idaho Power Company. Commissioner Hodge seconded and the motion passed unanimously. See instrument #2021-4439

**COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of August 18, 2021 as written. Commissioner Jacobs seconded and the motion passed unanimously.

### **CROSSING PERMIT**

Commissioner Jacobs moved to approve Crossing Permit #25-21 for Idaho Power Company to remove and replace poles on Stateline Road #1526. Commissioner Hodge seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

### **AMENDMENT - IGA #166050**

Commissioner Jacobs moved to approve Sixth Amendment to Oregon Health Authority 2021 Intergovernmental Agreement for the Financing of Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services Agreement #166050. Commissioner Hodge seconded and the motion passed unanimously. The amendment is for Invoice Services for MHS 28 and MHS 30. A copy will be returned for recording. See instrument # 2021-4620

### **LEASE AMENDMENT - BROGAN COMMUNITY SOCIETY**

Commissioner Jacobs moved to approve Third Amendment to Lease by and between Brogan Community Society and Malheur County, recorded with Malheur County Clerk on August 30, 2006 as Instrument Number 2006-6441, First Amendment Recorded on February 22, 2017 as Instrument Number 2017-0544; Second Amendment Recorded on July 17, 2019 as Instrument Number 2019-2652. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2021-4438

### **ROAD ACCEPTANCE**

Surveyor/Engineer Tom Edwards met with the Court and presented road dedications on three partition plats. Commissioner Hodge moved to accept road dedication of a portion of Cherry Road and Holly Road on Scythe & Space Partition Plat #21-15 (property owner is Nagaki Farms, Inc.); a portion of Ivy Road, Juniper Road, and Pioneer Road on Scythe & Space Partition Plat #21-16 (property owner is Jerry and Sharon Nagaki); and a portion of Ivy Road and Juniper Road on Scythe & Space Partition Plat #21-17 (property owner is Nagaki Farms, Inc.). Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2021-4424; 2021-4425; and 2021-4426

### **LETTER TO GOVERNOR BROWN**

Commissioner Jacobs moved to sign a letter to Governor Brown stating that they join Senator Findley and Representative Owens in requesting she reverse course and repeal the COVID-19 vaccination mandate for health care workers, fire fighters, first responders and educators (grades K-12). Additionally, the Court asks that the indoor and outdoor mask mandate be removed and returned to local control. Commissioner Hodge seconded and the motion passed unanimously. (Commissioner Jacobs drafted the letter with minor assistance from staff.) See instrument # 2021-4436

### **MOA - ADA COUNTY**

Commissioner Hodge moved to approve Memorandum of Agreement (MOA) between County of Malheur, State of Oregon and County of Ada, State of Idaho FY 2022. Commissioner Jacobs

seconded and the motion passed unanimously. The agreement is for juvenile offenders under the jurisdiction of Malheur County to be temporarily housed at the Ada County Detention Center. A copy will be returned for recording.

### **SUPPLEMENTAL BUDGET**

Commissioner Jacobs moved to approve Resolutions R21-29: In the Matter of Fiscal Year 2021-2022 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate Contingency Funds to the Emergency Management Fund - these are holdover funds from the Homeland Security Grant for contracted services; and to allocate insurance proceeds that were not anticipated when the adopted budget was prepared in the Road Fund - these are insurance funds from a wind damage claim. See instrument # 2021-4437

### **EASTERN OREGON BORDER BOARD**

The Court received two letters of interest from potential candidates to serve on the Eastern Oregon Border Economic Development Board (EOBEDB). Commissioner Hodge moved to submit both names to the Governor's Office for consideration to fill the vacant position on the Eastern Oregon Border Economic Development Board: Ron Haidle and Tim Heinze. Commissioner Jacobs seconded and the motion passed unanimously.

### **CHECK REGISTER**

Commissioner Hodge moved to approve the June 2021 Accounts Payable Register. Commissioner Jacobs seconded and the motion passed unanimously.

### **ROAD DEPARTMENT**

Commissioner Hodge noted he received a call from Michael McGourty regarding a bridge with a restriction posting. Mr. Tiffany stated he was aware of the matter and is in communication with Mr. McGourty. There are no plans for this bridge, as well as other bridges, for the rebar in the beams and other things. A contractor is being hired to do ground penetrating radar to determine how much and what size rebar is in the bridge and core drill the concrete to verify the integrity of it.

### **TORT LIABILITY COVERAGE AS PROVIDER FOR PSRB IGA; LIFEWAYS CONTRACT**

Commissioner Hodge moved to approve Intergovernmental Agreement (IGA) #171432 Tort Liability Coverage as a Provider for Psychiatric Security Review Board (PSRB) with Oregon Health Authority. Commissioner Jacobs seconded and the motion passed unanimously. The agreement expires June 30, 2023. A copy will be returned for recording.

Commissioner Hodge moved to approve Amendment No. 5 to County Contract No. 2013-3013 between Malheur County and Lifeways Inc.; County Third Party Amendment for Tort Liability Coverage to provide services for persons under jurisdiction of the Psychiatric Security Review

Board. Commissioner Jacobs seconded and the motion passed unanimously. A copy will be returned for recording.

### **SHERIFF'S OFFICE**

Sheriff Brian Wolfe met with the Court and discussed staffing shortages and recruiting difficulties for staff of the dispatch center. Sheriff Wolfe discussed the need to be more creative in the recruitment process. There are currently three vacancies in the dispatch center; three applicants will be interviewed next week; it is anticipated that there will be a need to re-advertise for dispatchers. Sheriff Wolfe suggested that in an effort to recruit more applicants the County offer a signing bonus and possibly retention bonuses. Additionally, Department of Public Safety Standards and Training (DPSST) announced yesterday they are considering mandatory vaccinations for anyone attending the academy; Sheriff Wolfe said he would not require somebody to be vaccinated, that that decision was between the individual and their medical professionals. County Counsel noted that the matter of offering signing bonuses does not have to be bargained for with the union - they are outside of the collective bargaining agreement. The Court and Sheriff Wolfe discussed the suggestions and the difficulties with hiring statewide. County Counsel noted that labor negotiations will take place the end of October. After discussions, Commissioner Jacobs moved to authorize moving forward with structuring a hiring bonus for the next round of the dispatch hiring pool only and not to exceed \$2,000. Commissioner Hodge seconded and the motion passed unanimously.

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.