

MALHEUR COUNTY COURT SPECIAL MEETING MINUTES
Pursuant to Initiative Measure No. 23-64
September 12, 2022

A Special Meeting of the County Court was called to order by Judge Dan Joyce at 9:03 a.m. Commissioner Ron Jacobs joined at 9:18 a.m. Commissioner Don Hodge was absent. The Special Meeting was held pursuant to Initiative Measure No. 23-64 to discuss how to promote the interests of Malheur County in any negotiations regarding the relocation of the Oregon-Idaho border. Present in the meeting room were public members Paul Skeen and Shay Meyers. Present electronically were Brent Grasty, Steve Grasty, and Angelene Mendez. Notice of the meeting was emailed to the Argus Observer and Malheur Enterprise and posted on the Courthouse bulletin board and County website. The meeting was audio recorded. The agenda is recorded as instrument # 2022-3957

Judge Joyce asked for public comments.

Steve Grasty: It'll be interesting to hear the other comments. I just read the minutes of the last Malheur County Court meeting and, for the record, this is Steve Grasty and I'm retired and I live in Burns, Oregon. I find it interesting, in our county, these meetings are so poorly advertised that folks rarely make them. I'm putting a lot more focus in getting to the next one here. As I read these minutes, I guess what I find frustrating is the proponents of moving the border recognize the number of issues – sales tax, water rights, what's our effect on Oregon State property that's within the boundaries of the various counties that are having this conversation. But I never see any responses, or answers, to those. If we're going to move forward and really have a conversation about the interests of the various counties in this, I think one of the things we've got to do is identify the pros and the cons. Many of those, as I've said, have already been recognized. We ought to be putting some answers out there to them. The other thing that always comes up around this county when you go to the coffee shop and talk to the guys around the coffee table, nobody knows how this process works, and I think we need to be talking about that. If we're going to talk about the interests of these counties we'd better talk about how it works to change those interests for the good or the bad. The other thing I want everybody to know, because of a past life, I've spoken at a number of different organizations, mostly about the armed insurrection we had in Harney county, and I can tell you several of those, one notably was the Airstream owners of Idaho, I spoke to them about the takeover of the refugee and when we were all done, I said, Hey how many of you folks here are from Oregon? And not one, I take that back, there was a local guy who had helped promote it, so there was one there, all the rest were from Idaho – about 80 people, and I said, how many of you want this part of Oregon moved to Idaho? And got no responses, none, not one. So, I'm not sure how much interest there is in Idaho wanting us, but until we answer all these other questions, I hope that no more of the county courts ask their legislators to move forward. Clearly these meetings are poorly attended, and so if there's a huge uprising and let's get this done, I guess I don't know where those people are in any county, Malheur county, Harney county, it doesn't matter, nobody's showing up to these meetings, or the numbers are pretty small, and then we hear, hey all these people I talked to. I just did that, but all those people we talked to,

they're not credible unless they show up, it's just that anonymous person. I really recommend that the Court takes a hard look at trying to help answer these questions. I would suggest that the proponents may know the answers to them or have been working on trying to make the answers to them so they can respond; let's put those answers together, let's put them out in front of everybody and really truly have a serious conversation.

Brent Grasty: I read the minutes from the last meeting, I'm sorry I wasn't able to be on that call, but Mrs. Kerby and Bob Wheatley and Mr. Skeen, I think they had some important points that they raised that really are those same things that Steve mentioned. The overall angle that I can tell that the main organization for Move Oregon's Border is emphasizing communication with the legislature; that there are problems that aren't being addressed under the current situation. I just want to call back to the January meeting when Jim Mosier pointed out there's been many solutions that have been accomplished, maybe not for individuals or even parts of the economy, but many solutions in our past, in the state's past, that eastern Oregon counties banded together and raised those issues and made a stronger voice. It feels to me like this approach to express those concerns isn't the right way to do it, and I don't think it's the way that Oregonians... (experienced audio connections and Mr. Grasty could not be heard) ... So, I was really rambling and I think there's a better approach to this, and the one thing that drives me nuts on this, is this county in an off election in the spring, came out with a 54/46% Pro and Con. And this approach just makes me think well gee, you're just turning, flipping the coin over on the folks that I don't think they disagree necessarily with that point to communicate issues that are of concern, but they aren't in support of this approach. I'm in line with Steve on there's questions that need to be answered. Bob Wheatley, he volunteered to be on a committee if a committee is put together, I think you'll get good engagement, but I really don't see that to be the responsibility of the Court. That's not the question that was voted on. This was a grassroots effort. I pulled up the Move Oregon Border website this morning and I don't see one piece of new information that says these questions that are being raised, these points that are being raised, are being answered by the group itself, and it just feels like that should happen. The Court needs responses from the community, and the proponents for such a significant change to the Constitution.

Shay Meyers: Shay Meyers, Froerer Farms, Nyssa Oregon. Paul called me on Friday. I guess some of these complaints are referred towards someone like myself, which I think is good for you to hear because I can respond to some of the, why is the attendance not higher, number one. What are the processes, number two? And how do we have more of a grassroots significant movement, number three. Number one: we've heard of lots of different efforts being made to pull specific counties of Oregon and Washington into Idaho for a long time. The reason for myself to not have attended meetings like this in the past or be more involved is that the process is not super clear, number one. Number two, the ability to actually execute. Any of us that are going to put in time and effort want to know that that effort is going to be meaningful, and for me it's hard to know what is meaningful as far as dedicating time and energy. However, the need for this is significant. If we look at, land values are very simple to look at, probably a 70% premium versus, if we were to move our farmland to the other side of the state, or to Idaho, there's conservatively a 40% increase in the value of every piece of land that we own. Home values are probably closer to 70-

80% higher. And I think that's important from a proposal to Idaho, and that at least the stuff within the Treasure Valley specifically, and I think that's important to consider. Pulling in additional, larger areas might be more challenging and more difficult than to try and start with a smaller concise effort for something that's really already a part of this project. When I look at that, I mean, Idaho is already dealing with, for example, Oregon's position on the legalization of marijuana. They're already having to police their own citizens; they're already having to boost up their police force. They're already dealing with the consequences of people driving within five minutes of where they live, and then returning home with something that they deem to be dangerous and illegal. That's an easy one. If we look at the impacts from the labor market and from the pressure that they face for schools, there's an exodus of folks from Idaho, sorry from Ontario and even Nyssa and bordering towns that are leaving those school districts and putting pressure on Parma, Payette, and Fruitland, because of the challenges that Ontario is facing. So, they're already facing, at least from a management stand point, they're already facing the challenges of dealing with that, without getting the tax base. It's getting paid for in one form or another, by the parents that are moving their kids there, but not in the same fashion that it would be. So, in short, I just feel like, observationally, Idaho is already dealing with the ramifications of what happens in Nyssa and Ontario, Adrian, and maybe Vale. And the question then is: what does it take for the State of Idaho to, first of all, you have the procedural efforts, but monetarily, what does it mean to them, if it's only Malheur county, sorry, only the Treasure Valley, and how do we define what the Treasure Valley would be? And how far does that go? In short, though, I guess in summary for me, the last thing that I'd say is that I think it would - no, no, no, I know that it would be beneficial for us be located with the state of Idaho. If you look at the last five years, the last five years, seven years, the last seven years, our payroll cost has doubled. What's the reason that our payroll has doubled? Number one, we had a minimum wage increase. Number two, we have, for large employers, we have a retirement match - 3% required. We have a one-week paid time off, or sick leave that's required. We have the exemption now, which hasn't even taken effect, and we've already seen a massive increase over that seven year period, 70 to 100% increase in labor, depends on how you want to figure it, but over that seven year period now, you remove ag exemption on the overtime, and then you put in the last piece, the family sick leave act, - does anyone know the official name of that one? We have this new family sick leave act, which requires us to maintain someone's position for 90 days for maternity, paternity, childcare, any family illness that can qualify, which is many, and we have to guarantee their position and maintain their pay for that 90-day period. In short, it's not sustainable. And that's the part that the State doesn't get, that's why we pack in Idaho, that's why we will move our peeling facilities to Idaho, we are getting everything out anyway. So, the response of the State, or the County, or whoever it is that can react, the businesses are going to react. We can't move our land but we can move every other aspect of our business out. And it's not for want, it's not because we don't want to be Oregonians, I mean, four generations in my family within the Nyssa area, proud Oregonians, but the State isn't proud to have us as Oregonians, so we've got to do what we can to try and remain competitive, viable and that's either moving the border or us moving everything that we can to the other side of the border.

Paul Skeen: And you farm on both sides?

Shay Meyers: We farm on both sides; more Oregon than Idaho unfortunately.

Paul Skeen: Paul Skeen; born and raised here. The days of my early farming, I'm in my 50th year, I know it looks like I've been 60 or 70, but, this was a Republican state. I remember going to the Bully Creek dedication with Governor Hatfield, I think the Judge and I were probably six, maybe seven.

Judge Joyce: Seven.

Paul Skeen: Anyhow, I remember how this state has changed, and I like to tell people in Idaho, we're more conservative and the majority counties in Oregon and Idaho, and we're still a blue state. Steve and Brent brought up some really good questions. I have never been a big proponent of taking everything but the Willamette Valley into Oregon to begin with. I've been saying, let's take the Treasure Valley, one small bite out of the big elephant to begin with. And with that, see how things work. It's one thing that Mr. Meyers didn't bring up is the H-2A program that we have in Idaho is \$3 less an hour than Oregon. And, I mean it's just everything. So, when both of you guys commented on the feelings of all this, I want you to know that I am working as hard as I can to get some things changed that will keep me here. I built a new house 29 years ago for my wife; I don't want to move to Idaho. I have property over there too, although it's not land, too bad for me. We've got to change some things with death tax, and that basically only concerns the majority of people who either own land or businesses, but that's still a major issue. I'm trying to get the natural resource that was put in in '11 or '12 by then Representative Bentz, but land values have almost doubled in that timeframe and so we're trying to get that doubled, and both Owens and Findley are working on that as we speak. The death tax, we're number one in the nation. It's not something I want to be number one in. The way that works out, my wife gets a million or people, the wife gets a million, the husband gets a million, and then it's 16% after that and if you're trying to leave your farms or your ranches, to stay in the family, that's not sustainable either. It's just outrageous what it will cost and so, all the issues that Mr. Meyers brought up, they're running us out. They are running us out, and we use a lot of labor that, probably in Harney county, they don't have to use as much with all these different vegetable crops and stuff that we grow. And, between my, and Froerer Farms is probably three times the size of ours, but between my two sons and myself, we farm about 2500 acres, and own probably half of it. So those are the issues, nobody knows about this, there's no way to get the word out. You're saying don't blame it all on the County Court, but that was the proposal that was voted on, was the County Court was to have one every quarter, right?

Judge Joyce: Three times a year. January, May, and September.

Paul Skeen: I'm not saying that, I'm not sure what I'm saying. I will tell you that I know a lot of people because of some of the things that I've done in industries over the years, especially in the onion industry. The Majority Leader in the House, a good friend of mine from Idaho, the governor, Governor Little would recognize my ugly face, probably couldn't call me by name, that knows our issues. He's from the outside eastern part of the Treasure Valley to begin with. The Senate Majority

Leader grew up in Vale, from Idaho. So, as I've talked to those guys, they all would like to see the Treasure Valley in Idaho. I'm not positive that they understand the full ramifications if you take all of Oregon. So, I feel like, again, I go back to, we are trying to eat the whole elephant and we might ought to take one bite at a time. So, I would encourage you to send that letter off again, to both our representatives and figure out a way that we can get people in here. I met with Christine Drazen, three weeks ago, a month ago, whenever it was, Commissioner Jacobs was there too, and I told her our issues and she hears our issues, and I think, if we can get every Republican just to vote, the way Cliff and she talked, make sure I'm right on this, that she can win. The problem is, we don't get enough Republicans out to vote. I've never not voted in my entire life and yet I have one son that's never voted. I got the rest of them on board, and that one's in Idaho now so. I guess that's all I have.

Angelene Mendez: Angelene Mendez, I'm a local real estate broker, I own my own brokerage here in Ontario. And, because I deal a lot with the real estate market and with housing issues, I really don't see us growing or changing, sticking to being Oregon. If we don't move the border, and we don't jump on board with Idaho, my opinion is that we will stay stagnant and we will not see any movement for our area. Prices will continue to increase. Wages will continue to increase. And companies will not come to our area to provide jobs or the State itself will not provide support for the issues, the mental health issues, the drug issues, everything that we are currently seeing. We don't see any help coming our way and we just kind of are going to have to deal with it as citizens. I've lived here now for about 10 years, and within those 10 years, I've seen, just within the past two years, significant increase in issues in crime. I mean, we were already rated as the number one county in the state to have the highest crime per capita; now we're even worse, and we're not getting support from Portland and Salem area and I don't believe we will ever get support from that end. That's why I feel like if we jump on board and we move the border for Idaho and get the support from Idaho we will have a lot more resources, we will have a lot more job opportunities for our local residents, and it will help local employers and small business owners, such as myself, and farmers, which are part of our community, in which run our community right now. It will give them the opportunity to not have to pay such high wages and benefits, but at the same time we can offer our employees other benefits that will help them to sustain their living, and not only help them to sustain but to grow within themselves. It's about supporting our employees, not only financially, but education, and helping them to move up the ladder, or gain better, get a better perspective on life in general. I just feel that we would be a better community overall if we were allowed to move the border and to basically get better support from Idaho, versus what we're already getting from Oregon, which we've seen: we're not getting anything. And they're just kind of letting us go and don't really care. And, I don't believe, I love Christine Drazen, and I believe in what she says, and I really hope that she gets the seat, but I don't believe she will. I believe that the Democratic money will force her to stay down and will put Democrats still in the seat and we're just going to keep going the direction that we've been going. I think this is our only opportunity and chance to be able to get what we need for our community, and for us, versus the rest of the state. We need to think about our people, because we're the only ones that are here for our people. Everybody else on the other side is not, and so, I think we just need to think about that

as a whole, and as a community, but that's my comments, and that's my stance, and that's where I stand on that.

Paul Skeen: Well I hope she's wrong about the governor election and my feeling that we have a chance, because we almost got it the last time, and back when, in fact I was sitting thinking to myself, I've met with the last three that have run for governor that haven't been successful; I hope this one's going to be a different one because of Betsy. Betsy is going to pull stuff away from the Democrats.

Judge Joyce: So, in those last three elections, it only took two voters from each precinct to win.

Steve Grasty: This is actually, I think, only the second one of these I've managed to actually get in and listen. At the end of the day, the problem is we have two legislators, and we had one before them, all three of them are great guys, Cliff, Owens and Findley, all great guys. It's their job to get over there and address these problems and get back to us. We can sit here and talk about moving somewhere else, but the problem is we are not active enough in Salem. I drove over 250 times in 18 years to Salem to make sure we were heard. We got to do this differently and some of the very people in the room need to be stepping up and driving to Salem once in a while. Going to Idaho is not going to fix anything, they're going to be more liberal in Boise than Portland is in the next 10 years. We will have the same problem. So, do what we want, but we need to fix our problems, not create new ones. Anyway, there's my bias.

Paul Skeen: So, they're telling you Judge, you two need to be going over there too.

Brent Grasty: One of the things that I submitted in, either at the first meeting, or last January, with my testimony was, looking at Ada, Canyon, and Payette counties, that part of the Treasure Valley, those guys have lost 60,000 acres of farmland to residential development, and they predict, the Idaho Economic Department, predict another 110,000 acres lost in the next 10 to 20 years. I'm struggling with some of the problems that are real, absolutely real that you guys have described, but I just feel like this is going to be a huge time investment with very little potential for being successful when we could be working at this from a different angle. This fits more with me with how we're tearing our neighborhoods and communities apart rather than bringing us together. I just hope we can come up and get through this discussion, get some answers, and share them out broadly to all the eastern Oregon counties that have either bought on or turned it down, I know there's at least one county that turned it down. And the idea of isolating Malheur county as the only one on the list; we need to work together more, that's my message.

Judge Joyce and Commissioner Jacobs: thank you

Brent Grasty: Hey Judge, one thing, and I looked in yesterday's paper and didn't see this announcement, maybe it was there, my eyes are getting older too, but if we're going to get more attendance, and I don't know that this is the Court's job, but in the January meeting I did a letter

to the editor just saying, Hey guys come to these meetings, be involved, put your opinion out there. I think we could do a better job of doing that at least.

Judge Joyce: Well and that's true, but the law says it's three times a year, and it's specifically on the second Monday, for those following.

Shay Meyers: Anything that you're doing that's, there's a change there. One of the things that I struggle with, with politics probably the most is actually being impactful. I've been impactful, meaningful, creating a change that's actually going to be something you're going to realize and see within your lifetime. The more and more that I have people, constantly because of the social media and kind of the way that I put myself out there as a public figure, to a certain extent talking about agriculture, there's a constant Hey, you need to be more involved in politics. And, hey would you please be more. And my counter to them is, and this is the frustrating part about politics, and everyone that's on this call is going to understand that, what I'm going to say, and that's that if you're, I don't have the time, and I certainly don't have the time if I can't have the impact. And, if we took a different approach, if you took a 21st century approach to this, there is certainly more that could be done. You find the right people, with the right audiences, with the right following at the right locations, and you could have many more people at these meetings. And that is something, what you're going to find that I think we're all missing in this room, at least part of us are, is that there is a new younger generation that's very discontent with both their state politics and their federal politics. And they don't know where to turn and the traditional Democrat/Republican platform is not working for them either, but no one's really recruiting them or giving them anything meaningful to work towards, and I feel like something like a grassroots effort like this one is meaningful, and that you can prove to a significant demographic that politics can work. The question is, how do you do it? And what is, again, the steps that were mentioned, in the beginning are important, meaning, what are steps 1 through 10 and how do we accomplish those things? And certainly, one of the things that I can contribute to is trying to get more people in attendance to the meetings, and doing that is the first step. To speak to the involvement within the state, this will be an interesting, and it's not an egression from the core part of what we're talking about. You have TVCC (Treasure Valley Community College) flying airplanes on a daily basis from Ontario; those pilots all need hours, every single one of those pilots that are there need hours. You put fuel in the airplane and let the pilot fly that airplane, and that pilot gets to fly there without paying the hours on the plane and you have airplanes to go to Portland or Salem anytime the weather's good for essentially free. It would change the dynamics about the number of people that you could get to Salem or to Portland and it's TVCC who is running the school. What kind of agreement could be made between the County and the school to get airplanes flying to Salem? Even the crappy little 172 you can make that flight in an hour and 45 minutes, it's lot less than driving there. And if you had 182 or something even, I mean nominal from a cost standpoint, you get in a 210 it's 45 minutes to get there. When you talk about the restriction on the challenge of getting there, I don't have 16 hours to drive back and forth to go show my face and to whine to the people that I need to, or complain about the circumstances that we are dealing with here, so therefore, they don't have to deal with this because we aren't there. That's a true absolute nail on the head statement. You're not going to make an impact when people don't have to deal with you, and they don't, at this point

in time. There's some low-lying fruit there I think when you think of TVCC, the flight school is there, all of these pilots that need to build these hours and certified hundred hour commercially, these are commercial airplanes, because they have to have 100-hour inspection, not an annual inspection, all of these airplanes can be flying with passengers, all the way across the state.

Paul Skeen: It's a major sacrifice to go over there when you're working. A few years ago, when Tom Butler was our State Representative, we had a problem with Idaho that they were legal coming in with a loaded tandem truck, as soon as they crossed the river then they were overweight because we have less GVW (Gross Vehicle Weight) on the weight restriction. So I went over and testified, I don't know how many years ago that's been, and we got it changed, and we've been able to get the same weight scales as Idaho, and so we're legal going over and they're legal coming back, and actually, Oregon Department of Transportation realized there was a problem there but it had to be taken care of through the legislature and in that case I had the head of the ODT (Oregon Department of Transportation) helping me with what I needed to say to help get the thing done, but we don't get that in every other circumstance and I feel like I'm trying but, I'm not saying that Harney county ought to be in it in the first place. I don't blame them for what they're saying this far away; they're two hours away from the line. But, I'm 2 ½ miles of river frontage or I'm 800 feet away, and I see what goes on over there. It's a friendly agricultural state. Is Boise getting more people in there that it scares me? Absolutely. But not everybody that's moving to Boise is a Democrat.

Judge Joyce: One of the things in this trip to Salem that would be very helpful for all of us is if we had more user-friendly legislators from the other side of the mountain, or like-minded, that would make it a lot easier. Just FYI

Paul Skeen: Or Zoom or whatever so we don't have to go over there.

Commissioner Jacobs read written comments from Sheryl L. Alexander: I hate to tell you this but the people did not have the facts as to what was going to happen for this transition. After they found out, they have changed their minds. Best to put it on the ballot for a re-vote. Idaho wants to change us, and not for the good. They would be the winners in all this. Mine and many others say no. See instrument # 2022-3958

Paul Skeen: So, to follow-up, I asked you to send another letter to both of them as we move forward, and then Mr. Meyers brought up the fact that we need to get more people. January should be easier to get a few people out.

Angelene Mendez: I would just like to say that I agree with Mr. Meyers and I think he made a good point at the fact that we just need to show our presence a little bit more over in Salem and trying to persuade those over there that have the decision-making ability to help us over here and to help us gain resources and to support our community. If we had that support and we had those resources and we had the ability to draw in more companies or not necessarily companies, but to create jobs and higher paying jobs, then I don't think anybody would want to have to move the

border or to have to jump on the back of Idaho. I think we'd all be happy and satisfied with what we currently have, but we just need the resources that we know the State has and that we know that they can offer us, but they just choose not to because they choose to keep it on their side and just leave us here to fend for ourselves. So, I just think that, like Mr. Meyer's was saying, that if we can go use the resources that we do have currently in our local communities, such as TVCC, using the fact that they do fly over there consistently, hey, jump on board, let's go over there, let's figure out a way to get in and constantly be there and be in their presence so that they know that we're not going anywhere and that they realize what we need, and if they can offer us anything over here, if we're not constantly there and requesting help for our area, they're not going to mind us, they're just going to forget that we even exist. I just wanted to support his comments and say that: I think he had a great idea in that aspect.

Commissioner Jacobs: We recognize that there's definitely some big challenges that we have here in the state that have actually come to pass here in the last few years that have really affected the farming. And we recognize that agriculture is our main product here and in eastern Oregon and that it is so important to us. The only thing that I can see is, we've either got to get some changes in many of these laws to really help us be able to sustain our way of living here. We have those two chances, we can change some of the laws or if we can't change them I don't see any other alternative other than to try become part of Idaho. I do have some concerns that so much of the state is trying to become part of Idaho, and I would be in favor of more of Treasure Valley, potentially being there, if we can't get some changes in Salem, which we definitely need, and I recognize that we as public servants here need to spend more time in Salem and with our representatives, which we have been doing, as far as meeting with our representatives; we do that regularly, but we do need to spend more time in Salem testifying trying to make these changes. And I want to thank everybody that's taking part today, and we'll just continue to move forward and do what we can.

Judge Joyce adjourned the meeting.

The next meeting is January 9, 2023.