

## **MALHEUR COUNTY COURT MINUTES**

**October 2, 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 Assessor Dave Ingram. 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.

### **PUBLIC HEARING - SUPPLEMENTAL BUDGET**

Judge Joyce opened the hearing for consideration of Supplemental Budget Resolution R19-24. Notice of the hearing was published in the Argus Observer; a public hearing was required as the supplemental budget will adjust the current budget fund by 10% or more of the expenditures of that fund. Judge Joyce opened the hearing; no public comments were received. Judge Joyce closed the hearing. Commissioner Wilson moved to approve Resolution No. R19-24: In the Matter of Fiscal Year 2019-2020 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. The supplemental budget allocates additional Cash on Hand funds in the County Fair Fund that were not anticipated when the adopted budget was prepared - the funds are to be used for Fair projects and Materials & Services; and allocated Baker City Contract funds in the Building Program Fund that were not anticipated when the adopted budget was prepared - the funds are to be used for equipment upgrades, computer maintenance and contingency. See instrument [#2019-3697](#)

### **LEGISLATIVE UPDATE - REPRESENTATIVE FINDLEY**

Representative Lynn Findley met with the Court and provided a legislative update. Representative Findley's assignments for the interim are: vice-chair of the revenue committee, energy and environment committee, veterans and emergency preparedness committee, joint transportation board, emergency board (this board only exists during the interim), autonomous vehicle taskforce, and the road user taskforce; additionally Representative Findley was appointed House Republican Whip.

During the last session Representative Findley assisted Lake County's efforts in trying to upgrade their short line railroad to a Class II railroad; worked to try to change the criteria for energy facilities and EFSC (Energy Facility Siting Council); participated on the governor's wildfire council; assisted Harney District Hospital efforts to be able to offer an alternative pension plan; assisted with securing funds to assist Crane school district remedy groundwater issues; and secured funds to help bridge the gap for the TVCC (Treasure Valley Community College) CTE (Career Technical Education) training building.

Oregon's personal income tax kicker for the last biennium is \$1.6 billion; there is \$980 million in the corporate kicker which is constitutionally required to go to the Common School Fund. The land use bill written on behalf of Eastern Oregon Border Board that failed will be will pursued again in the next long session. House Speaker Tina Kotek wants to visit the county in possibly Spring 2020.

Significant bills of the session included cap and trade (governors priority); changes to HB 2007 - clean diesel bill (applies to three counties in the metro area for the next ten years); HB 2001 - duplex housing; HB 2005 - paid family leave; and HB 3063 - vaccine bill (failed). HB 2005 and HB 3427 went against the will of the voters: HB 2015 issues drivers licenses to undocumented residents and HB 3427 is the gross receipts tax.

HB 1049 - PERS reform did not fix PERS and was a terrible bill; SB 1008 was a Measure 11 reform bill; SB 608 was the rent control bill that passed within ten days of the session starting with no testimony being taken and is a disastrous bill.

Representative Findley introduced HB 2449 which increased the 911 tax; a \$0.25 increase January 2020 and another \$0.25 increase January 2121; the new revenue will go to Public Safety Answering Points (PSAPs).

HB 2770 raised the cigarette tax \$2.00 per pack and adds vaping; it goes to a public vote November 2020.

SB 2 allows ten eastern Oregon counties to rezone 50 acres as industrial (after undertaking an economic opportunity analysis).

Representative Findley requested the Court consider where they would like him to focus for the short session; a water committee has been formed; each representative can introduce two bills in the short session.

Representative Findley answered questions from the Court members; the Court thanked him for the presentation.

Mr. Edwards, Mr. Ingram, and Mr. Evans left the meeting.

### **JUVENILE DEPARTMENT**

Juvenile Department Director Susan Gregory met with the Court. Ms. Gregory presented a contract with Josephine County for detention services; this is a new program. Commissioner Hodge moved to approve Contract for Beds for 30-Day Extended Detention Program with Josephine County Juvenile Justice. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2019-3701](#)

Ms. Gregory also explained that additional JCP funding is available and as such the Juvenile Crime Prevention (JCP) Plan needs amended. The additional funds will be used for a parenting program (Nurturing Families and Strengthening Families) and an athletic mentoring program through TVCC (Treasure Valley Community College). The Plan Amendment will be presented to LPSCC (Local Public Safety Coordinating Council) October 7, 2019. A copy of the Plan Amendment will be returned for recording.

### **COURT MINUTES**

Commissioner Wilson moved to approve Court Minutes of September 18, 2019. Commissioner Hodge seconded and the motion passed unanimously.

### **CHECK REGISTER**

Commissioner Hodge moved to approve the Accounts Payable register for June 2019. Commissioner Wilson seconded and the motion passed unanimously.

### **CONTRACT - BRAUER**

Commissioner Hodge moved to approve Personal Services Contract with Dr. David W. Brauer. Commissioner Wilson seconded and the motion passed unanimously. Dr. Brauer will continue to perform the duties of the District Medical Examiner for Malheur County; consideration is \$1,000 per month. See instrument #[2019-3695](#)

### **SUBAGREEMENT - MCOA&CS**

Commissioner Wilson moved to approve Sub-Agreement with Sub-Recipient Malheur Council on Aging and Community Services (MCOA&CS) to Provide Funding to Purchase 4 Transit Vehicles, ODOT (Oregon Department of Transportation) Agreement No. 33778 - State STIF (State Transportation Improvement Fund). Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2019-3694](#) for the sub-agreement. ODOT Agreement #33778 is recorded as instrument #[2019-3572](#)

### **IGA FOR RIGHT OF WAY SERVICES**

Commissioner Hodge moved to approve Intergovernmental Agreement (IGA) No. 33797 for Right of Way Services, Malheur County Special Transportation Improvement Project, with ODOT (Oregon Department of Transportation). Commissioner Wilson seconded and the motion passed unanimously. The IGA allows for ODOT to provide services in connection with the purchase of property for construction of a new bus barn under ODOT Agreement #32837 (recorded as instrument #[2018-3086](#)). See instrument #[2019-3717](#)

### **MOU - MCOA&CS**

Commissioner Hodge moved to approve Memorandum of Understanding between Malheur County and Malheur Council on Aging and Community Services (MCOA&CS) for Purchase of Real Property - Site for Bus Barn. Commissioner Wilson seconded and the motion passed unanimously. The property will be purchased and remain in the County's name; funding is from ODOT Agreement #32837 (recorded as instrument #[2018-3086](#)) and STIF funds (agreement to be forthcoming). A copy will be returned for recording. See instrument #2019-3884

### **ORDINANCE VIOLATIONS - EASOM**

Ms. Williams explained that a bid was received to clean-up the property at 1337 Alameda Drive, Ontario (property owner is Easom); bid amount is \$6750. Notice of abatements have been sent. The County can clean-up the property and place a lien on the property to recover the costs. Ms. DuBois said the costs could be taken from the County Land Expenses line-item and replaced when the lien is paid. Ms. Williams said that Community Corrections will also be contacted about possibly utilizing the work crew to assist with the project. Commissioner

Wilson moved to authorize staff to proceed with the clean-up project. Commissioner Hodge seconded and the motion passed unanimously.

### **AMENDMENT - IGA#159173**

Commissioner Hodge moved to approve First Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement for the Financing of Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services Agreement #159173. Commissioner Wilson seconded and the motion passed unanimously. The amendment decreases funding for the biennium for Service Element #20. A copy will be returned for recording. See instrument #2019-3781.

### **BOPTA ORDER**

Commissioner Wilson moved to approve Order No. GO-12-19: In the Matter of the Appointment of Members to the 2020 Board of Property Tax Appeals (BOPTA) Chairperson's Pool and Non-Office Holding Pool. Commissioner Hodge seconded and the motion passed unanimously. Gary Fugate and Terry Geddes are appointed to the Chairperson's Pool; Edwin (Eddie) Heid, Scott Lamb, Newell Cleaver, and Terry Geddes are appointed to the Non-Office Holding Pool. See instrument# [2019-3699](#)

### **EXECUTIVE SESSION**

Executive Session was called in accordance with ORS 192.660(2)(h) - Legal Counsel with Judge Joyce presiding with Commissioner Hodge and Commissioner Wilson present. Also present was County Counsel Stephanie Williams and Administrative Officer Lorinda DuBois. No decisions were made during or following the session.

### **COURT ADJOURNMENT**

The meeting was adjourned.

\*\* Note: A Residential Lease Agreement between Malheur County Fair Board (Landlord) and Austin Assini, Dawstin Ho'Opai-Bobek, and Keaton Phillips (Tenants) was recorded as instrument #[2019-3698](#)

\*\* Note: ODOT Grant Agreement No. 33744, Project Name: Treasure Valley Reload Center, with Malheur County Development Corporation was recorded as instrument # [2019-3796](#)