

## **MALHEUR COUNTY COURT MINUTES**

**October 6, 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 emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice, and posted on the Courthouse bulletin board. The meeting was audio recorded. The agenda is recorded as instrument # 2021-5013

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

Judge Joyce opened the public hearing for consideration of supplemental budget Resolution R21-33. 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. No public comments were received. The hearing was closed. Commissioner Hodge moved to approve Resolution R21-33: In the Matter of Fiscal Year 2021/2022 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Jacobs seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate additional Cash on Hand funds in the Road Fund that were not anticipated when the adopted budget was prepared - these funds will be used for unanticipated repairs; and to allocate grant funds in the Planning/Zoning budget that were not anticipated when the adopted budget was prepared - these are Eastern Oregon Border Board grant funds to assist with development and implementation of Senate Bill 16. See instrument # 2021-5015

### **BOPTA**

Clerk Gayle Trotter met with the Court and discussed the membership of the Board of Property Tax Appeals (BOPTA) board. Judge Joyce provided the name of one individual interested in serving; Ms. Trotter contacted that person along with two other individuals who are willing to serve on the board; the Court was agreeable to appointing those individuals.

Commissioner Jacobs moved to approve Order No. GO-09-21: In the Matter of the Appointment of Members to the 2022 Board of Property Tax Appeals (BOPTA) Chairperson's Pool and Non-Office Holding Pool. Commissioner Hodge seconded and the motion passed unanimously. Ron Jacobs and Dana Tuckness are appointed to the Chairperson's Pool; Dana Tuckness, Wayne McConnel, Matt Dentinger, and Steve Paulsen are appointed to the Non-Office Holding Pool. See instrument # 2021-5008

### **COURT MINUTES**

Commissioner Jacobs moved to approve Court Minutes of September 29, 2021 as written. Commissioner Hodge seconded and the motion passed unanimously.

### **CROSSING PERMIT**

Commissioner Jacobs moved to approve Crossing Permit #29-21 for Idaho Power Company to install a transformer for a new home on Power Road #907. Commissioner Hodge seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

### **BURN BAN LIFTED**

Commissioner Hodge moved to approve Order No. GO-08-21: Order Lifting Burn Ban in Unincorporated Areas of Malheur County Located Outside of a Fire District; Repeal Order GO-05-21; Effective October 1, 2021. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2021-5014

### **AMENDMENT TO SUB-AGREEMENT WITH MCOA**

Commissioner Jacobs moved to approve Second Amendment to Sub-Agreement with Malheur Council on Aging and Community Services (MCOA&CS) for General Public Transit Service Pursuant to State Agreement Number 33428, 5311 – Capital, Operating, Planning Recorded with the Malheur County Clerk as Instrument Number 2019-2101, First Amendment Recorded as Instrument Number 2021-4393 Commissioner Hodge seconded and the motion passed unanimously. The agreement is extended to June 30, 2022.

### **QUITCLAIM DEED - GONZALEZ**

Commissioner Jacobs moved to approve Quitclaim Deed to Melissa R. Gonzalez and Leobardo R. Gonzalez for Ref. #1255. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2021-5016

### **EO EARLY LEARNING HUB BOARD**

Commissioner Hodge moved to appoint Rod Belknap (Oregon Child Development Center) to the Eastern Oregon Early Learning Hub Board. Commissioner Jacobs seconded and the motion passed unanimously. Mr. Belknap replaces Angelica Fuentes on the Board.

### **EASOM PROPERTY**

County Counsel explained that Cody Easom had been in contact with the Sheriff's Office about his father's property. Cody Easom indicated he is willing to probate the estate but needs financial assistance. Cody Easom contacted the law firm of Yturri Rose and met with an attorney about probating the estate. The County still has an approximate \$10,000 lien against the property for previous cleanup costs. Ms. Williams inquired if the Court would authorize a promissory note with Cody Easom in the amount of \$3,000 to assist with legal fees to probate the estate. The check would go directly to Yturri Rose for the specific purpose of probating the estate. Additional terms that would be requested of Cody Easom in the promissory note would be that the property is cleaned up and sold. The County would file a Claim against the estate for the \$3,000. The attorney/client relationship would be between Yturri Rose and Cody Easom, not Malheur County, and there are no guarantees that the process would be successful. Commissioner Jacobs moved to authorize a promissory note with Cody Easom in the amount of \$3,000 to be paid to Yturri Rose

to assist with probating the estate of Irvin Easom as discussed. Commissioner Hodge seconded and the motion passed. Judge Joyce abstained as he is the probate judge.

### **RETIREMENT OF IS DIRECTOR**

Commissioner Jacobs moved to accept the retirement of IS Director Frank Goble effective December 31, 2021. Commissioner Hodge seconded and the motion passed unanimously. Judge Joyce requested that County Counsel draft an employment agreement with Mr. Goble for January through March 31, 2022 and requested that Ms. DuBois update the job description for review by the Court and County Counsel.

### **COVID-19 PREMIUM PAY**

COVID-19 premium pay was briefly discussed. Ms. DuBois had shared a proposal for tiers for COVID-19 Premium Pay using ARPA (American Rescue Plan Act) Funds with the Court members. Commissioner Jacobs and Commissioner Hodge indicated they had reviewed the proposal and were supportive of it. ARPA Funds can be used for premium pay for essential workers who did not work from home or remotely. ARPA's definition of an essential employee is any work done by employees of a state, local or tribal government. Most County employees worked during COVID in their offices not from home. Commissioner Jacobs moved to authorize Ms. DuBois proceed with implementing the premium pay for County employees who are still employed by the County and did not work remotely from April 1, 2020 to March 31, 2021 (not limited to only those who worked on COVID, but rather worked during COVID). Commissioner Hodge seconded and the motion passed unanimously.

### **PUBLIC COMMENTS**

Sheriff Wolfe expressed that he was disappointed in the Oregon Attorney General's lawsuit against Harney County and Yamhill County regarding their second amendment sanctuary ordinances. Sheriff Wolfe suggested the County Court send a letter to the Governor or Attorney General expressing the need for local control.

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.

### **NOTE: VECTOR CONTROL BOARD OF TRUSTEES**

Judge Joyce moved to reappoint Terry Oft as a member of the Vector Control Board of Trustees. Commissioner Jacobs seconded and the motion passed unanimously.