

MALHEUR COUNTY COURT MINUTES
November 15, 2017

County Court met with Commissioner Don Hodge presiding and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois and County Counsel Stephanie Williams.

Also present were John Braese of the Malheur Enterprise and Hunter Marrow of the Argus Observer.

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Commissioner Hodge opened the public hearing for consideration of Supplemental Budget R17-35. Notice of the hearing was published in the Argus Observer. No public comments were received; the hearing was closed. Commissioner Wilson moved to approve Resolution No. R17-35: In the Matter of Fiscal Year 2017/2018 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed. The supplemental budget allocates cash on hand in the Elevator Fund that was not anticipated when the adopted budget was prepared. See instrument #[2017-4373](#)

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660(2)(e) - Real Property Transactions with Commissioner Hodge presiding and Commissioner Wilson present. Also present were: Malheur County Development Corporation Board Members Grant Kitamura, Lynn Findley, and Officer to the Board Greg Smith via telephone; Economic Development Assistant Phil Scheuers, Administrative Officer Lorinda DuBois, County Counsel Stephanie Williams, John Braese of the Malheur Enterprise, and Hunter Marrow of the Argus Observer. No decisions were made during the session.

MALHEUR COUNTY DEVELOPMENT CORPORATION

Commissioner Wilson moved to ratify the decision of the Malheur County Development Corporation to negotiate with the landowners of their number one choice for purchase of land for an industrial park/reload facility. Commissioner Hodge seconded and the motion passed.

Commissioner Wilson moved to appoint Corey Maag and Jeremy Leathers to the Malheur County Development Corporation Board, contingent on the necessary paperwork being amended for the corporation. Commissioner Hodge seconded and the motion passed.

CYPRESS CREEK RENEWABLES

Economic Development Director Greg Smith briefly noted that Cypress Creek Renewables missed its deadline to file a statutory request for its enterprise zone exemption for this year and the company is requesting a hardship waiver. Mr. Smith, Assessor Dave Ingram and others are working with Cypress Creek Renewables and a request will have to be filed with Department of Revenue. Mr. Smith will meet with the Court at another date regarding the matter.

MALHEUR WATERSHED COUNCIL

Meeting with the Court from Malheur Watershed Council were Kelly Weideman and Chairman Andy Bentz. An annual written update was provided to the Court members. Over the past year the Council has partnered with 11 different landowners and improved more than 2,000 acres. Habitat and riparian restoration projects extend into the mountains of Harney County and the upper Malheur River in Grant County. Outreach efforts resulted in connections with new landowners and community meetings were held in Juntura, Willowcreek, Ontario, Vale, and Drewsey. The Council also partners with various other agencies in outreach events and community events, as well as giving information talks at several community events. In the past two years, more than \$2.6 million has been used to purchase local supplies, contract with local labor, utilize local businesses, and improve local aspects of the watershed.

Three projects were completed during 2016-2017:

- Monitoring the Malheur - Basin-wide water quality monitoring including re-visitation of sites that have not been sampled in 8 years and sites used by DEQ (Department of Environmental Quality) for the Malheur River TMDL (Total Maximum Daily Load); and continued focus areas in the Willow Creek drainage.
- Getting the Word Out and Making Things Happen in the Malheur River Basin - Provided outreach to landowners, stakeholders, and natural resource partners throughout the basin to help educate and increase awareness of conservation possibilities.
- Council Support - Supports all expenses related to housing furnishing and operating a watershed council and partially funds salaries for staff.

There are 13 new and continuing projects; and Malheur Watershed Council is partnering with Malheur SWCD (Soil & Water Conservation District) on three projects.

See instrument #[2017-4390](#) for the complete report.

LANDFILL UPDATE

Environmental Health Director Craig Geddes and Environmental Health Specialist Eric Evans met with the Court and provided an update on the Landfill. As of November 7, 2017, the daily tonnage is down somewhat to about 20.7 tons per day. Conversation was held with Fox Sanitation and a request was made for them to divert waste away from Lytle Blvd. Landfill; Fox has agreed to divert 175 tons between now and the end of 2017. The landfill can accept a total of 7300 total tons; as of November 7th, just over 6400 tons had been taken. Approximately 900 tons remain before the landfill is at its annual allowed capacity.

Mr. Marrow left the meeting.

COMMUNITY DEVELOPMENT DISABILITY SERVICES CARRYOVER REPORT

CDDP (Community Intellectual and Developmental Disabilities Program) Program Manager Crystal Clifford met with the Court and requested signature of the 2013-17 Carryover Report for the Community Development Disability Services Program. The report accounts for utilizing carryover funds for the program and is submitted as part of the CDDPs biennial plan and budget information as required by ORS. The State IGA (Intergovernmental Agreement) for the

financing of community development disability services is with the County and the County subcontracts with Lifeways for the program services; State funding for the program is distributed directly to Lifeways. Commissioner Wilson moved to sign the report. Commissioner Hodge seconded and the motion passed. See instrument #[2017-4419](#)

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of November 1, 2017 as written. Commissioner Wilson seconded and the motion passed.

PROFESSIONAL SERVICES AGREEMENT - ULMER

Commissioner Wilson moved to approve Architecture and Engineering Professional Services Agreement, Girvin Hall & Small Animal Barn, Malheur County Fairgrounds, with Gene C. Ulmer, nunc pro tunc to November 7, 2017. Commissioner Hodge seconded and the motion passed. See instrument #[2017-4374](#)

BARGAIN AND SALE DEED - HERRERA

Commissioner Hodge moved to approve Statutory Bargain and Sale Deed to Andrea G. Herrera for Ref. #8376. Commissioner Wilson seconded and the motion passed. Ms. Herrera is buying back her property that was in foreclosure for nonpayment of property taxes. See instrument #[2017-4372](#)

IGA #153131 - AMENDMENTS

Commissioner Wilson moved to approve First Amendment to Oregon Health Authority 2017-2019 Intergovernmental Agreement (IGA) for the Financing of Community Mental Health, Substance Use Disorders, and Problem Gambling Services Agreement #153131; and Second Amendment to Oregon Health Authority 2017-2019 Intergovernmental Agreement for the Financing of Community Mental Health, Substance Use Disorders, and Problem Gambling Services Agreement #153131. Commissioner Hodge seconded and the motion passed. See instrument #[2017-4388](#) and #[2017-4389](#)

CHECK REGISTER

The Court signed the Accounts Payable (AP) register for October 2017.

SUPPLEMENTAL BUDGET

Commissioner Wilson moved to approve Resolution No. R17-39: In the Matter of Fiscal Year 2017/2018 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed. The supplemental budget allocates funds from BLM for repair of flood damaged roads that were received but not anticipated when the adopted budget was prepared in the Road Fund. See instrument #[2017-4375](#)

REPORT FROM COMMISSIONER WILSON ON MEETING ATTENDED

Commissioner Wilson reported that he recently attended a meeting with various Eastern Oregon counties, AOC (Associations of Oregon Counties), and Farm Bureau to discuss potential land use changes. SB 432 from last legislative session was defeated which would have established alternative use of lands designation for some Eastern Oregon counties; there were concerns that too much prime farmland would no longer be subject to state planning rules. Commissioner

Wilson explained that Farm Bureau was adamant that they do not want to give up any farm ground for housing anywhere, with the exception of possibly Class 7 or 8 soils.

ASSESSOR REPORT - LEVEL 3 COMMUNICATIONS LLC

Assessor Dave Ingram met with the Court and briefed them on the Level 3 Communications LLC property tax accounts. Level 3 Communications LLC is a public utility company that has appealed its property values in the Oregon Tax Court. Per ORS 305.286, the Assessor has ordered potential refund credits for the 2017-2018 tax year on 13 accounts. The potential refund credit will be held in an account by the Treasurer, and is estimated as the amount of taxes in dispute due to the appeal.

COURT ADJOURNMENT

The meeting was adjourned.