

MALHEUR COUNTY COURT MINUTES
November 1, 2017

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge, and Commissioner Larry Wilson present. Staff present was County Counsel Stephanie Williams.

Also present were Watermaster Ron Jacobs, John Braese of the Malheur Enterprise, and Larry Meyer of the Argus Observer.

ROAD DEDICATION

Surveyor/Engineer Tom Edwards met with the Court and presented a road dedication on a partition plat for the Court's consideration. Commissioner Hodge moved to accept the road dedication of a portion of 5th Avenue West on Bryon and Rebecca Clark's Partition Plat #17-09. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2017-4238](#)

USDA APHIS WILDLIFE SERVICES COOPERATIVE SERVICE AGREEMENT

Meeting with the Court to discuss possibly terminating the Cooperative Service Agreement and Financial Plan/Work Plan with USDA (United States Department of Agriculture) APHIS (Animal and Plant Health Inspection Services) Wildlife Services were: State Director David Williams, Wildlife Specialist Ryan Christensen, Bill and Anita Butler, Tom McElroy, and Sergeant Bob Speelman. Mr. McElroy explained that the Butler's are losing cattle in the Beulah area due to wolf kills; and that the Wildlife Services trapper (funded in part by the County) should be helping to identify what is happening. Mr. McElroy explained that nobody seems to want to recognize that the kills are from wolves; and there is concern that it will take establishing a pack at Castle Rock before action is taken. Sergeant Speelman explained that the Sheriff's Office has investigated some of the cases and so far this year there have been 5 dead, one critical, and another cow that was chased. The Sheriff's Office has confirmed the cases as wolves with their training; and also traveled to Wallowa County where they examined the photographs and confirmed the Sheriff's Office conclusions of wolf kills. Commissioner Hodge noted that the general public of ranchers and hunters in Malheur County agree that there are wolves in the area; Commissioner Hodge himself sighted one two years ago while hunting in the area. It was discussed that ODFW (Oregon Department of Fish and Wildlife) is not confirming the wolf kills; and ODFW has had a collared wolf in the area that has an intermittent signal. Mr. McElroy explained that it was hoped that Wildlife Services would support the Sheriff's Office investigations and the ranchers but they are not. Mr. Butler confirmed he has no doubt that the livestock losses are from wolves and that other ranchers may be experiencing the same problems.

Mr. Williams explained that he is frustrated that his agency was not designated as the lead agency in depredation investigations in the original wolf plan. Wildlife Services does not have a regulatory or enforcement authority in Oregon; rather it works as an agent of ODFW. Wildlife Services is a service agency and has been committed in Malheur County for 80 years or longer. Wildlife Services is committed to dealing with birds, beaver, bears, cougars, coyotes and free ranging dogs. USDA APHIS Wildlife Services is currently in the midst of a lawsuit and part of the controversy identified in the court case is whether Wildlife Services calls differ with ODFW's. There is a path for Wildlife Services to begin to take on the depredation investigation

role as the plan is being revised; but that point has not been reached at this time. There was a favorable ruling on the NEPA document for wolf removal up until phase 2. An appeal is being considered in the Ninth Circuit Court. Because of a favorable ruling there is a path for Wildlife Services to have the ability to do the actual depredation investigations; Wildlife Services would not be the agent to do the lethal control but they may become able to assume the role of being the lead agency to investigate and write reports and ODFW would still have the authority to call for lethal control. Currently Wildlife Services Wildlife Specialists have been onsite throughout the state helping ODFW with the investigations but they are unable to write reports. Wildlife Services must have a working relationship with ODFW and must also be defensible in court. Wildlife Services will respond to reports of depredation and assist ODFW; if the determination is made that it was a predator other than a wolf then the Wildlife Specialist can work to remove the offending predator (such as cougar, coyote, or bear). Wildlife Services has the expertise to write wolf depredation reports to give ODFW the evidence but also has legal pitfalls that must be addressed. It will be some time before Wildlife Services is able to do lethal control work. Wildlife Services will not make a determination if the depredation event was wolf related until they have the authority to do the investigation and write the report.

County Administrative Officer Lorinda DuBois joined the meeting.

Sergeant Speelman said he understood Mr. Williams' position but did not agree with it; and questioned why Wildlife Services could not investigate and confirm the depredation on paper. Mr. Williams again explained that he is working to get to the point to have that ability, but they are not there yet; they must navigate the legal system; and there is value in having Wildlife Services respond to the depredation events as if it is a predator other than a wolf the Wildlife Specialist can take action to address the depredation. It was noted that Idaho does not have a state wolf plan written the way Oregon's wolf plan is written; Wildlife Services roles are characterized very differently in the two plans.

Mr. McElroy addressed other concerns of Wildlife Services programs; Starlings around dairies and feedlots are an issue and it was questioned if there was a tool in place to address them. Mr. Williams responded that DRC-1339 is used as well as baiting programs. There has been a shortage of DRC-1339 and rationing of it around the nation, but Mr. Williams was unaware that the shortage had impacted the level of service in Malheur County. The fixed-wing program was also discussed; there has been very little flying in the past two years; Mr. Williams explained that funding is an issue and there has not been the ability to fund field staff as well as an on-call pilot. Not every coyote problem is solved with an airplane, and only coyotes are addressed with an airplane. Additionally, there was a fatal accident in Wyoming that shut the entire fly program down until a safety analysis was completed. Mr. McElroy explained that the landowners' problems are ongoing, year after year, and County funds are being spent but the services are not being provided.

Mr. McElroy suggested that another meeting be held and additional information be gathered.

Mr. McElroy also asked Mr. Williams if the rumors were true that Mr. Christensen had been reprimanded for responding to one of the wolf depredation incidents. Mr. Williams said the only direction to the field employees is to not write reports or render something publicly at the sight

of a kill and get out in front of ODFW collecting the information for them to serve the role as the lead agency in determining if wolves were involved. Wildlife Specialists are to be a resource for ODFW or for anyone else to request; they cannot write a report.

ODFW is the agency with the authority to confirm a wolf kill and a rancher's eligibility for compensation. Sergeant Speelman explained that Wildlife Services position is detrimental to the livestock owners; assistance is needed to convince ODFW that these are wolf kills.

Mr. McElroy voiced that he does not believe that ODFW will confirm a wolf kill until there is an established pack at Castle Rock.

Mr. McElroy explained that the County has a successful County/landowner fly program to address coyotes; and he is questioning the funds the County is contributing to the Wildlife Services program. If the Wildlife Services program is to be terminated then options for replacing the program need to be explored. A part-time trapper could be hired to address the beavers, dogs, and such, but there are some concerns with addressing the Starling problems.

The Court took the matter under advisement to allow for individuals to gather additional information and questions answered. The current Wildlife Services Work Plan terminates June 2018; but it may be terminated earlier with 60-day notice.

Mr. Jacobs left the meeting.

ROAD DEPARTMENT

Road Supervisor Richard Moulton met with the Court. Mr. Moulton presented two bids for the overlay project of the Bully Creek boat ramp parking area. Bids were submitted from Valley Paving & Asphalt and Sunroc. Mr. Moulton briefly explained the bids; Valley Paving's proposal includes a 1-inch leveling course to cover the cracks and then placement of a 1 1/2-inch lift over the top (\$98,253.75); Sunroc's proposal is to patch the cracks and place a 1 1/2-inch lift on top (\$76,690.00). Sunroc's bid is not firm, it is only an estimate; Valley Paving's bid is firm and will not exceed the bid amount. The bids are only good for 90-days, but the project cannot be done until spring 2018 and as such bids will need to be obtained again in 2018.

Mr. Moulton presented two Crossing Permits for the Court's consideration.

Commissioner Wilson moved to approve Crossing Permit #43-17 to Idaho Power Company to replace a sectionlizer on Lincoln Drive #903; and Crossing Permit #44-17 to Gary Smith to install a drain with a pump to transfer water to the drain ditch on the south side of Waters Lane #681 Commissioner Hodge seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

Annette Serano from Lifeways joined the meeting.

Mr. Moulton also presented a written letter of resignation effective May 1, 2018; by consensus the Court accepted Mr. Moulton's resignation.

SAINT ALPHONSUS MEDICAL CENTER UPDATE AND COMMUNITY HEALTH NEEDS ASSESSMENT

Saint Alphonsus - Ontario President Ken Hart met with the Court and provided a hospital update; Mr. Hart thanked the County for the property tax exemption that is granted for most of St. Alphonsus's operations. Mr. Hart presented a copy of the 2017 Adopted Community Health Needs Assessment for FY2018-2020, which was completed and adopted in adherence with federal requirements for not-for-profit hospitals. St. Alphonsus - Ontario is the only non-critical access hospital in eastern Oregon; it is a 49-bed acute care hospital.

Mr. Hart reviewed the Implementation Strategy for the Community Health Needs Assessment. Five Significant Health Needs were identified:

- Nutrition, Physical Activity and Weight Status
- Education
- Access to Health Services
- Financial Stability
- Injury and Violence Prevention

Significant health needs that St. Alphonsus will focus on and support are: Nutrition, Physical Activity and Weight Status; Education; and Access to Health Services. St. Alphonsus will not take action on Financial Stability or Injury and Violence Prevention; however it does support local efforts such as Poverty to Prosperity and SREDA (Snake River Economic Development Alliance); and other local entities that address injury and violence prevention.

Nutrition, Physical Activity and Weight Status: St. Alphonsus provides a nutrition education component for students and parents at local schools through their athletic program; provides professional athletic trainers for local high schools; provides GoNoodle to area elementary schools; and will financially support the creation of a splash pad within the Ontario community park system to provide an affordable physical activity for the community during the summer. Education: St. Alphonsus supports the Treasure Valley Technical (TVT) program through the CNA program; provides leadership staff to Poverty to Prosperity; and partners with Treasure Valley Relief Nursery with nutrition classes and financial support.

Access to Health Services: St. Alphonsus maintains the Health Resource Center which services members of the community that have health care access issues (in partnership with Lifeways); and performs annual open enrollment events for Oregon and Idaho Medicaid.

Judge Joyce asked about the status of developing a secure hold room. Mr. Hart explained that due to legal regulations St. Alphonsus does not have the resources to meet the State of Oregon standards; Ms. Serrano explained that the relationship between St. Alphonsus emergency room and Lifeways is working well, even without the hold room.

The last major remodel project is 23 new medical surgical rooms; 16 medical surgical rooms are currently on the 3rd floor and 2nd floor of the hospital; the remodel project will create 23 new medical surgical rooms (with private bathrooms) all on one floor. Six large state of the art ICU rooms will be constructed on the second floor; and the remaining space on the third floor will be

used for other services in the future. This project will complete the modernization project of all the hospital rooms. At the end of this construction project, St. Alphonsus will have invested \$50 million into the community in the last 7 years.

A new general surgeon, Dr. Patricia Hill, recently joined St. Alphonsus; and a new family practice obstetrician, Dr. Daisy Miller, was just hired; last month 55 babies were delivered at St. Alphonsus Medical Center.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of October 18, 2017 as written. Commissioner Wilson seconded and the motion passed unanimously.

AMENDMENT - IGA #154122

Commissioner Wilson moved to approve Second Amendment to Oregon Health Authority 2017-2019 Intergovernmental Agreement (IGA) for the Financing of Public Health Services #154122. Original recorded as instrument #[2017-4306](#). Commissioner Hodge seconded and the motion passed unanimously. The amendment increases State Support for Public Health by \$29,309. See instrument #[2017-4366](#).

CHECK REGISTER

The Court signed the Accounts Payable register for September 2017.

VECTOR CONTROL BOARD OF TRUSTEES

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

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660(2)(e) - Real Property Transactions, with Judge Joyce presiding and Commissioner Hodge and Commissioner Wilson present. Also present were: County Counsel Stephanie Williams, Administrative Officer Lorinda DuBois, John Braese of the Malheur Enterprise, and Larry Meyer of the Argus Observer. No decisions were made during or following the session.

COURT ADJOURNMENT

The meeting was adjourned.