

MALHEUR COUNTY COURT MINUTES

December 8, 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 posted on the County website, Courthouse bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # 2021-5860

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of supplemental budget Resolution R21-37. 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 R21-37: 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 Homeland Security Grant funds in the MCSO Communication Center fund that were not anticipated when the adopted budget was prepared - the funds are to be used for a mobile backup generator; and to allocate Homeland Security Grant funds in the Emergency Management fund that were not anticipated when the adopted budget was prepared - the funds are to be used for cyber security and a public address system at the Fairgrounds which is a designated evacuation center. See instrument # 2021-5862

ASSESSOR REPORT - APPEALS

Assessor Dave Ingram met with the Court and updated them on public utility large property tax appeals. One case was settled. Other companies that were in the process of possibly appealing have appealed and deferred billing credits are being held in accounts by the Treasurer. An additional large public utility (Idaho Power) has appealed their 2021-2022 value and a deferred billing credit was established with the values that Department of Revenue has provided.

ESD

Malheur Education Service District (ESD) Superintendent Mark Redmond met with the Court. Mr. Redmond explained that the superintendents of the school districts in the County wanted to express their appreciation for the County Health Department and its Director Sarah Poe. Mr. Redmond said it is very clear that what Sarah and her team has done for the schools has helped to keep kids in school far more than any other county in the state; and given the parameters that she's been given by the Governor, she's done what she could, when she could, where she could, and when she had the latitude to, to put kids first and keep them in school as much as possible. The coordination between the County and the schools has been far better than probably anywhere in the state.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of November 10, 2021 as written. Commissioner Jacobs seconded and the motion passed unanimously.

CROSSING PERMITS

Commissioner Jacobs moved to approve Crossing Permit #34-21 to Idaho Power Company for replacement of transformers on Butte Drive #885; and Crossing Permit #35-21 to Idaho Power Company for installation of transformer bank and pole on Gem Avenue #865. Commissioner Hodge seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

EMPLOYMENT AGREEMENT – HARRIMAN

Commissioner Jacobs moved to approve Lieutenant Malheur County Sheriff's Office – employment of PERS (Public Employees Retirement System) retiree Employment Agreement with Richard Harriman. Commissioner Hodge seconded and the motion passed unanimously. The agreement terminates December 31, 2022. See instrument 2021-5863

EMPLOYMENT AGREEMENT – EDWARDS

Commissioner Jacobs moved to approve County Surveyor/Professional Engineer – employment of PERS retiree Employment Agreement with James T. Edwards. Commissioner Hodge seconded and the motion passed unanimously. The agreement terminates December 31, 2022. See instrument # 2021-5864

QUITCLAIM DEED – WALLIS

Commissioner Hodge moved to execute Quitclaim Deed to Kimball L. Wallis, and Joanne K. Wallis, Sole Trustees of the Ivory Revocable Trust for Ref. #12430. Commissioner Jacobs seconded and the motion passed unanimously. Purchase price was \$2,000. See instrument # 2021-5867

County Counsel Stephanie Williams joined the meeting.

BLM MINERAL MATERIAL FREE USE PERMIT

The Court discussed applying for a mineral material free use permit from BLM (Bureau of Land Management) for rip rap for the reload center project. Warrington Construction, a subcontractor to Steve Lindley Contracting, has requested the County apply to mine and utilize the BLM Rhinehart Butte Community Pit on Lytle Boulevard as a source for approximately 75,000 cubic yards of gravel. This option is being pursued to save costs on the project. Brad Baird of Anderson Perry has said that this request is supported by MCDC (Malheur County Development Corporation) and the Engineer for the reload center project. If the permit is granted, the County will be required to comply with any conditions and stipulations specified by BLM, such as adhering to a mining and reclamation plan and filing of an annual report; the obligations would need to be passed on to the contractor through a separate contract between the County and contractor. There have been no commitments or guarantees from the County that the permit would

be applied for or utilized. Commissioner Jacobs moved to submit the permit application to BLM. Commissioner Hodge seconded and the motion passed. Judge Joyce abstained as he has family that works for Warrington Construction.

LETTER OF SUPPORT - VALE CITY

Commissioner Jacobs moved to sign a letter of support for the City of Vale's application for the 2022 Veterans and War Memorial Grant for the development of a Veterans Memorial Park. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2021-5866

OPIOID LITIGATION - SETTLEMENT AGREEMENT

The state of Oregon is close to finalizing an agreement on the national opioid litigation (anticipated to be finalized by January 4, 2022). The County was a non-litigating county and is expected to receive settlement funds from the litigation. If the County does receive funding those funds must be used under the approved abatement uses, which is under Exhibit E of the national agreement. Commissioner Jacobs moved to authorize Judge Joyce to sign on behalf of Malheur County any final settlement agreement on or before January 4, 2022 that substantially complies with the term sheet provided to Ms. Williams.

UPDATED COUNTY POLICY 304 – FAMILY MEDICAL LEAVE

Commissioner Jacobs moved to approve updated County Policy 304 – Family Medical Leave. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2021-5861

BROGAN COMMUNITY SOCIETY

Brogan Community Society submitted a list of expenses that they would like to be reimbursed through COVID funding for maintenance of the community park (County owned property). Upon first impression it appears the expenses may be eligible for reimbursement under the terms of the County's COVID funding. Brogan Community Society has been asked to submit supporting documentation of the expenses (approximately \$3500). Brogan Community Society is also asking for assistance from the County for both a short-term and long-term solution for a restroom facility at the park; Brogan Community Society will gather more information on this matter. Commissioner Jacobs moved to authorize reimbursement of the maintenance expenses detailed by Brogan Community Society in the amount of \$3,537 provided appropriate supporting documentation of the expenses is received by the County. Commissioner Hodge seconded and the motion passed unanimously.

- Idaho Power \$693 water trees at community center for 2020 and 2021
- Vale Rural Fire \$608 irrigation of the park along Hwy 26
- Curt Hysell \$927 emergency replacement of pressure tank in 2021
- Melinda Paul \$49 replacement of sprinkler electronic control in 2021
- Weed Spray \$600 for 2020 and 2021
- Gas for Mowers \$660 for 2020 and 2021

CHECK REGISTER

Commissioner Hodge moved to approve Accounts Payable Register for October 2021. Commissioner Jacobs seconded and the motion passed unanimously.

PROVIDER CONTRACT – ALTRUISTIC RECOVERY LLC

Commissioner Hodge moved to approve Provider Contract for Juvenile Crime Prevention Services 2021-2023 with Altruistic Recovery LLC. Commissioner Jacobs seconded and the motion passed unanimously. Altruistic will provide the Juvenile MRT (Moral Recognition Therapy) ‘How to Escape Your Prison’ program. See instrument # 2021-5865

AUDIT - MCDC

Jordan Zwycart of Zwycart John & Associates, CPAs (Certified Public Accountant), PLLC (Professional Limited Liability Company), met with the Court and reviewed the Malheur County Development Corporation (MCDC) 2020-2021 Audit. The financial statements of MCDC, which comprise the state of financial position as of June 30, 2021, and the related statements of activities and cash flows for the year then ended, and the related notes to the financial statements were audited. In the opinion of the auditor, the financial statements referred to present fairly, in all material respects, the financial position of MCDC as of June 30, 2021, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. See instrument # 2021-5878 for the audit document.

DEED - MCDC

Commissioner Hodge moved to execute Statutory Warranty Deed to Malheur County Development Corporation for Lot 2 of the Arcadia Industrial Park Subdivision for the purchase price of \$830,000. Commissioner Jacobs seconded and the motion passed unanimously. Judge Joyce will meet with the title company to sign the remainder of the closing documents. See instrument #2021-5955

EXECUTIVE SESSION

Executive Session was called in accordance with ORS 192.660(2)(d) - Labor Negotiator Consultations with Judge Joyce presiding and Commissioner Hodge and Commissioner Jacobs present. Also present were County Counsel Stephanie Williams, Administrative Officer Lorinda DuBois and Leslie Thompson of the Argus Observer. No decisions were made during or following the session.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.