

MALHEUR COUNTY COURT MINUTES
December 14, 2022

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. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Staff present in the meeting room was Administrative Officer Lorinda DuBois; also present was Commissioner-elect Jim Mendiola. 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 # 2022-5704

MALHEUR WATERSHED COUNCIL

Meeting with the Court from Malheur Watershed were Executive Director Ken Diebel and Small Grants Coordinator Kelly Weideman. An annual written report was provided to the Court members. During the 2021-2022 period the Council received more than \$1,673,000 in grant funding with landowners matching at least an additional \$1,400,000. Irrigation improvement projects continue to be important as drought conditions continue to be prevalent. The Small Grant Team receives \$100,000 in OWEB (Owyhee Watershed Enhancement Board) funds each biennium to subsidize projects with \$10,000 or less per project; increased funding would be extremely beneficial. Commissioner Jacobs expressed appreciation to the Watershed Council and their work in the community; Commissioner Jacobs inquired if the Council was familiar with the Rivers Democracy Act and if they had had any input into it. Mr. Diebel explained he is familiar with the Act but the Council is a 501(c)(3) and supposed to stay out of political matters other than providing education. See instrument # 2022-5705 for Malheur Watershed Council's written annual report.

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #44-22 to Idaho Power Company for installation of a new pole and transformer on Loop Road #647. Commissioner Jacobs seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

COURT MINUTES

Judge Joyce moved to approve Court Minutes of November 30, 2022 as written. Commissioner Jacobs seconded and the motion passed. (Commissioner Hodge was not present on November 30, 2022.)

Commissioner Hodge moved to approve Court Minutes of December 7, 2022 as written. Commissioner Jacobs seconded and the motion passed. (Judge Joyce was not present on December 7, 2022.)

EMPLOYMENT AGREEMENT - DALTON

Commissioner Jacobs moved to approve Maintenance Supervisor - employment of PERS (Public Employees Retirement System) retiree Employment Agreement with Don Dalton. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2022-5706

EMPLOYMNET AGREEMENT – HARRIMAN

Commissioner Hodge moved to approve Lieutenant Malheur County Sheriff's Office - employment of PERS retiree Employment Agreement with Richard Harriman. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-5707

EMPLOYMENT AGREEMENTS - NEW AND CORDER

Commissioner Hodge moved to approve Temporary Employment Agreement to Perform Duties of a Dispatcher - Malheur County Sheriff's Office with Charlotte New and Temporary Employment Agreement to Perform Duties of a Dispatcher - Malheur County Sheriff's Office with Ashley Corder. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-5708 and # 2022-5709

PROPOSED TRUANCY ORDINANCE

Malheur Education Service District (ESD) Superintendent Mark Redmond met with the Court to provide information on a proposed County truancy ordinance and answered questions from the Court members; also present was Vale School District Superintendent Alisha McBride and Levi Anderson from Department of Human Services. Nyssa School District Superintendent Darrin Johnson later joined the session. Mr. Redmond reviewed an 2021-2022 Accountability Details Report for Vale High School with the Court; the Regular Attenders is the category of students that attend school at least 90% of the time and this category is rated a Level 2. Chronic absenteeism is high in the various school districts within the County. Schools currently notify parents when students are absent; attendance letters are sent; attendance goals are written on Section 504's and IEP's (Individualized Education Program). The schools work closely with the Health Department, Department of Human Services and Lifeways to provide support and wraparound services. Truancy Court has existed for many years through the Justice Court under Oregon state statute and administrative rule; the proposed ordinance would refer the student and responsible adult to Justice Court for Chronic Absenteeism; and under appropriate circumstances the responsible adult could be referred to the District Attorney's Office for prosecution in Circuit Court/Juvenile Court under ORS 163.577(1)(c).

Mr. Anderson noted that he has been involved in truancy court at Justice Court and there are a wide variety of reasons of why kids don't make it to school, but for the most part, as long as the child and family are doing their best to circumnavigate whatever is getting in the way of their absenteeism then schools and other partners are flexible as much as the state allows that flexibility. The proposed ordinance is a way to remind families of their responsibilities to have kids in school and to help them become aware of the resources from community partners and the programing available to them.

Lifeways and the Malheur County District Attorney have expressed support for the proposed ordinance.

Commissioner Jacobs expressed concern with having the ability to issue fines under the proposed ordinance and the impact that may have on families who are possibly already troubled. Commissioner Jacobs stated that he personally wanted the school boards to be informed of the proposed ordinance and have input on it; as well as the city councils and law enforcement.

School Resource Officers will be able to assist the schools with enforcement of the ordinance; a violation of the ordinance is a civil infraction, is no more financially burdensome than the criminal state statute and there are ways to reduce the fine written in the ordinance.

If the ordinance is adopted, schools will probably not be ready to implement it until the 2023-2024 school year.

Commissioner Hodge requested to see the attendance letters the schools send to parents.

See instrument # 2022-5710 for the handout referenced by Mr. Redmond.

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of Resolution R22-29. The public hearing was necessary in order to allocate Local Assistance and Tribal Consistency Funds (LATCF) that were not anticipated when the adopted budget was prepared; these are Federal funds intended to augment and stabilize revenues for revenue sharing counties and may be used for governmental purposes. No public comments were received. Judge Joyce closed the hearing. Commissioner Hodge moved to approve Resolution R22-29: In the Matter of Fiscal Year 2022/2023 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2022-5711

MCDC - REQUEST FOR FUNDING

Malheur County Development Corporation (MCDC) Board President Grant Kitamura, Board member Jason Pearson, Officer to the Board Greg Smith, Project Manager Brad Baird from Anderson Perry, and Ryan Bailey met with the Court.

Grant Kitamura: I'm Grant Kitamura, President of MCDC, and we just came back to revisit the request from November 2nd for \$2 million to complete Track C of our project. With me are Jason Pearson, a board member, Brad Baird from Anderson Perry who is the project chairman, and Ryan Bailey from Gregory Smith & Company. We're here to field any questions; I think we attempted to answer your questions from November 2nd and we were wondering if you had any more?

Commissioner Hodge: I've got some questions. Brad, explain to me on this sheet where it says, where to secure the \$4.5 million to cover the final plan of \$3.67 million, budget overage of \$0.4 million. What's that mean?

Brad Baird: The original funding for the project with all the different expenditures that have occurred, we're concerned that we're a little bit overextended. We still have yet to figure that out,

there's some bills that need to come in and we're tracking it, but it's looking like we may be slightly overspent.

Commissioner Hodge: Okay. Then, and the contingency of \$0.4 million?

Brad Baird: We prepared that when we presented this to ODOT (Oregon Department of Transportation). Any funding agency wants you to have, still have 10% contingency even though we're pretty sure we know what it's going to cost. It's really standard for any budget plan to have a 10% contingency for unknowns and things that might occur.

Commissioner Hodge: But under these circumstances should that maybe be cut out of there?

Brad Baird: You know, I wasn't going to add it, but only because we're pretty sure we're out of the ground for the most part, we think we're pretty safe, but funding agencies - they want to see it in the plan. They said, any plan you have needs to have a contingency. So, we put it in there at their request. And it's wise, obviously, if we don't need it, it won't be spent, but it's wise to plan for that, because there could be something come up that we don't know about.

Commissioner Hodge: Okay, then a couple other questions I had. The \$2 million is pretty self-explanatory for what we've talked about. Other funding. That \$1 million. Now I know that was, I think, Ryan, that was Greg had mentioned that. Now I want to know what, I want an explanation on that \$1 million, not just \$1 million shown there and say other funding, I want to know where it's coming from and what it is.

Greg Smith: So, County Commissioners, I oversee certain programs that benefit all of Eastern Oregon through my private contractual relationships, and what I would share with you is that the County is willing to invest in itself and if the Border Board is willing to invest in itself, then I will feel compelled to do my best to bring an additional \$1 million forward for the Development Corporation, not the County, to consider.

Commissioner Hodge: Okay, but where did that \$1 million come from? From you personally?

Greg Smith: No, I have other funding streams and it would be a funding stream brought forward by a partner, who, at this point in time doesn't care to be announced, simply because they don't want to be front page of a paper until they know what the entire sources uses of funding for the entire project look like.

Commissioner Hodge: Okay, so on that, is that \$1 million a loan?

Greg Smith: It may be, it may be a forgivable loan, it may be a loan that's based upon repayment based upon usage of the facility, it could be a loan that's based upon future sale of assets. It will not be a grant. It will be a loan, but that will be something for the Development Corporation to consider.

Commissioner Hodge: And it would be to the Development Corporation or to the onion growers?

Greg Smith: Maybe to either one, we'd have to see how we play through that. I would encourage the Commission to realize that that is a final source of financing and that sequentially the County, you know, is asking, is being asked to invest in itself. The Border Board is being asked to invest

in itself, and then at that point, regional partners are willing to step up, and to try to assist with any last source needs.

Commissioner Hodge: Okay, thank you. And then my other question was, the Border Board, the \$1.5 million, as I understand, I think there has been a request to the Border Board, or an application made, is that accurate?

Grant Kitamura: Commissioner, I can answer that, for the record, this is Grant Kitamura. I attended a meeting and made a request and they said they didn't have the mechanism in place yet and they would like to be able to go forward with putting a mechanism in place for that type of request.

Commissioner Hodge: Now mechanism, explain mechanism, they don't have a category to put it into yet?

Grant Kitamura: I would guess it's something like that, I'm not sure what that meant. They had no way of considering it I think. You know, I'm sure they're just like we know, they're heavily controlled or overseen by the State and they cannot, they have to have protocol in place prior considering or approving a request like that. And that's what they were going to work on, they said they would, I think the chairperson did as well as the executive and they plan to go forward with putting some mechanisms in place.

Commissioner Hodge: Okay, that answers a few of my questions.

Commissioner Jacobs: I would like Brad maybe to explain the difference, right now you're saying that the Track C can be completed for \$2 million, and initially, Track C was bid at one time for substantially more. Can you explain why it can be completed now than what it was initially?

Brad Baird: Yeah, most definitely, and what I did, and you'll have to forgive the sketch, this is not to scale, but this will really help understand why it's less expensive now compared to how it was originally bid, and I'll walk you through this picture; it's hard to describe this so I thought I'd draw a picture. If you look at this, what you see is, you see the mainline on the right-hand side in black, so the black area was the mainline and slope into the slew, Tracks A and B are added a little bit distance from the mainline and so there's an open spot of fill there...

Commissioner Jacobs: And A and B are completed at this point?

Brad Baird: Right, yeah. The way that it was originally bid, so this originally bid, if you ignore this hash part, they had added, they being RailPros, in their design, had added all this fill in between and had Track C out there a ways.

Commissioner Hodge: Point to that thing again

Brad Baird: They added all this fill...

Commissioner Hodge: Okay, that in the red

Brad Baird: Yeah, and had Track C way out here on its own, and the reason for that was they were going to allow all this space for future tracks, if you want to expand it you can start stacking up a few more tracks in there. But this, when we looked at it, it's like, Wow, that's a lot of fill and a lot

of ballast, because they all had the sub ballast up here on the project and when we realized that there's a lot of budget challenges with this project with everything trying to get done, we modified this and we moved Track C over adjacent to B. And so, if you look at this picture, basically all of the red hash marked earthwork went away because we were able to take this Track C wedge and move it against here. So, you can see visually, it's not quite to scale, but that probably cut the earthwork by three quarters, number one. Number two, the sub ballast went away, because we're not going to fill all that area in. And then, number three, we went ahead and filled in the bottom part of C when we were doing A and B to get out of the wetlands, that's the blue hatched. So visually, if you see this whole wedge of work, now we only have to do this little tiny corner over here to bring C up out of the water and finish it.

Commissioner Hodge: So how far does that have to come up?

Brad Baird: This kind of insinuates half, I remember being out there and I could see the rip rap out of the water, it looked to me like it was about 10 feet; that was a visual about two months ago.

Commissioner Hodge: And that's material that has to be brought in, it can't be taken from what's out there already?

Brad Baird: No, we can use material that's out there. We used a lot of material that was out there to build A and B; A and B weren't all fill. It was all fill done in the water of course and then we had to use some fill above that, but as the site continued to dry out through the summer we were able to use some onsite material. We had it stacked all over, we were wind-rowing it and drying it. If you ever went by there was a lot of operations to try to get the existing material dry enough to use and what, because it was really wet, obviously. And once it got dry enough to where it meets optimal compaction we used it. So, there's a lot of existing material in A and B that's been compacted, tested, approved and blessed by the railroad. So, our plan is to do the same thing...

Commissioner Hodge: And there's some left that can be moved to C?

Brad Baird: Yeah, we can peel off the top wet part and get down to some drier material. Of course, as the winter progresses that might get harder and harder, but, we're hoping if we can get on this timely, that, yeah, we do not want to be bring in material from outside, it will cost more. We want to try to use the onsite materials the best we can.

Commissioner Jacobs: But this material will be compacted and tested regularly?

Brad Baird: Oh yeah. No matter what we use, whether it was from outside or inside, you take a sample of it, send it to the lab, they run a proctor, they tell you what your maximum dry density is for compaction and then you have to compact it to say 92% or whatever the specs say...

Commissioner Hodge: So, it's certified or whatever they call it?

Brad Baird: Yeah, everything we've done out here has been tested and certified to date, and it will continue to be obviously...

Commissioner Hodge: And that's acceptable to the railroad and RailPros and all of those people?

Brad Baird: Yeah, what they do after we test it and get it all compacted appropriately, then you actually go out and proof roll it, you just take before you get to the sub ballast part, you take a loaded dump truck or a water truck, something really heavy, and you observe it and drive the thing real slow, and then if there's any areas that show a little deflection you repair them...

Commissioner Hodge: And then we've got signed certificates or what it is, it shows that that's passed all of that stuff?

Brad Baird: Yeah. And we'll do the same thing obviously with C because it has to work, and then the railroad, when we're all done, then we tell them it's ready, because they don't want to come out until we tell them it's ready, and then they'll come out and watch it themselves. And often that's RailPros, but it's different RailPros than the people that design this. RailPros has different divisions in their company and they act as the railroad in a lot of capacities and so they'll come out and bless it on behalf of the railroad once it's all ultimately done.

Commissioner Hodge: And again, you said A and B are completely done.

Brad Baird: Yeah, they're just not connected on the ends. Well, let me back up, B is connected to A; A is not connected on the ends

Commissioner Jacobs: To UP

Brad Baird: Yeah. That'll be connected, UP (Union Pacific) is currently on schedule to do that toward the end of March, there's an exact date, can't remember, it's in the 20's, but they're scheduled to come out and start their connections the end of March.

Commissioner Jacobs: So, I've heard two different terms, RailPros and RailWorks. Are they something separate?

Brad Baird: Yeah. Sorry if I've confused them. RailPros is the outfit that designed all this rail. And then they have a division amongst their company that pretty much acts as the railroad. Separate from them, totally different company, is RailWorks; that's the company that's building all the tracks out there, so they're not associated with RailPros, obviously it's their business so they've got rail in their name. RailPros is the designers and the railroad rep. RailWorks is the contractor building the track; and they're still out there, they're supposed to wrap up toward the end of December, so they're getting close. They probably will wrap up by Christmas, and then they'll have to come back and do some things a little later.

Commissioner Jacobs: Because you haven't completed Track D, only because the building needs to be, the foundation of the building needs to be out there.

Brad Baird: Yeah exactly. Track D has been built up right up to the building but we stopped, we didn't want to build it past the building and then come in to build the foundation and undermine it. So, they stopped so the foundation can get put in and then they'll come back and finish that little bit, and hopefully, obviously, if we're successful with this funding request they can also start working on C when they come back as well.

Greg Smith: I think it's really important as we look at this project, we help put it into context. We were sharing with Commissioner Jacobs here, a week or two ago, information about the sister project to the one here in Nyssa. The project over at Millersburg received \$24 million compared to our \$26 million. They ended up beginning their project on real estate that was zoned industrial for outright use, with industrial utilities' already to the site, with rail spurs already located to the site. They ended up, as part of their purchase of the real estate, acquiring a 60,000 square foot industrially zoned building that was used for moving heavy wood products. And at the end of the day, the County ended up, Linn County, making an additional \$12 million investment. And so, even with that investment, and with a two, effectively, a two-year head start, because if you folks will recall, we had to go and identify a location, we had to go in and get the land use changed, we had to go through all the permitting from cultural and archeological to soil compaction etc. And they just announced in early November that their project is ready to proceed forward. So even with the two-year head start, their project is significantly more expensive than ours and really has not proceeded any faster than ours. And so, while that's nothing more than a Trivial Pursuit fact, it's one I think that the public should keep in mind. Thank you Judge.

Judge Joyce: I have a question for you Greg or Brad. So, can you give us a little bit of an overview on our meeting with ODOT in Salem and the particulars in your words and the reason for that meeting? That would be helpful, I think, for the Commissioners here and this listening body, I think that was very educational for one.

Greg Smith: Sure. I don't have the exact date in front of me, but about a month ago, the Judge - representative from the County Court, Anderson Perry, the Development Corporation, including our President Grant Kitamura, and representatives from the Department of Transportation, came together to effectively update one another. What the Department of Transportation was looking for was, what do future plans look like, knowing that the Oregon Legislature had already committed to \$26 million, had put in another \$3 million for a water line, had put in \$3 million to the Border Board that didn't proceed forward, and now an additional \$3 million from the State for project development. And so, we sat down, we walked through with them exactly where we believed we were. Brad did an excellent job of rolling out the budget, sharing with the folks at ODOT, which included a deputy director, and then also Erik Havig, CeeCee , etc., the usual players. And we sat down, and we walked through the timeline, the budget, what we anticipated potential revenue sources being to complete the project. At the end of the day, they asked us to put in writing what we had communicated with them. Your team and the Development Corporation worked very hard, kudos go out to Ryan, along with Anderson Perry and the folks at RailPros, we have submitted that; we're waiting for final response, but at the end of the day, the meeting was extraordinarily productive, it was well received, everyone felt as if we were rowing in the same direction, and at the end of the day, you know, ODOT wants to make sure that taxpayer dollars are being utilized appropriately. And at the end of the day, we needed to make sure ODOT knew where we were and that, you know, in terms of industrial development, it's never a final product, you're always going to be making improvements and I think we all got on the same page Judge.

Brad Baird: The budget information that you were looking at was presented to them and then we followed up with the written, they wanted a written plan of what data you want on agendas, and

when are you pursuing this fund, and so we did prepare a written plan, submitted this, and a few other things. I made copies of what we submitted to ODOT, this went in on December 4th.

Commissioner Hodge: And they understand, and I'm going by mainly what I've read in the paper, that we still could be \$6-8 million short of getting this total project completely done? And that we would like, we and I'm saying we, I mean all of us here, we would like them to step up and help bridge that gap or put that money in?

Brad Baird: Yeah, this shows them that in the two-column handout, it's the same thing you were shown earlier Commissioner that's also in that pile there. There was a left-hand column of the full project and a right-hand column, and they did differ by about \$6 million. And so, this right-hand column was what we were showing them, the bare minimum to get the site functional. The left-hand column shows them more money that is still needed. And we did mention to them that there will need to be pursuit of additional funds to equip the building and things of that nature and pave the road. There's a few other things on that left-hand column, equip the building, pave the road, and a little bit more rock on the road, those were the last three items that still need some pursuit, but you could function without the roads paved but obviously it'd be a lot nicer if they were paved.

Commissioner Hodge: Yeah, and we've got this far and we would like to see this thing completed.

Brad Baird: So, there are some challenges yet funding wise, but obviously, every effort gets us closer and they understood that.

Greg Smith: So, County Commission, if I may just kind of interject here. I want to repeat myself. Please understand, the ongoing investments in a facility of this nature are going to be ongoing. We still need to bring sewer to the site. We're going to need to make accommodations for fiber in the future. We're going to want to extend other roads. We're going to want to bring in additional rail spurs. We're going to want to take wetlands and turn those into attractive public spaces. And so, this project, once you get started, never has an ending. And so that's the nature of industrial development. The Port of Portland can't just start up PDX (Portland International Airport) and walk away. And so, what the County effectively did is, it made the decisions five, six years ago, five years ago, that they wanted to be in the industrial development industry, and so you're seeing the initial investments that go into that decision. But future commissioners, decades from now, are going to be having conversations about what do we want our industrial development lands to look like? How do we want to expand them? How do we want to maintain them? I just want to make sure I get that on the record. And then second thing, Judge and Commissioners, I want to get on the record, is please know that \$1 million funding source is a gesture of collaboration and in no way will that funding source come available if it's, unless there's collaboration between the County and regional partners. And so, if at any point in time you feel that's a bad move for the County, don't hesitate to raise your hand, because there's other opportunities and in no way do those regional partners want to interject themselves in a project that they're unwelcome. Thank you.

Judge Joyce: One final thought or question, in that meeting it was made apparently clear that the only one that can hook up these tracks is UP. Is that correct?

Brad Baird: Yeah, UP will not, and it's a control thing, they don't want anybody working on the main line but them. They insist that any project of this nature, they, with their crews and their staff do the actual switch connections on the main line. That makes sense, it affects their business. They're scheduled to come at the end of March and do the final connections on each end for Track A.

Commissioner Jacobs: They're only going to do that if Track C is completed - is that correct?

Brad Baird: It doesn't have to be completed by the time they do the connections, but it has to be, they have to know we're completing it. We understand now that Track C has to be constructed for them to even consider the site for use. So, it's important that it gets built. We always understood that it had to be built, but we had delayed it, pending finding more money. But we now understand that it has to be built for them to even show up to start using it. So that's the critical nature of this request, as we mentioned last time, because it has to be funded at this point.

Judge Joyce: So, one of the other things, the emphasis of this project from the get go, from say like 2014, 15, or whatever has been all product leaving Malheur county. There's been nothing said about product coming in, and so without that rail hooked up you couldn't bring anything in even if you didn't need the building, period.

Brad Baird: You bring up a very good point Judge. This rail system is designed to handle a unit train if not more, and it needs to be completed with everything that was designed to be able to do that. But it was also designed, not just for this project, it's designed to serve the entire industrial park. So, obviously, if you get future tenants they may want to do their own little spur over to their parcels, but, the whole unit train setup will be used by future tenants. So, it's good to recognize that this investment is significant, I mean it's going to open up hundreds of remaining acres for future use, both coming and going, for the industrial development. So, it's a very, very significant investment for Malheur county.

Commissioner Hodge: Yes, and with that said, if that opens up the industrial park, with what you just said about, say, there happens to be an off spur, that's at the expense of the company, or whoever comes in and buys that, or gets that. It's not the County's expense.

Brad Baird: Right, and it's good to note, too, that it doesn't have to be specifically right on this site. You could take off from Track A north of the site and work in the property to the north, there's all kinds of options for expansion.

Commissioner Jacobs: I would like to also add that I've had conversations with potential companies that maybe would like to utilize this industrial park, and they've indicated that the only way it would work for them is to complete Track C as well. So, I think it is very important, from a number of standpoints that we complete this.

Greg Smith: So, one of the things I would encourage the Commission to do is as we proceed forward and as we get close to completion, we should do a two-part appraisal on the property. One is to determine from the \$2 million or so that the County has put into the project from the original acquisition and that original appraisal to determine what the new value of that property is to the County. And then second, they have, and I'm going get the term incorrect but hang with me,

effectively, opportunity appraisals in which you can bring in outside entities who can look at the investments that have been made and can share with you what the economic value is to the County. I think those will be two powerful tools for the County to have in the future, especially as they go about negotiating future transactions. And you know, at some point, if I can assist in that, just let me know.

Brad Baird: The only one other thing I'd like to add, as you know, we're bidding the foundation slabs and erection of the existing building; this is the bid package that actually bids tomorrow, and it bids here locally at Ryan and Greg's new office.

Judge Joyce: What time?

Brad Baird: Two o'clock local time

Commissioner Hodge: Is that at the Goodfellow building?

Brad Baird: Yeah. And it will be handled just like every other bid, anybody can come, bids will be received, we'll read them aloud. So, it's just like all of the bid openings. The only thing we did a little different on this one is we did allow them to email it in because with, you know, you'd hate to have a storm and have the freeway closed and you lose your best bidder because they can't drive over the mountain for some reason or can't get it shipped. So, we will allow emails to be received and then they have to follow it up with the paper so we have a sealed bid. But yeah, whatever we receive by that time, we'll open it up and read them aloud. They're either on the computer if we get them emailed, or by hand if they're delivered. But, where I was going with this is, if we can get, hopefully we get a good bid and it's within the funding amount, and we can get going on this. This will happen in the Spring and crowding up to the summer, so obviously, this is December 14th today, and I mean before you know it we're going to be in January, and there's six months between January and June. It's ridiculous to think about this but we are actually getting, time is of the essence for getting this done by next summer. And so, where I was going with this is, Track C, we really need to figure out, we need to start on it is what I'm trying to say.

Commissioner Hodge: Is there a timetable on how long it would take them to put in Track C?

Brad Baird: Yeah, I think they can get it done, obviously if we tell them to start real soon they can get it done by June. The problem with six months of construction, I really think it will take 2 to 3, but we have a couple months of winter in there too, and so it's hard to know exactly how that'll effect it. The point I'm trying to make here and I know we're making a request for funds and I don't want to push too hard, but we really, time is getting to be of the essence with Track C is the point I'm trying to make. We're running out of time to be able to get it built appropriately prior to next summer concurrently with the building getting built and a few other things that we hope to happen as well. It is getting critical on time so we really hope you can consider that along with this request.

Ryan Bailey: If I could add something, for the record, Ryan Bailey, MCDC. One thing that we have talked to UP about, it may have been mentioned before, is, if this site is served by the rail it may fit in to, I believe it's called an opportunity site. And it can be listed through, I believe it's Union Pacific's website, because of the access it has to rail. And so it'd be a great tool for the County to market their land to a very, very broad audience. So that would be something, obviously

we'd have to have Track C and be in compliance with the ITA, but that would be another benefit to the County.

Greg Smith: I would add, that runs right on the mark, that economic audit, and again, I'm not using the correct term that it was referencing plays right in line with the posting of this property on Union Pacific's industrial real estate site, and it'll be interesting, if you folks choose to go that route, to see how this project compares with other locations. My guess is that it's going to compare very, very well. Final thought (inaudible) I'll just stay quiet on this, gang, keep in mind we have a strong need to put in wastewater lines to accommodate industrial development. I hope the County doesn't feel like it's been put in a corner in terms of requesting resources from the state of Oregon. During Legislative Days last week, Representative Gomberg, Representative Marsh, Representative Owens and myself presented a \$125 million concept to the House Small Business and Economic Development Committee. The package was originally created by the Speaker of the House. And so, please make sure you're visiting with Representative Owens if you have any industrial needs. I think there's a tremendous opportunity for you to access some dollars.

Judge Joyce asked for further questions from the Court members; there were none.

Judge Joyce: All right, I'll make the motion we forward the \$2 million to MCDC to finish this line and get UP to hook up.

Commissioner Hodge: I'll second it.

Judge Joyce: Second. Discussion.

Commissioner Jacobs: There's a number of things that I would like to see. I would like that it's known that we are only going to supply the money to complete Track C. If it's less than \$2 million then that's all you're going to get. But we won't go over \$2 million. The other thing is, we'd like to see MCDC continue to try to secure additional funding in the future, as well, we will as well, the County, to complete this project. And then, the third thing is, I would like to make sure that, I would like the invoices sent to the County before any bills are payed, for the completion of Track C so that we can review those invoices prior to payment.

Greg Smith: Commissioner, may I ask clarification? We can send you all invoices, or we can send them as they relate to Track C. Do you have any thoughts on how you'd like that done?

Commissioner Jacobs: Yes, I would only like to see the ones for Track C at this point; that's enough for me to keep track of.

Brad Baird: All that's fine, perfect, no problem.

Greg Smith: Okay, on top of it.

Ryan Bailey: With that, just to be sure, do, we'll probably email them to you, do we need to wait for just an emailed response back? Do we need a signature acknowledgement?

Commissioner Jacobs: What would be your preference Lorinda?

Lorinda DuBois: Yes, there would have to be something from the Court.

Ryan Bailey: Just an email acknowledgement - would that work? If they respond and say, Yeah, we're okay with it, can we proceed forward?

Commissioner Jacobs: To sign off on the invoices?

Multiple: okay, okay

Judge Joyce: Works for you?

Commissioner Jacobs: Yeah.

Judge Joyce: Okay. Vote, all those in favor.

Judge Joyce, Commissioner Hodge, Commissioner Jacobs: Aye.

See instrument # 2022-5730 for the sketch referenced by Brad Baird and instrument # 2022-5731 for the referenced email to ODOT.

MALHEUR COUNTRY HISTORICAL SOCIETY - FUNDING REQUEST

Meeting with the Court from Malheur County Historical Society were John Taggart and Bonnie Christensen. Malheur County Historical Society purchased the First Bank building on Main Street, Vale and it is on the National Register of Historic Buildings. The building was built in 1901; the building needs extensive repairs to the roof and interior. The Historical Society is seeking funding to assist with the restoration of the building and requested the County contribute \$250,000 to the project. The Historical Society plans to use part of the building as a storage and repair area for the Stone House Museum after repairs are completed.

Ms. DuBois explained that the County is slated to receive Local Assistance and Tribal Consistency Funds (LATCF) and is currently evaluating its infrastructure needs and associated costs. Currently there is not an application process for entities to apply for this funding from the County.

See instrument # 2022-5712 for the handout given to the Court regarding the project.

AUDIT

John Russell of Zwygart John & Associates, Certified Public Accountants, met with the Court and reviewed the County's 2021-2022 Audit. Zwygart John & Associates audited the cash basis financial statements of the government activities, the business-type activities, each major fund, and the aggregate remaining fund information of Malheur County for the year ended June 30, 2022, and the related notes to the financial statements. Funds with expenditures over appropriations were DA Enforcement and 911 Fund. See instrument # 2022-5732 for the complete audit. The audit will also be placed on the County website.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

Clerks Notes:

Intergovernmental Agreement (IGA) between Malheur County and Vale School District #84 for School Resource Deputy Services is recorded as instrument # 2022-5713

Deed from Jennifer J. Forsyth, Treasurer and Tax Collector, Malheur County Oregon "Grantor" to Malheur County, a political subdivision of the State of Oregon, "Grantee". Pursuant to a General Judgment and Order of the Circuit Court of the State of Oregon, Case No. 20CV28792 for General Judgment of Foreclosure. Instrument # 2022-5767