

## **MALHEUR COUNTY COURT MINUTES**

**December 20, 2017**

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present were: Treasurer/Tax Collector Jennifer Forsyth, Surveyor/Engineer Tom Edwards, Planner Alvin Scott, Environmental Health Director Craig Geddes, and Environmental Health Specialist Eric Evans.

Also present were Vale City Manager Lynn Findley, Ontario City Manager Adam Brown, and Jordan Zwygart of Millington Zwygart CPAs, PLLC.

### **CHANGE IN THE BOUNDARY OF THE ENTERPRISE ZONE**

Economic Development Coordinator Greg Smith and Assistant Phil Scheuers were present to answer any questions regarding changing the boundary of the Enterprise Zone. The County, City of Ontario, City of Vale, and City of Nyssa are requesting a change in the boundary of the Enterprise Zone that would add additional lands in the Ontario area, Nyssa area, and Farewell Bend area. Notice of the requested change was submitted to the Argus Observer newspaper and Malheur Enterprise on December 1, 2017. Special notification was sent to affected taxing districts on November 20, 2017; no comments from the districts were received. There were no public comments received by the County Court or the Economic Development Office. Commissioner Wilson moved to approve Resolution No. R17-41, In the Matter of: Resolution Requesting a Change in the Boundary of the Malheur County Enterprise Zone. Commissioner Hodge seconded and the motion passed unanimously. Greg Smith, Local Zone Manager, will prepare and submit technical memoranda to the Oregon Business Development Department (Business Oregon) requesting approval by the Oregon Business Development's director. See instrument # [2017-4736](#)

### **ECONOMIC DEVELOPMENT UPDATE**

Economic Development Coordinator Greg Smith updated the Court on the recent Oregon Transportation Commission meeting held December 15, 2017; the Malheur County Development Corporation submitted its Treasure Valley Reload Center Project Pre-Proposal. Mr. Smith declared that he serves as the County's Economic Development Director and also serves in the Oregon Legislature, is the vice co-chair of the joint committee on ways and means, and served on the committee for House Bill (HB) 2017. Additionally, if Representative Cliff Bentz is appointed to the State Senate District 30 position, Mr. Smith may be filling Representative Bentz's committee assignments. Union Pacific Railroad has offered its support and assistance with the project however possible. A public meeting regarding the project was held yesterday with an opportunity for questions to be answered. ODOT (Oregon Department of Transportation) will now review the Project Pre-Proposal (60-days) and a request for release of 5% of the funds has been made. After the 5% is received a formal business plan will be developed, along with marketing and outreach, and site specific work such as geotechnical, archeological and cultural, surveying, and engineering and design. Strong interest in the project has been received from all over the country as well as outside of the country. Site visits to interested entities will be necessary in the future. Mr. Smith complimented Mr. Scheuers and his staff on their work in developing the Project Pre-Proposal document. Mr. Smith noted he will be unavailable January 2-12, 2018; Mr. Scheuers will be available. Mr. Smith explained that the Project Pre-Proposal

document was extremely expensive to produce (\$0.59 per page) and that he has had multiple requests for the document; the Court was agreeable to printing additional copies of the document in an amount of approximately \$500.

Administrative Officer Lorinda DuBois joined the meeting; County Counsel Stephanie Williams joined the meeting and was present at various times during the meeting.

Mr. Smith explained that the Farmers Fresh mushroom project is moving forward; there are two potential projects in Nyssa; and the Farewell Bend project continues to move forward, the company has retained an architect and is working with an adjacent landowner on a potential water agreement.

John Braese of the Malheur Enterprise joined the meeting and was present until its adjournment. Mr. Findley, Mr. Brown, Mr. Edwards, Mr. Scott, Mr. Geddes, and Mr. Evans left the meeting.

### **AUDIT**

Jordan Zwygart of Millington Zwygart, Certified Public Accountants, met with the Court and reviewed the County's 2016-2017 audit. Millington Zwygart audited the cash basis financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Malheur County for the year ended June 30, 2017, and the related notes to the financial statements. The audit was conducted in accordance with auditing standards generally accepted in the United States of America and the provisions of the Minimum Standards for Audits of Oregon Municipal Corporations, prescribed by the Secretary of State; the standards applicable to financial audits contained in Government Auditing Standards used by the Comptroller General of the United States; and with the types of compliance requirements described in the OMB Compliance Supplement that could have a direct and material effect on each of Malheur County's major federal programs. Expenditures in the Juvenile Crime Prevention (JCP) Fund were over appropriations in the amount of \$49. Commissioner Hodge moved to approve the County's 2016-2017 audit prepared by Millington Zwygart. Commissioner Wilson seconded and the motion passed unanimously. See instrument [#2017-4755](#). The audit will also be placed on the County website.

Ms. Forsyth left the meeting.

### **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of December 6, 2017 as written. Commissioner Wilson seconded and the motion passed unanimously.

### **UPDATED COUNTY POLICY 107 - USE OF COUNTY VEHICLES**

Commissioner Hodge moved to approve updates to County Policy 107 - Use of County Vehicles. Commissioner Wilson seconded and the motion passed unanimously. The Cellphone and Other Device Use While Driving section of the policy was updated. See instrument [#2017-4735](#)

### **BUDGET TRANSFER**

Commissioner Hodge moved to approve Resolution No. R17-40: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2017-4737](#)

### **LEASE AGREEMENT**

Commissioner Wilson moved to approve Lease Agreement between Malheur County Fair Board and Caleb Bradshaw and George (GW) Clark. Commissioner Hodge seconded and the motion passed unanimously. The lease agreement is for the manufactured home at the fairgrounds. See instrument #[2017-4738](#)

### **CONSENT TO VACATION BY PROPERTY OWNER**

Commissioner Wilson moved to approve Consent to Vacation by Property Owner(s) Under ORS 271.130 by City Own Motion. Commissioner Hodge seconded and the motion passed unanimously. The County has or had an interest or rights in the Right of Way being vacated under an action by the City of Ontario and irrevocably consents to the vacation of said Right of Way. The areas involved were a part of the NW Washington Project. See instrument #[2017-4734](#)

### **OLCC LIQUOR LICENSE**

Commissioner Wilson moved to approve Oregon Liquor Control Commission (OLCC) Liquor License Application for TPA, Inc./Trade Name - Sagehill Winery/Owner – Patricia Phillips. Commissioner Hodge seconded and the motion passed unanimously.

### **CROSSING PERMITS**

Commissioner Hodge moved to approve Crossing Permit #48-17 to Idaho Power Company to install overhead transformer for a pump on Fairview Drive #855; and Crossing Permit #49-17 to Idaho Power Company to replace a pole on Kimball Road #908. Commissioner Wilson seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.