

MALHEUR COUNTY COURT MINUTES

December 2, 2020

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 Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois. Various members of the public, media and staff were present electronically. Notice of the meeting was posted on the County website 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 # 2020-4612

MALHEUR WATERSHED COUNCIL

Meeting with the Court from Malheur Watershed Council were Office Manager/Assistant Kelly Weideman and Executive Director Ken Diebel. An annual written report was provided to the Court members. Mr. Diebel explained it has been a challenging year for everybody, including the Watershed Council. OWEB's (Owyhee Watershed Enhancement Board) funding has been dramatically lowered; OWEB is a primary grant source for the Watershed Council. Funding for current grants has been honored but new grant funding is delayed.

During the 2019-2020 period the Watershed Council managed 17 projects aimed at watershed improvement and secured more than \$2 million in funding. Projects include irrigation improvement and efficiency, streambank restoration, and improvement of livestock distribution to utilize range ground better. Partners include the Bureau of Land Management and the Forest Service.

In addition to funding challenges, project permitting through the various state and federal agencies remains challenging.

See instrument # 2020-4614 for Malheur Watershed Council's written annual report.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of November 18, 2020 as written. Commissioner Wilson seconded and the motion passed unanimously.

SUPPLEMENTAL BUDGET

Commissioner Hodge moved to approve Supplemental Budget Resolution R20-44: In the Matter of Fiscal Year 2020/2021 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Wilson seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate CRF (Coronavirus Relief Funds) Grant funds that were not anticipated when the adopted budget was prepared; these are COVID-19 reimbursement funds for payroll for public safety (Jail) employees to be held in the General Fund Contingency. See instrument # 2020-4616

CROSSING PERMIT

Commissioner Wilson moved to approve Permit #41-20 to Vaughn and Jennifer Ellsworth to allow the reconstruction of Snivley Gulch Road #524 and return it back into the County right of way; the road will be constructed to County standards. Commissioner Hodge seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

GRANT AGREEMENT - CRF BUSINESS RELIEF

Commissioner Wilson moved to approve State of Oregon Grant Agreement No. 2520- Coronavirus Relief Fund (CRF). Commissioner Hodge seconded and the motion passed unanimously. This grant agreement is for the Business Relief Fund grant program to be administered by Malheur County. Through the Governor's Office and State of Oregon, Malheur County received \$768,183 in federal funds from the Coronavirus Aid, Relief and Economic Security (CARES) Act to assist and support Oregon businesses in Malheur county who have been impacted by COVID-19 restrictions during the period of March 1, 2020 through December 30, 2020. See instrument #2020-4619

LAND USE ATTORNEY

Ms. Williams requested authorization to possibly contract with land use attorney Garrett Stephenson to assist the County with the industrial subdivision plat process for the Treasure Valley Reload Facility project. The matter was recently heard by the County Planning Commission and Nyssa City Planning Commission and there were objections received at the hearing. The Court authorized the usage of Technical Assistance funding in the Economic Development budget to contract with Mr. Stephenson to assist the County if needed.

COMMITTEE TO ASSIST WITH NEGOTIATIONS

Ms. Williams suggested the Court consider forming a committee to assist with negotiations with Americold. The Court members will consider possible community members that may have skill-sets that could be utilized, possibly in the transportation business or knowledgeable about moving commodities.

Judge Joyce left the meeting.

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Commissioner Wilson opened the public hearing for consideration of supplemental budget Resolution R20-43. 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 R20-43: In the Matter of Fiscal Year 2020/2021 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Wilson seconded and the motion passed. The purpose of the supplemental budget is to allocate Homeland Security Grant funds in the MCSCO (Malheur County Sheriffs Communication Office) Communication Center budget that were not anticipated when the adopted

budget was prepared - funds are to be used for projects already approved by the State of Oregon through the Oregon Military Department, Office of Emergency Management; to allocated Homeland Security Grant funds in the Emergency Management budget that were not anticipated when the adopted budget was prepared - the funds are to be used for projects already approved by the State of Oregon through the Oregon Military Department, Office of Emergency Management; and to allocate CRF Grant funds from the State in the Economic Development fund that were not anticipated when the adopted budget was prepared - the funds are to be used to provide financial assistant to Malheur County businesses impacted by COVID-19. See instrument # 2020-4615

BULLY CREEK PARK AND BEULAH RESERVOIR MANAGEMENT AGREEMENT

Justina Thorsen and Chuck Dillon from Bureau of Reclamation (BOR) met with the Court. Beulah Reservoir and Bully Creek Reservoir were constructed as part of the Vale Project for the primary purpose of providing water for irrigation. Since recreation was not a project purpose of the Vale Project, BOR does not have the authority to spend funds on recreation development or management and is constrained to developing and managing limited basic recreation facilities. Public Law 89-72 gives BOR the authority to seek a recreation management partner, thus allowing recreation development beyond limited basic facilities. The current management agreements for Beulah and Bully Creek expire soon. A 25-year management plan for both facilities has been prepared and is almost finalized. (Ms. Williams reviewed the draft agreement previously with the Court on November 4, 2020.) The Court had no further questions for BOR and thanked them for the presentation. See instrument # 2020-4613

COURT ADJOURNMENT

Commissioner Wilson adjourned the meeting.

** Agreement for Use of Facilities in a Health Emergency with Vale School District is recorded as instrument #2020-4625

**Agreement for Use of Facilities in a Health Emergency with Malheur Education Service District Region 14 (ESD) is recorded as instrument #2020-4626