

MALHEUR COUNTY COURT MINUTES

December 4, 2019

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. Others present were Planner Eric Evans, Building Official Adele Schaffeld, and Brittany White from Malheur Council on Aging (MCOA). Notice of the meeting was posted on the County website, Courthouse public bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice.

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of Resolution R19-33. 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. Judge Joyce closed the hearing. Commissioner Wilson moved to approve Resolution No. R19-33: In the Matter of Fiscal Year 2019-2020 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. The supplemental budget allocates additional Grant In Aid funds from the Department of Corrections that were not anticipated when the adopted budget was prepared - the funds are to be used per the agreement between the State of Oregon and Malheur County; and allocates additional State Marine Board funds that were not anticipated when the adopted budget was prepared - the funds are to be used to purchase two new personal watercraft platforms and trailer. See instrument [#2019-4348](#)

STIF BY-LAWS AMENDMENT

MCOA Transportation Manager Brittany White met with the Court and explained that revisions to the Statewide Transportation Improvement Fund (STIF) by-laws were needed. Ms. White reviewed the proposed changes with the Court; changes include correcting the title of the advisory committee; changes to Article 1, paragraph 1; and changes to Article 2, Section 3(b). Commissioner Wilson moved to amend the Statewide Transportation Improvement Fund (STIF) Advisory Committee By-laws as presented. Commissioner Hodge seconded and the motion passed unanimously. See instrument [#2019-4349](#)

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of November 13, 2019 as written. Commissioner Wilson seconded and the motion passed unanimously.

CROSSING PERMITS

Commissioner Hodge moved to approve Crossing Permit #28-19 to Track Utilities LLC to trench/place equipment to provide monitoring service to a solar farm on Lincoln Dr. #903; Permit #29-19 to Track Utilities LLC to provide facilities and service to a solar customer on Power Rd. #907; Permit #30-19 to Track Utilities LLC to provide facilities and service to a customer on S Rd K #7311; and Permit #31-19 to Idaho Power to replace a pole on Clark Blvd.

#755. Commissioner Wilson seconded and the motion passed unanimously. The original permits will be kept on file at the Road Department.

IGA WITH DHS FOR STF FUNDS

Commissioner Wilson moved to approve Intergovernmental Agreement (IGA) between Malheur County (STF Agency) (Special Transportation Fund) and State of Oregon Department of Human Services (DHS) for Use of STF Funds, DHS Contract #162363. Commissioner Hodge seconded and the motion passed unanimously. Funding is in the amount of \$2,000 for fiscal year 2019/2020 and \$2,000 for fiscal year 2020/2021 for the maintenance and purchase of existing transportation programs and services for seniors and individuals with disabilities. DHS is a sub-recipient of the STF Funds allocated in ODOT (Oregon Department of Transportation) Agreement No. 33495 (recorded as instrument #[2019-2032](#)). See instrument #[2019-4350](#)

FIRST PUBLIC HEARING - ORDINANCE NO. 222

Judge Joyce opened the first public hearing for consideration of Ordinance No. 222: An Ordinance Adopting Temporary Specialty Code Provisions for the Malheur County Building Program; and Declaring an Emergency. Notice of the hearing was published in the Argus Observer, posted in the office of the Building Department, posted at the Courthouse, and posted on the County website. Building Official Adele Schaffeld explained that in October the State of Oregon adopted the 2019 Oregon Structural Specialty Code (OSSC) with a three-month grace period. The code changes are quite substantial; adopting the temporary specialty code provisions will allow for the County to continue its building permit program temporarily at status quo while a new County ordinance is drafted and adopted. A meeting of eastern Oregon building officials will be held in January to discuss the changes and how best to address them. No public comment was received. Judge Joyce closed the hearing. The second hearing will be December 18, 2019.

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Hodge moved to approve Resolution R19-30: In the Matter of Fiscal Year 2019/2020 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Wilson seconded and the motion passed unanimously. The supplemental budget allocates additional Transfer Funds from the Community Corrections Fund that were not anticipated when the adopted budget was prepared - the funds are to be used for the general operation of the Jail and offset funds taken from the County General fund; allocates insurance proceeds to repair vandalism damage done at the Bully Creek campground; and allocates funds from Malheur Council on Aging (MCOA) for the purchase of the property for the bus barn expansion project. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2019-4351](#)

COMMISSIONER COMMENTS

Commissioner Wilson noted that public member Riley Hill had contacted him and requested the Court consider building or partnering to build a halfway house.

BUDGET TRANSFER RESOLUTION

Commissioner Wilson moved to approve Resolution R19-32: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Hodge seconded and the motion passed

unanimously. Funds transferred are within the Special Transportation Fund budget. See instrument #[2019-4352](#)

AMENDMENT TO IGA #159822

Commissioner Hodge moved to approve Fifth Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement for the Financing of Public Health Services, Agreement #159822. Commissioner Wilson seconded and the motion passed unanimously. The amendment adds \$2,565 to Program Element 12 - Public Health Emergency Preparedness and Response (PHEP); and adds \$46,972 to Program Element 13-01 - Tobacco Prevention and Education Program (TPEP). The original IGA is recorded as instrument #[2019-3374](#). A copy of the amendment will be returned for recording.

IGA WITH CITY OF JORDAN VALLEY - FLOODPLAIN

Planner Eric Evans met with the Court and presented an IGA with Jordan Valley for floodplain administrator services; Mr. Evans has agreed to administer the floodplain rules and regulations as adopted by the City ordinance. Commissioner Hodge moved to approve Intergovernmental Agreement (IGA) for Flood Hazard Management in the City of Jordan Valley between the City of Jordan Valley and Malheur County. Commissioner Wilson seconded and the motion passed unanimously. A copy will be returned for recording.

County Counsel Stephanie joined the meeting.

ADDENDUM TO EXTEND CLOSING DATE - FARMERS

Commissioner Wilson moved to approve Addendum to Extend Closing Date Under Purchase and Sale Agreement Recorded with the Malheur County Clerk on July 18, 2018 as Instrument Number [2018-2681](#) with James G., Margaret D. and Charles Warren Farmer. Commissioner Hodge seconded and the motion passed unanimously. The extension is at the request of the Farmers. The addendum changes the closing date to January 10, 2020. A copy will be returned for recording.

SPECIAL PUBLIC WORKS FUND

It was noted that an award letter had been received for the Special Public Works Fund, Treasure Valley Reload Center Land Purchase Project. A copy of the letter was given to the Court members.

ADDENDUM TO EXTEND CLOSING DATE - NYSSA INDUSTRIES

Ms. Williams explained that the Nyssa Industries property will not be included in the memorandum of understanding with the Development Corporation; the MOU (Memorandum of Understanding) will be to develop the Farmer property and not include the Nyssa Industries property at this time. An appraisal of the Nyssa Industries property will need to be done if the County intends to purchase it with the Special Public Works Fund; additionally the Court will need to give direction to Mr. Smith on whether or not the appraisal fee should be paid from the MCDC (Malheur County Development Corporation) line-item. Commissioner Hodge moved to sign Addendum to Extend Closing Date Under Purchase and Sale Agreement Recorded with the Malheur County Clerk on July 11, 2018 as Instrument Number [2018-2617](#) with Nyssa Industries Inc. Judge Joyce seconded and the motion passed. Commissioner Wilson abstained. The

addendum will be sent to Nyssa Industries for their consideration to extend the closing date to on or before March 31, 2020.

RESOLUTION - LINE OF CREDIT

Commissioner Hodge noted he met with Bank of Eastern Oregon regarding the Development Corporation's line of credit and that he wants to be involved in the financial side of the project (the resolution states that one County Court member will review invoices accessing/withdrawing funds from the line of credit). Commissioner Wilson stated again that he wants to ensure that work performed by the contractors is eligible for reimbursement from ODOT before the work is completed (weekly conference calls are held with the contractors and Mr. Smith and one County Court member could join those calls). After discussion, Commissioner Hodge moved to approve Resolution No. R19-34: In the Matter of a Resolution Guaranteeing a line of credit with Bank of Eastern Oregon to the Malheur County Development Corporation in the amount of \$1.5 Million Dollars in order for the Corporation to develop the Treasure Valley Reload Center and receive reimbursement from the Oregon Department of Transportation under Oregon State Agreement No. 33744; and Authorizing Malheur County to be a Guarantor. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2019-4353](#)

COURT ADJOURNMENT

The meeting was adjourned.