

MALHEUR COUNTY COURT MINUTES

February 21, 2018

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois and County Counsel Stephanie Williams.

Also present was public member John Messick, John Braese of the Malheur Enterprise, and Larry Meyer of the Argus Observer.

SECOND PUBLIC HEARING - ORDINANCE NO. 215

Present for the second public hearing to consider Ordinance No. 215: An Ordinance for a Post Acknowledgement Plan Amendment (PAPA) to include a Portion of Tax Lot 1600 Map 18S47 of the Malheur County Assessor's Office as a Significant Aggregate Site to Malheur County's Comprehensive Plan, Goal 5, Mineral and Aggregate Inventory was Planner Alvin Scott. Notice of the hearing was published in the Argus Observer. Planning Department File #2018-01-002.

Judge Joyce opened the hearing and asked for a Staff Report.

Mr. Scott explained that the requested action is to add an approximate 10 acre aggregate site to the Goal 5 Resource Inventory. The applicant/owner is Pete Ciraulo/Ciraulo Snake River Ranch. The proposed aggregate site is located on the Idaho side of the Snake River; the parcel size is approximately 226 acres (proposed aggregate site is approximately 10 acres). The zoning of the parcel is Exclusive Farm Use; the parcel has 70.10 acres of water right; however, none of which is in the proposed mining site. Access to the site is a private driveway off of Whitley Lane, in Idaho. There are no sanitation requirements. Fire protection is provided by the New Plymouth, Idaho Fire Protection District. There are no known natural hazards. The parcel is adjacent to a pre-existing aggregate site that received conditional use approval previously. There was no opponent testimony at the Planning Commission meeting of January 25, 2018. The Planning Commission approved the site and recommended that the Court add the site to the Comprehensive Plan Goal 5, Mineral and Aggregate Inventory.

Judge Joyce asked for proponent and/or opponent testimony; there was none.

Mr. Scott reviewed a map of the parcel with the Court.

Judge Joyce closed the hearing.

Commissioner Wilson moved to approve Ordinance No. 215: An Ordinance for a Post Acknowledgement Plan Amendment to Include a Portion of Tax Lot 1600 Map 18S47 of the Malheur County Assessor's Office as a Significant Aggregate Site to Malheur County's Comprehensive Plan, Goal 5, Mineral and Aggregate Inventory. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2018-0632](#)

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of February 7, 2018 as written. Judge Joyce seconded and the motion passed. (Commissioner Wilson was not present on February 7, 2018.)

EASEMENT AGREEMENT

Commissioner Hodge moved to approve Easement Agreement with Cascade Natural Gas Corporation. Commissioner Wilson seconded and the motion passed unanimously. The easement is located on the fairgrounds property. The easement agreement will be returned for recording at a later date.

EOCCO CAC APPOINTMENTS

Commissioner Hodge moved to appoint Andrea Recla and Sandy Kendall to the Eastern Oregon Coordinated Care Organization (EOCCO) Community Advisory Council (CAC). Commissioner Wilson seconded and the motion passed unanimously.

AMENDMENT - IGA #153131

Commissioner Wilson moved to approve Third Amendment to Oregon Health Authority 2017-2019 Intergovernmental Agreement for the Financing of Mental Health, Substance Use Disorders, and Problem Gambling Services Agreement #15131. Commissioner Hodge seconded and the motion passed unanimously. The amendment removes PSRB funds in the financial assistance award. See instrument #[2018-0647](#)

AMENDMENT - MALHEUR MEMORIAL CONTRACT

Commissioner Hodge moved to approve Fifth Amendment to Personal Service Contract for Medical Services in the Malheur County Jail, which was recorded with the Malheur County Clerk as Instrument Number 2011-1585, with Malheur Memorial Hospital District. Judge Joyce seconded and the motion passed. Commissioner Wilson abstained as he is a member of the Malheur Memorial Board. The amendment allows for additional funding for RN (Registered Nurse) services during the period of February 1, 2018 through June 30, 2018. The contract will be forwarded to Malheur Memorial for their signature.

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #14-18 to Cascade Natural Gas for work on NW 36th Street #537. Commissioner Wilson seconded and the motion passed unanimously.

AMENDMENT - IGA #154639

Commissioner Wilson moved to approve First Amendment to Oregon Health Authority Intergovernmental Agreement for Environmental Health Services, Agreement #154639. Commissioner Hodge seconded and the motion passed unanimously. The contract language is amended and provides for language for the LPHA (Local Public Health Authority) to contract with an outside person to perform the services required under the Agreement. A copy will be returned for recording.

CHECK REGISTER

Commissioner Hodge moved to approve the Accounts Payable (AP) Register for January 2018. Commissioner Wilson seconded and the motion passed unanimously.

COMMUNITY IN ACTION (CinA)

Commissioner Wilson moved to sign a letter to Community in Action requesting their assistance in meeting the need for additional housing for homeless veterans and if necessary increasing their motel stays to find sustainable housing. Commissioner Hodge seconded and the motion passed unanimously. This action was taken at the request of Community In Action for their Veterans Grant. See instrument # [2018-0636](#)

WILDLIFE SERVICES- REPORT OF ACTIVITIES

Wildlife Services Acting District Supervisor Curt Mattson and Wildlife Specialist Ryan Christensen met with the Court and provided a report on activities for the current fiscal year. Wildlife Services currently has agreements to work on 28 properties totaling 372,373 acres; and has responded to wildlife damage complaints on 27 of those properties and conducted 872 hours of field work to resolve the complaints. Verified agricultural losses to wildlife damage has totaled \$17,919; species responsible for the damage include beaver, free ranging dogs, geese, black bears, coyote and European starlings.

Wildlife Services has faced three major challenges in the past few years that have negatively impacted operations. The use of M44 cyanide devices for coyote control has been an issue, as the toxicant came under scrutiny for the incidental take of a wolf in Oregon and several domestic dogs throughout the rest of the country. (Historically, M44 has been an effective tool for the control of coyotes on the ground in Malheur County.) The use of M44 was restricted due to the incidental take and actually halted recently over the use of amyl nitrate as the antidote. The issues surrounding the antidote have been resolved through a re-labeling of the toxicant and additional use restrictions. Once Oregon Department of Agriculture registers the EPA (Environmental Protection Agency) label in Oregon, the use of M44s will resume in Malheur County.

The second issue has been the supply and availability of DRC-1339, commonly known as starlicide. This toxicant is extremely important to feedlot operations and calving and lambing facilities as it is the primary tool for starling and raven control. Wildlife Services has successfully re-registered this pesticide with the EPA and has secured a manufacturer. Limited supplies should no longer be an issue.

The third issue has been the lack of use of the fixed-wing aircraft. Due mainly to financial issues, the aircraft and pilot were done away with. Limited flying has been done with contract pilots from other states. Wildlife Services is working to get a pilot back to La Grande that will be mostly federally funded. It is hoped that aerial control of coyotes will be available next season.

Judge Joyce asked about raven and beaver. Raven control is taking place in the Southern part of the county (Jordan Valley/Arock), Juntura and Harper. Mr. Christensen has not received many calls regarding beaver. There is currently a lawsuit filed against the agency and it is under a

cease and desist order; no aquatic mammal work is being done. The agency is in consultation with National Marine Fisheries Service trying to work through some of the issues and get areas such as Malheur and Harney counties excluded from the order.

It was requested that an itemized budget be provided for quarterly reports. It was also requested that quarterly reports of activities be provided to the Court.

The topic of wolves was also brought up. Mr. Mattson explained that wolves are under the management authority and control of the State. Wildlife Services is the State's agent for control of cougar and bear; Wildlife Services has no say or influence over wolves.

Various questions were asked and discussed. ODFW (Oregon Department of Fish and Wildlife) is working to obtain a scientific take permit for ravens in Baker County in the Baker PAC (Priority Area for Conservation of sage grouse). Raven control will be done hopefully beginning in January. This is a research project that may help to increase sage grouse numbers. If it is successful it may be repeated in other areas. Judge Joyce encouraged Mr. Mattson to review the 1948 Oregon Game Commission study on raven and predators.

See instrument #[2018-0637](#) for Wildlife Services written report of activities.

HB 4086

Ms. Williams updated the Court on House Bill 4086. The bill recently passed in the legislature and requires that the building official be an employee of the municipality administering the building program beginning January 1, 2019. The County's building program may need to be revamped; or the program could be turned over to the State. More research into the matter will be done.

COURT ADJOURNMENT

The meeting was adjourned.