

## **MALHEUR COUNTY COURT MINUTES**

**May 16, 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 Juvenile Department Director Susan Gregory.

### **NATIONAL DRUG COURT MONTH**

Present for the signing of the proclamation in support of National Drug Court Month were Circuit Court Judge Erin Landis, Trial Court Administrator Marilee Aldred, and Management Assistant Lydia Machuca. Judge Landis explained that the drug court program in Malheur County started in 2001 and has had a very positive impact on the community; it is an intense program and has had over 400 participants of which approximately 44% have graduated. Judge Landis read the proclamation:

#### **ALL RISE**

#### **PROCLAMATION IN SUPPORT OF NATIONAL DRUG COURT MONTH**

WHEREAS, there are now more than 3,000 treatment courts nationwide; and  
WHEREAS, treatment courts are the cornerstone of justice reform sweeping the nation; and  
WHEREAS, treatment courts have served more than 1.4 million individuals; and  
WHEREAS, they are now recognized as the most successful justice system intervention in our nation's history; and  
WHEREAS, they save up to \$27 for every \$1 invested and up to \$13,000 for every individual they serve; and  
WHEREAS, treatment courts significantly improve substance use disorder treatment outcomes, substantially reduce addiction and related crime, and do so at less expense than any other criminal justice strategy; and  
WHEREAS, treatment courts improve education, employment, housing and financial stability, promote family reunification, reduce foster care placements, and increase the rate of addicted mothers delivering babies who are fully drug free.  
WHEREAS, treatment courts facilitate community-wide partnerships, bringing together public safety and public health professionals; and  
WHEREAS, treatment courts demonstrate that when one person rises out of substance use and crime, we all rise; and  
WHEREAS, the time has come to put a treatment court within reach of every eligible person in need.  
THEREFORE, BE IT RESOLVED that Malheur County declares that Drug Court Month be established during the month of May 2018.

The Court signed the proclamation.

### **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of May 9, 2018 as written. Commissioner Wilson seconded and the motion passed unanimously.

### **IGA - ODOT**

Commissioner Hodge moved to approve Intergovernmental Agreement (IGA) Statewide Tunnel Inspections: Key #18508, Agreement No. 32553 with Oregon Department of Transportation (ODOT). Commissioner Wilson seconded and the motion passed unanimously. ODOT will perform tunnel inventory, inspection, load rating, and reporting tasks to Federal Highway Administration on Owyhee Lake Road Tunnel. A copy will be returned for recording.

County Counsel Stephanie Williams joined the meeting.

### **SURVEYOR CORNER PRESERVATION FUND POLICY**

Ms. Williams presented a policy for use of the public land corner preservation fund. The policy provides for reimbursement to professional land surveyors licensed in Oregon for established, re-established and fully referenced public land corners per ORS 209.130 done in the course of private survey work. Commissioner Wilson moved to approve Policy of the Malheur County Surveyor: Use of Public Land Corner Preservation Fund for Monumentation of Public Land Survey Corners in the Course of Performing Private Survey Work. Commissioner Hodge seconded and the motion passed unanimously. See instrument #[2018-1928](#)

### **SUPPLEMENTAL BUDGET**

Commissioner Wilson moved to approve Resolution No. R18-11: In the Matter of Fiscal Year 2017/2018 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate State funds that were received but not anticipated when the adopted budget was prepared. These funds are under Division 27 of the State Allotment from the Oregon Health Authority to be used for gambling assessment. See instrument #[2018-1929](#)

### **QUITCLAIM DEED - CURREY**

Commissioner Wilson moved to approve Quitclaim Deed to Fred Travis Currey for Ref. #124 & 15313. Commissioner Hodge seconded and the motion passed unanimously. The property was bought pursuant to the Malheur County Land Sale Policy Over the Counter Sale for the purchase amount of \$25,492.00. See instrument #[2018-1926](#)

### **REQUEST TO INITIATE FORMATION OF RECREATION DISTRICT**

Mary Jo Evers met with the Court to follow-up on the request from last week for the Court to initiate the process to form a recreation district within the 8C School District boundaries and place the matter on the November 2018 ballot. Also present were Toni Davila, Jenny Pressley, Megan Cook, Brad Cook, Ontario City Manager Adam Brown, and Ontario City Mayor Ron Verini. Ms. Evers presented petitions requesting the matter be put on the November ballot signed by approximately 600 voters of the jurisdiction. The City of Ontario passed a resolution supporting the establishment of the district and initiation by the County Court; Mayor Verini read the resolution. Mr. Brown clarified that the City has budgeted to fund the Recreation Department through December 2018; the cost required to fund it the remainder of the fiscal year (January-June 2019) is \$44,000. Ms. Evers explained that avenues to financially sustain the City Recreation Department through June 2019 are being explored; as, if the District formation passes in the November 2018 election the District will not become operational until July 1, 2019.

Commissioner Hodge questioned if the golf course was included in the proposed District. At this time the golf course is not included in the proposed District budget, however, that does not mean that the District board of directors may not consider including the golf course in the future. The proposed District budget is built so that the pool could be reopened within three (3) years of the District beginning operations.

Ms. Pressley, Ms. Davila and Ms. Cook expressed support for the proposal and putting the matter on the November ballot.

Commissioner Hodge questioned if the District shouldn't be a county-wide district. Ms. Evers and Ms. Cook explained the reasoning for only including the 8C School District boundaries. Individuals outside of the District could utilize the services of the District but would be required to pay a higher rate than those within the District.

Commissioner Wilson expressed that he is not against the proposal or against the City of Ontario. However, historically special districts in Malheur County are formed through the initiative petition process and the petition process builds community support and a strong consensus for the district as the process did for the Extension Service Tax District.

Ms. Evers explained that there is a difference for the need to act quickly in this situation. The City of Ontario Recreation Department has been in existence for many, many years. The budget and foundation for the proposed District is built from the historical numbers of the City Recreation Department; it is not an entirely new concept as the Extension Tax District was. Additionally, quick action is required as it was just announced at the April budget meetings of the City of Ontario that the Recreation Department may not be funded for the next fiscal year; after discussions, the City agreed to fund the Recreation Department for six (6) months, through the end of 2018, in order for the citizens to put the matter on the November ballot in an effort to form a special district to continue the programs and services of the recreation department.

Ms. Evers said she would collect the signatures that would have been required in the initiative petition process and present them to the Court before its first required hearing. If the signatures are not collected then the Court could stop the process. (The petition circulated for signatures would be for advisory purpose only to the County Court.)

If the District passes at the November 2018 election the board members could begin work January 2019 on bylaws, negotiations with the City for the pool facility and such; the City would continue to operate the Recreation Department through June 2019 and the District would take over operations July 2019. It should be a seamless transaction.

Mr. Cook expressed support for the proposal and explained that the urgency is not due to un-organization.

Ms. Gregory left the meeting.

Judge Joyce explained that the initiative petition process is a long involved process that does show and garner community support. Judge Joyce expressed concern that if the Court places the

matter on the November ballot and the measure should fail it may be very difficult to pass the District formation at a later election. Ms. Evers said if the measure fails at the November election then the group will go through the initiative petition process and try again.

Judge Joyce asked Mayor Verini if there were any assurances for the City's continued support of the Recreation Department if the measure failed in November and they had to go through the initiative petition process in 2019. Mayor Verini explained the City's contingency fund is much less than they wanted and several important programs were cut from the budget and they are very positive in Ms. Evers ability to pass the District proposal in November.

Judge Joyce moved the County Court begin the process to initiate the formation of the recreation district, contingent upon 1250 petition signatures being received by June 13, 2018. (The date of the first County Court hearing would be June 20, 2018.) Commissioner Hodge seconded and the motion passed unanimously.

Those present left the meeting. County Counsel drafted an Order for the Court's approval.

Commissioner Hodge moved to approve Order No. GO-04-18: An Order Initiating the Formation of a Recreation District in Malheur County with a Permanent Tax Rate of \$0.55 Per Thousand Dollars of Assessed Value Beginning in the Fiscal Year 2019-2020 and Setting a Hearing. Commissioner Wilson seconded and the motion passed unanimously. See instrument [#2018-1927](#)

### **COURT ADJOURNMENT**

The meeting was adjourned.