MISSION STATEMENT: TO CREATE A HEALTHY, SAFE, DIVERSE, AND PROSPEROUS CITY BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.

COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, MAY 27, 2025, 6:00 PM, MT

Zoom Link

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Susann Mills _____ Michael Braden _____ Ken Hart ____ Adrianna Contreras _____ John Kirby _____
Council President Penny Bakefelt _____ Mayor Deborah Folden _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on May 23, 2025. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) CONSENT AGENDA

A) Adoption of Council Meeting Minutes: April 22, 2025

5) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

6) OLD BUSINESS

A) Resolution #2025-113: Security Grant Program Update

7) NEW BUSINESS

A) Bid Award: East Lane Rehab Project

B) Task Order Amendment (Jacobs): Services During Construction for East Lane

C) Task Order Award: Anderson Perry(AP) Surface Water Rights for New Intake

D) ~~Change Order: Water Treatment Plant Floc Mechanism Replacement Project~~ ***(Moved to July 8, 2025)***

E) Task Order Amendment (RH2): SDB (services during bidding) and SDC for Screen Replacement Project

8) DEPARTMENT HEAD UPDATES

A) Public Works: Quarterly Report

B) Police: Quarterly Report

9) DISCUSSION ITEMS

10) HAND-OUTS

A) Minutes: Parks 03-20-2025; Airport 03-03-2025, 04-07-2025; County Court 04-22-2025 (Budget), 04-23-2025 (Budget), 04-30-2025, 05-07-2025, 05-14-2025

B) Check Register: May 2025

11) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

12) ADJOURN

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (d) Labor Negotiations; (e) Real Property Transactions; (f) Exempt Public Records; (g) Trade Negotiations; (h) Litigation [Current or Potential]/Consult with Legal Counsel; (i) Performance Evaluation of Public Officers and Employees; (j) Trade Negotiations; and/or (l) Labor Negotiations.

CITY COUNCIL MEETING MINUTES
April 22, 2025

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, April 22, 2025, in the Council Chambers of City Hall. Council members present were Deborah Folden, Penny Bakefelt, Susann Mills, Michael Braden, and Adrianna Contreras. John Kirby attended by Zoom; Ken Hart was excused.

Staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Casey Mordhorst, Kari Ott, Tatiana Burgess, Al Haun, Andy Wood, Marshall Pierce, and Jon Laurenson.

The meeting was recorded, and copies are available at City Hall.

AGENDA

This Agenda was posted Friday, April 18, 2025. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

MILLS moved, BAKEFELT seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-out; Contreras-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

CONSENT AGENDA

BAKEFELT moved, CONTRERAS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF ADOPTION OF THE COUNCIL MEETING MINUTES OF APRIL 8, 2025, AND MAYORAL PROCLAMATION #2025-101: COMMUNITY SERVE DAY, 2025.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-out; Contreras-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1. Mayor Folden read the Proclamation into the record:

> *City of Ontario Mayoral Proclamation #2025-101, Community Serve Day*
>
> *Whereas, Community Serve Day embodies the spirit of unity, compassion, and service, bringing together individuals, families, and organizations to address the needs of our community; and*
>
> *Whereas, this annual event fosters a sense of belonging and strengthens the bonds among neighbors by encouraging acts of kindness, teamwork , and volunteerism; and*
>
> *Whereas, the efforts of volunteers during Community Serve Day contribute to the beautification of our city, the support of local nonprofits, and the improvement of public spaces, leaving a lasting positive impact on our community; and*
>
> *Whereas, the City of Ontario recognizes the invaluable contributions of all participants, including volunteers, organizers, and sponsors, who dedicate their time, energy, and resources to make this day a success.*
>
> *Now, therefore, be it resolved that I, Deborah K. Folden, Mayor of Ontario, Oregon, do hereby proclaim April 26, 2025, as Community Serve Day in Ontario, and encourage all citizens to participate in this meaningful event, demonstrating our shared commitment to building a stronger, more connected , community. Signed this 22nd day of April, 2025.*

NEW BUSINESS

Ordinance #2832-2025: Adopting Public Contracting Rules & Procedures
Dan Cummings, City Manager, presented.

Currently, the city's public contracting rules and procedures were contained in its Financial Policies and Procedures Manual, which were originally adopted in 2004. Proposed Ordinance #2832-2025 enacted revised and updated local public contracting rules and procedures, which were consistent with the current Oregon Public Contracting Code.

The State Code allowed cities to establish special procurements to provide for the procurement of certain goods and services without following the competitive sealed bidding, competitive sealed proposal, intermediate procurement, or other procurement methods that would otherwise be required under the circumstances. Proposed Ordinance #2832-2025 enacted certain class special procurements.

On April 19, 2004, pursuant to Resolution #2004-111, the Council adopted the Financial Policies, which included certain purchasing policies. On November 20, 2018, the Council adopted Resolution #2018-142, which modified the Financial Policies. The public contracting provisions currently contained in the Financial Policies were outdated and were not consistent with the State Code. In order to conform with the State Code and to allow more efficient and cost-effective public contracting methods, proposed Ordinance #2832-2025 was drafted for the Council's consideration, approval, and adoption.

The city was required to comply with the State Code when soliciting and entering into contracts for goods, services, and public improvement projects. In compliance with the State Code, the city was permitted to adopt its own public contracting rules and procedures with certain limitations. Pursuant to ORS 279A.065(6), the city could adopt its own rules of procedure for public contracting that specifically stated that (a) the model rules adopted by the Oregon Attorney General did not apply to the city, and (b) prescribed the rules of procedure that the city would use for public contracts, which might include portions of the Model Rules.

In addition, the State Code allowed the city to establish class special procurements to procure certain goods and services without following the competitive sealed bidding, competitive sealed proposal, intermediate procurement, or other procurement methods that would otherwise be required under the circumstances. Adoption of class special procurements allowed for more efficient contracting and the avoidance of unnecessary expenses when procuring certain goods and services. Exhibit B to Ordinance #2832-2025 provided various classes of special procurements for the Council to consider and approve. Exhibit C to Ordinance #2832-2025 contained findings required under the State Code in order for the Council to approve the Class Special Procurements.

By the passage of Ordinance #2832-2025, the city would establish local rules and procedures governing public contracting and approve class special procurements.

MILLS moved, CONTRERAS seconded, **THE CITY COUNCIL TO APPROVE ORDINANCE #2832-2025, AN ORDINANCE OF THE CITY OF ONTARIO ADOPTING PUBLIC CONTRACTING RULES AND PROCEDURES.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-out; Contreras-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

FOLDEN moved, MILLS seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THE CITY APPROVE ORDINANCE #2832-2025, AN ORDINANCE OF THE CITY OF ONTARIO ADOPTING PUBLIC CONTRACTING RULES AND PROCEDURES. ON SECOND READING BY TITLE ONLY.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-out; Contreras-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

Resolution #2025-101: Amendments-Revisions to City Financial Policies and Procedures Manual
Dan Cummings, City Manager, presented.

Due to the prospective adoption of updated City of Ontario Public Contracting Rules and Procedures, through Ordinance #2832-2024, and pursuant to proposed Resolution #2025-101, certain public contracting provisions contained in the City's Financial Policies and Procedures Manual that were outdated and inconsistent with the Local Rules and the Oregon Public Contracting Code should be correspondingly removed. Certain provisions in the Financial Policies concerning internal purchasing ethics and procedures were not outdated or inconsistent with the Local Rules and State Code; therefore, those provisions remained in the Financial Policies. *(Attached Resolution #2025-101)*

In addition, due to changes with regard to city vehicle use for business travel, revisions to the Financial Policies concerning the use of city and private vehicles for city business travel and related reimbursements were necessary.

On April 19, 2004, pursuant to Resolution #2004-111, the Council adopted the Financial Policies, which included, among other policies, certain public contracting and travel expense policies. On November 20, 2018, the Council adopted Resolution #2018-142, which revised the Financial Policies. Some of the revisions to the Financial Policies included changes to the travel expense policies, while many of original provisions concerning public contracting remained unchanged.

Because many of the public contracting policies contained in the Financial Policies did not conform with the State Code and Local Rules, Resolution #2025-101 removed the majority of the public contracting provisions in the Financial Policies. Certain Financial Policies provisions concerning internal purchasing ethics and procedures were not inconsistent with the Local Rules and State Code; therefore, those specific provisions remained in the Financial Policies. *(Exhibit A to Resolution #2025-101)*

The city reduced the number of travel vehicles, which rendered certain portions of the Financial Policies concerning travel vehicles unnecessary.

Proposed Resolution #2025-101 addressed both of these developments and needed updates to the Financial Policies. Adoption of the amendments to the Financial Policies coincided with the adoption of new Local Public Contracting Rules and Procedures, and supported the current policy approved by the Council concerning vehicle use for city business travel.

MILLS moved, BAKEFELT seconded, **THE CITY COUNCIL TO APPROVE RESOLUTION #2025-101, A RESOLUTION REVISING THE FINANCIAL POLICIES AND PROCEDURES MANUAL WITH REGARD TO PUBLIC CONTRACTING AND PRIVATELY-OWNED AUTOMOBILE MILEAGE REIMBURSEMENT.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-out; Contreras-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

Resolution #2025-112: Amending the City of Ontario Residence and Incentive Program
Dan Cummings, City Manager, presented.

The City Council approved Resolution #2004-131, setting certain employee residency requirements and response time for public safety personnel, which were amended by Resolutions #2018-112, #2021-138, and #2022-127. Times have changed and city personnel longevity policies have changed. Therefore, another revision was now necessary to keep in tune with the current goals of the city to make Ontario a great place to work, while providing the opportunity to move up through promotions without causing a financial and or family hardship by having to relocate within the city limits.

Previous resolutions regarding this matter included:

- **Resolution #2004-131** set a response time requirement for Public Works, Police, and Fire, to live within a 20-minute response time to their primary work-site, as well as for all Department Heads to live within the Ontario Urban Growth Area (UGA).

- **Resolution #2018-112** amended the policy to require all Department Heads hired after February 27, 2018, who were not contract employees, to live within the Ontario City Limits, and that all other city employees were to live within the 8C School District. This also required all existing employees who were subsequently promoted to a Department Head position, had to comply within twelve months of said promotion. It also created the Incentive Program to give a city employee living within the city limits a $50.00 monthly credit for their residential water/sewer bill.

- **Resolution #2021-138** amended the policy to clarify the intent of Resolution #2018-112, in that it provided a Written Policy titled "City of Ontario, Oregon Residency Policy" which required all Department Heads hired after February 27, 2018, who were not contract employees, to live within the city limits, and all other city employees to live within the 8C School District boundaries. This also required all existing employees subsequently being promoted to a Department Head position s to comply within twelve months of said promotion. It also created the Incentive Program to give a city employee living within the city limits a $50.00 monthly credit for their residential water/sewer bill.

- **Resolution #2022-122** amended the policy incentive portion for the $50.00 credit to include the employees of Jacobs Engineering Company and Oster Professional Group, CPA, recognizing these contract employees as being part of the city team.

- **Resolution #2022-127** amended the policy to remove the portion of the policy that required non-department head employees to live within the 8C School District boundary.

To keep pace with the current promotional policy established and to be fair to all employees who wanted to promote within the city, it was necessary to eliminate the possibility of causing family and financial hardship when accepting promotions to a department head position, by the requirement to move and/or live within the city limits.

Removing that particular requirement, would increase the ability to promote within the employee pool. This action could also potentially save the city money, as it could eliminate the need to advertise for a position if there were existing employees who were eligible and desired a promotion, but who did not want to move. Staff was seeking this proposed amendment at this time as there was a need for the authority to promote a current employee to a permanent Department Head position.

BAKEFELT moved, MILLS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2025-112: A RESOLUTION FOR REVISIONS TO THE CITY'S RESIDENCY, INCENTIVE, AND RESPONSE TIME POLICY.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-out; Contreras-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATE

Airport: Semi-Annual Report
Andy Wood, Airport Manager, presented.

Finance: Monthly Report
Kari Ott, Finance Director, presented. Ms. Ott informed the Council, with regard to the PERS side account with the 25% match, the city had received the match, and it had to be paid by June 15, 2025. That would give the city $159K. The city maxed out what could be received, based on the city's liability.

HAND-OUTS

Minutes
County Court 03-26-2025, 04-02-2025, 04-09-2025; DAC 03-19-2025

Check Register
March 2025

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Mr. Cummings stated the Diversity Advisory Committee met and reviewed the ordinance changes as recommended by the City Attorney. There were some questions and some possible changes. The committee chose to take more time to review the document, and were hoping to hold a special meeting so they could try to have a recommendation to the Council by the next meeting.

ADJOURN

MILLS moved, CONTRERAS seconded, **THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-out; Contreras-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1. Meeting concluded at 6:43 p.m.

ACCEPTED:

____
Deborah K. Folden, Mayor

ATTEST:

____
Tori Barnett, MMC, City Recorder

AGENDA REPORT
OLD BUSINESS
May 27, 2025

TO:	Mayor and City Council
FROM:	Dan Cummings, City Manager/Community Development Director
THROUGH:	Danny K. Cummings, City Manager
SUBJECT:	**RESOLUTION #2025-113: SECURITY GRANT PROGRAM UPDATE**
DATE:	May 20, 2025

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE RESOLUTION #2025-113, A RESOLUTION AMENDING RESOLUTION #2021-122, THE GRANT GUIDELINES AND APPLICATION FOR THE ONTARIO SECURITY GRANT PROGRAM INCREASING THE MAXIMUM GRANT AMOUNT TO $1,000.00 AND ADDING OTHER ALLOWED GRANT AREAS.

SUMMARY:

The Ontario Security Grant Program was created by Resolution #2021-122 to provide businesses with financial assistance to improve physical security and deter crime in commercially zoned areas of the city.

Businesses located in Commercial Zones C-1, C-2, C-2H, C-3, and Commercial Use Apartment Building (Complex) of 10 units or more in any zone within city limits, are eligible for a dollar-for-dollar matching grant of up to $500 as established by Resolution #2021-122. Businesses must complete and submit an application with the required attachments. Applications will be reviewed and approved by a panel consisting of the City Manager, Assistant to the City Manager, Police Chief (or designee), and Fire Chief (or designee).

At the May 14, 2025, budget hearing, the Budget Committee recommended increasing the maximum grant amount from $500 to $1,000. Resolution #2025–113 amends Resolution #2021-122 to reflect this increase.

Staff is recommending adding other zones and areas where the grant use is allowed.

BACKGROUND:

To begin the budget process, the City Council reviews and revises the Council Strategic Plan. In 2021, Council added Strategy 4: The Business Climate to the Growth goal. This strategy includes a focus on growing and retaining businesses.

In 2021, the Budget Committee approved $25,000 for a grant program which would provide money to businesses for security improvements.

The structure of the program is generally based on the existing Façade Grant Program. Staff also partnered with the Small Business Development Center for input on business needs and vulnerabilities.

There has not been a large interest in the program, with the last grant applied for in 2023. There is currently a balance of $19,500 left in the fund being carried over to the 2025-2026 budget, which was reflected during the May 2025 budget meeting.

At the May 14, 2025, budget meeting, the Budget Committee recommended increasing the maximum grant amount from $500 to $1,000. Resolution #2025–113 amends Resolution #2021-122 to reflect this increase.

Due to the increase in crime at multifamily apartment complexes, the staff is recommending adding Apartment Buildings (Complexes) of 10 units or more in any zone to the program, as well as the CD (College District) and PF (Public Facility) zones, to allow schools to apply. An applicant can also apply to the City Council to allow for a grant at a site of mass gathering on a case-by-case basis, which would require approval by the City Council.

CURRENT SITUATION:

Funds for this program became available at the beginning of the fiscal year, July 1, 2021, and have been carried over each year during the budget cycles. As of the May 14, 2025, budget meetings, there is a balance of $19,500 in the fund.

At the May 14, 2025, budget meeting, the Budget Committee recommended to the City Council to increase the maximum grant amount from $500.00 to $1,000.00.

Staff are also recommending adding zones and other building uses to the program.

The application and guidelines of the program need to be amended to reflect the recommendations in this report and approved through a resolution by the Council before it is initiated.

ANALYSIS:

A. **STRATEGIC PLAN** This action corresponds directly with growing and retaining businesses, which is part of the Strategic Plan of the Council: The Business Climate of the Growth goal of the strategic plan. Providing these funds will help businesses keep their property and employees safe.

B. **FINANCIAL** There remains $19,500 out of the original amount of $25,000.00 for this project that was approved in the FY 21-22 adopted budget, and the remaining amounts have been carried over in all budgets since the 21-22 budget. Each grant under the amendment of Resolution #2025-113 is limited to $1,000 with a dollar-for-dollar match.

C. **TIMING** Funds for the program became available on July 1, 2021, and the carry-over has been approved by each subsequent budget. The amended program may begin immediately upon passage by the Council of Resolution #2025-113.

D. **POLICY/LEGAL** There are no policy or legal considerations.

ALTERNATIVES:

The Council may choose to adjust portions of program details or may choose not to adopt the program.

RECOMMENDATION:

Staff recommends Council adopt the amendments to the Security Grant Program.

ATTACHMENTS:

1. Ontario Security Grant Program Application_2025
2. Ontario Security Grant Program Guidelines_2025
3. Res 2025-113_Amended Security Grant Program

City of Ontario
Security Grant Program
Application

Date: ______________________

Applicant Information

Name: ____

Property Address: ____

Business Name: ____

Business Mailing Address: ____

Business Daytime Phone Number: ___________________ Applicant Phone Number: __________________

Email Address: ____

Description of Business Security Needs:

____

____

____

____

____

____

Total Project Cost: ___________________________________

Amount Requested: __________________________________

Application Packet Checklist

The following items must be attached to your application:

1. Proof of ownership (warranty deed)
2. Description of the work to be completed.
3. Photos of building to be improved.
4. Cost summary from the chosen vendor.
5. Schedule of work to be completed.
6. Proposed Commencement Date: ___________________
7. Proposed Completion Date: _______________________

Date Submitted	Grant Panel Meeting	Grant Panel Approval

Note: Proof of payment (invoices and receipts) and an "after" picture are required for reimbursement after project completion.

Property Owner Consent

Property Owner Name: ____

Property Owner Mailing Address: ____

Property Owner Daytime Phone: ____

Property Owner Email: ____

As the legal owner of the above referenced property, I hereby grant authorization to complete the security improvements indicated on this application. I also stipulate that I have read the entire application and application checklist. I understand my responsibilities and obligations as the property owner under this application.

Property Owner's Signature: ____ Date: _________________

For questions regarding this program, please contact Corinna Hysell at corinna.hysell@ontariooregon.org.

Ontario Security Grant Program Guidelines
May 2025

The City Council Strategic Plan outlines the goals and priorities of the City of Ontario. These goals are desirability, education, lifestyle, beautification, growth, and financial stability. The council added a strategic focus on the business climate to the growth goal. Activities include growing and maintaining businesses, assessing the existing business climate, and analyzing city codes to ensure a business-friendly environment. With this direction, the 2021 Ontario Budget Committee created a $25,000 grant program for businesses to improve security measures at their physical locations as of May of 2025 there remains $19,500 in the program. At the May 14, 2025, budget meeting the committee recommended amending the program to increase the maximum amount of the grant from $500 to $1,000.

The goals of the Security Grant Program are to (1) provide businesses with means to improve physical security and, (2) deter crime in commercial areas and buildings. All property owners of existing commercial buildings located in the commercial zones C-1, C-2, C-2H, C-3, CD (College District), PF (Schools), Commercial use Building (Complex) of 10 units or more, within city limits are eligible for this program. An applicant my request to the City Council to approve a request for a site of mass gatherings.

To qualify for assistance, an applicant must comply with the Security Grant Program guidelines. Projects must be approved by the grant panel established by the City of Ontario.

Eligible Activities: (items included but not limited to)

1. Entry sensors
2. Motion sensors
3. Security cameras
4. Glass break sensors
5. Panic buttons
6. Alarm keypads
7. System installation
8. Enterprise security systems

Ineligible Activities: (items included but not limited to)

1. Firearms
2. Cybersecurity

Program Implementation:

- Applications and guidelines for the program are available on the city website or at City Hall at 444 SW 4th Street.
- The applicant can apply for up to $1,000 with a match of $1,000.
- The Ontario Security Grant Program is an on-going program with limited funds. Application packets will be submitted to City Hall and date/time stamped. Applications will be reviewed on a first come, first serve basis.
- Application packets must include a completed application and a completed packet checklist.

- The grant panel will consist of the City Manager, Assistant to the City Manager, Police Chief (or designee), and Fire Chief (or designee).
- The grant panel will consider all applications which comply with the program guidelines.
- Applicants requesting funds must sign an agreement with the City of Ontario.
- Grant funds will be distributed to the applicant upon completion of the approved phases and inspections conducted by the grant panel. Proof of payment (invoices and receipts) and an "after" picture are required.
- After implementation, a member of the grant panel will inspect the project.
- Changes in originally approved work specifications must be approved by the grant panel prior to any changes being implemented.
- Approved changes in the work verification will be attached to the original applications dated and signed by the grant panel.
- Deviations from an approved plan may disqualify the applicant from this grant program.

RESOLUTION #2025-113

A RESOLUTION AMENDING RESOLUTION 2021-122, THE GRANT GUIDELINES AND APPLICATION FOR THE ONTARIO SECURITY GRANT PROGRAM INCREASING THE MAXIMUM GRANT AMOUNT TO $1,000 AND ADDING OTHER ALLOWED GRANT AREAS.

WHEREAS, The City Council Strategic Plan prioritizes growing and retaining businesses under strategy 4: The Business Climate of the Growth goal; and

WHEREAS, It is the desire of the City Council to support businesses and deter crime in our commercial zones and commercial use apartment buildings; and

WHEREAS, The Budget Committee in 2021 approved $25,000 for a grant program to improve business security; and

WHEREAS, The Budget Committee in 2025 approved to increase the maximum amount of the grant from $500 to $1,000; and

WHEREAS, The City Staff also recommend adding zones CD (College District), PF (Public Faculty) to include public schools and Commercial use Apartment Building (complex) of 10 units or more in any city zone, as well as allowing an applicant to request the City Council to approve a Site of Mass Gathering on a case-by-case basis.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to amend the Ontario Security Grant Program guidelines and application as included in Attachment A and B, respectively.

EFFECTIVE DATE: Effective May 27, 2025.

PASSED AND ADOPTED by the City Council of the City of Ontario this 27th day of May 2025, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 27th day of May 2025.

____
Deborah K. Folden, Mayor

ATTEST:

____
Tori Barnett, MMC, City Recorder

AGENDA REPORT
NEW BUSINESS
May 27, 2025

TO:	Mayor and City Council
FROM:	Marshall Pierce, City Engineer/Project Manager
THROUGH:	Danny K. Cummings, City Manager
SUBJECT:	**BID AWARD: EAST LANE REHAB PROJECT**
DATE:	May 1, 2025

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE THE BID AWARD TO THE LOWEST RESPONSIVE BIDDER, GRANITE CONSTRUCTION COMPANY, FOR $1,070,220 AND A 10% ($107,022) FOR CONSTRUCTION CONTINGENCY, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.

SUMMARY:

This project has been on the City's horizon for quite some time as a priority project need. The City had budgeted 1.8M to cover the total project cost. The project was bid in April, and the City only received one responsive bid, from Granite Construction Company, in the amount of $1,077,220.

BACKGROUND:

This project has been on the City's horizon for quite some time as a priority project need. The City had budgeted 1.8M to cover the total project cost. The project was bid in April, and the City only received one responsive bid, from Granite Construction Company, in the amount of $1,077,220.

CURRENT SITUATION:

The City has received one qualified bid, within budget, in response to a bid invitation for the above referenced project. The City is to decide award of project to the lowest bidder.

ANALYSIS:

A. **STRATEGIC PLAN** The project is consistent with the Strategic Plan goals and the Transportation Master Plan.

B. **FINANCIAL** The City had budgeted $1.8M for FY 25-26 for this project. $729,497 of this amount came from the fund exchange, the remaining was set aside from marijuana funds. With the bid amount received, this will enable services during construction and a 10% construction contingency within the budgeted amount.

C. **TIMING** The City has 60 days after receiving bids to award the contract. Time is of the essence.

D. **POLICY/LEGAL** The City Council is the approving authority for this action.

ALTERNATIVES:

Reject the bid and not complete the project.

RECOMMENDATION:

Staff recommends approval of the Bid Award to Granite Construction Company in the amount of $1,077,220 and requests and 10% design contingency.

ATTACHMENTS:

None

AGENDA REPORT
NEW BUSINESS
May 27, 2025

TO: Mayor and City Council

FROM: Marshall Pierce, City Engineer/Project Manager

THROUGH: Danny K. Cummings, City Manager

SUBJECT: TASK ORDER AMENDMENT (JACOBS): SERVICES DURING CONSTRUCTION FOR EAST LANE

DATE: May 1, 2025

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE THE JACOBS ENGINEERING TASK ORDER AMENDMENT TO PROVIDE SERVICES DURING CONSTRUCTION FOR THE EAST LANE REHAB PROJECT, IN THE AMOUNT OF $140,298.40.

SUMMARY:

To move the project through the final construction phase, the City needs to secure engineering support. Jacobs Engineering, who designed the project and has provided the attached Task Order identifying a scope of work and fee to support the construction management phase of this project.

BACKGROUND:

This project has been on the City's horizon for several years and identified as a transportation/roadway project need. The design was completed last year, and bidding performed this spring. With intent to award the project to the lowest responsive bidder, the City will need the engineer to perform Services During Construction (SDC).

CURRENT SITUATION:

The project has been bid and the City is in a position to award the project. To start that process, the City needs an engineering team to review submittals and other administrative items, construction/field visits, testing information, pay applications, and coordinate with the City on the Contractors performance comparing against the specifications. The City Engineer has reviewed the Task Order and is comfortable with the Scope of Services and the fee established.

ANALYSIS:

A. **STRATEGIC PLAN** The project meets the City's Strategic Plan for lifestyle and growth.

B. **FINANCIAL** Overall project is within City's budgeted amount of 1.8M. These funds were $729,497 from fund exchange dollars with the remaining set aside from marijuana tax funds.

C. **TIMING** With a Contractor bid award, the City will need to award the services during construction contractor prior to construction commencing.

D. **POLICY/LEGAL** Council approval is required.

ALTERNATIVES:

Not awarding would endanger the bid and project as services during construction is required with a project of this scale.

RECOMMENDATION:

Staff recommends Council approve the Jacobs Engineering Task Order including a 10% contingency for $140,298.40 for Services During Construction for the East Ln. rehab project.

ATTACHMENTS:

None

AGENDA REPORT
NEW BUSINESS
May 27, 2025

TO: Mayor and City Council

FROM: Marshall Pierce, City Engineer/Project Manager

THROUGH: Danny K. Cummings, City Manager

SUBJECT: TASK ORDER AWARD: ANDERSON PERRY(AP) SURFACE WATER RIGHTS FOR NEW INTAKE

DATE: May 1, 2025

PROPOSED MOTION:

I MOVE COUNCIL APPROVE OF ANDERSON PERRY'S TASK ORDER FOR SURFACE WATER RIGHTS ASSISTANCE IN THE AMOUNT OF $25,000.

SUMMARY:

The City currently holds a surface water right permit issued through the Oregon Water Resources Department (OWRD) The permit is beyond its "completion date" established in the permit. The City previously filed an extension of time, which is currently in review. Concurrent with this, the City is in the process of adding a new point of diversion, the secondary river intake project, that OWRD requires an amendment to their permit. However, an amendment is not possible once the permit is past the "completion date". The plan is to "prove up" our beneficial use prior to the "completion date" that will allow us to "perfect" a portion of our water rights. Once this has been approved, we can submit an amendment to add the new diversion source to the partial permit (once the time extension has been approved).

BACKGROUND:

The City currently holds a surface water right permit issued through the Oregon Water Resources Department (OWRD) The permit is beyond its "completion date" established in the permit. The City previously filed an extension of time, which is currently in review. Concurrent with this, the City is in the process of adding a new point of diversion, the secondary river intake project, that OWRD requires an amendment to their permit. However, an amendment is not possible once the permit is past the "completion date". The plan is to "prove up" our beneficial use prior to the "completion date" that will allow us to "perfect" a portion of our water rights. Once this has been approved, we can submit an amendment to add the new diversion source to the partial permit (once the time extension has been approved).

CURRENT SITUATION:

With a new river intake in design, the City will need to add a new point of diversion to our water rights permit. This is a complicated and timely process that needs to begin now.

ANALYSIS:

A. **STRATEGIC PLAN** This is compliant with the City's plan to provide safe and affordible drinking water to its residents.

B. **FINANCIAL** The City had budged $25,000 in the UCF for this project, for FY 25-26.

C. **TIMING** As the new river intake is in early design stages, this water rights certification project should begin immediately.

D. **POLICY/LEGAL** The City Council is the approving authority for this action.

ALTERNATIVES:

Not moving forward may jeopardize the ability to construct the new secondary river intake project.

RECOMMENDATION:

Staff recommends approval of the Task Order for Anderson Perry in the amount of $25,000.

ATTACHMENTS:

None

AGENDA REPORT
NEW BUSINESS
May 27, 2025

TO: Mayor and City Council

FROM: Marshall Pierce, City Engineer/Project Manager

THROUGH: Danny K. Cummings, City Manager

SUBJECT: ~~CHANGE ORDER: WATER TREATMENT PLANT FLOC MECHANISM REPLACEMENT PROJECT~~ ***(MOVED TO JULY 8, 2025)***

DATE: May 1, 2025

PROPOSED MOTION:

I MOVE CITY COUNCIL TO APPROVE OF THE CONSTRUCTION CHANGE ORDER TO DESERT VIEW, IN THE AMOUNT OF $296,975, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.

SUMMARY:

The City of Ontario's Old Water Treatment Plant floculation and conveyor equipment is over 40 years old and is showing its age. Equipment replacement bidding for this project occurred on October 9,2024. Only one bid was received, in the amount of $1,687,243 including a $100,000 construction contingency. With deduct bid alternates 1 and 2, the updated bid amount for award is $1,455,643. After additional good-faith negotiations with the contractor, additional savings were found that amount to $112,000. The project was approved by Council and awarded in December last year. As presented in that Council meeting, needed bid alternates were not included due to budgetary constraints and the plan as presented was to request additional funding for next FY (this year), and add a CO for the amount needed, of $296,975.

BACKGROUND:

The City of Ontario's Old Water Treatment Plant floculation and conveyor equipment is over 40 years old and is showing its age. Equipment replacement bidding for this project occurred on October 9,2024. Only one bid was received, in the amount of $1,687,243 including a $100,000 construction contingency. With deduct bid alternates 1 and 2, the updated bid amount for award is $1,455,643. After additional good-faith negotiations with the contractor, additional savings were found that amount to $112,000. The project was approved by Council and awarded in December last year. As presented in that Council meeting, needed bid alternates were not included due to budgetary constraints and the plan as presented was to request additional funding for next FY (this year), and add a CO for the amount needed, of $296,975.

CURRENT SITUATION:

The City has budgeted for this CO in this new FY and is prepared to issue a construction change order to obtain new equipment.

ANALYSIS:

A. **STRATEGIC PLAN** The project is consistent with the improvements identified in the Water Master Plan.

B. **FINANCIAL** The CO amount is within the budgeted amount for next FY.

C. **TIMING** The submittal process has begun for this new equipment, and a CO should be executed in order to procure the equipment.

D. **POLICY/LEGAL** The City Council is the approving authority for this action.

ALTERNATIVES:

Not award the CO, and the old plant will not be upgraded as planned.

RECOMMENDATION:

Staff recommends Construction Change Order award to Desert View Construction in the amount of $296,975.

ATTACHMENTS:

None

AGENDA REPORT
NEW BUSINESS
May 27, 2025

TO:	Mayor and City Council
FROM:	Marshall Pierce, City Engineer/Project Manager
THROUGH:	Danny K. Cummings, City Manager
SUBJECT:	**TASK ORDER AMENDMENT (RH2): SDB (SERVICES DURING BIDDING) AND SDC FOR SCREEN REPLACEMENT PROJECT**
DATE:	May 22, 2025

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE THE RH2 ENGINEERING TASK ORDER AMENDMENT TO PROVIDE SERVICES DURING BIDDING AND CONSTRUCTION FOR THE WWTP HEADWORKS SCREEN REPLACEMENT PROJECT, IN THE AMOUNT OF $74,228.

SUMMARY:

To move the project through the bidding and construction phase, the City needs to secure engineering support. RH2, who designed the project and has provided the attached Task Order identifying a scope of work and fee to support the bidding and construction management phase of this project.

BACKGROUND:

This project has been on the City's horizon for several years and identified as a WWTP priority project need. The design was completed earlier this year, and is currently out to bid (due June 5). With intent to award the project to the lowest responsive bidder, the City will need the engineer to perform Services During Construction (SDC), as well as the assistance during the ongoing bidding phase.

CURRENT SITUATION:

The project is currently out to bid, with bids due on June 5. Assuming the City receives responsive bids within the budget, the project will need engineering support. To start that process, the City needs assistance with bidding, and an engineering team to review submittals and other administrative items, construction/field visits, testing information, pay applications, and coordinate with the City on the Contractors performance comparing against the specifications. The City Engineer has reviewed the Task Order and is comfortable with the Scope of Services and the fee established.

ANALYSIS:

A. **STRATEGIC PLAN** The project meets the City's Strategic Plan.

B. **FINANCIAL** Project is within City's overall budgeted amount.

C. **TIMING** Bidding services are underway, and SDC will commence as soon as bids are received and the project is awarded.

D. **POLICY/LEGAL** Council approval is required.

ALTERNATIVES:

Not awarding would endanger the bid and project as SDC is required with a project of this scale.

RECOMMENDATION:

Staff recommends Council approve the RH2 Task Order including a 10% contingency for $74,228, for SDB and SDC for the WWTP Screen Replacement Project.

ATTACHMENTS:

None

Public Works Department

QUARTERLY PRESENTATION JANUARY - MARCH 2025

Engineering Development Review & Special Projects

ONTARIO
OREGON

- 12 Right of Way permits issued
- 10 PDAC meetings held
- 1 address changes or additions
- Multiple plan reviews
- SE 5th Ave Pedestrian Improvement Project construction
- Beck Park Trail inspection
- Kickoff meeting with Keller on a Collections system Rehabilitation Project
- Multiple construction inspections

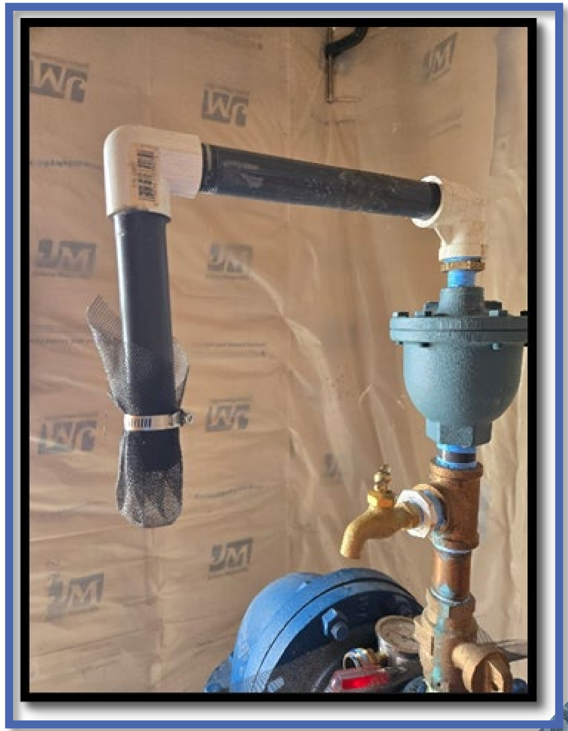
Engineering Development Review & Special Projects

- NW 16th Ave construction inspection
- SE 5th Ave storm swale addition
- BLM Way project

Water Treatment Plant

- Annual maintenance on the Westech package filters completed
- Installed new VFDs at the Eastside Booster Station
- Installed new VFDs on the river intake pumps
- Emergency Power outage training for all staff
- New compressor installed to operate valve actuators

Water Treatment Plant



Wastewater Treatment Plant

- Replaced a 2nd broken Aerator cable in Lagoon #1and reconnected the aerators
- Continued flowing treated effluent to the Snake River for the winter months
- Skyline effluent pipe failed during Malheur River flooding

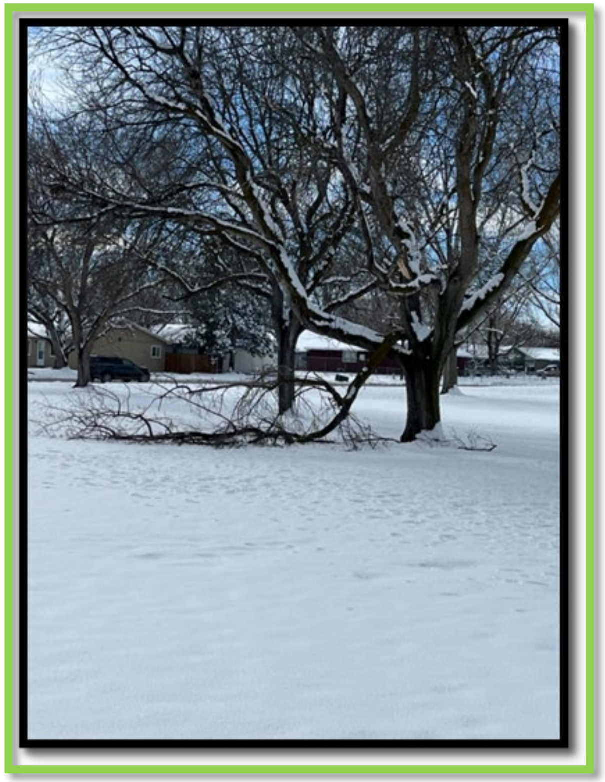
Wastewater Treatment Plant

ONTARIO
OREGON

Buildings, Parks & Cemeteries

- 7 funerals at Evergreen and 1 funeral at Sunset Cemetery
- Working on assembling new benches for the parks
- Snow removal on city parking lots and sidewalks
- Repaired Beck Park bridge due to vandalism
- Removed limbs that were broken by heavy snowfall

Building, Parks & Cemeteries

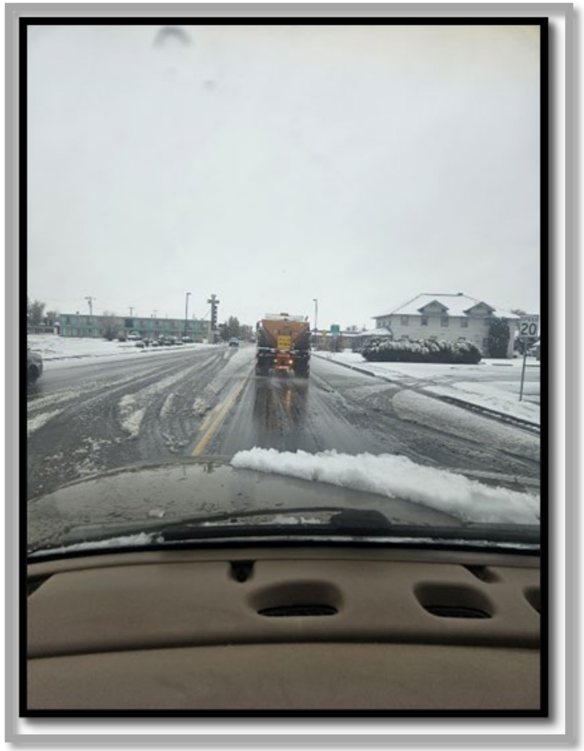


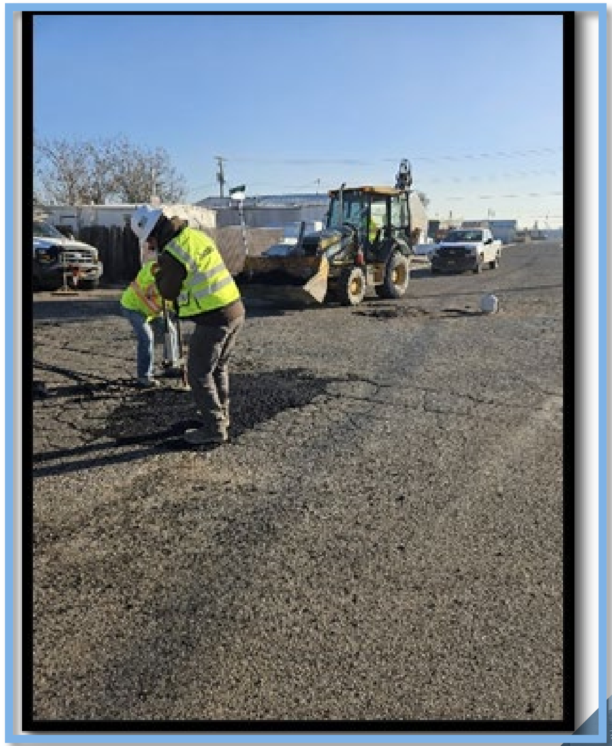
Field Services

- Installed 5 new water service
- Replaced 122 water meters that failed
- 105 utility locates completed
- Started cleaning the Wastewater Collections system
- Repaired multiple main breaks and service breaks
- Primary and secondary routes swept, full town sweeping completed as well
- Removed the Holiday decorations
- Snow and Ice control throughout town and Airport

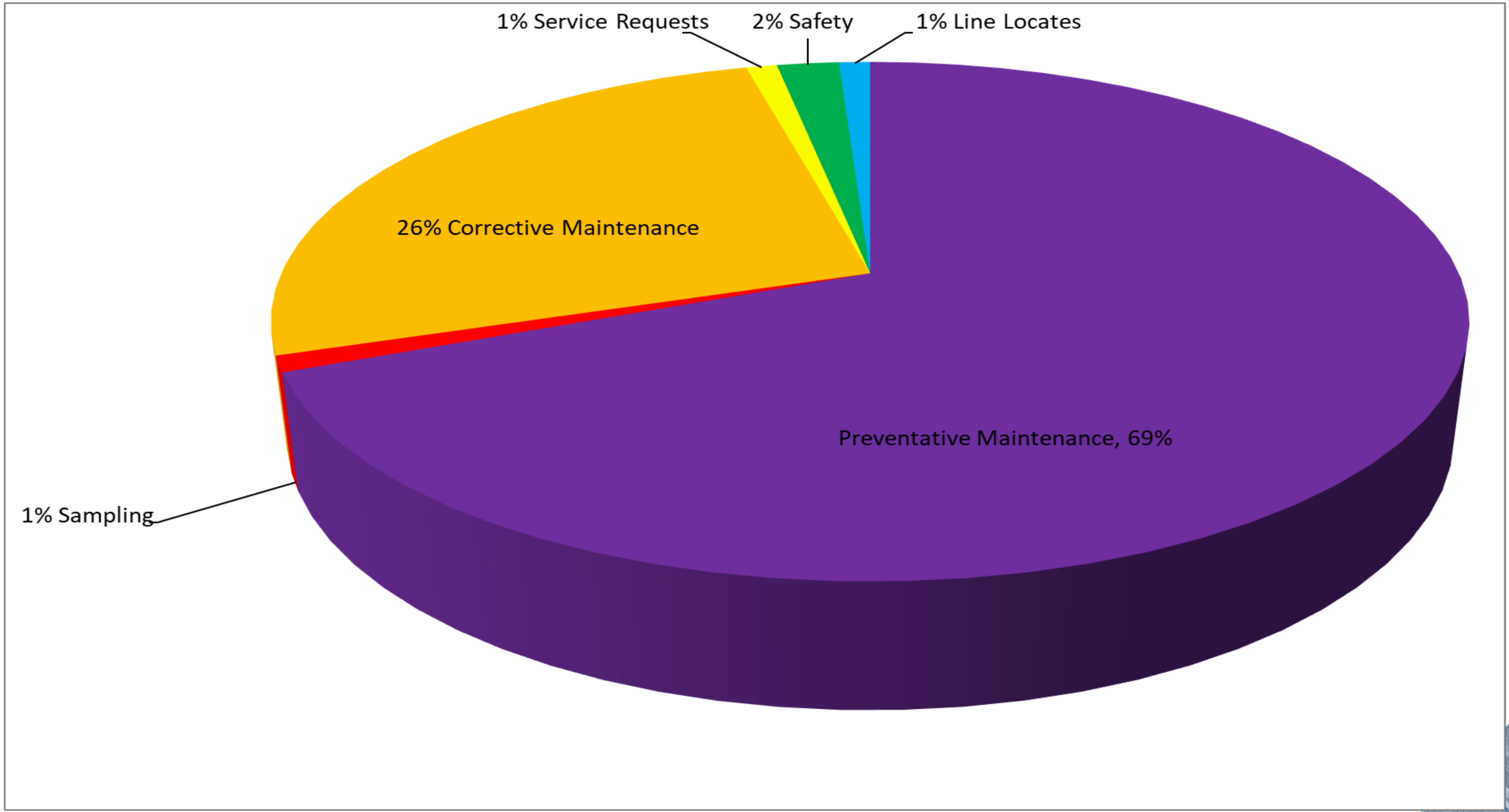
Field Services: Streets & Collection/Distribution

ONTARIO
OREGON





Department Summary



ONTARIO
OREGON

Questions?

Ontario Police Department

- **Quarterly Report**
- **2025- 1st Quarter (January - March)**

Jason Cooper
Interim Police Chief

AGENCY STRUCTURE

ONTARIO
OREGON

2 05/15/25

INT. CHIEF OF POLICE
JASON COOPER

ACT. CAPTAIN
JAMES SWANK

POLICE OFFICE MANAGER
SHERI SMITH

OPERATIONS LIEUTENANT
VACANT

DETECTIVES
BEN ESPLIN
BJ SNYDER

EVIDENCE TECHNICIAN
STEPHANIE CUMMINGS

SERGEANTS
JON LAURENSON
CASEY WALKER
CHRIS BOLYARD
VACANT

POLICE SUPPORT SPECIALIST
LIZ AMASON
VACANT

SCHOOL RESOURCE OFFICERS
DANIELLE LLAMAS-HS
VACANT-MS

PATROL (A & C)
JEREMY JONES
TODD HARNDEN
TYLER BULLINGTON
RICK REYNA
BRANDON MITCHELL
ADEN MARIN
VACANT
VACANT

PATROL (B & D)
JARED CUTLER
RICHARD FRAZIER
ADAM CLINTON
MIKE GALLAGHER
TAYLOR BROWN
NICK TAMBORNINI
GABE GALICIA
VACANT

CODE ENFORCEMENT
TRISH ROBINSON

Personnel Updates

05/15/25

Vacancies

- 6 – Officer openings
  - -1 Filled –Start date June 2^{nd}
  - -Upcoming Job Recruitment Fair (June 20^{th})

- 1- Support Staff opening (accepting applications)
- 2- back-to-back failed Officer recruitments
- 1- Lateral recruitment – rescinded application

SERVICE RECOGNITION

5 Years

05/15/2025

Ofc. Tyler Bullington

Ofc. Adam Clinton

Ofc Rick Reyna

Recruit Officer Updates

05/15/2025

Officer A. Marin – Police Academy Graduate
December 06, 2024

Officer Gabe Galicia -
Completed FTEP – Solo Status
February 6th, 2025

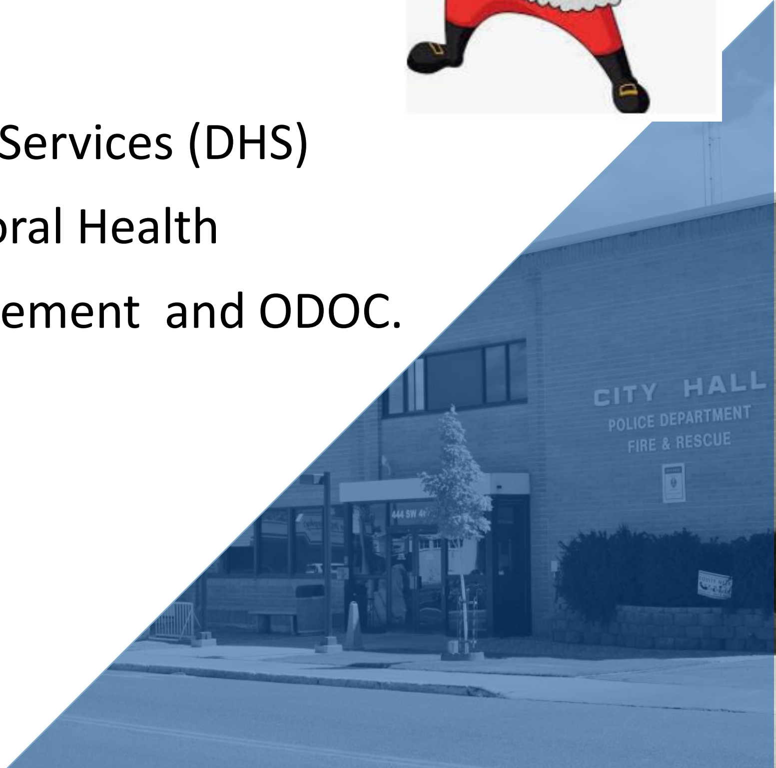
Community Involvement

Shop with a COP (December 7th)

05/15/2025

Community Partnerships

- Ontario Wal-Mart Store
  (grant program)
- Dept. of Human Services (DHS)
- Lifeways Behavioral Health
- Local Law Enforcement and ODOC.



Officer Recognition

05/15/25

- American Legion Post 67 -

Outstanding Service Award

Officer of the Year

- Officer Brandon Mitchell
- Officer J. Jones
- Officer T. Bullington
- Sgt. Chris Bolyard

Theft / Missing Persons case-Texas/investigation/ Re-connect with family

Significant cases

05/15/25

- Homicide (December) – suspect in custody/ Prosecution pending.
- OPD part of Multi-Agency Case Takedown with HDDTF & DEA (December) – suspect(s) in custody/awaiting Federal Prosecution.
- Armed Robbery-Rusty's (December) – suspect in custody/pending Trial.
- Armed Robbery-'Lil Palomino (January) – suspect in custody/pending Trial
- Armed Robbery/Auto Theft (March) – suspect in custody / case pending

High Desert Task Force

- December 2024 Multi-Agency Case Takedown (DEA co-case)
  - 7 search warrants in **Ontario** and **Payette**
  - Total case stats
    - 26 pounds of methamphetamine
    - 27 ounces of fentanyl
    - Multiple firearms
    - 5 federal arrests (3 more federal indictments pending)
    - 11 state arrests
- Investigation – January 2025 **(Ontario)**
  - 2.7 ounces of methamphetamine
- Investigation– February 2025 **(Vale)**
  - 52 grams of fentanyl and a handgun
- Investigation– March 2025 **(Nyssa)**
  - 1 ounce meth, 3 guns, 2 stolen vehicle, $10,485

Major Crime investigation assists

- Little Palomino Armed Robbery (OPD)
- State Park death investigation (OSP & OPD)
- Armed car jacking (Sanchez) (OPD)

HDDTF 2025 Statistics

	Jan-March
Investigations Initiated	19
Arrests	15
Methamphetamine Seized (oz)	13.2
Fentanyl Pills Seized	31
Fentanyl Seized (oz)	2.1
Cocaine Seized (oz)	
Heroin Seized (oz)	
Bulk processed marijuana seized (lbs)	
Marijuana plants destroyed	
Guns Seized	6
Search Warrants	5
MCT Inv. Assists (Ontario)	1
MCT Inv. Assists (County)	2
Stolen Property Recovered	2
Drug Endangered Children	2
Currency Seized	$11,122
Property Forfieture Seized (est.)	

Active Projects

05/15/25

- Motorola- RMS (NIBRS reporting)
- Mobile Data Terminals (MDT's)
- Recruiting (Job Fair)
- Policy Updates (Lexipol)
- RFP for Body Cameras
- Evidence Room Drying station
- PD Remodel

Deployed / In-Use

Professional Development / Training

(*Development & Opportunity)

05/15/2025

- <u>Leadership - </u> (2) Sergants

  I.P.S.L.E.I. (International Public Safety Leadership and Ethics Institute

- <u>Crisis Intervention</u> – (3) Officers

  40 HR Course – De-escalation & crisis resolution

- <u>Field Training & Evaluation</u> – (2) Officers

  40 HR Course – Recruit development & assessment

- <u>Evidence Technician Conference</u> – Evidence Technician

  Focus on Best practices in Evidence room

- <u>Background Investigations</u> - (1) Officer

  Pre-Hire Applicant investigations & review

- <u>DRE / DUII Multi-Disciplinary Conference</u> - (1) Officer

  Case Law review, networking, knowledge dissemination

05-15-25

ORIGINAL

Jacobs

PARK'S
COMMITTEE MEETING MINUTES
Thursday March 20, 2025, 6:00 p.m. MT

The scheduled meeting of the Park's Committee was called to order by Commissioner at approximately 6:00 p.m. on Thursday, March 20, 2025, in the Council Chambers of City Hall. Committee members present in person were Mike Pratt, Michael Partin, Marc Berg, Michael Braden & Sandy Shelton; Tyler Whitaker and Andrew Maeda and were excused.

Others present in person were, City Manager Development Director Dan Cummings, and Assistant Public Works Director, Al Haun.

Mike Pratt led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on April 15, 2025; copies of the agenda and minutes are available at the Public Works Headquarters and on the city's website at www.ontariooregon.org.

MOTION PASSED UNANIMOUSLY TO ADOPT THE AGENDA AS PRESENTED

PUBLIC COMMENT

Visitors: Tobias Braden and Tristan Richard

APPROVAL OF MINUTES

February 20, 2025

RESOLUTION, ACTION &/OR MOTION

THE MOTION WAS MADE BY MICHAEL BRADEN, SECONDED BY SANDY SHELTON TO ADOPT THE MARCH 20, 2025, MINUTES: MOTION PASSED UNANIMOUSLY

NEW BUSINESS

A) OHS Tennis Court – Michael Braden

Michael Braden was in contact with OHS Athletic Director Josh Mink. Along NW 2nd Ave and NW 10th Street, the tennis courts are in need of repair. The school district just invested heavily in upgrading their Track & Field facilities. Next on their list is tennis courts. The existing four courts are used heavily by the school and the public. To the east of their courts along NW 9th Street, there is space to expand their courts.

The city helped Four Rivers update the tennis courts at Kiwanis Park. The school paid about $60k, of the $140k total cost.

Would the Parks Committee (and City Council) be willing to look at a similar arrangement? They may have missed the window for this year's budget discussions. It was pointed out that TVCC tennis courts get a lot of use. Kiwanis Park has Four Rivers HS practice there. The Lions Park tennis courts are waiting on the pool upgrade. The courts will be damaged by machinery, when the time comes to demolish the pool structures. So, the Lions Park tennis courts are on hold.

B) ODF UCF Grant Update – Michael Braden

Michael Braden gave an update. The ODF sub award grant should be signed in the next few weeks. They will create a Technical Advisory Committee (TAC). This should be set up by June. The question was asked if this funding has any chance of being rescinded. Until the contract is awarded, there is always a chance. But the likelihood is low. ODF says that this funding is not on hold, which should be permanent once the contract is signed.

C) Kiwanis Budget and Priorities for Parks – Marc Berg

Kiwanis had a few changes to their priority list. Marc B reminded the clubs that the City Manager and JACOBS had asked each park to have a list of park priorities, that they could take into the city budget discussions.

D) 2025 Lions Park Master Plan – Mike Pratt

Some updates to Lions Park, including the location of a walking trail through the park, future parking on the east side, and sidewalk improvements on the north. A veteran's monument (including flagpole) will be planned for the southwest corner, by the intersection. There is a tree planted in the northeast corner, around 1980, by a Lions Club leader. They would like to relocate the tree, if it becomes necessary to move for the parking.

RESOLUTION, ACTION &/OR MOTION

THE MOTION WAS MADE MICHAEL BRADEN; SECONDED BY MARC BERG TO APPROVE THE LIONS PARK MASTER PLAN: MIKE PRATT-YES, MICHAEL PARTIN-YES, MARC BERG-YES, MICHAEL BRADEN-YES, AND SANDY SHELTON-YES.

COMMENTS FROM COMMITTEE MEMBERS

- Beck Pond update: No burn along the shoreline yet. The weather has not been helpful.

- Laxon Park: Serve Day is April 26th. Rotary will do some trail cleaning. Some goathead/tackweeds were found on the north side of the park.

ADJOURN

RESOLUTION, ACTION &/OR MOTION

THE MOTION TO ADJOURN WAS MADE BY MICHAEL BRADEN; SECONDED BY MICHAEL PARTIN: MOTION PASSED UNANIMOUSLY.

NEXT MEETING SCHEDULED FOR APRIL 15, 2025, AT 6:00PM.

Approved: M A Pratt 4/17/2025

Signature Date

(Chairman Michael Pratt, Vice-Chairman Michael Partin)

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andy.wood@ontariooregon.org

"The Gateway to Adventure"

Airport Committee Meeting Minutes

March 3, 2025

Due to Chairman and Vice Chairman's absences, Charlotte Hatch nominated Jim Beaumont to act as Chair. Mike Franks second. The committee meeting was called to order by acting Chairman Jim Beaumont at 6:01 pm.

1) **Roll Call**: Bill Hager-present, John Freeburg-present, Gary Taylor- absent, Charlotte Hatch-present, Michael Franks-present, Rick Todd-excused, Chairman Shawn Coleman-excused, Alternate Jim Beaumont- present

Ex Officio members: Ken Hart (City Council)-present, Dan Cummings (City Manager)-excused.

Airport Manager: Andy Wood-present

FBO: Silverhawk: Absent

Public attendees: Toby Epler and colleague Lee (JUB Engineering).

2) **PLEDGE OF ALLEGIANCE:** Led by acting Chairman.

3) **MOTION TO ADOPT THE AGENDA**: *Charlotte Hatch moved to adopt the agenda as presented. John Freeburg second.* Roll call vote: Bill-yes, John-yes, Gary-out, Charlotte-yes, Mike-yes, Rick-out, Shawn-out, and Jim-yes. *Motion carried 4/0/3.*

4) **APPROVAL OF MINUTES**: *John Freeburg moved to approve the minutes from 2/3/2025. Bill Hager second.* Roll call vote: Bill-yes, John-yes, Gary-out, Charlotte-yes, Mike-yes, Rick-out, Shawn-out, and Jim-yes. *Motion carried 4/0/3.*

5) **PUBLIC COMMENT**

   No public comments.

6) **PRESENTATIONS**

   No presentations.

7) **OLD BUSINESS**

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No old business.

8) **NEW BUSINESS**:
   A) *Silverhawk Lease Renewal Review:* The Committee discussed Silverhawk's FBO Lease and possible changes to be made. Andy Wood expressed the main complaints he has received about the FBO are inability to contact on weekends, lack of customer service, and mail delivery issues.

   John Freeburg suggested that penalties be added into the lease as a solution. The City will add a penalty clause 1.5 to the Fixed Based Operator Services Agreement. The Committee agreed that Clause 3.1.2 needs clarification on the responsibility of collecting tie-down fees and that under Schedule 1.1.A, reference to the penalty clause needs to be added if mandatory services are not performed in accordance with the agreement. No motion, discussion will be continued.

9) **REPORTS**

   No reports.

10) **HAND-OUTS/DISCUSSION ITEMS**
   A) *Airport Budget Status – December 2024:* Andy Wood discussed the presented Airport Budget handout. Ken Hart highlighted the airport collected $7212.50 in tiedown fees, which greatly exceeded the $2000.00 budget. The fuel sales of $12,477.44 also exceeded the budgeted $11,200.00. Andy mentioned the possibility of using the land west of the runway for farming to increase airport revenue.

11) **CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS**

   Andy Wood commented that the local EAA chapter at the airport applied for the EAA Ray Aviation Scholarship Fund and was not approved. To increase their chances of being approved, Andy mentioned a donation from the city or TVCC donating a flight simulator are items on the EAA's recommended list. Andy suggested the Committee write a letter of recommendation to the EAA.

12) **ADJOURN** *Moved by Bill Hager, Second by John Freeburg.* Roll call vote: Bill-yes, John-yes, Gary-out, Charlotte-yes, Mike-yes, Rick-out, Shawn-out, and Jim-yes. *Motion carried 4/0/3.*

The meeting was adjourned at 7:25 pm.

Next meeting: Monday April 7, 2025, at 6 pm at Ontario City Hall.

Shawn Coleman - Chairman

Charlotte Hatch - Secretary

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Airport Committee Meeting Minutes

April 7, 2025

The committee meeting was called to order by Chairman Shawn Coleman at 6:01 pm.

1) **Roll Call**: Bill Hager-present, John Freeburg-present, Gary Taylor- absent, Charlotte Hatch-excused, Michael Franks-present, Rick Todd-present, Chairman Shawn Coleman-present, Alternate Jim Beaumont- present.

Ex Officio members: Ken Hart (City Council)-absent, Dan Cummings (City Manager)-excused.

Airport Manager: Andy Wood-present

FBO: Silverhawk: Absent

Public attendees: Toby Epler and colleague Lee (JUB Engineering), Julie Lynch (TVCC).

2) **PLEDGE OF ALLEGIANCE:** Led by acting Chairman.

3) **MOTION TO ADOPT THE AGENDA**: *John Freeburg moved to adopt the agenda as presented. Bill Hager second.* Roll call vote: Bill-yes, John-yes, Gary-out, Charlotte-out, Mike-yes, Rick-yes, Shawn-yes, and Jim-yes. *Motion carried 6/0/2.*

4) **APPROVAL OF MINUTES**: *Rick Todd moved to approve the minutes from 3/3/2025. John Freeburg second.* Roll call vote: Bill-yes, John-yes, Gary-out, Charlotte-out, Mike-yes, Rick-yes, Shawn-yes, and Jim-yes. *Motion carried 6/0/2.*

5) **PUBLIC COMMENT**

   No public comments.

6) **OLD BUSINESS**
   A) *Silverhawk Lease Renewal Review:* John Freeburg moved to table until February 2026. Bill Hager second. Roll call vote: Bill-yes, John-yes, Gary-out, Charlotte-out, Mike-yes, Rick-yes, Shawn-yes, and Jim-yes. *Motion carried 6/0/2.*

7) **NEW BUSINESS**:
   A) *EAA Ray Foundation Scholarship:* The EAA is looking to get a tiered percentage for the scholarship from the city, TVCC, EAA, and independent organizations. Bill Hager motioned to recommend the city put 30% into the scholarship. Michael Franks

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second. Roll call vote: Bill-yes, John-yes, Gary-out, Charlotte-out, Mike-yes, Rick-yes, Shawn-yes, and Jim-yes. *Motion carried 6/0/2.*

Julie Lynch, Aviation Director at TVCC, asked for clarification on the scholarship to provide to the college on the possibility of donating a Redbird basic simulator to assist and to cater to the EAA's younger audience.

B) *Sale of Hanger 335 Echo and 341 Delta:* Buyer requested to table this matter until May to do his due diligence Motion by Bill Hager. John Freeburg second. Roll call vote: Bill-yes, John-yes, Gary-out, Charlotte-out, Mike-yes, Rick-yes, Shawn-yes, and Jim-yes. *Motion carried 6/0/2.*

8) HAND-OUTS/DISCUSSION ITEMS

A) *Airport Budget Status – December 2024:* Andy Wood discussed the presented Airport Budget handout. Ken Hart highlighted the airport collected $7212.50 in tiedown fees, which greatly exceeded the $2000.00 budget. The fuel sales of $12,477.44 also exceeded the budgeted $11,200.00. Andy mentioned the possibility of using the land west of the runway for farming to increase airport revenue.

9) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

Toby Epler (JUB Engineering) announced that the corporate ramp paving will begin May 5th. The BLM signed off on 30% of their project, essentially the layout of the plan. They are expecting the plan should be completed by this fall and begin contractor bidding afterwards.

Rick Todd asked Andy Wood where unused airport funds go – they are reallocated to the general fund. Andy explained these funds get recycled into airport projects.

John Freeburg questioned why there is a tractor positioned near the runway. Andy explained he is testing some new crops on the available land west of the runway.

10) ADJOURN *Moved by Bill Hager, Second by John Freeburg.* Roll call vote: Bill-yes, John-yes, Gary-out, Charlotte-yes, Mike-yes, Rick-out, Shawn-out, and Jim-yes. *Motion carried 4/0/3.*

The meeting was adjourned at 6:58 pm.

Next meeting: Monday May 5, 2025, at 6 pm at Ontario City Hall.

Shawn Coleman - Chairman

Charlotte Hatch - Secretary

MALHEUR COUNTY BUDGET COMMITTEE MEETING MINUTES

April 22-23, 2025

The Malheur County Budget Committee convened on April 22, 2025 at 9:00 a.m. in the County Court Office of the Malheur County Courthouse to consider the 2025/2026 budget with Judge Dan Joyce, Commissioner Ron Jacobs, and Commissioner Jim Mendiola; Budget Committee Members Bob Skinner, Dave Ingram, and Cheri Hung; and Budget Officer Lorinda DuBois present. Those persons discussing the budget with the Budget Committee were present electronically or in-person. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Notice of the meeting was published in the Argus Observer and 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 # 2025-1185

BUDGET MESSSAGE & APPOINTMENT OF CHAIR

Judge Joyce welcomed everyone and expressed appreciation for the volunteers' service and thanked Ms. DuBois for her work on the budget. Judge Joyce explained that given the current cuts in federal funding, Ms. DuBois has prepared the 2025-2026 budget without PILT (Payment in Lieu of Taxes) funding. Judge Joyce noted that Bob Skinner is a past president of the Public Lands Council. Commissioner Jacobs was asked to Chair the meeting.

INFORMATION SERVICES (IS) DEPARTMENT

IS Director Joshua Kreger discussed and answered questions concerning Page 3 – Information Services; and Page 83 – IS Tech Fund. Extra Help is for a temporary summer staff position. Contracted Services includes software for system security; moved to LATCF budget.

WEED CONTROL

Weed Inspector Amanda Zander discussed and answered questions concerning Page 36 – Weed Control. This will be the last year of the BLM Noxious Weed Grant. Taylor Grazing is not transferring funding to the Weed department. An increase to the Chemicals line-item was requested; it is not in the Proposed budget. A Flatbed for the Weed Inspector pickup was requested; this request is in the LATCF budget. Ms. Zander also has grants managed through the Owyhee Watershed Council.

PREDATORY ANIMAL CONTROL

USDA/APHIS Wildlife Services Specialist Scott Phillips and District Supervisor Shane Koyle gave an update on predatory animal control activities and answered questions; funding requested for the Wildlife Services program is $119,000 ($10,000 is for aerial aviation through USDA). Predatory Animal Control also includes funding for the County's landowner cost share fly program. Ms. DuBois has proposed to move Predatory Animal Control from the General Fund to the LATCF fund in the Contracted Services line-item. Mr. Phillips has done a lot of badger work at SRCI. Beaver work is at 156; 217 coyotes; and 7 marmots. Raven work is at 144 and the cap is 180. Starlings at Beef Northwest have greatly increased (Beef Northwest pays for the chemical.) There are no confirmed collared wolves in the county. See instrument # 2025-1186 for the written correspondence.

FAIRGROUNDS

Fairgrounds Manager Amy Wood and Board Member Jennifer Hall discussed and answered questions concerning Pages 55-57 – County Fair Fund. Revenue is included for Fair Admissions as there will be a gate entrance fee for the 2025 County Fair. There will also be an entrance fee for the rodeo. A commercial kitchen was put in the Commercial Building with grant funds. A power project is taking place with the infrastructure grant; the camping area has 70 new pedestals. There are 26 power poles that are in poor condition; running underground power is also planned under the infrastructure grant. The Barn I grant is completed. Numerous improvements to the rodeo facility have been completed. Additional grant opportunities are always being sought.

SOIL & WATER CONSERVATION DISTRICT (SWCD)

SWCD Manager Linda Rowe discussed activities of SWCD, shared project photos, and answered questions; financial support in the amount of $25,000 was requested to support the efforts of SWCD. SWCD is attempting to purchase property for their facility; earnest money was put down; with the federal budget difficulties the purchase may not take place. Funds for SWCD are appropriated from the Technical Assistance line in the Economic Development budget. See instrument # 2025-1187 for the written correspondence.

MALHEUR COUNCIL ON AGING & COMMUNITY SERVICES (MCOA&CS)

MCOA&CS Transportation Project Manager Brittany White discussed the funding request to help support public transportation services and answered questions. $15,000 was requested to utilize as match funds for the 5311 transportation grant; this request is in the Special Transportation Fund budget. Funds for the 5311 Match are transferred from the Economic Development budget. There are additional ODOT funding grants that the County receives and subcontracts with MCOA&CS to provide the services.

JUVENILE DEPARTMENT

Juvenile Department Director Ted Martinez discussed and answered questions concerning Page 15 – Juvenile Department; Page 59 – Juvenile Crime Prevention; and Page 71 – MS 11 Detention Fund.

Page 15 – Juvenile Department: included a line-item for maintenance of the Satellite Office in Ontario. There are several line-items that were decreased from the Requested budget to the Proposed budget. No funding is being transferred to the MS 11 Detention Fund in the 2025/2026 budget.

Page 59 – Juvenile Crime Prevention is State juvenile crime prevention and juvenile basic funding. Exact revenue numbers won't be available until June or July.

Page 71 – MS 11 Detention Fund is a Special Fund for Measure 11 Detention youth; funding is not spent until the detention line-items in other budgets are exhausted.

COURT SECURITY; DRUG COURT; MEDIATION

Trial Court Administrator Marilee Aldred discussed Page 62 – Court Facilities Security; Page 63 – State Drug Court Fund; and Page 64 – State Mediation Fund. These are Special Fund budgets and can only be used for specific purposes designated for the fund.

Page 62 – Court Facilities Security: There will be a deputy assigned to court security; when the deputy is working upstairs the salary will come from the Court Facilities Security budget; when the deputy is working downstairs the salary will come from the Jail budget.

Page 63 – State Drug Court Fund: Funding is used to support the drug court program, graduation supplies and incentives are purchased with these funds.

Page 64 – State Mediation Fund: Funding is from the State through filing fees.

ASSESSOR'S OFFICE

Assessor Chris Russell discussed and answered questions concerning Page 6 – Assessor; and Page 68 – GIS Maintenance Fund. Few changes from last year. There have not been many Border Region Housing (BRH) applications.

DOG CONTROL/ANI-CARE ANIMAL SHELTER

Amanda Grosdidier with Ani-Care Animal Shelter discussed the "Dog Control" line-item on Page 20 – Non Program. The contract is for abandoned or stray canines located in Malheur County – not city limits. There are extra funds in this line-item in case needed for situations such as quarantine holds. Ms. Grosdidier has not requested an increase to the contract for the 2025/2026 fiscal year.

The meeting recessed for lunch.

The County budget meeting was closed and the Malheur County Agricultural Educational Extension Service District budget meeting was opened.

EXTENSION TAX SERVICE DISTRICT

Notice of the Malheur County Agricultural Educational Extension Service District budget meeting was published in the Argus Observer. OSU Eastern Region Regional Director Natalie Kinion and Malheur Experiment Station Director Stuart Reitz reviewed the budget for the tax service district and answered questions. Also present was Darci Payne and Extension Office Manager Emerald Lewis. Tax district funds are split between the Extension Office and the Experiment Station. The Experiment Station uses the funds for personnel costs and is approximately 35% of the Experiment Station's base operation budget. The Extension Service uses the funds for personnel and operating expenses. There is currently a vacant 4-H position. The Office Specialist 2 is a new position in the budget; this is an OSU employee. Historically, the County provided an Office Manager for the Extension Service; this position ended December 2024 with the retirement of that staff member but the County agreed to fund the position for the entirety of the fiscal year. If the County does not fund the Office Specialist 2 position in the 2025/2026 fiscal year it will need to be funded in the Tax Service District budget. The Tax Service District has approximately $1.5 million contingency funds. The County General fund budget proposes to no longer fund the Extension Service (the County is concerned it may not receive PILT payments and has no contingency funds in the 2025/2026 Proposed budget). It was noted that the space use agreement and IGA need to be updated. Ms. Kinion suggested changing the requisition process and billing quarterly; Ms. DuBois noted this would not decrease the workload for County staff. A copy of Oregon State University's Thriving Together, The Power of OSU Extension Service 2024 (booklet) was left for the committee.

The Extension Service District budget meeting was closed and the County budget session was reopened.

EXTENSION SERVICE

Page 35 – Extension Service was reviewed. The County owns the building that houses Extension Service; $5,000 is proposed for Building Repairs in this budget.

ENVIRONMENTAL HEALTH DEPARTMENT

Incoming Environmental Health Director Evan Manger and Environmental Health Clerk Kelly Friend discussed and answered questions concerning Page 18 – Solid Waste; and Page 30 – Environmental Health.

Page 18 – Solid Waste. Power was run to the Lytle Boulevard Landfill this current fiscal year. It is proposed to put security cameras and Starlink service at the Landfill. The Dump Closure line-item was increased as costs have significantly increased. Replacement of the scale and scale house is in the LATCF budget.

Page 30 – Environmental Health. The County will no longer provide service to Baker County after June 30, 2025. The department has been short one employee for quite some time.

VETERANS SERVICE

Veterans Service Officer Connie Tanaka discussed and answered questions concerning Page 31 – Veterans Service; and Page 66 – CVSO Expansion Fund. Mr. Tanaka advocates for veterans and assists with the filling of claims and benefits. CVSO Expansion Fund are State funds that help to support the department.

HEALTH DEPARTMENT

Health Department Director Rebecca Stricker discussed Pages 27-28 – Health Department; and Page 29 – Medical Investigation.

Pages 27-28 – Health Department. Notification was received today that the State Health/WIC Grant will be $361,910 – a slight increase than what was proposed. Office Supplies and Clinic Expenses line-items were reduced in the Proposed budget; it is hoped that grant funding may be able to augment these expenses. There may be additional modernization funding (line-item 3-30-3807 LPHA Implementation). AIDS Programs – State is a new program element and new funding; it is hoped to provide this program with current staff.

Page 29 – Medical Investigation: Unattended deaths are investigated by deputy medical investigators and they receive $35 per unattended death. Dr. Brauer is the Medical Examiner.

COURTHOUSE

Maintenance Supervisor Don Dalton discussed and answered questions concerning Page 16 – Courthouse. Three Courthouse projects have been moved from the Courthouse budget to the LATCF budget – the three projects are: Back stairs chairlift $12,000; Backflow valve $15,500; and Snow removal equipment $47,000.

CLERK'S OFFICE

Clerk Gayle Trotter discussed and answered questions concerning Page 5 – County Clerk; and Page 69 – Clerk Records Fund. The Special District election is May 2025. Next fiscal year will be an election in May 2026 and possibly a November 2025 election (depending on legislation currently being considered by the legislature). Funding in the Clerk Records Fund is used for digitizing and archiving permanent records.

IS BUDGETS

Information Services and IS Tech Fund budgets were reviewed and approved.

ONTARIO COMMUNITY LIBRARY

Ontario Community Library Director Darlyne Johnson discussed Page 33 – Ontario Community Library. The library is requesting funding for Bookmobile services outside the District's boundaries; the District requested $10,000. The funds are transferred from the Economic Development budget to the Library budget. The request was approved.

PERS

The County has three PERS Rates: Tier 1/Tier 2, OPSRP, and OPSRP Police and Fire. The current rate for Tier 1/Tier 2 is 22.21%; OPSRP is 17.64%; and OPSRP Police and Fire is 22.43%. July 2025 Tier 1/Tier2 will be 27.81%; OPSR 22.47%; and OPSR Police and Fire 27.74%. The County must still pay PERS on PERS retirees who continue to work for the County. Malheur County does not pick up the employee's 6% PERS contribution.

Review of previously discussed budgets.

The Weed Control budget was approved.

Taylor Grazing Fund was discussed.

County Fairgrounds budget was discussed and approved.

Soil and Water Conservation District (SWCD) request for $25,000 was approved.

Special Transportation 5311 Match ($15,000) was approved.

Juvenile Department budgets were approved.

Court Facilities Security; State Drug Court Fund; and State Mediation Fund were approved.

Assessor's and GIS Maintenance budgets were approved.

Ani-Care Animal Shelter's request was approved.

Agricultural Educational Extension District Budget was discussed. The tax district has $1.5 million contingency and the Proposed budget reflects full staffing. The budget was approved as proposed.

Extension Service was approved.

Solid Waste and Environmental Health budgets were reviewed and approved. Replacement of the scale at the Landfill is proposed in the LATCF budget.

Veterans Service and CVSO Expansion Fund budgets were approved.

County Clerk and Clerk Records Fund budgets were approved.

Courthouse budget was approved.

Health Department; and Medical Investigation budgets were approved.

SHERIFF'S OFFICE

Sheriff Travis Johnson, Undersheriff Dave Kesey, Lieutenant Rachel Reyna, Lieutenant Jim St. Michell, and Lieutenant Rich Harriman discussed and answered questions concerning Pages 21-22 – Sheriff; Pages 23-24 Jail; Page 25 – MCSO Communication Center; Page 26 – Emergency Management; Pages 47-48 – Community Corrections; Page 50 – Boat License Fund; Page 51 – Corrections Assessment; Page 54 – Task Force Fund; Page 60 – 911 Fund; Page 61 – Traffic Safety Fund; Page 67 – Search and Rescue Fund; Page 70 – Federal Forfeitures Fund; and Page 80 – Work Release Construction Fund.

Pages 21-22 – Sheriff: CJC Diversion Grant is new and is used for the deflection program; most of the funding is passed through to Lifeways. Vacation Buy Back is only for backfilled positions. Investigation Expense includes $5,000 for the Task Force Fee. Motorola Flex annual maintenance fee was moved to LATCF budget. Small Equipment includes requests for a CHL card printer, desk printer, and taser contract. Capital Outlay request is for one vehicle; and epoxy of the floor at the Ironhead building; both requests were moved to the LATCF budget. The CHL card printer request was also moved to LATCF.

Pages 23-24 – Jail. Community Corrections budget transfers funds to the Jail budget. Overtime is a large expense. Jail medical is a large expense. Food & Kitchen Expenses continue to increase – the daily rate to feed an inmate is currently $8.84. Small Equipment requests are for monitors, duty vests and body cams. The body cams request was moved to LATCF. Requests for a storage unit for the Sally Port and remodel of the jail medical office are also in the LATCF budget.

Page 25 – MCSO Communication Center. The 911 Transfer is decreased due to a change in allocation of the 911 funds. Dispatch is currently fully staffed.

Page 26 – Emergency Management. The OEMPG grant is federal funds passed through to the State; there is concern about the stability of these funds. Open projects under the Homeland Security Grant can continue; future funding of the Homeland Security Grant is unknown at this time. The notification system is changing from AlertSense to Everbridge and the State will pay for it. There will also be a reimbursement grant for the Owyhee Ridge Project – Lt. Harriman will provide Ms. DuBois with those funding details before the budget is adopted.

Pages 47-48 – Community Corrections. Supervision numbers continue to increase. Vehicles are aging and maintenance costs are increasing. Measure 57 funding is incorrect in the budget – that figure will be corrected.

Page 50 – Boat License Fund. The Bureau of Reclamation grant was canceled by BOR; this grant funded a part-time deputy.

Page 51 – Corrections Assessment: Funds a portion of a corrections deputy who is the programs coordinator.

Page 54 – Task Force Fund.

Page 60 – 911 Fund. Funds are transferred to the MCSO Communication Center.

Page 61 – Traffic Safety Fund. Small amount of funds leftover from a grant.

Page 67 – Search and Rescue Fund. Small amount of funding that needs used up on Search and Rescue so the fund can be closed out.

Page 70 – Federal Forfeitures Fund. Use of these funds is complicated and very limit.

Page 80 – Work Release Construction Fund. Funds were used for a new roof this last year.

Ms. Hung abstained from approval of the Jail budget as she is the Chief Financial Officer for Valley Family Health Care and that Valley Family Health Care contracts with the County to provide jail medical services. The Sheriff's Office budgets above were approved.

The meeting recessed for the day.

MALHEUR COUNTY BUDGET COMMITTEE MEETING MINUTES

April 22-23, 2025

The County Budget Committee continued its meeting on April 23, 2025 at 9:00 a.m. in the County Court Office of the Malheur County Courthouse to consider the 2025/2026 budget with Judge Dan Joyce, Commissioner Ron Jacobs and Commissioner Jim Mendiola; Budget Committee Members Bob Skinner, Dave Ingram, and Cheri Hung; and Budget Officer Lorinda DuBois present. Those persons discussing the budget with the Budget Committee were present electronically or in-person. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Notice of the meeting was published in the Argus Observer and on the County website and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded.

ROAD DEPARTMENT

Road Supervisor Dave Tiffany discussed and answered questions concerning Page 32 – Marine & Park; Pages 40-42 – Road Fund; Page 43 – Major Bridge Fund; Page 44 – Road Equipment Fund; and Page 45 – Road Improvement Fund.

Page 32 – Marine & Park: Currently do not have a caretaker at Bully Creek Park. The park is open; Mr. Tiffany is mowing and working to get the irrigation system going. A contractor is scheduled to spray. Commissioner Jacobs noted that BOR will not be able to complete the ADA project at the park until next year.

Pages 40-42 – Road Fund: Road Equipment/Parts, Repairs; and Culverts line-items were increased. Sand & Gravel will be spent down by the end of the fiscal year. Cash on Hand is approximately $5 million – if a bridge washes out, it will be expensive to replace. There is not a regular rotation schedule for equipment but may be beneficial to create one. Would like to have a bridge foreman position. When the Jordan Valley Foreman retires there will be an expense to move equipment to a new location; this expense should be planned for. Mr. Skinner noted there is a great need for gravel in the Jordan Valley area. Commissioner Mendiola inquired about gravel for Crowley Road; a rock source is needed.

Page 43 – Major Bridge Fund: Reserve fund for major bridge projects in the County (including road districts); 2% of the gas tax funding is put into this fund each year.

Page 44 – Road Equipment Fund: Transfer from the Road fund. Grader is almost paid off.

Page 45 – Road Improvement Fund: There have been no landowner road improvement projects in many years.

DISTRICT ATTORNEY'S OFFICE

District Attorney Dave Goldthorpe and Management Assistant Sasha Goodell discussed and answered questions concerning Pages 9-10 – District Attorney; Page 11 – VOCA Grant/DA; Page 12 – CAMI Grant/DA; Page 14 – CFA/DA; and Page 52 – DA Enforcement.

Pages 9-10 – District Attorney. The office is currently fully staffed. The summer clerk intern position was successful last year; also had a Malheur Works intern last summer. The Proposed budget has some reductions from what was requested. A SAFE Court grant is run through the DA's Office.

Page 11 – VOCA Grant/DA; and Page 12 – CAMI Grant/DA. There may be interruptions to the grants for Victims Services; this is due to federal funding uncertainty. Victims services is constitutionally required and the office relies heavily on grant funding to provide the services.

Page 14 – CFA/DA: Funding helps to support the Victims Services program.

Page 52 – DA Enforcement: Revenue is from fines; the actual monies received are transferred to the General Fund to support the DA's Office.

See instrument # 2025-1188 for the written correspondence.

SURVEYOR

Surveyor Derrick McKrola discussed Page 37 – County Surveyor; and Page 46 – Surveyor Corner Preservation Fund.

Page 46 – Surveyor Corner Preservation: Requested this fund no longer reimburse the County Surveyor Fund for work performed by the Surveyor (line-item 5-20-3223). This change is in the Proposed budget. Capital Outlay proposed is for a truck, truck accessories, storage container, and UTV side-by-side. The current pickup and side-by-side Mr. McKrola is using are not off-road vehicles. Corner Preservation work is an important responsibility of the County Surveyor.

The Road Fund funds .25 of the County Surveyor salary. Mr. McKrola noted that he does not do work for the Bridge Fund and suggested that his .10 salary be removed; Ms. DuBois said that Mr. Tiffany agreed to leave it in the budget for the 2025/2026 fiscal year.

Page 37 – County Surveyor: The requested budget included $4,981 in Capital Outlay towards the purchase of a vehicle; this is not in the Proposed budget.

PLANNING DEPARTMENT

Planning Department Director Carol Parker discussed and answered questions concerning Page 17 – Planning/Zoning. The requested budget is mostly the same as last year; Contracted Services was removed. Planning Commission and BRH meetings are now held at the Vale Senior Center and rent is $50 a month.

BUILDING DEPARTMENT

Building Official Adele Schaffeld discussed Pages 73-74 – Building Department. The Building Department administers the State building code program locally. It is a State program and the budget is dedicated funds. Fees are dedicated and funds cannot be swept into the General fund. The electrical program must be tracked separately during the fiscal year. A 12% State surcharge is collected and sent to the State monthly. The department is fully staffed – 4 FTE. The Admin Fee was increased to $10,000. The department is now located in the Goodfellow building in Ontario. Small Equipment is for 3 computers and two scanners (this is a Special Fund and pays for its own computers and software/licensing). Requests for refunds have significantly increased; the County ordinance provides for refunds of up to 80%; many jurisdictions are starting to implement a minimum fee. Capital Outlay projects are for painting of two doors; trim on a window and door; and building of the front counter; and future replacement of a vehicle (currently has 106,000 miles).

SNAKE RIVER ECONOMIC DEVELOPMENT ALLIANCE (SREDA)

SREDA requested funding to support SREDA. SREDA encompasses Payette and Washington Counties (Idaho) and Malheur County and markets the 3 counties in 2 states as 1 region; it is a public-private partnership. Consensus was to contribute $5,000 to SREDA. See instrument # 2025-1189 for the written documents.

TREASURER/TAX OFFICE

Treasurer/Tax Collector Jennifer Forsyth discussed Page 8 – County Treasurer/Tax. Ms. Forsyth is requesting an admin fee from Eastern Oregon Border Board; Border Board is taking the proposal to its board for approval. The admin fee requested is $2,000. If approved that line-item will be added to the budget before budget adoption. Foreclosure Fees and a Foreclosure Expense line-items were added to the budget; this is due to legislation currently under consideration by the legislature. Office Supplies was lowered in the Proposed budget and this fiscal year is the rotation to microfiche the tax rolls (this is done every five years); there is concern that the Proposed budget may not be sufficient.

POVERTY TO PROSPERITY (P2P)

Poverty to Prosperity did not submit a request for funding; no funding was allocated.

ECONOMIC DEVELOPMENT FUND

Economic & Community Development Director Taylor Rembowski discussed and answered questions concerning Pages 38-39 – Economic Development Fund. Mr. Rembowski proposed not funding SREDA; and requested a vehicle from Capital Outlay for Economic Development rather than using the assigned Carpool vehicle; a vehicle with more ground clearance is needed. A transfer to County Fair in the amount of $5,000 was requested and is in the Proposed budget. Expenses for MCDC are also in this fund. Other transfers are the 5311 Match in the Special Transportation Fund; bookmobile in the Ontario Community Library, and the Reload/Industrial Park Project.

BULLY CREEK PARK

Commissioner Jacobs noted he has been in contact with Bureau of Reclamation (BOR) and BOR may be able to contribute funding assistance this year for maintenance and operations of the park; an application will need to be completed. BOR will not be able to complete the ADA project until next year.

Review of previously discussed budgets: Road Department budgets were approved; District Attorney's Office budgets were approved.

Surveyor budgets were discussed: Ms. Hung suggested increasing Surveyor Fees revenue and pay for a portion of the vehicle from the County Surveyor budget.

Planning and Zoning was approved; Building Department was approved; SREDA's request for $5,000 was approved; Treasurer/Tax was approved; and no allocation to Poverty to Prosperity.

The meeting recessed for lunch.

The County budget meeting was closed and the ASD budget meeting was opened.

AMBULANCE SERVICE DISTRICT (ASD)

Interim ASD Coordinator Rich Harriman reviewed the Ambulance Service District budget. Notice of the ASD budget meeting was published in the Argus Observer. Tax assessment is $16.00 per household; $2.50 per hotel room; and $1.50 per employee. Dr. Morris Smith is the Medical Director. The ASD Coordinator is a part-time position (.60 FTE) and is currently vacant. Provider Training is for training opportunities for the local EMTs and first responders. Protocol Expenses is for an app the ambulances use. Disposable Medical Supplies was increased; costs have risen. Education Fund is used to reimburse persons/providers who complete training and obtain licenses. Funding under Direct Payments to Providers is allocated through a request for reimbursement process; this allows for the providers to get partial reimbursement from the Ambulance Service District for the cost of doing business. The ASD budget was approved.

The ASD budget meeting was closed and the County budget meeting was reopened.

ONTARIO JUSTICE COURT

Justice of the Peace Margie Mahony discussed Page 13 – Ontario Justice Court. Very little change to the budget from last year. Data Processing Expense was slightly increased as the database contractor increased its cost; Copy Machine Lease was slightly increased; and Court Security was increased to fund a camera in the parking lot. It was later determined that the amount requested for the camera was not enough so Judge Mahony will address it in the next fiscal year.

GENERAL FUND NON-DEPARTMENTAL REVENUES

Page 1 – General Fund Non-Departmental Revenues was reviewed; these are revenue sources not tied to a specific department. No PILT funding is anticipated for the current fiscal year or the 2025/2026 fiscal year. The 45th Parallel fund was transferred to the General Fund per the agreement of the District Attorney and the County Court at last year's budget meeting. Budget was approved.

COUNTY COURT

Page 2 – County Court was reviewed. Travel was reduced in the Proposed budget. Budget was approved.

COUNTY COUNSEL

Page 4 – County Counsel was reviewed and approved.

ADMINISTRAITVE OFFICE

Page 7 – Administrative Office was reviewed and approved. The Equipment Reserve Transfer was moved to the LATCF budget. Still looking at possible options for Time Tracking.

NON PROGRAM

Page 20 – Non Program was reviewed and approved. Courthouse Postage; Predatory Animal Control; Goodfellow Gate & Fence project; and the Transfer to the Insurance Reserve were moved to LATCF.

WATERMASTER

Page 34 – Watermaster was reviewed and approved. The State Watermaster office is in the Courthouse; the budget is $1,000.

LAW LIBRARY

Page 49 – Law Library was reviewed and approved.

TAYLOR GRAZING FUND

Page 53 – Taylor Grazing Fund was reviewed and approved; this is federal funding and is used for range improvement projects. There is an advisory board that approves projects for funding.

SPECIAL TRANSPORTATION FUND

Page 58 – Special Transportation Fund was reviewed and approved; revenue is ODOT grant funds for transportation purposes and the County subcontracts with MCOA&CS to provide the services. The "5311 Match" is in this budget; the match funds are transferred into this budget from Economic Development. The Discretionary Grant payments may change as a new biennium is starting.

MENTAL HEALTH FUND

Page 65 – Mental Health Fund was reviewed and approved; funds are from the State and passed through to Lifeways for mental health services. The County contracts with Lifeways as the Community Mental Health Program (CMHP).

RELOAD/INDUSTRIAL PARK PROJECT

Page 75 – Reload/Industrial Park Project was reviewed and approved; the interest and principal payment for the Business Oregon Special Public Works Fund loan is budgeted in this fund. The funds are transferred from the Economic Development Fund.

AMERICAN RESCUE PLAN

Page 76 – American Rescue Plan was reviewed and approved. Funds must be expended per the requirements of the American Rescue Plan Act (ARPA). Funds had to be obligated by the end of 2024; and projects must be completed by the end of 2026. Ms. DuBois recently completed the annual reporting report. The only project that has not had funds expended on is the mapping module project. Reporting must be done until Treasury closes out the program.

OPIOID SETTLEMENT FUND

Page 77 – Opioid Settlement Fund was reviewed and approved; these funds can only be used for specific purposes as stated in the settlement agreement. Ms. DuBois recently completed annual reporting on these funds.

LOCAL ASSIST LATCF

Pages 78-79 Local Assist LATCF (Local Assistance and Tribal Consistency Fund) was reviewed and approved. LATCF funds can be used for governmental purposes. It is proposed to move numerous General Fund requests and Transfers to the LATCF fund; these requests and transfers are allocated in the LATCF budget. Ms. DuBois noted Postage should be increased to $65,000. There is concern that PILT funding will not be received to support the General Fund.

INSURANCE RESERVE

Page 81 – Insurance Reserve was reviewed and approved. The County is self-insured for unemployment; workers compensation and liability insurance is paid from this fund.

CAR POOL FUND

Page 82 – Car Pool Fund was reviewed and approved. Vehicle mileage charges for when departments use vehicles from the car pool go into this fund. Service, repairs and fuel for the vehicles are tracked in the fund as is sale of the vehicles.

GENERAL COUNTY EQIPMENT FUND

Pages 84-85 – General County Equipment Fund was reviewed and approved. Saving for future projects is done in this fund (such as HVAC, phone system, election equipment). The courthouse central copy machine and county phone system are in this fund. Health Department Building Maintenance is in this fund (Health Department rent charged to program elements goes to the Health Department Building Maintenance line). Jail Kitchen Equipment line was created last year; the walk-in cooler for the jail needs to be replaced as well as the floor underneath the cooler.

GENERAL COUNTY CONTINGENCY

Page 19 – General County Contingency was reviewed and approved. General County Contingency is zero. Given the current cuts in federal funding, the 2025/2026 Proposed budget for the General Fund does not include PILT funding. This resulted in a significant shortage for the General Fund. If PILT funding is received it will be placed in Contingency.

ECONOMIC DEVELOPMENT; SURVEYOR CORNER PRESERVATION

Commissioner Jacobs expressed support for a vehicle purchase for Economic Development. Ms. Hung expressed thoughts on equity and balance between General Fund departments and Special Fund departments. The request for a vehicle from the Surveyor Preservation Fund was also discussed. Commissioner Mendiola expressed support for both vehicle purchases from the Special Fund budgets. It was suggested the Surveyor continue to use the pickup currently assigned to him and upgrade the UTV request. After discussion, consensus was to approve Economic Development and Corner Preservation Fund as shown in Proposed budget.

JUSTICE COURT

Ontario Justice Court budget was approved.

COMMUNITY CORRECTIONS

The DOC/Measure 57 revenue fund should be $95,024; the budget was corrected.

This is the only change to the Proposed budget. See instrument # 2025-1190

APPROVALS

Commissioner Jacobs moved to approve the budget for the Malheur County Ambulance Service District for the 2025-2026 fiscal year in the amount of $313,320. Commissioner Mendiola seconded and the motion passed unanimously.

Judge Joyce moved to approve the budget for the Malheur County Agricultural Educational Extension Service District for the 2025-2026 fiscal year in the amount of $2,366,015; and moved to approve property taxes for the 2025-2026 fiscal year at the rate of $0.23 per $1,000 of assessed value for operating purposes in the District Special Fund. Commissioner Mendiola seconded and the motion passed unanimously.

Commissioner Jacobs moved to approve the budget for Malheur County for the 2025-2026 fiscal year in the amount of $65,480,166; and moved to approve property taxes for the 2025-2026 fiscal year at the rate of $2.5823 per $1,000 of assessed value for operating purposes in the General Fund. Commissioner Mendiola seconded and the motion passed unanimously.

ADJOURNMENT

The meeting was adjourned.

MALHEUR COUNTY COURT MINUTES

April 30, 2025

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. with Commissioner Ron Jacobs and Commissioner Jim Mendiola present. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Present in the meeting room was Economic and Community Development Coordinator Taylor Rembowski and Building Official Adele Schaffeld. Notice of the meeting was posted on the County website, Courthouse bulletin board 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 # 2025-1233

PROCLAMATION - BUILDING SAFETY MONTH

Building Official Adele Schaffeld met with the Court and presented a proclamation declaring the month of May as Building Safety Month: also present in support of Building Safety Month were Jim Sayers, ICC (International Code Council) Board of Directors and Oregon City Building Official; David Spencer, ICC Board of Directors President and Washington County Building Official; Alana Cox, State Building Codes Division; Casey Kump, State Fire Marshal's Office; Kylee Ruby, Wasco County Deputy Building Official and Secretary/Treasurer of Eastern Oregon Building Officials Association; Donald Cochran, Wasco County electrical inspector; Rachel D., Wasco County permit technician; and Lisa Osbourn, Wasco County permit technician. The theme for Building Safety Month 2025 is "Game On!" and weekly themes are: The Warm Up; Building Your Offense; Building Your Defense; The Starting Lineup; and Going Into Overtime.

Ms. Schaffeld read the proclamation:

PROCLAMATION - BUILDING SAFETY MONTH - MAY 2025

Whereas our County is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

Whereas our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and;

Whereas these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

Whereas Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

Whereas "Game On!," the theme for Building Safety Month 2025, encourages us all to get involved and raise awareness about building safety on a personal, local and global scale, and;

Whereas each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, we, the County Court of Malheur County do hereby proclaim the month of May 2025 as Building Safety Month. Accordingly, we encourage our citizens to join us as we participate in Building Safety Month activities.

Commissioner Jacobs moved to declare May 2025 as Building Safety Month in Malheur County. Commissioner Mendiola seconded and the motion passed unanimously.

Mr. Spencer expressed praise for the dedication and commitment of Ms. Schaffeld to her community and profession; Ms. Cox and Mr. Sayers echoed Mr. Stevenson comments and the Court members thanked Ms. Schaffeld for her dedication to the program and Eastern Oregon. Mr. Sayers announced that Ms. Schaffeld is receiving the W. Scott Copp Chapter Leadership Award from the International Code Council based on her efforts putting together the Eastern Oregon Building Officials Association and her service on the Oregon Building Officials Board of Directors.

Ms. Schaffeld thanked those present for their partnership and participation with Building Safety Month in Malheur County.

Public member Kathy Clarich joined the meeting.

CROSSING PERMITS

Commissioner Jacobs moved to approve the following Crossing Permits to Farmers Mutual Telephone Company (FMTC): Permit 26-25 for Winter Hawk Lane #1535; Permit 27-25 for W Pioneer Road #1527; Permit 28-25 for Vaquero Drive #1532; Permit 29-25 for Tuttle Drive #1534; Permit 30-25 for Stanton Boulevard #762; Permit 31-25 for Snowmoody Way #1504; Permit 32-25 for S Grand View Lane #3013; Permit 33-25 for Rolland Road #965; Permit 34-25 for Riata Circle #1533; Permit 35-25 for Quail Lane #1502; Permit 36-25 for Outlook Drive #1507; Permit 37-25 for Peterson Road #1070; Permit 38-25 for NW 36th Street #537; Permit 39-25 for Hwy 52; Permit 40-25 for Hopkins Road #1072; Permit 41-25 for Grand View Lane #1566; Permit 42-25 for Forsyth Lane #1518; Permit #43-25 for Eastway Lane #1071; Permit 44-25 for Douglas Road #938; Permit 45-25 for Chester

Road #901; Permit 46-25 for Casa Rio Drive #1531; Permit 47-25 for Canyon Two Road #1069; Permit 48-25 for Canyon Three Road #1030; Permit 49-25 for Boat Landing Road #915; Permit 50-25 for Bellows Drive #1565; Permit 51-25 for Stanton Boulevard #762; and Permit 52-25 for Baker Road #897. Commissioner Mendiola seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

Public member John Messick joined the meeting.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of April 16, 2025 as written. Commissioner Mendiola seconded and the motion passed unanimously.

Administrative Officer Lorinda DuBois joined the meeting.

AMENDMENT - BOCCALEONI AGREEMENT

Commissioner Mendiola moved to approve First Amendment to Temporary Employment Agreement for Part Time Courthouse Security Deputy - Malehur County Sheriff's Office - recorded with Malheur County Clerk on October 16, 2024 as instrument number 2024-2868. Commissioner Jacobs seconded and the motion passed unanimously. See instrument #2025-1234

AMENDMENT - CHILD SUPPORT SERVICES AGREEMENT

Commissioner Jacobs moved to approve Amendment No. 1 to Department of Justice Cooperative Agreement for Child Support Services, Agreement #23502. Commissioner Mendiola seconded and the motion passed unanimously. The agreement is for the District Attorney's child support services program. A copy will be returned for recording.

AGRICULTURAL EDUCATIONAL EXTENSION SERVICE DISTRICT ADVISORY BOARD

Paul Skeen and Larry Kitamura resigned from the Agricultural Educational Extension Service District Advisory Board. Commissioner Jacobs moved to appoint the following to the Agricultural Educational Extension Service District Advisory Board: Jeff Burkhardt as the Malheur Agriculture Extension Coalition representative; Ryan Svaty as the row crop farming representative; and Darci Payne as the livestock industry representative associated with local 4-H programs. Commissioner Mendiola seconded and the motion passed unanimously.

FAIR ADVISORY BOARD

Commissioner Mendiola moved to appoint Dallas Tschida to the Fair Advisory Board. Commissioner Jacobs seconded and the motion passed unanimously.

DLCD IGA - NATURAL HAZARDS MITIGATION PLAN

Commissioner Mendiola moved to approve Intergovernmental Agreement with Department of Land Conservation and Development (DLCD) for update of the Malheur County Multi-Jurisdictional Natural Hazards Mitigation Plan, DLCD IGA #23156. Commissioner Jacobs seconded and the motion passed unanimously. A copy will be returned for recording.

ADDENDUM - LETTER OF INTENT

Commissioner Jacobs moved to Addendum to Binding Letter of Intent between Malheur County, Malheur County Development Corporation (MCDC) and JTH, LLC. Commissioner Mendiola seconded and the motion passed unanimously. A copy will be returned for recording.

Ms. DuBois, Ms. Schaffeld, and Mr. Rembowski left the meeting.

PUBLIC HEARING - REMAND HEARING ON LUBA APPEAL; ORDINANCE NO. 235

Remand from the State of Oregon Land Use Board of Appeals (LUBA) No. 2024-0303 In The Matter of Hastings et al. (Petitioners) vs. Malheur County (Respondent), and Darren Lee (Intervenor-Respondent). This LUBA remand was in response to the appeal of the County Court's approval of Ordinance No. 235, which added 80 acres of tax lot 3200 Assessor's Map 16S47E as a significant aggregate site to Malheur County's Goal 5, Mineral and Aggregate Inventory (Planning Department File 2023-12-010. This hearing is for the consideration of whether to allow mining of a significant aggregate site placed on the County's Goal 5 inventory by Ordinance No. 235.

Present for the hearing were: County Counsel Stephanie Williams, Applicant Darren Lee, Brian Sheets - Counsel for Applicant, Mike and Dinah Lord, Mike and Mandi Hastings; present electronically were: Ty Wyman - Counsel for Neighbors, Patty Dickinson, Bill and Riley Downing, and Robert and Tina Cassity. Notice of the hearing was published in the Argus Observer.

Judge Joyce: Let's open the hearing, quasi-judicial land use hearing, and I'm ordered to read this, read the following statements and items 1-7 below. This is a remand hearing from an appeal to LUBA. No new evidence is permitted at this hearing. This hearing is based on the record with oral and written arguments. When called to speak please state your name, address and title, if any, for the record. Number 1. There is a general time limit for testimony of three minutes. Applicant's and opponent's initial presentation will be ten minutes. Applicant may have a rebuttal of five minutes. All testimony and questions shall be directed to or through the judge. Testimony and questions should not be directed to staff or directly to witnesses.

Do any members of the County Court need to abstain, disclose conflicts, disclose biases, or disclose any ex parte communications or site visits? If so, now would be a good time to state the reason. And I have none.

Commissioner Jacobs: I have none.

Commissioner Mendiola: I have none.

Judge Joyce: Does anyone object to any of the members of the Malheur County Court hearing this application? Does anyone challenge the County Court's jurisdiction to hear this matter?

Land use statements for the record: Oregon land use law requires several items to be read into the record at the beginning of this hearing. I will now read these items: The applicable substantive criteria upon which the application will be decided are found in Oregon State laws and administrative rules as well as local county code provisions, which are specifically set out in the Staff Report and include: OAR 660, Division 23-0030. Testimony and arguments presented must be directed toward these approval criteria or criteria in state law, the Malheur County Comprehensive Plan, or the Malheur County Code, that the speaker believes to apply to the decision. The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the County Court and the parties the opportunity to respond to the issue will preclude appeal to LUBA on this issue. An issue that may be the basis of an appeal must be raised no later than the close of the record. Such issues must be raised and accompanied by statements or evidence sufficient to afford the County Court and the parties an adequate opportunity to respond to each issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the County Court to respond to the issue precludes an appeal or an action for damages to Circuit Court.

Number 7. Order of Proceeding. The applicant will be allocated up to ten minutes for initial applicant presentation. The applicant may also present up to five minutes for final rebuttal. Opponents, a speaker on behalf of a group, may have up to ten minutes for initial presentation. All others wishing to testify will be given three minutes each. We will have: Staff Report; Applicant; Testimony in favor; Opponents; Testimony in opposition; Staff comments, if any; Applicant/Proponent rebuttal; Close the Hearing – no public testimony can be heard after this point; Deliberations and tentative decision vote.

So at this time, we shall have the Staff Report for the County by Stephanie Williams, County Counsel.

Ms. Williams: This is the Staff Report for our remand hearing today. I think you have a copy. I wasn't really going to read the Staff Report, I was just generally going to discuss it with you. I think you know who the Applicant is. The owner is Mr. Head. The Applicant's attorney is Mr. Sheets. The subject property is tax lot 3200, Assessor's Map 16S47E. There are no water rights on the property. It's dry land farming. The total acres of the property is 308 acres - a little more than that. The Applicant, Mr. Lee, proposed to add a site to the Malheur County's Goal 5 inventory for significant mineral and aggregate sites. He's proposing to add an 80-acre site, which was heard by the County Court earlier and the County Court did add this site to the Goal 5 inventory. We're not here to reverse that or to change that; it is on the Goal 5 inventory. What we're here to decide today is whether or not mining should be allowed and that's why LUBA had remanded it back to the County, was for us to consider the full Division 23 rule and not just the quality, quantity, and location of the aggregate. So it was appealed to LUBA and LUBA had remanded it back to us to make sure that we apply the full provisions of Division 23. The exhibits that we've received are four exhibits: the request for remand hearing by Mr. Sheets; an email from Mike and Mandi Hastings; a memorandum to the County Court by Ty Wyman; and then correspondence from Mr. Sheets that came in a couple of days ago on April 28th.

So the criteria is the Oregon Administrative Rule. A lot of jurisdictions have other rules to apply to Goal 5, to put a site on a Goal 5 inventory. The County does not. We apply the rule straight up. That means that we determine whether the source is significant, which we have, and then we determine whether mining should be allowed. The Oregon Administrative Rule sets out very nicely steps that need to be taken to determine whether mining should be allowed. The steps are limited in nature. The steps say what a default impact area is; the steps say you are to consider dust, noise, discharges, agricultural practices, and other sites on the Goal 5 inventory. You really can't go outside the scope of the limitations that are set in the rules.

So one of the things that you do is identify whether or not there will be any conflicts with mining. So the first thing that you do is you determine an impact area, the statute by default, or the rule by default says it's 1,500 feet. I want to note that Farmland Reserve, actually, they had testified that the pipeline that goes across the property would impact their 2,500 acres of farm. That farm is located south of the mining site and is really outside the scope of the initial 1,500-foot impact area. I guess I say that to you because I think you could make the impact area larger if you wanted to and not just keep it at the 1,500 feet. The Planning Commission accepted 1,500 feet, and there was no opposition from anyone at the Planning Commission hearings on that. It's kind of a double-edged sword when you expand the impact area, because when you get to the ESEE analysis for future uses, if you have a big impact area, then you have to look at the future use impact for the whole entire impact area and you impose restrictions on those. But I think it is sufficient to note that the pipeline and the irrigation system is, in fact, on the mining site.

So then you identify the conflicts within the impact area; and those conflicts are really limited to noise, dust, and other discharge conflicts. And I've outlined those for you in the Staff Report, the dust and noise and other discharges are in A; the local roads – impacts to local roads are in B. The Applicant did submit a traffic plan to the Road District No. 3; they approved it. They did ask for some improvements to the local roads. The safety of public airports; there are none. There are other Goal 5 resources in the impact area, but those are two mines that are closed. There were some wildlife and wetland concerns that were raised. They are not protected under Goal 5. They're really not considered, but the Applicant did agree to address those concerns and proposed some conditions.

One of the conflicts that you're to look at is whether or not there is a conflict with agricultural practices. I think that there was testimony from Farmland Reserve about the pipeline and the irrigation system. Also, Lightbridge Organics, LLC, adjacent property owner that has agricultural practices on the property also testified. What's interesting about the agricultural practices is that you don't really apply the Oregon Administrative Rule, Division 23, you apply the Oregon Revised Statute 215.296, which means that you have to determine that mining will only be approved when it will not force a significant change in accepted farm practices or significantly increase the cost of accepted farm practices. Again, the Applicant has proposed several conditions or measures to minimize those conflicts.

So then that takes us to D, page 10, of the Staff Report. This is the step where after you identify the impact area and you've identified the conflicts, that you consider measures to mitigate the conflicts. I have set out measures that were in the record and are being proposed to mitigate the conflicts. The Planning Commission did not accept Applicant's measures or conditions, and they denied mining of the property. Generally, I think the Planning Commission's decision came down to a burden of proof that was not met and that there was no real analysis of the measures proposed. And then the final step is if there are conflicts that cannot be minimized, the County needs to do an ESEE analysis. The ESEE analysis really kind of comes after the close of the hearing, unless there's some ESEE analysis presented, but really this is determined after, I mean, if you're not going to approve mining, then, - if you're going to approve mining you don't need to do an ESEE. So we don't really know what the ESEE will look like until after that tentative decision is made. By way of an example, I set out for you what an ESEE might look like addressing economic. But you also would address social, environmental, and energy consequences.

That takes us to page 15 of the Staff Report, Roman numeral VI. Again, the County doesn't have any other code provisions, we just follow the rule straight up. Roman numeral VII is for the ESEE analysis for future uses; it's different than the ESEE analysis previously talked about. Then there is a requirement about the adequacy of the application. I'll submit to you that the adequacy of the application is not really approval criteria but just generally what the application should at very minimum include and then a site plan as well. That's really all I have for a Staff Report.

Judge Joyce: Okay, thank you. Applicant, Mr. Sheets, Mr. Lee.

Brian Sheets: Good morning, Your Honor. Brian Sheets, 93 SW 4th Avenue in Ontario, and I'm the attorney for the Applicant. I just want to thank you for having this hearing and especially the way that you have it set up so that we're looking at the record and to discuss what's on the record and what the appropriate standards for identifying these conflicts and the measures that we can use to minimize those conflicts. We're in general agreement with most of the proposed conditions within the Staff Report. I just wanted to hit on condition number 1 and condition number 23.

Condition 1 talks about disturbed earth versus active mining. There's a two-acre maximum active mining area so that it stays within the bonding area, the bonding requirements for DOGAMI. So that's two acres of active mineral extraction. The no more than 20 acres has to do with the site so that there's areas for stockpiling movement within there, but that's not necessarily active aggregate mining there.

Condition 23 talks about limitation of two acres per year. Demand really drives what is able to be sold, and that drives the need for the mining. I believe that there is discussion in the record about being lucky to do two acres per year. Obviously, if that's what the County Court wants to limit it to, we'll definitely abide by that. But to the extent that that's necessary, we'd hope that there would be findings that would support that.

So, just like with the Staff Report talked about, what is able to be considered, we're talking about noise, dust, or other discharges, local roads conflicts, safety conflicts with airports and other Goal 5 measures, and those agricultural practices. We've identified and we've heard testimony about the pipeline. We've put together a rather comprehensive prohibition basically from activity within a buffer area of that as well as identifying the local irrigation projects also around there to make sure that those places aren't impacted and staying away from those kinds of things will definitely minimize that risk and won't increase any costs or change in the agricultural practices there. We've also identified and analyzed impacts to organic farming and we've looked through what exactly are contaminants that can possibly go over to that area through either drift or other things that could possibly escape the buffer zone. We won't be using any sort of prohibited chemicals or practices that could possibly impact those places.

ODFW recommended that we keep down noxious weeds and we have a plan for that including using man pack sprayers and making sure that there's not any drift outside of the area and that's contained through buffer zones as well as small spot use and not broad usage of those kinds of herbicides.

So, we're keeping the impacts within the site. We have proposed buffers, and we believe that the conditions proposed by staff will adequately prevent the impacts and minimize them from a substantial level to below that threshold. There can be impacts allowed, but the question is whether they're substantial. And based on the record, I don't think that we have any evidence that these impacts have risen to a substantial level. We haven't had impacts of or evidence of significant cost increases to agricultural production or significant changes to agricultural practices. There's potential for them, there's potential. But as it stands now, and if the mining is allowed, that those won't reach a threshold of substantial, that the use of a mine there will not necessarily change any agricultural practices in the area. If there's a catastrophic injury to the pipeline, the Applicant's going to be responsible for that. Just as they would be if they injured it now, if they did something on the property without mining, they'd still be responsible in the same way.

So what we're doing is actually protecting it more by implementing these standards to ensure that those practices won't be impacted. So I believe that taking a look at this and having this properly before you based on the record with the proposed conditions will satisfy Goal 5. And I would ask that the Court apply the same sort of scrutiny to this application that it has to other aggregate applications that it has in the past. I know this went to LUBA and came back and says it was inadequate. I just hope that the County Court would apply the same standards to this application as it has to other aggregate applications. With that, I'll defer to anything, okay, so I want to thank you very much, I'll answer any questions or possibly Mr. Lee can answer any questions the Court has.

Commissioner Jacobs: I don't think I have any additional questions.

Commissioner Mendiola: I've got nothing.

Brian Sheets: All right, thank you very much.

Judge Joyce: Okay, any other testimony in favor? Proponent, three minutes each. Anybody online? Okay, we'll move to opponents. Mr. Wyman.

Ty Wyman: Thanks so much, members of the Court. Ty Wyman, I am an attorney for a number of neighbors. Those neighbors have been identified in a memorandum that I sent to you last week. I extend my appreciation also to your staff and your legal counsel for their considerable work on this matter. With reference to my memorandum of last week, certainly I'm happy to take any questions that you might have. I certainly recognize that this is relatively legalistic and it's thorny, but it's what the state has given us vis-à-vis Goal 5. My initial comment really is to stress that I do not read the Staff Report as recommending approval. Certainly, the Planning Commission did not recommend approval. The Staff Report refers, and just looking here, I'm looking at page 5, it refers to a lack of evidence. Lack of evidence, specifically says, no reports or services from an engineer, et cetera, on any dewatering plan, drainage plan, wetland study, sound study, slope, design of berms, et cetera. And that's not an isolated observation by the Staff Report or by the Planning Commission. Repeatedly, we simply see a lack of evidence and as I listen to Applicant's counsel, I have a sense of why that evidence is lacking. The question posed here before the Court is whether there, is whether offsite impacts within this impact area can be, quote-unquote, minimized, there has to be evidence regarding minimization. I think that to say, well, yeah, there could be a catastrophic impact to the pipeline that apparently everyone recognizes as extraordinarily valuable to agricultural practices within the county, you know, we would simply repair that. Goal 5 does not operate in a, well, you know, if impacts occur, then they will be repaired or somehow mitigated after the fact. We have to have evidence of the ability to minimize those conflicts and I believe also in the Staff Report, it addresses the fact that there are no analyses of the impact that this mining would have on the pipeline. I believe that my clients will speak to that in a bit.

Other errors by the Applicant. The Applicant describes this as a legislative, in his memorandum of the 28th, describes it as a legislate amendment. It is not, as the Judge read in the initial statement here, this is a quasi-judicial matter. In any quasi-judicial matter, the Applicant has the burden of proof, which is the burden of providing evidence regarding compliance with every criterion. And I would note, vis-à-vis that burden of proof, and I appreciate that your legal counsel highlighted the burden of providing evidence that Applicant's counsel did not, in his April 28th memorandum, distinguish my citation to the Eugene Sand and Gravel versus Lane County case, which I think lays that out fairly clearly. I also agree, your counsel cited the Weiss case, I believe Weiss versus Linn County as informative on the depth of evidence that is required to evaluate impacts of this mining. The Applicant attempts to distinguish that case; I think that that attempt fails. The case goes directly to the depth of an evaluation, so the potential impacts to the pipeline, to all of these other, dust on neighbors, et cetera, is very deep and very rigorous and is, in my view and the view of the Planning Commission, not met here.

And I found that that Applicant's characterization of the Planning Commission's consideration, you know, frankly, a bit dismissive. I disagree. I think the Planning Commission undertook a relatively rigorous and detailed look at this and came to the conclusion that it did. Applicant characterizes this as a disagreement about source of information; really, it's not, it's the depth of expert reports that are expected to determine whether these conflicts have been minimized. So on that measure, the Applicant has still not submitted any engineering analysis of the impact on the pipeline, DEQ standard noise or dust modeling, traffic impact study for the roads -Mesquite and Jasmine, hydrology or aquifer impact report, or professional habitat or wetland survey. Applicant instead relies on experience and best practices, whatever those might be, again, the case is simply, make those insufficient evidence as to this minimization of conflicts that we're all trying to evaluate.

My final comment is that the, you know, it's always difficult in a record that is this long to sort of highlight something but to the extent that I can, I would highlight for you that impact, and I was kind of glad that the Applicant's counsel brought up the impact on the pipeline to Treasure Valley Farms and that it crosses the haul road, and I just want to emphasize for you, Applicant, as I understand it, proposes to run fully loaded trucks over that road. There's no engineering report showing that it can handle, that the pipeline can handle those loads. Certainly, no agreement with the property owner. We have no contact with OID, no design modifications, no evidence of safety or reinforcement beyond sort of these general statements. And I think that's why the Planning Commission, in part, that's why the Planning Commission came to the conclusion that it did. I apologize, I certainly respect your time. I'm not sure where I am on my time, but I'm at about the end of my remarks, as I said, I believe that some of my clients will testify individually, but I would happily take any questions that you might have.

Judge Joyce: Questions?

Commissioner Mendiola: I have none.

Commissioner Jacobs: I don't have any questions for you Mr. Wyman.

Ty Wyman: Well, I appreciate that, and the last thing I'm going to say is, sitting here in Portland, I am just sorry, candidly, that I can't be there with you now. I did make it to Pendleton yesterday, but was not able to make it the rest of the way down there, so I appreciate your attention.

Judge Joyce: Thank you. Okay, other opponent testimony.

Mike Hastings: My name is Mike Hastings and I live at 464 Jasmine Road. So basically, I think that I'm kind of going to, what I'd like to do is re-summarize basically what our position has been from the very beginning and this has been going on like four, we're going into five years now. I just want to kind of summarize it because our position really hasn't changed from day one and that is this question of substantial evidence and the Goal 5 process as a whole. So, in doing that, I would just say, you know, that twice now the Planning Commission, which is made up of men and women of different backgrounds and experiences, and really are the true representation of Malheur county, have listened with open minds and without prejudice. And twice they've reached the same conclusion that the application falls short. And though it was not our burden to do so, and at no fault of our own, we've had to put our lives on hold and spend money that we didn't have and even endure harassment and intimidation outside of the halls of these hearings on the hill. It's all aimed at silencing us, but despite it all, you know, this question of substantial evidence, we feel solidly that we went out and went to work and brought real evidence to the table. And that evidence required thousands of hours of research, tens of thousands of dollars now in legal bills. But we followed the rules and we followed the law and we believed that if we stuck with it, even with three-minute sound bites, you know, that it would work. That it would work.

So here we are today and heading into the fifth year. Mr. Lee and Mr. Sheets continually try and label those that are opposing their ideas as biased, anecdotal, adversarial, unsupported by evidence, and really full of drama. And I would just want to tell you that nothing could be further from the truth. What we went and did, and when I say we, I'm talking everybody that lives up there, and that consists of widows, grandparents, parents, children, and now even grandchildren; my daughter and her husband and my newly born granddaughter live and work on our farm. So we all went out and we brought evidence that looks like this: ODFW confirming the winter mule deer habitat; five different agencies confirming mapped wetlands on the site; Department of State

Lands recommending a wetland delineation; DLCD citing flaws in the permitting process; Peter Finley Fry, a certified land use planner and PhD, stating that the Applicant failed the Goal 5 process; DOGAMI confirming illegal mining and suspension orders that still stand today; Owyhee Irrigation District raising concerns about the canal crossing that they built without authorization and the potential impacts of that; and Treasure Valley Farms, of course, confirming that multiple conflicts and serious concerns remain unresolved; and then finally, LUBA now has ruled that our arguments are correct and they agree with us. And what I want to just say to everyone here is, in my opinion, that is real evidence. That's what real evidence looks like. And it is not advocacy opinion. And so, the conflicts are real. All of this evidence that we brought point to the same thing; the conflicts are real, the impacts are unaddressed and the legal standards have not been met in the Goal 5 process. And that's really at the heart of what we're talking about. Despite how it's been treated in the past, what is the true measure of the law? And what is the process that Goal 5 says we should go through? And LUBA, I feel, has made it very clear in this situation that the Goal 5 process demands real evidence, real engineering, real minimization, up front and paid for, by the Applicant. Because that is the burden that an applicant must bear, and in exchange for that, he gets lifelong protection and profiting off the land of Malheur county and the state of Oregon. So that's the big message. The Goal 5 process is the highest standard of the land use process, and it was not met.

So, by contrast, the application that's before us today is almost entirely based on the opinion of Mr. Lee and Mr. Sheets. So, in conclusion, we feel that, you know, we've been tirelessly painted as outsiders standing in the way of the norm, and I would say to you that the opposite, the exact opposite is true. We, that live up there and reside up there, are the ones that are fighting to preserve the heritage, the farming, and the way of life that built Malheur county. And yes, that includes gravel, and we understand that. That is not in question. But this location is not the right place. And the requirements and the responsibilities of holding stewardship and profiting off of that land has not been met by a long shot. And it comes down to the evidence that's brought. Is it substantial? Is it even evidence? Or is it just advocacy?

So, the Planning Commission agreed, and by extension the citizens of Malheur county agreed, and now LUBA agrees that the application should be denied and I hope that's so.

Judge Joyce: Thank you, sir. Other?

Dinah Lord: Dinah Lord, 458 Jasmine Road, Ontario, Oregon. Thank you for your time. In Mr. Sheet's letter dated the 28th of April of this year to the Court, on page 3 paragraph 1, he writes, the Applicant is a veteran aggregate operator with years of experience running similar aggregate operations in Oregon and Idaho and using his best management practices. There was a BLM violation in 2012, failure to implement best management practices. These are all a list of violations that are a matter of public record. You might want to consider those. Our argument from the start of this multiple-year debacle is that per OAR 660-023-0180 paragraph 5, requires a conflicting use analysis, and if specified impacts to a conflicting use cannot be minimized, then the rule requires a county ESEE determination. That has not been done, and the conflicts have not been minimized. As I said before, I have been able to obtain via public record all the violations, these should also be considered when you're trying to determine whether or not the Applicant has met a burden of proof. Thank you.

Judge Joyce: Thank you. Other opponent testimony.

Mandi Hastings: My name is Mandi Hastings, I live at 464 Jasmine. I'd just like to thank you guys for listening today and to say that, you know, we're here to discuss an application for a 180-acre full scale gravel operation proposed to be placed in the middle of ten existing homes, homesteads, farms, and agricultural practices. So this is not the mainstream gravel pit that tends to be put in in Malheur county. Hence, why there is so many conflicts to minimize and so much to take into account. We're here to discuss the Goal 5 process that governs this application. And the Goal 5 process is not based on opinion or bias towards any individual. It's based on law, law that takes into account all natural resources and existing assets within an area and asks the question, can these current assets and resources coexist with the proposed aggregate operation. We have been arguing the implementation of this aggregate operation in the area for nearly five years now. And we the people, the landowners with existing assets and natural resources, have ben pleading with Malheur County to acknowledge and help protect what currently exists on Jasmine hill. Time and time again, we've been told that our expectations were misguided and excessive. That we have no grounds to question to what is going on, that our efforts were futile and that what we value pales in comparison to the need for Goal 5 aggregate resources. That this project is an inevitability irregardless of what it does to our homes, our lives, our family, our incomes, and the natural environment up there, which is of huge concern to us. And finally, after five years and tens of thousands of dollars, the clarification has come from LUBA that this is indeed part of the Goal 5 process, that the Goal 5 designation cannot be granted unless these criteria have been met. This is the law. Goal 5 requires meeting the highest of standards. All existing conflicts must be addressed and based on substantial evidence. All conflicts must be minimized and if conflicts cannot be minimized an ESEE based on substantial evidence is required so that it can be evaluated by the County. This ESEE looks at economic, social, environmental, and energy consequences of the aggregate operation. These responsibilities and burdens of proof rest solely with the Applicant, Darren Lee. This application lacks any of these required steps to the point of where the County cannot even do an evaluation of the measures that have been taken because none have. Simply words put on a piece of paper saying, yeah this will be done, yeah that'll be done. There are equations, measurements, all types of things that will put in to place protections for what already exists up there and this is the law. Therefore, this application is insufficient and must be denied. And I believe that this law is put into place to protect what is already in existence, both man-made and natural. And it deserves consideration in this situation, that the highest of standards are looked at because we are placing it, choosing to place it, in the area that we are, that is a highly sensitive area. Thank you so much.

Judge Joyce: Thank you.

The document from Dinah Lord was marked as Exhibit 5. Mr. Sheets noted his objection.

Judge Joyce: Any other opponent testimony? Online? Before we go to rebuttal? Hearing none. Mr. Sheets.

Brian Sheets: Thank you, Your Honor. Brian Sheets, 93 SW 4th Avenue, attorney for the Applicant. So we did hear some really interesting stuff today. And I just want to make sure that we understand the rules that were laid out by the County Court for this hearing, that we're hearing things that are based upon the record, and the record closed in April of 2024. So to the extent that we're talking about increasing impact areas or considering things that are outside of the record, the County put those rules together for this hearing and to the extent that any additional evidence, factual evidence, was put before you, I'd ask that you ignore that based upon your own rules. Considering a 2500-foot impact area would be those things because it wasn't considered at the Planning Commission and hasn't been considered before us here last year. And to do that would be to fundamentally deprive Mr. Lee of his ability to address those concerns. So we would ask that the Court abide by its own rules today. What we've heard from the opponents today was talking about a lack of evidence, right, and the way that they've characterized that today and in the past is needing substantive expertise and in the past they've done that through putting together what I would consider arbitrary standards for who is an authoritative on what can be entered. They say that it doesn't even meet a legal threshold because it's not from a professional. The Planning Commission said that an Idaho engineer was less qualified than an Oregon engineer. We've had what has come down to is a disagreement upon the reliability of the evidence that's been presented. And if you're going to consider the credibility of that, that is completely up to you. That is within your scope and to figure out exactly what's going on. We would offer that what we've put together to identify and analyze these impacts falls within what we would consider substantial evidence. We put together an analysis of impacts, how they would be applied, and to also address how those will be minimized. If the Court or the opponents think that only certain credentialed people can offer that, that's not the case. LUBA rejected that; and in its opinion, I believe, at pages 9 through 10 of LUBA's opinion, it says that evidence is evidence and it's up to the Court to determine the credibility of it and how it's put together. Saying that only certain people can do that, that's not within the County rules, and that's not within Goal 5. And so just to reiterate, the Court has already decided that this meets the quantity, quality, and location of the aggregate. So we're there. We just need to figure out what the impacts are and how to minimize those. And we put together our plans based on our evidence to minimize those impacts. And we believe that mining can be allowed there. There's enough consideration and enough mitigation measures proposed that we can minimize those impacts. I think that the County Court has done a good job of analyzing those issues in the past. And just like you came to the conclusion, based on our evidence last time, that there was quantity, quality, and location, I think that you can identify that there are conflicts that can be minimized. And we would respectfully request that the Court either allow or limit mining of this site. So thank you very much, appreciate your time.

Judge Joyce: Thank you. We're down to staff comments – if any.

Ms. Williams: I don't have any, Judge.

Judge Joyce: Okay. That's rebuttal. Are we ready to close the public hearing?

Commissioner Jacobs: I guess I would like to make a statement, and that is, just as Mr. Sheets stated, when we initially reviewed this and went through this, we were just looking at location, quantity, and quality. We were not looking at whether or not there would be potential mining would take place there. So I feel like that we need maybe some additional direction from legal counsel and in findings, additional findings to make this determination at this time.

Ms. Williams: I would, depending on what direction you want to go, I would help you draft findings for the criteria. The Planning Commission has findings, they adopted findings. So we do need to draft findings. I don't have any proposed findings for you, I was trying to see which way you wanted to go and…

Commissioner Jacobs: I think that's what we need to do, I think…

Ms. Williams: Right, we have to do findings. So do you have any kind of direction for me, or what kind of findings?

Commissioner Jacobs: Well, I think we need to address the agriculture issue and all the other dust abatement and noise and all of that. We need to address those things.

Ms. Williams: Right. Did you look at the Planning Commission address those?

Commissioner Jacobs: Yes, I did look at some of those. And I agree with many of the Planning Commission's findings. I do feel like they were looking at the mining issue more than we were because

Ms. Williams: That's true

Commissioner Jacobs: We felt like we were just looking at the location, quantity

Ms. Williams: You were because they way that staff presented it to you.

Judge Joyce: That's the way it was set up.

Ms. Williams: I think County staff takes responsibility for what was presented to you, and it was just the quality, quantity, and location. And now we're looking at whether mining should be allowed and applying that criteria. The Planning Commission did apply that criteria and made a decision. To the extent that you want to modify, change, or go a different direction, I just need to know. And then we can start developing in deliberations some findings and conclusions.

Commissioner Jacobs: Well, and I think that's what we need to do, is determine, make that determination with additional findings.

Ms. Williams: Okay, what are you leaning toward?

Commissioner Jacobs: We have to lean towards one more than another?

Ms. Williams: Well, either allowing mining or not allowing mining. Because I don't know how else to draft the findings.

Commissioner Jacobs: Well, I'm leaning towards not allowing mining.

Ms. Williams: Not allowing mining.

Commissioner Jacobs: Yes.

Ms. Williams: Okay.

Commissioner Mendiola: I'm with Ron.

Ms. Williams: Okay.

Judge Joyce: I have a question. If all the things that you brought up today were corrected, where would you stand?

Dinah Lord: Opposition.

Judge Joyce: Still opposition, no matter what?

Dinah Lord: Yes. You want to know why?

Judge Joyce: Sure.

Dinah Lord: Because since this stated with him filing, he has been up there driving his semis, disturbing the land, and just last week he put up small berms and paper targets on that property. So there's a pattern of him trying to intimidate the neighbors with his behaviors. My husband has a picture of it on his phone if you'd like to see it. So we have had to be the enforcement arm of Malheur County because we were told by the sheriff that his hands were tied; he couldn't do anything. So it's up to all the neighbors around this property where his proposed mining site is to watch what he does. The majority of us are retired or they farm there, to watch what goes on up on our hill, to our detriment. So no, I am in total opposition based on his pattern of behavior.

Judge Joyce: Thank you.

Mike Hastings: Can we answer that question as well?

Ms. Williams: I think that our testimony should be limited to the criteria.

Commissioner Jacobs: Yeah, I think we need to limit it, I'm sorry.

Judge Joyce: Well, I really wondered whether I could even ask the question, but I had to, so.

Mandi Hastings: I have a question as far as procedurally what's going on here, specifically, whether or not this has to do with Goal 5 specifically, or we're looking at allowing or disallowing mining. My understanding of the situation was that these mitigation and minimization efforts directly affected the outcome of the Goal 5 status. That that was what was missing when Goal 5 was only reduced down to quantity, quality, and location, when the minimization efforts are actually a part of the Goal 5 process, not just quantity, quality, and location. So that's what I'm struggling to understand.

Ms. Williams: I did ask DLCD this great question. You can have a site on the Goal 5 inventory that is not allowed mining. We have determined that it can be on the Goal 5 inventory, and now you need to determine whether or not you allow mining based on the criteria, the remaining portions of Division 23.

Mike Hastings: So only quantity, quality, and location, you're saying qualifies it for Goal 5 status, but yet

Ms. Williams: To put it on the Goal 5 inventory as a significant site. Whether he can mine or not is

Commissioner Mendiola: That's two different deals, right

Ms. Williams: Well, it's under the same rule

Multiple talking

Ms. Williams: I did ask DLCD this very question, and I think we are getting

Commissioner Mendiola: Two different limbs on one tree.

Mandi Hastings: And my understanding is that Goal 5, it could not be designated Goal 5 unless it had also minimized and addressed all conflicts.

Ms. Williams: No. Like I said, I did ask the DLCD representative, and so we're not going to reverse what's already been determined for quality, quantity and location and have it on the Goal 5.

Darren Lee: All is what I ask is to be held to the same standard that other aggregate producers are held to in this community. I have used all of the planning and zoning previous applications and I have tripled my efforts because of the adversarial behavior that no matter what I try to do to mitigate these efforts it's just not acceptable. I just expect to be treated like every other citizen in this community who's a business person and be held at the same standard as other aggregate producers in this community. And that is all I'm asking for. I have historical evidence. I had a quarry right next door. I don't know how any more accurate you can get from previous experience right next door doing the same thing. That community there is disenfranchised from gravel now because of all of the opposition and the continual, whether it's animal activism or whatever the case may be, to try to throw a wrench in this. This is our local resource. It has been for 95 years. Aggregate activity has happened up there. It's nothing new. I just expect to be held to the same standard as my neighbors.

Mike Hastings: Can I say something in rebuttal to that? I don't think that the same standard is, I mean nothing contains the same standard even if you apply a rule that rule might be applied more stringently or less stringently depending on the location. If I were to build a school next to a prison there's going to be different standards that you have to enact to protect the school from the prison. And so that's, I guess that's really what we're looking at and we're really trying to dig down through the Goal 5 process as a whole. And to the extent that we're talking about findings, really that's it, that is exactly what the Planning Commission did, they looked at the process as a whole, the quantity, quality, location and all the conflicts and can they be minimized. And yes, there is a higher standard when you are dropping 180 acres into this community, this rural community that has existed, people have lived up there for 50, 60 years. We're not disenfranchised from gravel. We're just, it's just not a plan that's conducive to the environment. There are so many better locations, so many other opportunities. That's all I would say.

Judge Joyce: Thank you. Well, I think we've probably exhausted about everything we can do for now.

Commissioner Jacobs: I don't have anything.

Judge Joyce: I don't either.

Commissioner Mendiola: I've got nothing.

Ms. Williams: So you're asking County staff to develop findings for not mining?

Commissioner Jacobs: Yeah, well, that's my request.

Ms. Williams: Okay. And, can we have by consensus or a tentative decision that that's where we're going so I can start working on it?

Commissioner Mendiola: I'd say no mining. I'm worried about the agriculture. I'm worried about the silica sand if they're crushing. I'm worried about the lime dust if they're crushing concrete. There's a lot of stuff there that makes me scratch my head a little bit. I'd say no.

Judge Joyce: What's the next step?

Ms. Williams: Okay, well, I will work on the findings. I'll put it on the County Court's agenda for deliberations to work through those findings. We need to have something formal and in place, you know, no later than June 13th, but I want it done well before then, in the next couple of weeks, okay?

Commissioner Jacobs: That's good.

Judge Joyce: Okay. So we shall close this public hearing. Appreciate you all for coming and testifying, and giving us a new look on life.

COURT ADJOURNMENT

Commissioner Jacobs moved to adjourn the meeting. Commissioner Mendiola seconded and the motion passed unanimously.

MALHEUR COUNTY COURT MINUTES

May 7, 2025

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. with Commissioner Ron Jacobs and Commissioner Jim Mendiola present. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Present in the meeting room were Administrative Officer Lorinda DuBois and Economic and Community Development Coordinator Taylor Rembowski. Notice of the meeting was posted on the County website, Courthouse bulletin board 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 2025-1325

PROCLAMATION - TREATMENT COURT MONTH

Circuit Court Judge Erin Landis, SAFE (Stop Addiction Forever) Court Program Coordinator Lydia Machuca, Trial Court Administrator Marilee Aldred, District Attorney Dave Goldthorpe, SAFE Court clinician Kellie Dickinson, and Lifeways CEO Steve Jensen met with the Court and presented a proclamation declaring the month of May as Treatment Court Month. Judge Landis shared a story of an individual who has been in and out of the justice system since 2002; this individual got involved with the SAFE Court program and has now turned their life around. Ms. Dickinson echoed the importance of the program and the impact on the population that is served. Mr. Goldthorpe has been successful in receiving grant funding to support the program and commented the program is a team effort. Judge Landis read the proclamation:

Malheur County

PROCLAMATION

"National Treatment Court Month"

May 2025

WHEREAS according to All Rise, treatment courts are the most successful justice system intervention in our nation's history for reducing crime by addressing substance use and mental health disorders; and

WHEREAS treatment courts save an average of more than $6,000 for every individual they serve; and

WHEREAS treatment courts provide a range of economic benefits to a community, such as reduced costs in court and prison expenditures, increased tax revenues, lowered foster care expenses, and decreased costs related to victimization; and

WHEREAS treatment courts combine accountability with evidence-based treatment; and

WHEREAS treatment courts annually refer more than 150,000 people to lifesaving treatment and recovery support services; and

WHEREAS according to All Rise, treatment courts significantly improve substance use and mental health disorder treatment outcomes and prevent fatal overdoses, and

WHEREAS treatment courts facilitate community-wide partnerships, bringing together public safety and public health; and

WHEREAS there are now more than 4,000 treatment courts nationwide; and

WHEREAS treatment courts demonstrate that when one person rises, we all rise.

THEREFORE, BE IT RESOLVED that Malheur County declares that Treatment Court Month be established during the month of May.

Commissioner Jacobs commended the SAFE Court team and commented on the gratification of seeing someone turn their life around. Commissioner Jacobs moved to declare May as Treatment Court Month. Commissioner Mendiola seconded and the motion passed unanimously. The Court signed the proclamation.

LIFEWAYS - PROJECT HOPE UPDATE

Lifeways CEO Steve Jensen met with the Court and provided an update on Project Hope. It is strongly believed that the Project Hope facilities will be able to be on one campus - substance use bed and residential beds on the same campus (and Lifeways would not purchase the County-owned property as previously discussed). Project Hope will allow Lifeways to expand into the primary care area with a certified behavioral health center. Statistics show that individuals struggling with mental health do not seek primary care and die almost 20 years earlier than the regular population. By providing primary care services alongside mental health and substance use disorder services, Lifeways will be able to impact those statistics and get people into treatment. The goal is to provide an "one-stop" location for all behavioral health, social services and primary care services on the campus. The contractor for Project Hope is McCormack out of Pendleton; this contractor built the mental health facility in Baker (New Directions) and recently built a substance use residential facility in Pendleton. It is estimated the design and architectural phase will take two to three months; the City permitting process will probably be two months or so; hopefully around October ground can be broke; and construction will take approximately 18 months. It is anticipated that Project Hope will provide jobs for approximately 30 additional individuals.

Mr. Jensen also provided a brief update on the upcoming County Financial Assistance Award (CFAA) agreement. The State is possibly changing some of the funding streams. Flex funding that has gone to coordinated care organizations may be included in the County agreement. The CFFA agreement is the agreement with the State for counties to provide the safety net services of the community mental health program; reporting requirements and auditing will also be changing.

This month, Lifeways will begin providing substance use and mental health services in Nyssa; and is in discussion with the Vale Food Bank to partner to provide services in Vale. See instrument # 2025-1328 for handouts from Mr. Jensen.

ALTRUISTIC RECOVERY AND INSIGHT COUNSELING & THERAPY

Altruistic Recovery (Altruistic) Executive Director Annette Volk and Insight Counseling & Therapy (Insight Counseling) Executive Director Becky Wolery met with the Court (Ms. Wolery was present electronically.)

Ms. Volk: We want to just do a follow up and make sure we're answering questions and providing more information on the funding. One of the questions was from Mr. Jacobs about would this interfere with any of the services or any of the funding that Lifeways is getting now and it will not. So this is some of the other funding sources that they receive so it won't impact any of their services. And there's information on the capitation check and the fee for service, because we talked a little bit about that, and I apologize, my copier I noticed wasn't doing very well, and then just a couple pages on the profit and information that Lifeways has to operate on. (Referring to handouts provided to the Court, recorded as instrument # 2025-1329) So what we're asking is just a small percentage of the GOBHI capitation check or whatever percentage or addendum you guys could do to the contract.

Ms. Wolery: And we're happy to answer any questions that you might have at this point.

Commissioner Jacobs: So we have the ability to divide this money up that we're going to receive from the State?

Ms. Volk: It's the GOBHI capitation check. There's other counties that do that, and I was trying to get in touch with one of the counties that does that to see how they sparse those funds out – whether it's a percentage, because we also provide, for choice for the community members, that there is a percentage, I don't know if it's an addendum, how they do the contract, because we're also approved by the State, Insight and Altruistic is approved by the State to provide those services. And it's just never been done in this county; it is done in dozens of other counties. It just hasn't been done in this county, there hasn't been other providers at that level.

Judge Joyce: So I've got a couple of questions.

Ms. Wolery: It's especially done in other parts of this state that EOCCO doesn't provide services for. And really what it stems from is having a contract is you don't have to have one CMHP contract that provides all the different services such as Lifeways, but we can have a contract, for example, just to provide behavioral health or mental health services or alcohol and drug services. And so that contract then drives the capitation check.

Judge Joyce: So, has any Medicaid clients been turned away due to the EOCCO pre-authorization?

Ms. Volk: From us? No, if they deny services, we end up doing them for free. If they're coming to us for services, and they have OHP, even if they don't, we can get them OHP, get them signed up, because we can also bill open card, which is a space between when they're qualified, between when they're actually logged into the EOCCO program. So nobody's been turned away. We've been denied payment, but we're not going to not see somebody, especially if they're already coming in established with us.

Ms. Wolery: And I do want to also add to that because we're the same with Annette, we have a sliding fee scale. We do pro bono services. We don't always get paid for different reasons. But we will still continue to provide the services. When we first started this process, we had to have all of the clients actually sign, all the residents sign a paper saying why they chose not to go to the community mental health provider. And that was a requirement in order for them to be able to have a choice to be able to go to someone else. Since then, they have eliminated that, but anytime there is a barrier for somebody receiving services, that's exactly what we have them do. We'll still have them write a letter directly to GOBHI requesting to have services with us.

Judge Joyce: So have you guys been denied payment through the Medicaid process?

Ms. Volk: Regularly. There is an appeal process, but they have up to 120 or 180 days to answer you, and it's a tracking administrative nightmare to wait that long and then try to track the funds. And in the meantime, in that amount of time, people have successfully completed the program. But yes, we have regular denials of payment.

Ms. Wolery: And the other issue is there's not just denials, but there's a lot of problems on the GOBHI side with their systems. And so we have a huge list of claims that they did not even receive. They're secondary claims, they should be paying them. We have sent them. And so that puts us in a real financial situation when we have all of these services that we provided but we don't get reimbursed for it.

Judge Joyce: And you're aware that we have no control over the GOBHI policies or EOCCO policies?

Ms. Volk: Right, yeah, and the amount of funding and that, and so that's why I was trying to get ahold of one of the other counties to see how they either have an addendum or a different arm to the contract that comes in and just signed, allotting a percentage of the funds to other agencies.

Judge Joyce: I think it would be helpful for us to have a conversation with GOBHI on this process and their policies.

Ms. Volk: Or other commissioners that do that in their counties and I wasn't able to get in touch with any of them.

Commissioner Jacobs: Do you know what counties do?

Ms. Volk: Well, on the other side of the state, almost all of them, but I thought there was one that Becky had identified in the EOCCO, but I can't remember what county that was. I don't know, Becky, if there's a …

Ms. Wolery: Yeah, I'm trying to remember if it was Clackamas County, that's the one that comes to my brain, but it's hard to know. I do know that there is one particular, a couple of counties that have a combination of services, partially though, because they have tribal services also. And so they have the CMHP, plus they have the tribal services contract for behavioral health.

Judge Joyce: We don't have there here do we – tribal?

Ms. Volk: No. Umatilla county does.

Ms. Wolery: It is very possible and it just eliminates the concern for, you know, frankly, for residents being able to get services so that they have choices on where to go and not running into the barriers of not having a choice.

Ms. Volk: Choice definitely drives success with this population. And somebody might have had a bad experience with Altruistic or Insight, and they have, you know, then we offer, I've made appointments from my office for somebody to go to Lifeways because they didn't feel like for whatever reason we were a good fit. So I've made appointments for, you know, because it's about the client choice, and if it's client driven, then where they go matters for their success.

Commissioner Jacobs: And personally, I think that's an important aspect. People may not feel comfortable going to one place or the other.

Ms. Volk: For whatever reason, yeah.

Commissioner Jacobs: For whatever reason.

Ms. Volk: For whatever reason. And so it's just nice to have the choice. Thank you.

Commissioner Jacobs: But let us do some checking with GOBHI and try to get ahold of some of the counties.

Ms. Volk: Okay. And if I do get in contact from the counties, I will let you guys know.

Commissioner Jacobs: Let Kim know.

Ms. Volk: Yeah, let Kim know, because the commissioners are probably going to be able to advocate better or just say, hey, here's how we did it or here's how this contract looks or here's the addendum that we did to make that happen.

Judge Joyce: So do all of these counties have a Lifeways?

Ms. Volk: Yes. There's a CMHP in each county. Yeah, and then the additional State approved services because we're approved by the State also.

Commissioner Jacobs: Okay. Appreciate you coming in again.

Ms. Volk: Thank you. I know we're going to do follow up because we know that's coming up on the timeline and it was too hard to connect with everybody individually, so like, well, Becky won't be here, but I found out there was this option, so it was nice to be able to do this in this timeframe.

Ms. Wolery: Thank you very much.

FARMERS MUTUAL TELEPHONE COMPANY (FMTC)

Farmers Mutual Telephone Company (FMTC) General Manager Ron Rembelski and Outside Plant Manager Blake Seamons met with the Court. Mr. Rembelski provided an update on the Broadband Deployment Program (BDP) grant award. FMTC received an award of $18.9 million to service 931 locations around the outskirts of Ontario. FMTC has been engaged in engineering - staking of the routes, identifying permitting needs, working on establishing electronic sites along the route, and drawing up an engineering design of the area. A public awareness program is also taking place - including sending out flyers to residents in the area and putting up a billboard. Construction is scheduled to start in August and project completion is scheduled for September 2026.

The application period for the Broadband Equity, Access, and Deployment (BEAD) Program is now open. Funding will be distributed throughout Oregon based on school district boundaries. Using information garnered from the BDP, FMTC is now working on an application for the BEAD Program; and a letter of support from the County Court is requested. At this time, the focus areas are the Annex School District, Ontario School District, and Vale School District. Mr. Rembelski and Mr. Seamons answered various questions from the Court members about the grant application and fiber optic infrastructure. Commissioner Jacobs moved to sign a letter of support for FMTC's BEAD application. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2025-1326

LINE OF CREDIT - MCDC

Mr. Rembowski requested the Court extend the line of credit for Malheur County Development Corporation (MCDC) and increase the line of credit to $2.4 million. The State has approved funding to complete the Track C and Track D projects. ODOT uses a reimbursement process; MCDC must pay the contractors and then request reimbursement from ODOT. Commissioner Mendiola moved to extend the line of credit in the amount of $2.4 million through December 2025. Commissioner Jacobs inquired if the County receives reimbursement for the interest on the line of credit; the County does not. Commissioner Jacobs seconded and the motion passed unanimously.

POVERTY TO PROSPERITY (P2P)

Riley Hill with Poverty to Prosperity requested funding to support the efforts of P2P. Mr. Hill was unable to attend budget committee meetings held in April. Mr. Hill said that approximately 150 CTE students recently received certifications. P2P efforts currently include trying to get plumbing and electrician schooling at the high school level and trying to change the apprenticeship ratio requirements through BOLI as well as efforts to establish a John Deere school program locally. Mr. Hill said that the County funding is primarily used for the Poverty to Prosperity scholarship program. The Court noted that P2P has not reported on how the funding is used in the past and would like to have an annual report.

PROCLAMATION - CORRECTIONAL DEPUTY WEEK

Undersheriff Dave Kesey, Lieutenant Rachel Reyna, and various corrections staff met with the Court and presented a Proclamation declaring May 4-10, 2025 as Correctional Deputy Week. Undersheriff Kesey expressed appreciation for the work of those who work in corrections. Undersheriff Kesey read the Proclamation.

PROCLAMATION CORRECTIONAL DEPUTY WEEK

MAY 4-10, 2025

BY THE MALHEUR COUNTY COURT, OREGON

WHEREAS, since 1984 the Congress of the United States, and the President of the United States have established the first week of May as National Correctional Officers' Week; and

WHEREAS, Malheur County considers the services of the Sheriff's Correctional Deputies to be critical to the interest of the community; and

WHEREAS, Corrections employees model ethical and pro-social behaviors while holding offenders accountable for their actions and reducing the risk of future criminal behavior and future victimization; and

WHEREAS, Corrections Deputies are highly trained and productive members of the County workforce; and

WHEREAS, our County enjoys a high standard of public health and safety and we owe a great deal of gratitude to them. During this special observance we extend a profound thank you to each member of the corrections staff.

NOW, THEREFORE, the Malheur County Court proclaims the week of May 4-10, 2025 to be Malheur County Corrections Week. We invite all residents to observe this week in honor of our Corrections Deputies who help to protect our health and safety.

Commissioner Jacobs expressed appreciation for the Sheriff's Correctional Deputies and moved to proclaim the week of May 4-10, 2025 to be Malheur County Corrections Week. Judge Joyce thanked Lt. Reyna for her mentorship. Commissioner Mendiola seconded and the motion passed unanimously.

Lieutenant Reyna also expressed appreciation for the corrections staff.

AWARD OF AERIAL APPLICATOR CONTRACT

Weed Inspector Amanda Zander met with the Court regarding selection of an aerial applicator to perform applications on BLM land (through an assistance agreement); and to complete aerial survey work through an Oregon Department of Agriculture (ODA) grant. A request for proposals was sent to three applicators; responses were received from two applicators. Ms. Zander has worked with both companies that responded and both are good applicators. Leading Edge Aviation's proposal was the lower overall cost. Leading Edge will also draw from live water and some of the locations for the project are difficult to haul water into; and Leading Edge has more up-to-date technology and equipment. Commissioner Jacobs moved to award the contract to Leading Edge Aviation LLC. Commissioner Mendiola seconded and the motion passed unanimously. There is a 7-day protest period; protest of the selection of the contractor must be submitted in writing to Ms. Zander within 7 days.

CROSSING PERMITS

Commissioner Jacobs moved to approve Crossing Permit #53-25 for work related to the Boardman to Hemingway (B2H) transmission line project on Alkali Flats Road #751 and Alkali Gulch Road #534; and Permit #54-25 for work related to the B2H project on Moores Hollow Road #673. Commissioner Mendiola seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of April 30, 2025 as written. Commissioner Jacobs seconded and the motion passed unanimously.

BUDGET COMMITTEE MINUTES

Commissioner Jacobs moved to approve Budget Committee Minutes of April 22 and April 23, 2025 as written. Commissioner Mendiola seconded and the motion passed unanimously.

EMPLOYMENT AGREEMENT - DENNIS

Commissioner Jacobs moved to approve Cleaning Bully Creek Park - buildings, restrooms and facilities Temporary and less than part-time employment of PERS retiree Employment Agreement with Shelly Dennis. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2025-1327

ACCEPTANCE OF RESIGNATION

Commissioner Mendiola moved to accept the resignation of Planning Director Carol Parker. Commissioner Jacobs seconded and the motion passed unanimously.

BOR GRANT APPLICATION

Commissioner Jacobs moved to approve submittal of an application for funding to Bureau of Reclamation (BOR) for funding assistance for maintenance operations of Bully Creek Park. Commissioner Mendiola seconded and the motion passed unanimously.

SCHOOLHOUSE DEDICATION

Judge Joyce noted he attend the Sheaville/Cow Creek Schoolhouse dedication held in Jordan Valley on May 3rd.

COURT ADJOURNMENT

Commissioner Mendiola moved to adjourn the meeting. Commissioner Jacobs seconded and the motion passed unanimously.

MALHEUR COUNTY COURT MINUTES

May 14, 2025

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. with Commissioner Ron Jacobs and Commissioner Jim Mendiola present. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Present in the meeting room were Administrative Officer Lorinda DuBois and Economic and Community Development Coordinator Taylor Rembowski. Notice of the meeting was posted on the County website, Courthouse bulletin board 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 # 2025-1379

ROAD VACATION PETITION

County Surveyor Derrick McKrola met with the Court. Mr. McKrola presented a road vacation petition for the Court's consideration. The petition was received and the fee paid on April 30, 2025 requesting the vacation of portions of roads in the Brogan Township. The petitioner is Trent Kleinkopf. Brogan Township is unincorporated and zoned Rural Service Center. The petitioner is requesting to vacate portions of Second Avenue, Third Avenue, and Clark Street; the vacation will allow for petitioner to merge the properties he owns and allow for needed infrastructure for a new residential dwelling. Mr. McKrola recommends the vacation be approved as described in his report and that the streets be vested to the applicant. As the petitioner is 100% the abutting owner the Court has the discretion to vacate the roads without a hearing. The Court members will review the petition and Mr. McKrola's report. See instrument # 2025-1380 for the report and petition.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of May 7, 2025 as written. Commissioner Jacobs seconded and the motion passed unanimously.

AMENDED ORDINANCE NO. 235

Commissioner Jacobs moved to approve Amended Ordinance No. 235: An Ordinance for a Post Acknowledgement Plan Amendment to Include an 80 Acre Area of Tax Lot 3200 Map 16S47E of the Malheur County Assessor's Office as a Significant Aggregate Site to Malheur County's Comprehensive Plan, Goal 5, Mineral and Aggregate Inventory (Planning Department File 2023-12-010); Denying Mining of the Site. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2025-1381

CONTRACT – LEADING EDGE AVIATION

Commissioner Mendiola moved to authorize Judge Joyce to sign the Professional Service Contract for Aerial Weed Spraying with Leading Edge Aviation, LLC (Limited Liability Company). Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2025-1402

Judge Joyce closed the County Court session and opened the Ambulance Service District session.

AMBULANCE SERVICE DISTRICT (ASD) SESSION

The Court met as the governing body of the Ambulance Service District (ASD). Interim ASD Coordinator Rich Harriman provided a briefing on the May 5, 2025 ASD Advisory Board meeting. Also present for the ASD session was Heather Land with Treasure Valley Paramedics (TVP). In the ASD Advisory Board meeting, Tim Rines was voted in as Chair and Timbra Burrup was voted in as Vice Chair. Lt. Harriman gave a report to the Advisory Board on the ASD tax assessment and that he was satisfied that businesses, hotels, RV parks, and homes are being assessed as they should be. Lt. Harriman also looked into the deficit in Disposable Medical Supply funds and found no stockpiling of supplies – mainly there just has been an increase in the cost of supplies. With both TVP and Vale Ambulance ordering supplies, there may be a little waste in spending as Vale Ambulance purchases single units and TVP orders in bulk and the ASD Advisory Board voted to go back to the single order hub process as used in the past and authorize only TVP to order the supplies for the providers. TVP is looking into possible software to track the inventory and waste of the disposable medical supplies.

The ASD Advisory Board also reviewed the requests for reimbursements for Fiscal Year 2025/26 and recommended the following:

Ontario Fire and Rescue - $5,379.41

Vale Fire and Ambulance - $7,584

Jordan Valley Ambulance - $34,290.74

Adrian QRU (Quick Response Units) – $18,984.23

No funding was recommended for Treasure Valley Paramedics. The Advisory Board discussed TVP's request for funding but voted to suspend any ASD funding to TVP until arrangements were made with the County for payment of past dispatch service fees. Lt. Harriman noted that Treasure Valley Paramedics has appealed this decision. A meeting of the Advisory Board will be scheduled to consider the appeal.

Commissioner Jacobs moved to approve the reimbursements for funding as recommended by the Advisory Board. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2025-1382 for the approval of the recommendations for funding.

The ASD Session was adjourned.

PUBLIC COMMENT/ADJOURNMENT

Judge Joyce asked for public comments; there were no public comments. Commissioner Mendiola moved to adjourn the County

Court meeting. Commissioner Jacobs seconded and the motion passed unanimously.

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 5/22/2025 3:44 PM

Check No	Vendor No	Vendor Name	Check Date	Check Amount
133061	879736	Desert Sage Event Center	04/01/2025	1,691.36
133062	&260	Four Rivers Cultural Center	04/01/2025	13,442.93
133063	539200	Ontario Area Chamber of Commerce	04/01/2025	9,677.65
			Total for 4/1/2025:	24,811.94
133065	114239	Chris Bolyard	04/02/2025	928.40
133066	COOPJ	Jason Cooper	04/02/2025	232.00
133067	879857	Aden Marin	04/02/2025	928.40
133068	879452	Rick Reyna	04/02/2025	374.00
133069	738001	James Swank	04/02/2025	255.00
			Total for 4/2/2025:	2,717.80
133071	879947	Ore-Ida Judo Club, Inc.	04/03/2025	5,000.00
133072	005000	A-1 Key and Lock Service	04/03/2025	65.00
133073	014193	AlcoPro	04/03/2025	650.13
133074	0143466	Amazon Capital Services	04/03/2025	33.61
133075	879076	Blue Ground Northwest, LLC	04/03/2025	31,851.00
133076	626400	Campo & Poole Distributing, LLC	04/03/2025	11,967.30
133077	637828	Century Link Communications, LLC	04/03/2025	53.99
133078	331500	Global Industrial	04/03/2025	3,999.15
133079	376000	Idaho Power	04/03/2025	2,522.19
133080	879191	Kristy Lynn Janti	04/03/2025	12.00
133081	451600	Malheur County Administration Office	04/03/2025	200.00
133082	879226	PortaPros	04/03/2025	627.00
133083	642093	Red's Automotive Repair, Inc.	04/03/2025	99.59
133084	644210	Roadrunner Towing, Inc.	04/03/2025	150.00
133085	879469	SBRK Finance Holdings, Inc.	04/03/2025	1,596.00
133086	879845	Student Loan Fund of Idaho Marketing Ass	04/03/2025	2,843.75
133087	788402	TransUnion Risk & Alternative Data Soluti	04/03/2025	75.00
133088	879887	Datec Incorporated	04/03/2025	1,795.00
133089	879945	Devgar Construction, LLC	04/03/2025	4,890.41
133090	879530	Nicholas Ducote	04/03/2025	522.50
133091	360015	Home Depot Credit Services	04/03/2025	136.18
133092	626400	Campo & Poole Distributing, LLC	04/03/2025	909.63
			Total for 4/3/2025:	69,999.43
133093	879839	DataPilot, Inc.	04/04/2025	1,095.00
133094	408200	J-U-B Engineers, Inc.	04/04/2025	38,411.00
			Total for 4/4/2025:	39,506.00
133095	037600	AT&T	04/10/2025	25.71
133096	010500	Tori Barnett	04/10/2025	498.80

Check No	Vendor No	Vendor Name	Check Date	Check Amount
133097	637830	Century Link	04/10/2025	530.99
133098	UB*12253	VICTORIA GARCIA	04/10/2025	40.52
133099	879417	LightSpeed Networks, Inc.	04/10/2025	1,377.88
133100	130950	Sparklight Business	04/10/2025	140.72
133101	879733	Waste Connections of Oregon, Inc.	04/10/2025	467.87
133102	UB*12254	BRADLEY WEBB	04/10/2025	110.65
			Total for 4/10/2025:	3,193.14
133103	879948	A Plus Awards	04/11/2025	33.00
133104	0143466	Amazon Capital Services	04/11/2025	1,156.65
133105	033300	Argus Observer 117-A	04/11/2025	95.32
133106	879451	CDR Labor Law, LLC	04/11/2025	140.00
133107	180798	CIS Trust	04/11/2025	30.00
133108	879944	Coro Medical, LLC	04/11/2025	6,873.75
133109	360015	Home Depot Credit Services	04/11/2025	121.80
133110	382005	Interpath Laboratory, Inc.	04/11/2025	2,163.92
133111	441140	Looks Nu, Inc.	04/11/2025	252.00
133112	456402	Malheur County Clerk	04/11/2025	264.00
133113	610100	Malheur Memorial Health Clinic	04/11/2025	100.00
133114	461607	MicroTechnology Systems, Inc.	04/11/2025	10,327.00
133115	879301	Net Assets Corporation	04/11/2025	300.00
133116	242083	State of Oregon Department of Transportati	04/11/2025	1.70
133117	528405	Oster Professional Group, CPA's PC	04/11/2025	27,503.91
133118	879551	Painter Holdings & Business Ventures, Inc.	04/11/2025	19.50
133119	642093	Red's Automotive Repair, Inc.	04/11/2025	1,055.79
133120	666051	San Diego Police Equipment Company, Inc	04/11/2025	2,355.60
133121	879764	T&Z Hardware, Inc.	04/11/2025	14.48
133122	879733	Waste Connections of Oregon, Inc.	04/11/2025	525.63
133123	879151	Waste-Pro	04/11/2025	50.24
133124	0143466	Amazon Capital Services	04/11/2025	96.99
133125	393500	Irvco Asphalt & Gravel, Inc.	04/11/2025	34,900.00
133126	879865	Kittelson & Associates, Inc.	04/11/2025	11,979.98
133127	879376	Sheltered Wings, Inc.	04/11/2025	10,049.50
			Total for 4/11/2025:	110,410.76
133128	642081	CASH	04/15/2025	600.00
			Total for 4/15/2025:	600.00
133129	BENSON	Clint Benson	04/16/2025	460.00
			Total for 4/16/2025:	460.00
133130	480000	911 Supply	04/18/2025	1,698.56
133131	0143466	Amazon Capital Services	04/18/2025	25.49
133132	879745	AT&T Mobility, LLC	04/18/2025	2,005.73
133133	879816	Taylor Brown	04/18/2025	59.63
133134	879637	Bryant Lovlien & Jarvis PC Attorneys at La	04/18/2025	20,250.00
133135	144000	Cascade Natural Gas Corporation	04/18/2025	725.61
133136	262000	Eastside Florist	04/18/2025	108.00
133137	303800	Frank's Extinguisher Service	04/18/2025	329.78
133138	376000	Idaho Power	04/18/2025	494.01
133139	424400	Larry's Auto Body & Towing, Inc.	04/18/2025	200.00
133140	610100	Malheur Memorial Health Clinic	04/18/2025	100.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
133141	582152	State of Oregon Department of Aviation	04/18/2025	25.00
133142	240100	State of Oregon Dept of Consumer & Busir	04/18/2025	2,292.64
133143	879145	Silver Signet, LLC	04/18/2025	91.80
133144	689005	Chad Sombke, Ph.D., PC	04/18/2025	500.00
133145	879680	U.S. Bank Equipment Finance	04/18/2025	1,497.00
133146	879122	Uline	04/18/2025	267.88
133147	0143466	Amazon Capital Services	04/18/2025	80.95
133148	0143466	Amazon Capital Services	04/18/2025	96.99
133149	879869	AT&T Global Legal Demand Center	04/18/2025	250.00
133150	879945	Devgar Construction, LLC	04/18/2025	4,890.41
133151	879733	Waste Connections of Oregon, Inc.	04/18/2025	36.50
133152	879672	R & R Promotions	04/18/2025	1,000.00
			Total for 4/18/2025:	37,025.98
133153	005900	Action Target	04/21/2025	1,900.00
133154	388000	International City/County Management Ass	04/21/2025	996.50
			Total for 4/21/2025:	2,896.50
ACH	832852	Wells Fargo Signify Business Elite Masterc	04/22/2025	5,345.48
			Total for 4/22/2025:	5,345.48
133155	0143466	Amazon Capital Services	04/24/2025	319.95
133156	637830	Century Link	04/24/2025	714.62
133157	879550	Albert L. Christiani Construction, LLC	04/24/2025	2,200.00
133158	879653	FileOnQ, Inc	04/24/2025	650.00
133159	376000	Idaho Power	04/24/2025	2,328.09
133160	UB*12256	ANNMAREE KIBBY	04/24/2025	47.99
133161	879943	Lightning X Products, Inc.	04/24/2025	2,897.79
133162	610100	Malheur Memorial Health Clinic	04/24/2025	100.00
133163	642093	Red's Automotive Repair, Inc.	04/24/2025	467.56
133164	T7125	Snake River Valley EAA Chapter 837	04/24/2025	600.00
133165	879553	Training & Employment Consortium	04/24/2025	336.00
133166	UB*12255	ROCY URE	04/24/2025	92.88
133167	879525	Vestis Uniforms and Workplace Supplies, Ir	04/24/2025	84.24
133168	868215	Witmer Public Safety Group, Inc.	04/24/2025	197.69
			Total for 4/24/2025:	11,036.81
ACH	878915	Jacobs Engineeering Group, Inc.	04/25/2025	5,851.47
ACH	878915	Jacobs Engineeering Group, Inc.	04/25/2025	513,662.39
133169	22427	Consor North America, Inc.	04/25/2025	1,197.45
133170	22427	Consor North America, Inc.	04/25/2025	51,465.47
			Total for 4/25/2025:	572,176.78
ACH	878915	Jacobs Engineeering Group, Inc.	04/28/2025	2,660.00
			Total for 4/28/2025:	2,660.00
			Report Total (112 checks):	882,840.62