

# Harney County Court Meeting

March 2, 2011

The Harney County Court convened on Wednesday, March 3, 2010 at 10:00 a.m. in Judge Steven E. Grasty's office. Members attending were Judge Steve Grasty, Commissioner Dan Nichols and Commissioner Peter Runnels. Also attending were Road Supervisor Eric Drushella, County Treasurer Nellie Franklin, Human Resource Administrator LaDene Hurd, and Chief Deputy County Clerk, Derrin Robinson. Public attending were reporter Lauren Brown, Burns Times Herald and Burns Mayor Len Vohs.

Judge Grasty led all in the Pledge of Allegiance.

Commissioner Runnels made a motion to approve the February 16, 2011 minutes as mailed, Commissioner Nichols seconded, motion carried unanimously.

Statistical and Financial reports were reviewed and vouchers approved by Court's signature.

Judge Grasty on behalf of the court to the Fair Board, and wished to retract mis-information given by the court during the last court meeting regarding the budget. Judge Grasty stated that he has met with members of the Fair Board, and the issues are being addressed and corrected.

Barbara Cannady was present and asked to be on the agenda prior to the executive session today regarding a letter. Judge Grasty stated it's a full agenda, and would try.

In the matter of the Fuel Bid opening from last court, Judge Grasty opened the bids and they were as follows:

<b>PRODUCT</b>	<b>ED STAUB &amp; SONS UNIT PRICE</b>	<b>ED STAUB &amp; SONS TOTAL</b>	<b>EBAR OIL CO. UNIT PRICE</b>	<b>EBAR OIL CO. TOTAL</b>
Non-Leaded, 5000 GAL	3.0368	\$15,184.00	3.0067	\$15,033.50
Diesel Fuel, 75,000 GAL	3.0780	\$230,850.00	3.1405	\$235,537.00
Furnace Oil, 10,000 GAL	3.0830	\$30,830.00	3.1705	\$31,705.00
Diesel Fuel, 5000 GAL Delivered to Diamond	3.1280	\$15,640.00	3.2405	\$16,202.50
Diesel Fuel, 5000 GAL Delivered to Drewsey	3.1280	\$15,640.00	3.2405	\$16,202.50

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Diesel Fuel, 8000 GAL Delivered to Andrews	3.1680	\$25,344.00	3.3105	\$26,484.00
Unleaded Gas, 15,000 GAL	3.0368	\$45,552.00	2.9817	\$44,725.50
Clear Kerosene, 10,000 GAL	3.2714	\$32,714.00	3.2780	\$32,780.00
TOTAL AMOUNT		\$411,754.00		\$418,670.50

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The Court presented the bids to Eric Drushella, Road Supervisor for his review and recommendation. After Mr. Drushella's recommendation, Commissioner Nichols moved to approve the bid from Ed Staub & Sons Petroleum, Commissioner Runnels second. A discussion ensued. Mr. Drushella stated that if there is any process suggested to do this differently, and if there are suggestions, he is open to them. Commissioner Runnels asked about splitting out the card lock (unleaded fuel) as that portion of the bid was lower from Ebar Oil. The court agreed that since it was a cumulative bid, it is not possible. Judge Grasty stated that changing the cards for the vehicles is a hassle, and that possibly next year, the bid for that portion should be separate, and for a longer term. Judge Grasty called for the vote, and the motion carried unanimously.

Judge Grasty gave a brief update on the sage grouse draft plan. He stated there will be another meeting with ODFW on April 22, and he will attend. Commissioner Runnels stated he attended the last farm bureau meeting, and that group is working on comments as well.

The Court discussed the Building Official position. Jerrod Broadfoot, Regional coordinator for state building codes for Oregon, was present for the discussion. Judge Grasty discussed the current operation, a contract with Lake County. Interviews were conducted for the position, and none of the applicants met every qualification needed for inspection services, some were close though. Judge Grasty explained that currently the program is generating more revenue than expenditures, and the current process is working. Judge Grasty explained that with the resignation of the assistant planner, some decisions will need to be made. We advertised the position of assistant planner / permit tech. and are planning interviews. Judge Grasty stated that there are three options. 1) Continue with a contract Building official, and hire a full time Permit Tech. 2) Hire a full time Building Official, and no clerical staff, and 3) hire a full time Building Official and a full time Permit Tech. Mr. Broadfoot suggested that possibly one or more of the applicants for Building Official, may be interested in the Permit Tech position, and in time, would be able to complete the certifications for inspections, just as another alternative. The court reiterated that suggestion was in no way to be deemed as pre determining the candidate for that position, as it is not. The court agreed by consensus to continue in the short term with the service contract with Lake County, and conduct the interviews for the Assistant Planner/ Permit Tech. position, making a longer term decision on organization and staffing at that point. The court thanked Mr. Broadfoot for his agency's help and support during this transition.

In the matter of Resolution #2011-02 regarding Funding a Full Time County Veterans Services Officer, Judge Grasty explained that for Budget purposes, this resolution just formalizes the motion made to complete funding for this position for this fiscal year. Commissioner Nichols moved to sign resolution #2011-02, Commissioner Runnels second, the motion carried unanimously.

The court reviewed the BLM Determination of National Environmental Policy Act Adequacy on the Burnt Car Environmental Assessment. No action was taken.

The court discussed the Ambulance Service District Five year Plan. By rule, the county court is responsible for this function. Judge Grasty will be in touch with Harney District EMS to assist with this plan.

The court met with County Treasurer Nellie Franklin, and LaDene Hurd, human resource administrator, to discuss beginning the process for the request for proposals for new General Ledger Software. The court would like to request vendors to come and give presentations on site. Judge Grasty stated they are looking at change date of July 1, 2012.

The Court briefly discussed the Privatization of Harney Behavioral Health. A Public Hearing is scheduled for March 9th at 5:30p.m. at the Senior & Community Services Center. Judge Grasty stated that he has angst about the assets, such as the building, the vehicles and the equipment. Another question is how the County's PERS rate will be affected, if the large number of HBH employees are no longer county employees. There are still many unanswered questions. He believes it would become a 501C3 non-profit corporation

The court was given documents provided by the Warm Springs Irrigation District, In the matter of Warm Springs dam hydroelectric proposal. Judge Grasty stated after reviewing the proposal, they may want to comment on the project- the reservoir is mostly in Harney county, but the dam is in Malheur county

The Court met with Emigrant Creek District Ranger, Doug Jones, and Roy Schwenke, Title II projects manager for the District. Mr. Jones was welcomed, as the new District Ranger. The Court discussed and prioritized the list of presented Title II projects, and ranked them accordingly using the basis of forest health and local jobs.

Judge Grasty gave the court a brief explanation and definition of what Title II and Title III dollars are, and where they come from. He explained that Title III dollars came from the Secure Rural Schools and Community Self Determination Act, and was funding that could be used or retained, currently retained is approximately \$300,000 in federal funds. It is restricted as to use: forest health and local jobs. Judge Grasty stated that previous uses have been for high desert partnership, and search and rescue. What is known as "the Wyden Amendment" allowed it to be spent off of federal grounds, as long as it benefitted forest health.

Commissioner Nichols explained an economic development project that the county has been in discussions with called Joseph Juniper, Inc. He explained that he and the court have reviewed the business plan for this project, and that capital funds are needed for this investment. It would be a new development that will employ people in the community. Commissioner Nichols introduced Gerard and Lori LaBrecque, explained that Sustainable Northwest sent Mr. LaBrecque on a fact finding mission, dealing with production of biomass product, and gave a summary of Mr. LaBrecque's plan. It involves a variety of juniper products, dealing in a Green, Organic niche market. Mr. LaBrecque has found that the need for the products surpasses any other company's production currently. He strongly believes there will be a need for a stationary mill in Harney County within the next 5 years, to meet demand for product.

Commissioner Nichols expressed that of the business plans that he has reviewed over the years, this is a good stable business venture, using a natural resource that we have plenty of here in Harney County, promotes forest health, and will create jobs.

Commissioner Nichols moved to allocate up to \$145,000.00 from Title III funds to Joseph Juniper, Inc. Commissioner Runnels second. Discussion ensued. There will be an agreement drafted, that commits, based on a benchmark, that the capital outlay of this grant would be reimbursed to the county so the company is committed, and the court has done its due diligence in making dollars available to the community for job creation. Judge called for the vote, and the motion carried unanimously.

The court convened in executive session at 3:12 p.m., as authorized by ORS 192.660(2)h, to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. At 3:50 p.m., the court reconvened in regular session. Commissioner Nichols made a motion to authorize county counsel Ron Yokum to proceed with the investigations necessary for litigation related to Oregon Dept. of Fish and Wildlife conservation planning. Commissioner Runnels second, and the motion carried unanimously.

The court met with Scott Farley, Regional Solutions Coordinator for Governor Kitzhaber. The court shared their dissatisfaction in the process related to Oregon Dept of Fish and Wildlife's Sage Grouse Strategy, and their lack of willingness to consider local community sustainability as a factor, and/ or any of the concerns that the Association of Oregon Counties have expressed. The court asked for the Governor's help in dealing with this agency, and this process.

The court reviewed a letter from DEQ regarding Operating a Rock Crusher without an Air Contaminant Discharge Permit from the Department. Judge Grasty stated the permit has been purchased.

The court reviewed a letter from Senior Center Director Angie Iturbide, requesting a waiver of the building permit fees for the addition to the building. By consensus, the

court agreed, as it is a county building, fees would not be charged to a county agency for building permits, but will deal with the waiver at the time of inspection.

The court reviewed a letter from the BLM regarding the Environmental Impact Statement of the EP Minerals mining operations. Judge Grasty noted that the county is a cooperating agency and is allowed to comment.

There being no further business, the court adjourned at 5:08 p.m.

Respectfully Submitted,  
Derrin (Dag) Robinson CRA, CEA  
Chief Deputy Harney County Clerk