

## **Harney County Court Meeting September 21, 2011**

→The Harney County Court convened September 6, 2011 at 10:00 a.m. in Judge Steve Grasty's office. Members attending were Judge Steven E. Grasty and Commissioners Dan Nichols and Pete Runnels. Also attending all or portions of the meeting were Road Supervisor Eric Drushella; Maria Iturriaga, County Clerk; LaDene Hurd, Human Resource Administrator; Teri Cain, Director, Commission on Children and Families; Brandon McMullen, Planning Director; Randy Fulton, Business Development Coordinator; and Chief Deputy County Clerk, Derrin (Dag) Robinson.

→Public attending all or portions of the meeting were Debbie Raney of the Burns Times-Herald; Pauline Braymen; Dan Dean and Jen Hoke, Chamber Director.

→Judge Grasty led all in the Pledge of Allegiance.

→Commissioner Runnels made a motion to approve the September 6, 2011 minutes as mailed. Commissioner Nichols seconded. Motion carried unanimously.

→Financial and statistical reports were reviewed by the court and vouchers approved by their signature.

→Dan Dean, Forestry Consultant, discussed the situation at Theimer Park since the forest fire earlier this summer. His recommendation is to not do anything at this time, in the way of rehabilitation. Mr. Dean stated that the fire burnt the least valuable timber, 5 or 6 loads of logs at the most, located on the south face, and are really not worth dealing with. The court asked his thoughts regarding the Pine Butterfly infestation, and he believes they may get there next year, see what happens after next year, but wants to wait and see as well. Mr. Dean is optimistic that the infestation has not killed as many trees as it looks from the eye. He explained that he has done some testing, and even though the timber looks dead, the needles are simply defoliating, and he is optimistic that the majority of the trees will recover. He will keep court apprised of the situation.

→Maria Iturriaga, County Clerk, announced to the Court that she will not be seeking re-election next year, and explained the filing deadlines for the May 15, 2012 Primary Election. (September 8, 2011 through March 6, 2012). Mrs. Iturriaga explained that the following elected positions will be up for election in the 2012 Primary: Sheriff, Clerk, Commissioner, District Attorney, and Justice of the Peace. Judge Grasty thanked Mrs. Iturriaga for letting the public know early.

→Commissioner Nichols introduced Teri Cain as the new Director for the Commission on Children and families. Mrs. Cain presented service provider contracts for the coming year. Commissioner Nichols moved to sign the provider contracts with Kids Club, Harney Grant CASA, Training and Employment Consortium, and Harney EDS. Commissioner Runnels second, and the motion carried unanimously.

→In the matter of the position of County Surveyor, Judge Grasty stated that the court needs to set a time to meet with the applicants for county surveyor. He stated that he

had received proposals from CK-3, Ken Delano, and Civil Dynamics. Commissioner Nichols asked for copies to review, and then discuss at the October 5 court meeting.

→Commissioner Nichols moved to sign two corrected Quitclaim Deeds to Silver Creek Cattle Ranches, LLC. Commissioner Runnels second, and the motion carried unanimously.

→The court reviewed an application for an approach by Terry Carroll. Road Supervisor Eric Drushella had no objections and approved the approach. Commissioner Nichols moved to approve the approach at the South East corner of 30409 Stanclift Lane. Commissioner Runnels second, and the motion carried unanimously.

→Commissioner Nichols expressed his thanks to the Road Dept for striping Lava Bed road. Mr. Drushella said that the thanks need to go to ODOT, as they made it happen.

→Jen Hoke, Director, Harney County Chamber of Commerce, provided the court with an update on what the Chamber has been doing.

→The Court reviewed an update from *There is Wisdom in Nature, WIN*, a community sustainability venture, provided by Renee Buermann and Jane Jones. Judge Grasty stated that the court had approved financial assistance at an earlier date, but a motion would be necessary.

→Commissioner Nichols moved to disburse \$3500.00 to the WIN project. Judge Grasty second, and the motion carried unanimously.

→The Court reviewed the proposed Findings and Decision in the matter of the Application of Kiger Ranch Inc, for a mining operation in the EFRU-1 Zone. An appeal process is available to those that participated, however there was no opposition presented. Commissioner Runnels moved to approve the application and sign the decision document. Commissioner Nichols second, and the motion carried unanimously.

→Court discussed the renaming of the Harney Behavioral Health Advisory Council. Commissioner Runnels moved to rename the board "Harney County Mental Health Advisory Board" to show that it is advisory to the Harney County Court, not the service provider. Commissioner Nichols second, and motion carried unanimously.

→The Court reviewed several Notices of Proposed Decisions from BLM, and more thoroughly, a request for comments from the BLM on an Environmental Assessment and Finding of No Significant Impact analyzing selling a parcel of land to the current lifetime lessee (more specifically described as the Skull Creek Cabin Sale, whereas in pre 1900's a private cabin was unintentionally built outside the private acreage). By consensus the court agreed to send a letter of support for this transfer.

→Judge Grasty updated the Court regarding his recent trip to Washington, DC with the National Association of Counties (NACO), regarding Payments In Lieu of Taxes (PILT) being reauthorized. He stated that everyone tended to support it, and believed it will get reauthorized. While in Washington, Judge Grasty met with Mike Poole, Assistant

National Director of the Bureau of Land Management regarding the North Steens Transmission Line and Columbia Energy Partners. Judge Grasty stated that NACO reimbursed Harney County for a portion of his air fare, and covered the rest of the expenses incurred.

→Pauline Braymen handed three copies of a letter, as asked of her by Barbara Cannady, to Judge Grasty for the Court. Without reviewing the letters, Judge Grasty asked that they be set aside, until he seeks advice from legal counsel, and handed them to Derrin Robinson, Chief Deputy County Clerk to receive as held until advice from County Counsel was given. (During the lunch recess, under advice from County Counsel, the letters were sealed in an envelope and filed by the county clerk until the time of the hearing in the matter of the Petition for Vacation by Barbara Cannady).

→The Court reviewed a request from District Attorney Tim Colahan for financial assistance of \$20,140.00 to pay for a Circuit Judge Pro-Tem to preside over Drug Treatment Court. Mr. Colahan suggested County Jail Assessment funds could be used for this expense. Judge Grasty stated that Symmetry Care, Inc. is supportive of this request. Commissioner Runnels asked if the sheriff is supportive, and Judge Grasty believed he is. Judge Grasty moved to expend up to \$20,140.00 out of the County Jail Assessment Fund for this purpose. Commissioner Nichols second, and the motion carried unanimously.

→The Court discussed a letter of resignation from Bob Cargill from the Harney County Fair board. Judge Grasty stated that there are several vacancies, and the court has an obligation to move quickly to get these positions filled. Commissioner Runnels moved to accept Mr. Cargill's resignation, and thanked him for decades of service. Commissioner Nichols second, motion carried unanimously.

→At 1:00 p.m. Judge Grasty opened the public hearing in the matter of an appeal by the Oregon Natural Desert Association regarding the decision of the Harney County Planning Commission to approve the application of Charles Otley and Diamond Valley Ranches for a Farm Dwelling on a 480 acre parcel in the EFRU-1 Zone. A list of those in attendance is on file in the Office of the County Clerk. Testifying for the Applicant was: Tia Lewis, Counsel for Diamond Valley Ranch, Bill Otley, Steve Payer, Jim Schultz, Walt Bailey, and Ken Hill.

→Ms. Lewis referred to additional evidence in support of the application including, copies of e-mail correspondence she had provided to the Planning Director between she and Joan Sutter of BLM, regarding legal access, and a map of the Diamond Valley Ranch land Tract, referring to Commercial use of the land (exhibit 1). Bill Otley testified as to the business operation of Diamond Valley Ranch and asked for the dwelling so that staff can be available to monitor cows, calves, fences and gates, and range management rotation.

→Testifying in Opposition was: Paul Dewey, Counsel for Oregon Natural Desert Association (ONDA). Mr. Dewey expressed concerned about a procedural issue and requested that Commissioner Runnels not participate in the process due to a statement of bias and appearance of impartiality, and referred to a letter to the Editor of the Burns Times-Herald written by Commissioner Runnels (exhibit 2). Judge Grasty stated that his

request should have been given within 48 hours of the hearing, and it was not, therefore was not a valid request, however, he left it up to Commissioner Runnels. Commissioner Runnels stated that as an elected official, he was confident that he could make a fair and unbiased decision in this matter, However as a courtesy, he would exclude himself unless his vote would be needed to break a tie.

→Mr. Dewey stated that ONDA's concern is a pattern of potential approvals for farm dwellings then partitioning, and selling them off. Also of issue to ONDA was that of use at a commercial scale, and presented an additional map of the Diamond Valley Ownership (exhibit 3.)

→Ms. Lewis had a brief rebuttal, and stated that for the record, the map provided by Mr. Dewey (exhibit 3) was not accurate and labeled a tax lot as owned by Diamond Valley Ranch, and stated that it is not owned by Diamond Valley Ranch.

→Judge Grasty asked if the court wished to have the record held open. The Court did not believe it was necessary. They planned to make a decision on the appeal at the next county court meeting (October 5), but the allowed time line would require a decision by October 3. The Applicant agreed to give the Court an extension until October 12<sup>th</sup>, and requested to provide Draft Findings and decisions.

→The court accepted the extension, and the offer of Draft Findings in this matter. Judge Grasty closed the Hearing at 2:10 p.m. (A complete audio record of the hearing, list of those in attendance, and the associated exhibits are on file and can be reviewed in the office of the County Clerk).

→The Court reconvened in Judge Grasty's office.

→Commissioner Runnels will be attending the SMAC meeting tomorrow, and will testify on behalf of the County Court regarding South Steens Water Development.

→Judge Grasty moved to draft a letter in support of Commissioner Runnels to serve on the Southeast Oregon RAC. Commissioner Nichols second, the motion carried, with Commissioner Runnels abstaining.

→The Court discussed surplus solar panels, and some possible local usage. Ultimately the court is interested in output data, and possibilities.

→There being no further business, the Harney County Court adjourned at 2:40 p.m.

Respectfully Submitted,



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