



***In the County Court of the State of Oregon for Harney County  
Minutes of the County Court  
May 4, 2016***

The Harney County Court convened in the Courthouse Basement Meeting Room at 10 a.m. on Wednesday, May 4, 2016. Members attending were Judge Steve Grasty, Commissioner Dan Nichols, and Commissioner Pete Runnels. Also attending were Eric Drushella, Road Department; Deanna Atwell, Finance; Tim Colahan, County Counsel; Brandon McMullen, Planning Director; JR Johnson, Watermaster; Karen Moon; Watershed Council; and Tammy Johnston, Deputy Clerk.

Others in attendance included Samantha White, Burns Times Herald; Forrest Keady, Herb Vloedman, Mark Owens, Barbara Cannady, Rob Frank, Mary Ausmus, Barb Kull, Shana Withee, John Hale, Harmeny Burreight, Oregon Water Resources Department; Tara Thissell, BLM.

Judge Grasty led all in the Pledge of Allegiance.

Commissioner Runnels made a Motion to approve the minutes from the April 20, 2016, meeting, seconded by Commissioner Nichols, with no further discussion the Motion carried unanimously.

**Voucher Approval**

**Opportunity for Public Comment**

Commissioner Dan Nichols discussed the panel he participated in at Yale University. Topics of the panel included collaboration and land use.

Herb Vloedman discussed mosquitos and requested a copy of the management letter and last year's audit. For a copy of the audit, Judge Grasty directed Herb to Sharon Johnson.

Barbara Canady requested more County Court packets.

Rob Frank discussed the influx of individuals coming into our community to receive public assistance. Mitzi Defenbaugh asked about refugees. Commissioner Runnels discussed Section 8 Housing Voucher system.

## **Old Business**

### **Timber Sale Projects**

The information from the previous County Court meeting did include upcoming timber sale projects in addition to sales that had already occurred.

### **Economic Development Loan Fund**

Judge Grasty reported the information has not been provided to the County but is expected by Friday, May 6, 2016. Commissioner Nichols discussed indebtedness concerns. No decision to be made until County Court receives information from USDA.

### **Signing of the Blue Mountain Forest Plan Cooperating Agency Memorandum of Understanding (MOU)**

Judge Grasty discussed the letter sent to Steven Beverlin in response to the MOU. There will be no decision made until the Court receives a response.

### **Ordinance #2016-76 in the Matter of Ratifying the Intergovernmental Agreement Creating the Oregon Association of County Engineers and Surveyors (OACES)**

Judge Grasty presented the Court with Ordinance #2016-76. Commissioner Runnels made a Motion to sign Ordinance #2016-76, read by title only, In the Matter of Ratifying the Intergovernmental Agreement Creating the Oregon Association of County Engineers and Surveyors (OACES), seconded by Commissioner Nichols, with no further discussion the Motion carried unanimously. Judge Grasty made a Motion to sign Ordinance #2016-76, read by title only, In the Matter of Ratifying the Intergovernmental Agreement Creating the Oregon Association of County Engineers and Surveyors (OACES), seconded by Commissioner Nichols, with no further discussion the Motion carried unanimously.

## **New Business**

### **Appointment of the Library Advisory Board as recommended by the Board**

Commissioner Runnels made a Motion to appoint Ramona Revak to the Library Advisory Board for a 4-year term, seconded by Commissioner Nichols, with no further discussion the Motion carried unanimously.

### **10:30 a.m., Brandon McMullen, Planning Director, to discuss upcoming land use review before the County Court**

Brandon McMullen discussed two (2) land use matters scheduled for hearing before County Court on May 18, 2016. The first matter is a review for an expansion on the existing aggregate mine on the Hines Logging Road for Harney Rock and Paving. It is a conditional use permit and an amendment to the aggregate inventory. The second matter is a proposed amendment to the zoning ordinance for an exception to minimum lot size standards. On all amendments to ordinances or the comprehensive plan, the order of operation is for planning commission review and then approval of the recommendation, which is then presented to County Court for final approval. Judge Grasty requested the Planning Department discuss the second matter with Oregon Department of Fish and Wildlife for their opinion as well.

### 11:00 a.m., Appointments to the Harney County Groundwater Study Advisory Committee

JR Johnson, Oregon Water Resources Department (OWRD) District Watermaster, discussed the Malheur Lake Basin and the suspension of the issuance of groundwater permits. Approximately 1-1 ½ years ago, the Groundwater Division of the Oregon Water Resources became very concerned with the development of groundwater in the Malheur Lake Basin and stopped issuing groundwater permits. Between the time they actually stopped issuing permits and they announced there would be no new permits, there were 39 permits caught in limbo and they had no real pathway to move forward so a rules advisory committee was formed and rules were established so these permits could move forward. At the same time, OWR is embarking on a 5-year study to collect data to support their belief that there is no groundwater available for development. Part of the rules is the establishment of a Study Advisory Committee (SAC) to be appointed by OWRD and County Court. Letters of Interest for the SAC have been received and will be appointed jointly by OWRD and County Court. The SAC would have 10-12 members.

### Review of Water Use Requests

1:15 p.m., Executive Session as authorized by ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of public body with regard to current litigation or litigation likely to be filed

No action taken.

2:30 p.m., Executive Session as authorized by ORS 192.660(2)(h) to consider the dismissal or disciplining of, or to hear complaints brought against, a public officer, employee, staff member or individual agent who does not request an open hearing

Judge Grasty made a Motion to accept the recommendation of Jim Campbell, immediate supervisor of Harney County Weed Department, to terminate the employment of Richard Boushey, effective immediately; Commissioner Nichols seconded the motion, with no further discussion the Motion carried unanimously.

Appointments to the Harney County Groundwater Study Advisory Committee (SAC)  
County Court met with the following staff from the Oregon Water Resources Department (OWRD); Ivan Gall, Jason Spriet, Justin Iverson, Harmeny Burrignt, Jerry Grondin, Darrick Boschmann, and JR Johnson to discuss appointments to the SAC. Acceptance of Letters of Interest for the SAC will be extended two (2) weeks, and County Court and JR Johnson will make contact with community members who might also be interested. There are currently five (5) letters received to date with a goal of 10-12 members. Other topics of discussion included commitment of members to attend meetings in person, memorandum of understanding to be signed by members, and first meeting date tentatively in July, 2016. The SAC will be meeting quarterly and will try to coordinate during OWRD staff visits which are January, April, July, and October.

### **Correspondence to Review**

Oregon Water Resources – Harney Basin Quarterly Groundwater Level Measurements, scheduled for April 25-30

US Fish & Wildlife – Annual payment

Forest Service – Notice of bid opening

Oregon Water Resources – Well Abandonment

### **Scheduling**

Budget Board Meeting – May 11, 9 a.m. to 4 p.m., Basement Meeting Room

Next County Court scheduled on Wednesday, May 18, 2016, at 10:00 a.m.

### **Late Items**

### **General Deliberation by the Court (no decisions will be made)**

### **For the Record**

### **Adjournment**

County Court recessed at 11:10 a.m. and reconvened for Executive Session at 1:15 p.m. and 2:30 p.m. Executive Session adjourned at 2:45 p.m. and County Court reconvened at 3:00 p.m. With no further discussion, County Court adjourned at 3:45 p.m.

Respectfully Submitted,

Tammy Johnston  
Deputy Clerk