

Harney County Court Meeting
May 6, 2009

→The Harney County Court convened May 6, 2009 at 10:00 a.m. in Judge Grasty's office. Members attending were, Judge Steven E. Grasty and Commissioner Dan Nichols and Jack Drinkwater. Also attending were, Eric Drushella, Road Supervisor and County Clerk Maria Iturriaga.

→Public attending were, Debbie Raney, Burns Times Herald, Patty Dorroh.

→Judge Grasty led all in the Pledge of Allegiance.

→Commissioner Drinkwater made a motion to approve the April 15 minutes as mailed. Commissioner Nichols seconded. Motion carried unanimously.

→Financial and statistical reports were reviewed and vouchers' paid by court's signature.

→Cheryl Kenniston, Public Health Director was in attendance to update the court in regards to H1N1 (swine flu). She stated that she has been informed that it is not as dangerous as previously thought. However, she said that influenza type A virus is in the community. She further stated that precautions need to be taken such as washing hands frequently and stay home when sick. As far as the closest swine flu cases to Harney County, Umatilla County has 2 cases.

→Brandon McMullen, Harney County Planning Director and Jon Jinings, Regional Representative, DLCD were present to discuss and update the status of the County's efforts to update the Comprehensive Plan. Mr. McMullen described how the Planning Commission held the first evidentiary hearing on May 5, 2009 so they could approve the recommended changes to the County Court. He further explained how the Planning Commission felt that it was important to leave the record open until May 20, 2009 in order to review changes made that night and to further review testimony submitted. Mr. McMullen and Mr. Jinings further discussed the land use process with the County Court.

→Karen Moon, Watershed Council Coordinator was in attendance to update the court on ground water projects. She informed the court that the landowner outreach grant had been awarded and will be starting on that project later this year. She also stated that a Technical Assistance Grant application has been submitted for a project that will consist of collecting Oregon Water Resources well log data and converting the information into a GEO database.

→Patty Dorroh, Commission on Children and Families Director, was present to request new appointments and reappointments to the Commission's Board. Commissioner Nichols made a motion to re-appoint Debbie Ausmus and Jean Hurst and appoint Cody Hodges to the Board of the Commission as recommended. Commissioner Drinkwater seconded. Motion carried unanimously. Commissioner Nichols complimented the board in their outstanding job. Mrs. Dorroh also presented a general update of their services and projects.

→The court convened into executive session at 11:15 a.m. as authorized by ORS 192.660(h)(b) to consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and conduct deliberations on labor negotiations. Re-convened into regular session at 11:30 a.m. County Counsel will prepare an order for the court to sign later this afternoon.

→In the Matter of Harney County Recycling Reserve Fund. After a brief discussion Judge Grasty made a motion to approve and sign Resolution #2009-06. Commissioner Drinkwater seconded. Motion carried unanimously. The intent of this Fund is that it be used to encourage, facilitate and support recycling in Harney County.

→The court reviewed an Intergovernmental Agreement for Determining Community Service Fee Distribution Under The Strategic Investment Program between Harney County and the Harney County Health District for the purposes of distributing the Community Service Fee established by the Strategic Investment Program under Oregon Revised Statute (ORS) 307.123 and ORS 285C.600-285C.620. An affected taxing district's CSF(Community Service Fee) allocation is determined as the ratio between the taxing district's tax rate and the aggregate total general government tax rate (all non-educational taxing districts) within each tax code, which in Harney County is two, Harney District Hospital and Harney County, approximate 30% and 70% exact ratio will be used. Commissioner Drinkwater made a motion to sign the IAG. Commissioner Nichols seconded. Motion carried unanimously.

→The court reviewed a proposal for asphalt maintenance of County parking lots. The court felt that the courthouse parking lot is still in good shape. No action taken.

→Judge Grasty explained the Declaration of Cooperation Support Statements of Harney County Restoration Collaborative document. The Declaration brings together the key stakeholders needed to create the opportunity for a meaningful collaborative effort to address the multi-faceted forest and community health problems facing Harney County.

→The court had a brief discussion regarding Senator Wyden's bill dealing with restoration and old growth forest. Judge Grasty informed the court that a phone conference of 9 Eastern Oregon Counties is scheduled for Friday May 8 to craft a joint response.

→The court reviewed a letter from Chris Siegner, Director of Behavioral Health with proposed new members, replacing the retiring ones, for Harney Behavioral Health Advisory Board. Commissioner Nichols made a motion to accept new members, Pat Sharp, Jack Drinkwater, Stacie Rothwell, Barb Chambers and Jennifer Yekel as recommended. Judge Grasty seconded. Motion carried unanimously.

→The court also reviewed a letter from Jesse Barnes, Supervisor of Harney County Weed Control, on behalf of the Weed Board, recommending to the court that African Rue be added to the Harney County Weed list A. Commissioner Drinkwater made a motion to approve the addition of African Rue of Harney County Weed list A. Commissioner Nichols seconded. Motion carried unanimously.

→Judge Grasty informed the court that a bill to increase gas tax and registration fees is moving in the legislature and they are requesting a list of projects that would be done in the county. He requested that Eric Drushella, Road Supervisor, provide a list of projects to be done.

→The court along with other members of the community participated in a presentation from Brent Fenty, Executive Director of Oregon Natural Desert Association in regards to wind power. He stated that this was a draft report and is not final. Judge Grasty, Commissioner Nichols and Drinkwater all expressed extreme concern that ONDA is the most powerful force in Harney County in the way they can stop projects with their opposition and litigation. They also informed Mr. Fenty of the community's frustration toward an outside group constantly working in an attempt to dismantle all the social and economic opportunities available to Harney County.

→Commissioner Nichols made a motion to sign the order prepared by county counsel in the matter of appointment of special assistant county counsel for the sole purpose of appearing in the matter of John Ebar and Rozanne Ebar v. Harney County, LUBA No. 2009-035. Commissioner Drinkwater seconded. Motion carried unanimously.

→The court received a memorandum from Stan Foster informing them of Stimulus Grants for Economic Development. Judge Grasty will be in touch with him to see which grants Harney County would be interested in pursuing.

→Henry Cualio and Gladys Romero from the US Census were in attendance to update the court on census 2010. They requested that a proclamation in support of census 2010 be declared by the court and that a committee of community leaders be formed to have an outreach committee which can help the Census Bureau get a complete count of the community in 2010 as they want to ensure that everyone is counted.

→The court reconvened into executive session at 3:30 p.m. as authorized by ORS 192.660(h) to consult with legal counsel concerning the legal rights and duties of a public governing body with regard to current litigation or litigation likely to be filed. The court re-convened into regular session at 4:00 p.m. No action taken.

→The court had a discussion with Ron Yockim in regards to Penland Rd. Commissioner Nichols made a motion to direct the road master to search the public records for dedication or resolution in Sec. 13 & 14 of Penland Rd. Commissioner Drinkwater seconded. Motion carried unanimously.

→Public Notices of Water Use Requests from Oregon Water Resources Department were reviewed by the court. No objections were expressed to any of the requests.

→There being no further business the meeting adjourned at 4:15 p.m.

Respectfully submitted,

Maria Iturriaga, CCC

Harney County Clerk