



***In the County Court of the State of Oregon for Harney County  
Minutes of the County Court Session***

***November 6, 2019***

The Harney County Court convened in County Court Chamber at 9:15 a.m. on Wednesday, November 6, 2019. Members attending were Judge Pete Runnels, Commissioner Patty Dorroh, and Commissioner Mark Owens. Also in attendance were Tammy Johnston, Clerk's Office; Eric Drushella, Road Department; Tim Colahan, County Counsel; Bobbi Jo Heany, Treasurer; and Sheriff Dave Ward and Roxane Ellis, Sheriff's Office.

Public attending was Herb Vloedman, Lynn McClintock, Karen Jackson-Simmons, Diamond Landfill; George Heinz, Harney County NRAC; Randy Parks, Burns Times-Herald.

**Work Session 9:15 a.m. – 10:00 a.m.**

**Voucher Approval**

The Court reviewed accounts payables, signed checks, and approved the vouchers by Court signature.

Judge Runnels led all in the Pledge of Allegiance.

**Minutes**

Commissioner Owens made a Motion to approve the Minutes from the October 16, 2019, County Court session and Commissioner Dorroh seconded the Motion. With no further discussion, the Motion carried unanimously.

**Public Comment**

Judge Runnels announced Commissioner Mark Owens' candidacy for State Representative in Oregon's House District 60, the seat currently held by Representative Lynn Findley. Commissioner Owens will serve the remainder of his term as County Commissioner.

Herb Vloedman asked questions regarding the Harney County Budget. The Court is working on getting the budget numbers to have published in the Burns Times-Herald, and they should be done in the next two (2) weeks.

## **Old Business**

### **Discussion regarding Sheriff's Vacancy**

There are currently five (5) individuals interested in the interim Sheriff's position. An interview committee will be selected and they will interview all five candidates on Thursday, November 14, 2019. The interview committee will recommend the top two (2) or three (3) candidates, and the County Court will have a public question/answer session with the top candidates. The interview committee currently consists of Ryan Hughes, Harney County Assistant District Attorney; Judge Pete Runnels, Terri Hellbusch, and an additional Harney County citizen. The Court is finalizing the questions for the candidates.

### **Update from Natural Resource Advisory Committee (NRAC)**

George Heinz, Vice Chair of the NRAC, presented the Court with a copy of the October 22, 2019, NRAC Minutes. Bill Wilbur is the NRAC Chair. The Committee has established policies and bylaws, as well as identified groups, collaboratives, and organizations important to the goals of the NRAC. Jeff Rose (BLM) and Josh Giles (USFS) attended the meeting to give updates and discuss various topics such as 2019 fire season, Pueblo Pilot Project, feral horse and burro project, and the 2020 projects such as the Crow Project.

## **New Business**

### **Discussion and/or Approval of a Uniform Fee Schedule for Rural Harney County Dump Sites**

The Court discussed the current fees charged by the Rural Harney County dump sites and the issues associated with establishing a uniform fee schedule for all dump sites. Karen Jackson-Simmons, Diamond Landfill, also discussed the issues with running a rural dump site. Judge Runnels will schedule a meeting with all the staff of the rural dump sites to discuss a uniform fee schedule before making any further decisions.

### **Harney County Professional Services Contract between Harney County and Harney County Senior & Community Services Center**

County Court approved the contract July 2019. Judge Runnels and Angie Lamborn, Senior Center Director, have identified some language that should be added to the Contract. Judge Runnels will meet with Tim Colahan, County Counsel, to make the needed changes to the Contract and present to the Court at a later date.

### **Discussion and/or Action on High Desert Engineering Project; Sally Port and Inmate Recreation Area**

Sheriff Dave Ward and Roxane Ellis discussed with the Court the Harney County Jail sally port and inmate recreation area project. Topics of discussion included: 1) High

Desert Engineering LLC agreement for engineering services for the sally port and inmate recreation area; 2) compliance issues with the jail regarding accessibility, security during transports, and secure inmate recreation area; 3) budgeting for the engineering fee and the project; and 4) project details. Judge Runnels recommended revising the agreement to reflect the suggestions made by the Court so the Request for Proposal (RFP) could be put out near the next budget cycle. Sheriff Ward discussed the issue of how much the Court would like to put into the jail, the land donation proposal by the Herb and Ann Vloedman, and the 5-10-year plan for law enforcement in Harney County. The Court is in support of facilitating a meeting between Harney County, City of Burns, and City of Hines to discuss a new justice center facility. Roxane Ellis will complete a presentation and County Court will set up a meeting for all interested parties tentatively scheduled for December 18, 2019.

### **Order in the Matter of the Appointment of Karen Zabala as Harney County Assessor & Tax Collector**

Commissioner Owens made a Motion to approve Court Order appointing Karen Zabala Harney County Assessor & Tax Collector (CJ2019-163), and seconded by Commissioner Dorroh. With no further discussion, the Motion carried unanimously.

### **Eric Drushella, Roadmaster, Ordinance #2019-90 In the Matter of Surface Mining Operations in Harney County**

Eric Drushella, Harney County Roadmaster, discussed the Ordinance #2019-90 with the Court. Commissioner Dorroh made a Motion to approve Ordinance #2019-90 In the Matter of Surface Mining Operation in Harney County (CJ2019-164, 2019-1445) first reading by title only, and seconded by Commissioner Owens. With no further discussion, the Motion carried unanimously.

Commissioner Owens made a Motion to approve Ordinance #2019-91 in the Matter of Surface Mining Operation in Harney County second reading by title only, and seconded by Commissioner Dorroh. With no further discussion, the Motion carried unanimously.

### **Timothy Colahan, Harney County Counsel, Harney County Contract**

Commissioner Owens made Motion to approve the Harney County Counsel Employment of PERS Retiree Employment Agreement between Timothy J. Colahan and Harney County (CJ2019-165), and seconded by Commissioner Dorroh. With no further discussion, the Motion carried unanimously. The County Court agreed to complete a Request For Proposal (RFP) for County Counsel services prior to September 2020.

### **Ordinance #2019-91 In the Matter of Amending Ordinance #2018-81, Visitor Fee Increase for the County Court**

Commissioner Owens made a Motion to approve Ordinance #2019-91 In the Matter of Establishing Harney County's Uniform Fee Schedule for Various County Departments Established Under Ordinance #2018-81 and Declaring an Emergency (CJ2019-166; 2019-1446) first reading by title only, and seconded Commissioner Dorroh. With no further discussion, the Motion carried unanimously.

Commissioner Owens made a Motion to approve Ordinance #2019-91 In the Matter of Establishing Harney County's Uniform Fee Schedule for Various County Departments Established Under Ordinance #2018-81 and Declaring an Emergency (CJ2019-166; 2019-1446) second reading by title only, and seconded by Judge Runnels. With no further discussion, the Motion carried unanimously.

**Resolution #2019-29 Appropriating Funds Due to Unexpected Occurrence or Condition**

Commissioner Owens made a Motion to approve Resolution #2019-29 In the Matter of Appropriating Funds Due to Unexpected Occurrence or Condition (CJ2019-167), and seconded by Commissioner Dorroh. With no further discussion, the Motion carried unanimously.

**Resolution #2019-30 In the Matter of Appropriating Funds Due to Unexpected Occurrence or Condition Amending Resolution #2019-26**

Commissioner Dorroh made a Motion to approve Resolution #2019-30 In the Matter of Appropriating Funds Due to Unexpected Occurrence or Condition Amending Resolution #2019-26 (CJ2019-168), and seconded by Commissioner Owens. With no further discussion, the Motion carried unanimously.

**Resolution #2019-31 Establishing a Public/Private Partnership to Provide Broadband Service between MiWave and Harney County**

Judge Runnels discussed Resolution #2019-31 Establishing a Public/Private Partnership to Provide Broadband Service between MiWave and Harney County. In order for MiWave to complete the application for the BizOregon Public/Private Partnership loan, there needs to be a resolution approved by Harney County as the recipient of pass-through dollars. The Court also needs to prove other providers were given the same opportunity, which occurred in February 2019 at the Community Response Team (CRT) meeting, and the minutes of the meeting reflected it. Commissioner Dorroh asked that an administrative fee be charged to MiWave to administer these funds. Commissioner Owens requested a business plan to ensure the Court that MiWave is able to fulfill the needs of local residents and businesses with broadband services and what the 5-year rollout would entail. Judge Runnels, Tim Colahan, and Scott Farley (BizOregon) will discuss issues of concern and the Court will convene for a special public meeting if needed due to deadlines for the loan application.

**Review of Water Use Requests**

**Executive Session may be called under 2017 ORS 192.660 (2) The governing body of a public body may hold an executive session: (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.**

## **Correspondence**

Water Resources Department Groundwater Study in the Harney Basin field activity tentatively scheduled for 2020

Future work session regarding data from groundwater study.

## **Scheduling**

County Court Meeting Schedule:

\*Tuesday, November 26, 2019

Wednesday, December 4, 2019

Wednesday, December 18, 2019

Wednesday, January 8, 2020 (may need to reschedule due to BoPTA training, TBA after December 31, 2019)

Wednesday, January 22, 2020

## **Late Items**

## **For the Record**

## **Adjournment**

County Court recessed at 11:47 a.m., and reconvened for Executive Session at 12:30 p.m. County Court reconvened and adjourned at 1:00 p.m.

Respectfully Submitted,

*Tammy Johnston*  
Deputy Clerk