

**Harney County Court Meeting  
April 20, 2011**

→The Harney County Court convened April 20, 2011 at 10:00 a.m. in Judge Grasty's office. Members attending were, Judge Steven E. Grasty and Commissioners Dan Nichols and Pete Runnels. Also attending were, Eric Drushella, Road Supervisor, Nellie Franklin, Treasurer, David Glerup, Sheriff and County Clerk, Maria Iturriaga.

→Public attending were, Barbara Cannady, Mary Ausmus, Karen Moon, Debbie Raney, Burns Times Herald, Travis Williams, President of Stockgrowers Association.

→Judge Grasty led all in the Pledge of Allegiance.

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

→Judge Grasty commented that on April 7 the three members of the court had met late at night to sign the disaster declaration in regards to the flooding event at that time.

→Commissioner Runnels made a motion to approve the April 6 county court minutes as mailed. Commissioner Nichols seconded. Motion carried unanimously.

→Barbara Cannady asked Judge Grasty what needed to be covered in writing letters in regards to the sage grouse issue. Judge Grasty stated it should deliver the message to delay the decision making until more community input is received.

→Karen Moon, Harney Watershed Council Coordinator was in attendance to request Marty Suter be appointed to the Watershed Council. Commissioner Nichols made a motion to appoint Marty Suter as the SWCD representative. Commissioner Runnels seconded. Discussion followed. Motion carried unanimously.

→Judge Grasty made a motion to appoint Commissioner Runnels as representative on Housing Authority of Harney and Malheur Counties. Commissioner Nichols seconded. Motion carried with Commissioner Runnels abstaining from voting.

→Travis Williams representing the Stockgrowers Association was in attendance to express concerns regarding additional private lands being acquired by the state government as they feel it would be economically devastating to Harney County. He will discuss and gather input on this issue with different groups and come back to the County Court.

→David Glerup, Sheriff gave an overview of the water flow situation.

→Judge Grasty stated the letter from the court and also Judge Grasty's as individual were submitted to ODFW. Judge Grasty will be attending the ODFW Commission meeting in Salem regarding this issue Friday, April 22.

→The court had a lengthy discussion regarding future service delivery model for Harney Behavioral Health. Involved in the discussion was Chris Siegner, Harney Behavioral Health Director and Vern Brown, BHB Financial Manager. Judge Grasty commented that public hearings for input had been held with good conversation. The court members expressed their feelings towards this non-profit 5013C.

The court feels if this service delivery model is to go forward they would insist that future service delivery, access, costs be at the same or higher level and trust them to continue to remain financially viable. Mr. Siegner stated it's not their intention on changing their access or fees. He stated that it is their intention, to enhance the services, not to go backwards and also realizes the assets belong to the private non-profit. Mr. Siegner explained this model has been looked at for many years however it did not fit at prior time but it has come to the point now where it does make sense. Mr. Brown stated that financially at this point in delivery of service they have to grow and be able to take opportunities, and by staying a County Dept. county government would have to grow and he's very aware of the desire of County government not to go in that direction. He reiterated there is no power struggles in doing this, it is moving to different setting.

→Mr. Siegner explained with this move they could regionalize. The court raised concerns over regionalization as their focus and priority has to be Harney County service delivery. The court also expressed their insistence that at least one of the Harney County Court members be a member of the Board of directors. Formal contracts would have to be signed and they would have to meet all the required contractual issues. The court and the non-profit will need to work on issues such as the division of assets as they need to identify and divide. Judge Grasty suggested that during transition they would come to update every two weeks. It was the consensus of the court they would retain funds just in case the non-profit does not work and Harney County would have to take it over and also if Medicaid audit was to show a liability those retained funds would be for possible reimbursement. Commissioner Nichols stated it a good positive step in the right direction. As a result of this step the Harney County government work force will be reduced. Mr. Brown stated that current employees who still work for Harney County would require a fair amount of time commitment working towards the non-profit.

→Commissioner Runnels made a motion to proceed with transition of HBH to a non-profit model with the understanding that Harney County is the mental health authority as ORS provides. Commissioner Nichols seconded. Motion carried unanimously.

→The court reviewed a petition for vacation of county road from Barbara Cannady and Caroline Manock. Judge Grasty stated steps need be taken and accomplished in order for the vacation to be accomplished. Barbara Cannady requested to move as soon as possible. Judge Grasty said they would move as quickly as law allows and following advice of County Counsel.

→Commissioner Nichols made a motion to sign the order in the Matter of Conveying Mineral Rights reserved to Harney County to James Wilson, owner of the surface rights. Commissioner Runnels seconded. Motion carried unanimously.

→Commissioner Nichols made a motion to sign the Warranty Deed to James Wilson. Commissioner Runnels seconded. Motion carried unanimously.

→The court reviewed the Invasive Plants Treatment proposed Action on the Malheur National Forest. Judge Grasty will submit comments.

→Resolution #2011-05 was tabled until next county Court meeting on May 4, 2011.

→The court had a discussion regarding Title II forest projects. A letter to US Forest Service from the County Court regarding the ranking of projects was reviewed by the court. Judge Grasty commented a marketing project came in late and is not listed however this project will be hand carried to their next meeting. Judge Grasty will invite Forest Service personnel to come into County Court to explain stewardship and projects.

→Judge Grasty updated the court on the woodstoves placed under a government clean air grant which the County was the recipient and work done by the Senior Center staff. He informed the court he has applied for funds to cover administrative costs incurred by the Senior Center in installing the stoves.

→Judge Grasty stated the end result of Title III funding is local jobs.

→Brandon McMullen, Planning Director was in attendance to update and give an overview on the on-site septic program. He stated May 2, 2011 will be the official date when Harney and Lake Counties will take over the on-site septic program by the Planning Department. Fees will reflect pre January 2010 which will be a sizeable reduction. It is the hope that ultimately the program will completely be administered by Harney County.

A letter from Don Slone, Fair Manager, concerning a balloon payment for a John Deere riding lawnmower purchased in August of 2010 was reviewed by the court. Mr. Slone was requesting \$5,800 balloon payment to Hollingsworth Inc. for the lawnmower be paid by the county. After discussion, Judge Grasty made a motion to pay Hollingsworth Inc. with understanding expecting return from income in the 2011-12 year. Commissioner Nichols seconded. Motion carried unanimously.

→A public hearing opened at 2:30 p.m. In the Matter of an Appeal to the County Court regarding the Planning Commission approval of Wireless Telecommunication Facility in the EFRU-1 zone, (Burns Butte) Land Use File #10-32. Attending other than the County Court were Brandon McMullen, Planning Director, AT&T Mobility/Allen Potter, agent Applicant, and Roy Willy from AT&T. Judge Grasty explained the process. Brandon McMullen, Planning Director presented staff report. Roy Willy explained that the

Verizon tower is not adequate to co-locate with them. He said AT&T needs the additional height of 150 feet to maintain and enhance better coverage and also designed for future needs. It was stated that this is type 2 application, which was approved by the Planning Director and consequently appealed by Richard Oberdorfer to the Planning Commission, whom affirmed the planning director's decision. Consequently the Planning Commission's affirmation was again appealed by Mr. Oberdorfer to the County Court. Mr. Potter stated, in his opinion, the application meets the criteria and due diligence and feels the appeal is inadequate. Judge Grasty stated that the opponent, Richard Oberdorfer had requested to attend via telephone, however he believes the person should be here in person therefore the Judge denied the request. Judge Grasty acknowledged significant written material. Mr. Potter requested any and all documentation to be included in the record. Hearing closed at 2:30 p.m.

→Judge Grasty made a motion to affirm the decision of the Harney County Planning Commission made March 16, 2011 and recognize additional new information from Eagle Consulting Group, LLC on behalf of AT&T. Commissioner Nichols seconded. Motion carried unanimously.

→The court reviewed public notice of water use requests from Oregon Water Resources Department. No objections expressed to any of the requests.

→There being no further business the meeting adjourned at 3:30 p.m. Court members met with community leaders and the Office of Emergency Management regarding Flooding situation at 4:00 p.m.

Respectfully submitted,

Maria Iturriaga, CCC  
Harney County Clerk