

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, May 5, 2021 at 9:00 a.m.

Bartholomew Building Upper Conference Room

110 N. Court St., Heppner, Oregon

Zoom Meeting Information on Page 2

AMENDED

1. **Call to Order and Pledge of Allegiance - 9:00 a.m.**
2. **City/Citizen Comments:** Individuals may address the Board on topics not on the agenda
3. **Open Agenda:** The Board may introduce subjects not on the agenda
4. **Consent Calendar**
 - a. Approve Accounts Payable and Payroll Payables
 - b. Minutes: April 14th
 - c. Resolution No. R-2021-14: Applying for a County Assessment Function Funding Assistance (CAFFA) Grant
5. **Public Hearing:** Code Enforcement Ordinance Update (Stephanie Case, Planning Dept.)
6. **Public Hearing:** Application to Rename Threemile Road to Marty Myers Road (Tamra Mabbott & Stephen Wrecsics, Planning Dept.)
7. **Legislative Updates**
8. **Business Items**
 - a. Reappointment Requests to the North Morrow Vector Control District Board (Greg Barron, Manager)
 - b. Ducote Consulting for Grant Writing and Environmental Services (Tamra Mabbott, Planning Director)
 - c. Emergency Operations Center Update
 - d. Building Project Updates
9. **Department Reports**
 - a. Administrator's Monthly Report (Darrell Green)
 - b. Sheriff's Office Monthly Report (Melissa Ross)
 - c. Finance Department Quarterly Report (Kate Knop, Director)
 - d. Assessment & Tax Quarterly Report (Mike Gorman, Assessor/Tax Collector)
10. **Correspondence**
11. **Commissioner Reports**
12. **Executive Session:** Pursuant to ORS 192.660(2)(i) – To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing
13. **Signing of documents**
14. **Adjournment**

Agendas are available every Friday on our website (www.co.morrow.or.us/boc under "Upcoming Events"). Meeting Packets can also be found the following Monday.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Roberta Lutcher at (541) 676-5613.

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media. The Board may recess for lunch depending on the anticipated length of the meeting and the topics on the agenda. If you have anything that needs to be on the agenda, please notify the Board office before noon of the preceding Friday. If something urgent comes up after this publication deadline, please notify the office as soon as possible. If you have any questions about items listed on the agenda, please contact Darrell J. Green, County Administrator at (541) 676-2529.

Zoom Meeting Information

Join Zoom Meeting:

<https://zoom.us/j/5416762546>

PASSWORD: 97836

Meeting ID: 541-676-2546

Zoom Call-In Numbers for Audio Only Using Meeting ID 541-676-2546#:

- 1-346-248-7799
- 1-669-900-6833
- 1-312-626-6799
- 1-929-436-2866
- 1-253-215-8782
- 1-301-715-8592

Morrow County Board of Commissioners Meeting Minutes
April 14, 2021
Bartholomew Building Upper Conference Room
Heppner, Oregon

Present In-Person

Chair Don Russell, Commissioner Jim Doherty, Commissioner Melissa Lindsay, Darrell J. Green, Roberta Lutcher, Richard Tovey, Jeff Wenzholz

Present Via Zoom

Staff: Lindsay Grogan, Tamra Mabbott; Non-Staff: Debbie Pedro, David Sykes

Call to Order, Pledge of Allegiance & Roll Call: 8:03 a.m.

City & Citizen Comments: None

Open Agenda: Commissioner Lindsay said she would like to discuss the Governor's Ten-Point Plan, which is under Correspondence in the Agenda Packet.

Consent Calendar

Commissioner Lindsay moved to approve the following items in the Consent Calendar:

1. *Accounts Payable and Payroll Payables*
2. *Minutes: December 23, 2020*
3. *Proposal from Safety Vision for the purchase of video surveillance systems for The Loop vehicle fleet, and authorize the Administrator to sign on behalf of the County*

Commissioner Doherty seconded. Unanimous approval.

Legislative Updates – No items

Business Items

Emergency Operations Center Update

At this week's Monday EOC Meeting, the group discussed:

- Developing a plan with the school districts for vaccination of people in the 16-17 age group.
- The Johnson & Johnson vaccine was pulled from distribution to further evaluate blood clot issues.
- The County is working on a contract through the Oregon Health Authority to receive reimbursement from the Federal Emergency Management Agency for the FEMA events held in-County.
- Working with clinic and pharmacy partners throughout the County to be the back-up to the Public Health Department for vaccine distribution so staff can resume normal schedules and duties.
- EOC Meetings will be held once a month or as-needed instead of weekly.

Building Project Updates

- Commissioner Lindsay thanked those who attended last week's groundbreaking ceremony for the Sheriff Station 2 Building. Work on the footings has started, she added.
- Chair Russell said the new building in Irrigon will have the ability to add electric vehicle charging stations if the conduit is added now. He said the County will likely opt for this approach, at a minimum. There was discussion about the electric charging stations in Heppner and Ione and how little they are used. This is probably due to the length of time

it takes to charge a vehicle and how far they are from “the beaten path.” Chair Russell said the charging station in Fossil has seen the most use in the area.

Department Reports – Written Only

- The Planning Department Monthly Report was reviewed by Tamra Mabbott, Planning Director.
- The Treasurer’s Monthly Report, submitted by Treasurer Jaylene Papineau.
- Justice Court Quarterly Report, submitted by Judge Glen Diehl.
- Veterans Services Quarterly Report, submitted by Linda Skendzel, Veterans Services Officer

Correspondence

- Email from Nadine McCrindle, Central & Eastern Oregon Chapter of the American Red Cross, regarding the annual Home Fire Safety Campaign: Sound the Alarm.
- Two items from the Office of Governor Kate Brown: Investment Criteria for American Rescue Plan Funds, and the 10-Point Economic Recovery Plan. Commissioner Lindsay said legislators were seeking input from counties and she thought it appropriate to hold a Work Session to discuss the County’s vision and ideas for the funds. After discussion, it was agreed to hold the Work Session next week.

Miscellaneous

- Commissioner Doherty noted Debbie Pedro with the Columbia Development Authority was in today’s meeting via Zoom. He asked if she wanted to provide an update. Ms. Pedro said the Programmatic Agreement Amendment was in the Army’s “ballpark now” and all the signatories had an opportunity to make suggestions or changes. She said it had to be submitted by April 8th and they hoped to hear back from BRAC (Base Realignment and Closure) by the 24th that the document was signature ready.
- Chair Russell said Avangrid Renewables, LLC contacted him a few weeks ago and he has a teleconference set up for next week. They want to talk about enterprise zones for renewable energy, as they put it, but it’s probably more about what programs are available for renewable energy. He said he wasn’t sure if they contacted him because he’s Chair of the BOC or Chair of the Columbia River Enterprise Zone III Board, but he’d ask Assessor/Tax Collector Mike Gorman to join the meeting. He said he didn’t think an enterprise zone agreement fits for solar because it’s limited on how many acres of ground it can have and solar takes up a large amount of ground for a project. He said he’d tell them what’s available and let them decide for themselves what the pros and cons would be and they’d have to come back to the appropriate committee, which is probably the BOC, to make their case for the program they want to fit under. Commissioner Doherty asked which projects they’re heading up. Chair Russell said he thought they were the Boardman solar people and they’re active in the area. He listed some of the options - the solar pilot program that will expire at the end of this year unless the legislature does something on it, and it is well defined. There are also rural renewable energy development zones with three-year exemptions, with the possibility of up to five years. If the project is big enough, he said it could qualify for a SIP (Strategic Investment Program) agreement.

Signing of documents

Adjourned: 8:46 a.m.

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

IN THE MATTER OF COUNTY)	
ASSESSMENT FUNCTION)	RESOLUTION NO. R-2021-14
FUNDING ASSISTANCE PROGRAM)	
GRANT BETWEEN MORROW)	
COUNTY AND OREGON)	
DEPARTMENT OF REVENUE)	

WHEREAS, Morrow County is applying to the Department of Revenue in order to participate in the County Assessment Function Funding Assistance Program (CAFFA Grant);

WHEREAS, this State grant provides funding for counties to help them come into compliance or remain in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation;

WHEREAS, Morrow County has undertaken a self-assessment of its compliance with the laws and rules that govern the Oregon property tax system and is generally in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation;

THE MORROW COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES:

Morrow County agrees to appropriate the budgeted dollars based on 100 percent of the expenditures certified in the grant application in the amount of \$1,019,767.00, the total expenditure amount for consideration in the grant. If 100 percent is not appropriated, no grant shall be made to the County for the quarter in which the County is out of compliance.

Morrow County designates Michael Gorman as the County contact person for this grant application.

This Resolution shall be effective immediately.

Dated this 5th day of May, 2021.

**MORROW COUNTY BOARD OF COMMISSIONERS
MORROW COUNTY, OREGON**

Don Russell, Chair

Jim Doherty, Commissioner

Approved as to Form:

Melissa Lindsay, Commissioner

Morrow County Counsel



Form 1 Grant Application Staffing

2021-2022

	Column 1 Approved FTE current year (2020-21)	Column 2 Budgeted FTE coming year (2021-22)	Column 3 Change (Column 2 less Column 1)
County <u>MORROW</u>			
A. Assessment administration			
Assessor, deputy, etc.	1.00	1.00	0.00
Assmt. support staff, deed clerks and data entry staff	1.20	1.20	0.00
Total assessment administration staff	2.20	2.20	0.00
B. Valuation and appraisal staff			
Chief appraisers/appraiser supervisor	0.00	0.00	0.00
Lead appraisers	0.70	0.70	0.00
Residential appraisers	1.50	1.50	0.00
Commercial/industrial appraisers	0.20	0.20	0.00
Farm/forest/rural appraisers.....	0.30	0.30	0.00
Manufactured structure/floating structure appraisers	0.50	0.50	0.00
Personal property appraisers.....	0.10	0.10	0.00
Personal property clerks.....	0.10	0.10	0.00
Sales data analyst.....	0.60	0.60	0.00
Data gatherers and appraisal techs.....	0.00	0.00	0.00
Total valuation and appraisal staff	4.00	4.00	0.00
C. Board of Property Tax Appeals (BoPTA)	0.02	0.02	0.00
D. Tax collection and distribution administration			
Administration, deputy, etc.....	0.40	0.40	0.00
Support and collection	0.40	0.40	0.00
Tax distribution	0.30	0.30	0.00
Foreclosure and garnishment.....	0.00	0.00	0.00
Total tax collection and distribution	1.10	1.10	0.00
E. Cartography and GIS administration			
Cartographic/GIS supervisor.....	0.00	0.00	0.00
Leadcartographers	0.00	0.00	0.00
Cartographers.....	0.00	0.00	0.00
GIS specialists.....	0.00	0.00	0.00
Total cartographic and GIS staff	0.00	0.00	0.00
F. Dedicated IT services for A&T	0.00	0.00	0.00
G. Total assessment and taxation staffing	7.32	7.32	0.00



Form 2 Explanation of Staffing Issues

2021-2022

County MORROW

In this section, explain any difference between approved staffing for the current year and staffing for the budgeted year. Explain why any funded positions were unfilled for the current year. Use this form to describe the intended use of nonpermanent workers (temporary help, project temporaries, and contractors) by A&T function, along with their cost. Note any special or unique aspects regarding who accomplishes the work and how they accomplish it related to Forms 4, 5, and 6. For example, if you use staff to perform personal property functions, other than those reported on Form 1, Section B, note that here and include the FTE.

There is no change in staffing. Tax Collection is combined with Assessment.



Form 3 General Comments

2021-2022

County MORROW

Use this form to describe any issue in your budget that needs further clarification. Examples include significant changes on Form 7, purchase of a new data processing system, salary increases, new car purchases, personnel services, costs for mapping, etc. You can also use this form to document any miscellaneous comments about this grant application.

The additional \$60,500 in budget line item "Professional Services" has two components, \$15,500 is for some contract appraisal help with the valuation of a newly constructed \$7,000 head dairy operation which was partly constructed in 2017 and 2018, when into bankruptcy, subsequently sold to a new owner who is currently in the process of obtaining the necessary permits to complete the dairy facility. I am not an expert in large dairy valuation and there is little or no market information regarding such properties. \$45,000 is for a contract with Lane County GIS Services to digitize our soils land class maps. The increase in budget line item "Dept. of Revenue Mapping" is for the increase in cartography needs.



Form 4 Valuation and Appraisal Resources

2021-2022

County <u>MORROW</u>	Number of accounts by activity		Number of FTE by activity	
	Actual (2020-21)	Estimated (2021-22)	Actual (2020-21)	Estimated (2021-22)
Activities				
1. Real property exceptions, special assessments and exemptions				
New construction.....	520	550	0.40	0.50
Zone changes.....	1	1	0.10	0.10
Subdivisions, segregations, and consolidations ..	80	350	0.20	0.50
Omitted properties	5	5	0.05	0.05
Special assessment qualification and disqualification	25	125	0.20	0.50
Exemptions.....	35	35	0.20	0.30
Subtotal.....	666	1,066	1.15	1.95
2. Appeals and assessor review				
Assessor review and stipulations.....	30	35	0.10	0.10
BOPTA.....	5	5	0.05	0.05
Department of Revenue.....	5	5	0.10	0.10
Magistrate Division of the Oregon Tax Court.....	1	2	0.05	0.05
Regular Division of the Oregon Tax Court	0	1	0.00	0.00
Subtotal.....	41	48	0.30	0.30
3. Real property valuation				
Physical reappraisal.....	1,492	1,200	0.75	0.50
Recalculation only—no appraisal review	7,600	7,700	0.25	0.25
Subtotal.....	9,092	8,900	1.00	0.75
4. Business personal property (returns mailed)	500	500	0.30	0.30
5. Ratio			0.20	0.20
6. Continuing education			0.40	0.40
7. Other valuation—appraisal activity			1.00	1.00
8. Total valuation and appraisal staff (FTE)			4.35	4.90



Form 5 Tax Collection and Distribution Work Activity

2021-2022

County MORROW

**Number of accounts
by activity**

Actual (2020-21)	Estimated (2021-22)
---------------------	------------------------

1. Number of accounts requiring roll corrections		
Business personal property	3	5
Personal property manufactured structures	13	12
Real property	20	20
2. Number of accounts requiring a refund		
Business personal property	1	2
Personal property manufactured structures	10	10
Real property	85	75
3. Number of delinquent tax notices sent		
Business personal property	36	40
Personal property manufactured structures	110	115
Real property	555	550
4. Number of foreclosure accounts processed		
Real property only	11	15
5. Number of accounts issued redemption notices		
Real property only	5	5
6. Number of warrants	65	70
7. Number of garnishments	0	0
8. Number of seizures	0	0
9. Number of bankruptcies	2	5
10. Number of accounts with an address change processed	3,093	3,500
11. How many second trimester statements do you mail?	1,355	
12. How many third trimester statements do you mail?	1,234	
13. Does the county contract for lock box service?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
14. Does the county use in-house remittance processing?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
15. Is tax collecting combined with another county function?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, describe that function on Form 2.		



Form 6
Assessment and Administrative
Support and Cartography
Work Activity

2021-2022

County MORROW

**Assessment and administrative support
work activity**

	<u>Numbers by activity</u>	
	<u>Actual</u> <u>(2020-21)</u>	<u>Estimated</u> <u>(2021-22)</u>
1. Number of deeds worked	<u>832</u>	<u>950</u>

Cartography work activity

	<u>Numbers by activity</u>	
	<u>Actual</u> <u>(2020-21)</u>	<u>Estimated</u> <u>(2021-22)</u>
1. Number of new tax lots	<u>47</u>	<u>300</u>
2. Number of lot line adjustments	<u>5</u>	<u>7</u>
3. Number of consolidations	<u>2</u>	<u>3</u>
4. Number of new maps	<u>2</u>	<u>4</u>
5. Number of tax code boundary changes	<u>1</u>	<u>2</u>



Form 7 Summary of Expenses

2021-2022

County MORROW

	A.	B.	C.	D.	E.	F.	
Current operating expenses	Assessment Administration	Valuation	BOPTA	Tax Collection & Distribution	Cartography*	Dedicated IT services for A&T	Totals
1. Personnel services	187,135	409,642	2,192	113,338	0	0	712,307
2. Materials and services	42,500	109,050	1,500	54,950	22,000	22,400	252,400
3. Transportation	2,000	4,000	0	500	0	0	6,500
4. Total current operating expenses (Total direct expenses)	231,635	522,692	3,692	168,788	22,000	22,400	971,207

* Include approved grant funding for ORMAP

Indirect expenses

5. Total direct expenses (line 4)	971,207
6. If you use the 5 percent method to calculate your indirect expenses, enter 0.05 in this box.	0.05
Total indirect expenses (line 5 multiplied by line 6)	48,560
6A. If you use a percent amount approved by a federal granting agency to calculate your indirect expenses, enter that percentage in this box.....	0.00000
Total indirect expenses (line 6A multiplied by the direct expense amount for the category/categories that your certificate allows)	0
7. Total indirect expenses	48,560

Capital outlay

	Assessment Administration	Valuation	BOPTA	Tax Collection & Distribution	Cartography	Data Processing Support (IT, AT)	
8. Enter the actual capital outlay without regard to limitation.	0	0	0	0	0	0	Total capital outlay without regard to limitation
9. Total direct and indirect expenses (sum of lines 4 and 7)							1,019,767
10. Direct and indirect expenses multiplied by 0.06							61,186
11. The greater of line 10 or \$50,000.....							61,186
12. Capital outlay (the lesser of line 8 or line 11)							0
13. Total expenditures for CAFFA consideration (sum of lines 4, 7, and 12)							1,019,767

Form 8

Grant Application Resolution

MORROW County is applying to the Department of Revenue to participate in the County Assessment Function Funding Assessment Program.

This state grant provides funding for counties to help them come into compliance or remain in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation.

MORROW County has undertaken a self-assessment of its compliance with the laws and rules that govern the Oregon property tax system. The County is generally in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and all requiring equity and uniformity in the system of property taxation.

MORROW County agrees to appropriate budgeted dollars based on 100 percent of the expenditures certified in the grant application. The total expenditure amount for consideration in the grant is \$1,019,767. If 100 percent isn't appropriated, no grant shall be made to the county for each quarter in which the county is out of compliance.

The County designates the following individual as the contact for this grant application.

<u>MIKE GORMAN</u>	<u>(541) 676-5607</u>	<u>mgorman@co.morrow.or.us</u>
Name	Phone	Email

County Approval

By selecting the "I Accept" checkbox, you are signing this Resolution electronically and certifying the Resolution has been approved by the board. You agree your electronic signature is the legal equivalent of your manual signature.

I Accept

<u>DON RUSSELL</u>	<u>MORROW COUNTY COMMISSION CHAIR</u>	
Chair/Judge or Appointee	Title	Sign Date

From: [Richard Tovey](#)
To: [Mike Gorman](#)
Subject: RE: resolution
Date: Monday, May 3, 2021 3:36:32 PM

Mike-

After our review and edits of R-2021-14, Amended CAFFA grant, I have no issues with the form or content.

Thanks-

Rich

Richard S. Tovey
Deputy District Attorney/County Counsel
Morrow County District Attorney's Office
P.O. Box 664
Heppner, OR 97836
(541) 676-5626

From: Mike Gorman
Sent: Monday, May 3, 2021 3:30 PM
To: Richard Tovey <rtovey@co.morrow.or.us>
Subject: RE: resolution

Mike Gorman
Morrow County Assessor/Tax Collector
100 Court Street
PO Box 247
Heppner, OR 67836
541-676-5607

From: Richard Tovey
Sent: Monday, May 3, 2021 3:17 PM
To: Mike Gorman <mgorman@co.morrow.or.us>
Subject: RE: resolution

Mike-

Should we have that this is a CAFFA grant in the language of the resolution?

Thanks-

Rich

Richard S. Tovey
Deputy District Attorney/County Counsel
Morrow County District Attorney's Office
P.O. Box 664

Heppner, OR 97836
(541) 676-5626

From: Mike Gorman
Sent: Monday, May 3, 2021 2:59 PM
To: Richard Tovey <rtovey@co.morrow.or.us>
Subject: resolution

Darrell gave the new resolution #.

Mike Gorman
Morrow County Assessor/Tax Collector
100 Court Street
PO Box 247
Heppner, OR 67836
541-676-5607



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Staff Contact: Stephanie Case
Department: Planning
Short Title of Agenda Item:
(No acronyms please)

Phone Number (Ext): 541-922-4624
Requested Agenda Date: 05/05/2021

Code Enforcement Ordinance Update -
First Public Hearing

This Item Involves: (Check all that apply for this meeting.)
Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time: <1 hour
Purchase Pre-Authorization
Other

N/A
Purchase Pre-Authorizations, Contracts & Agreements
Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Tamra Mabbott April 27, 2021 Department Head Required for all BOC meetings
Admin. Officer/BOC Office Required for all BOC meetings
County Counsel *Required for all legal documents
Finance Office *Required for all contracts; other items as appropriate.
Human Resources *If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

This Public Hearing is to consider an amendment of the Morrow County Code Enforcement Ordinance. This is the first of two required public hearings before the Board of Commissioners.

The proposal would add:

- A new section addressing compliance with Zoning and Subdivision Ordinances
- A subsection in the Vehicles section that addresses Nuisance Vehicle Storage
- Updated definitions related to the proposed changes

The DRAFT Code Enforcement Ordinance was released on April 2, 2021, for a twenty-day comment period that ended on April 22, 2021. No comments were received during that time. What is before the Board for consideration is the draft that was released.

Notice of this hearing was published in the East Oregonian on April 6, 2021 and April 13, 2021. Notice was also published in the Heppner Gazette Times on April 7, 2021 and April 14, 2021.

Please see the attached memo for more background information. Also attached is the Draft Code Enforcement Ordinance.

2. FISCAL IMPACT:

There is no direct fiscal impact to the County.

3. SUGGESTED ACTION(S)/MOTION(S):

A second public hearing is required by the Morrow County Code Enforcement Ordinance, which is scheduled and noticed for May 12, 2021. A motion to hold the second hearing at the May 12, 2021 Board of Commissioners meeting is suggested.

Attach additional background documentation as needed.



PLANNING DEPARTMENT

P.O. Box 40 • Irrigon, Oregon 97844
(541) 922-4624 or (541) 676-9061 x 5503
FAX: (541) 922-3472

MEMORANDUM

To: Morrow County Board of Commissioners and Interested Parties
From: Stephanie Case, Planner II
Date: April 27, 2021
RE: 2021 Code Enforcement Ordinance Update

This memorandum provides a summary and background of the Public Hearing scheduled for Wednesday, May 5, 2021, to start shortly after 9:00 a.m. at the Bartholomew Building in Heppner, Oregon. The request is to update the Morrow County Code Enforcement Ordinance.

Attached is the Draft version of the proposed Morrow County Code Enforcement Ordinance.

The Morrow County Code Enforcement Ordinance was updated in 2019 after a cooperative review process interdepartmentally and with other agencies. After implementation, several issues that were brought up during the review were inadvertently left out of the final and adopted version of the Ordinance.

In 2020, the Planning Department, in coordination with the Community Development Director and County Counsel evaluated the intentions of the 2019 update based on the interagency coordination and input the overlooked language.

The proposed changes for the 2021 Code Enforcement Ordinance include:

- A new section addressing Compliance with Zoning and Subdivision Ordinances (5.400)
- A new section in the Vehicles portion that addresses Nuisance Vehicle Storage (4.700)
- Updating the Definitions in the Ordinance related to the changes

Please contact me if you have any questions at scase@co.morrow.or.us.



Morrow County Code Enforcement Ordinance

DRAFT

Edited: April 2, 2021

The Code Enforcement Ordinance

Table of Contents

Section 1	Purpose and Policy	1
Section 2	Definitions	2
Section 3	Jurisdiction	6
Section 4	Motor Vehicles	7
	4.100 Abandoned Vehicles	
	4.200 Junk Slips	
	4.300 Motor Vehicle Impound	
	4.500 Towing and Storage Liens	
	4.600 Suspension of Notice and Hearing Requirements	
	4.700 Nuisance Vehicle Storage	
Section 5	Nuisances	9
	5.100 Prohibited Acts	
	5.200 General Nuisance	
	5.300 General Nuisance Abatement	
	5.400 Compliance with Zoning and Subdivision Ordinances	
Section 6	Housing as a Public Nuisance	13
	6.100 Authority	
	6.200 Purpose and Policy	
	6.300 Nuisance Housing	
	6.400 Benchmarks	
	6.500 Resolution	
	6.600 Inspection and Right of Entry	
	6.700 Appeals	
Section 7	Chronic Nuisances	18
	7.100 Definitions	
	7.200 Violation	
	7.300 Procedures	
	7.400 Commencement of Actions; Remedies; Burden of Proof	
	7.500 Summary Closure	
	7.600 Enforcement	
	7.700 Attorney Fees	
Section 8	Noise as a Public Nuisance	22
	8.100 Prohibited Acts	
	8.200 Exceptions	
	8.300 Penalties	

Section 9	Dogs as a Public Nuisance and Animal Neglect	23
9.100	Establishment of a Dog Control District	
9.200	Dogs as a Nuisance	
9.300	Owner Responsibility	
9.400	Dogs and Livestock	
9.500	Dog Impoundment	
9.600	Animal Abuse, Neglect and Abandonment	
9.700	Nuisance Dog Penalties	
Section 10	Environmental Health	27
10.100	Purpose	
10.200	Adoption	
10.300	Permits Required	
10.400	Violations	
10.500	Public Nuisance	
10.600	Updates to Statutes and/or Rules	
10.700	Remedies Not Exclusive	
10.800	Delegation	
Section 11	Weed Control	30
11.100	Establishment of a Weed Control District	
11.200	Weeds as a Nuisance	
11.300	Property Owner Responsibility	
11.400	Procedure for county disposition of weeds	
11.500	Penalties, fees and costs	
Section 12	Enforcement Procedures	32
12.100	Enforcement Action	
12.200	Investigation Authority; Entry on Premises.	
12.300	Enforcement by voluntary compliance; warning notice	
12.400	Enforcement process by Citation	
12.500	Enforcement by Consent Agreement	
12.600	Enforcement by Stipulated Judgment	
12.700	Enforcement by Order of Abatement	
12.800	Summary Abatement	
Section 13	Hearings	37
Section 14	Penalties and Costs	38
14.100	Civil Penalties	
14.200	Costs Recoverable	
14.300	Code Enforcement Cleanup Fund	
14.400	Weed Control Fund	
14.500	Recovery on a Money Judgment	
14.600	Liens	
Section 15	Stop Work or Stop Use Orders	41
15.100	Grounds for Issuance	
15.200	Contents	

15.300 Service	
15.400 Priority	
15.500 Violation of Order	
15.600 Impact on Other Permits	
Section 16 General Provisions	43
16.100 Appeal	
16.200 Remedies	
16.300 Records	
16.400 Severability Clause	
16.500 Amendment Procedure	
Appendix A	44
Appendix B	45

Section 1. Purpose and Policy

Authority

This Ordinance is adopted pursuant to the authority granted to general law counties by ORS Chapter 203 for the purpose of providing procedures to be used in enforcing the Morrow County Code. It is a violation under ORS 203.065 to fail to comply with any provision or requirement of a County ordinance, order, permit approval, consent agreement, enforcement order or state statute which the County has the authority to enforce.

1.100 Purpose

The purpose of this Ordinance is to provide for the welfare, safety and health of the citizens of Morrow County by establishing a procedure wherein the ordinances of Morrow County and State Statute can be enforced. In order to ensure timely and uniform enforcement of County ordinances and to maintain public confidence and certainty in County ordinances, it is necessary to enact the enforcement procedures in this Ordinance.

1.200 Application

County policies and ordinances to be enforced under this Ordinance are those contained herein and the Morrow County Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, Solid Waste Management Ordinance to the extent it is not enforced under specific enforcement procedures contained therein, and city comprehensive or development or land use ordinances co-adopted by the County pursuant to a Joint Management Agreement. A violation in any provision in any chapter of a Morrow County Ordinance that does not have an enforcement procedure in that Ordinance to dispose of a violation is subject to this Ordinance.

Except for a violation which unmistakably exists and imminently endangers health or property, a complaint shall be first placed against any applicable permit approved by the County under the Morrow County Zoning Ordinance, Subdivision Ordinance or Solid Waste Management Ordinance. This Ordinance shall apply when the permit language does not address violations relating to the particular complaint.

1.300 Other Applications

A violation of an Oregon State Statute (ORS) or Oregon Administrative Rule (OAR) that is not adopted by this Ordinance may be enforced in the manner provided in that statute or rule by a person having lawful authority to enforce such statute or rule.

Section 2. Definitions

For the purpose of this Ordinance the following definitions apply:

Abandoned vehicle means a vehicle which satisfies one of the following criteria: that is a vehicle that is disabled, abandoned, parked or left standing unattended upon the right-of-way of any county road, state highway, or upon any street or alley over which Morrow County has jurisdiction, or upon any county property.

Abatement means any action on public or private property and any adjacent property as may be necessary to remove or alleviate a nuisance, including but not limited to, demolition, removal, repair, boarding and securing or replacement of property.

Attractive Nuisance is any negligent action or condition of property which would be both attractive and dangerous to curious children, or attract an infestation.

Chronic Dereliction means whenever a derelict building remains unoccupied for a period in excess of 6 months or a period less than 6 months when the building or portion thereof constitutes an attractive nuisance or hazard to the public.

Chronic Offender means a responsible party who has not complied with an order of the Code Enforcement Officer or Justice of the Peace for any number of violations within twelve consecutive months.

Citation, Complaint & Summons means the official form which charges a person(s) with a violation of a County Ordinance and requires that person to appear before the Court to answer the charges specified.

Code Enforcement File means the public record retained in the Morrow County Sheriff's Office which shall contain all documents, reports, evidence and other information concerning a particular complaint or enforcement action.

Code Enforcement Officer means the person(s) whose primary duties are to conduct code investigations, issue stop work or stop use orders, issue citations, and generally initiate enforcement actions under this Ordinance. Enforcement officers have all authority to carry out the purposes of this Ordinance and the provisions of the Code under their authority. These persons may include any law enforcement officer, Code Enforcement Officer, Public Health Official, Administrator, or Director, Solid Waste Administrator, Building Official, Weed Coordinator/Inspector, and Planning Official.

Complainant means a person(s) who initiates a complaint against another person(s) alleging a violation of a County ordinance which is authorized by a Board of Commissioners order to be enforced under this Ordinance.

Consent Agreement means a written agreement signed by the responsible party(s) (as defined below) and the Code Enforcement Officer stating the specific steps or conditions which the responsible party(s) must take or meet to cure a violation of a County ordinance.

Debris means the remains of something broken down or destroyed, including, but not limited to, scrap metal, paper, plastic or wood, pieces of asphalt, concrete, lumber or

other building supplies or yard clippings or cuttings of plant material.

Derelict building means any building, structure, or portion thereof which is unoccupied and meets any of the following criteria or any residential structure which is at least 50% unoccupied and meets any of the following criteria: 1) Has been ordered vacated by a process outlined within this Ordinance; 2) Has been issued a correction notice by a process outlined within this Ordinance; 3) Is unsecured; 4) Is boarded; 5) Has been posted for violation of any portion of this Ordinance more than once in any two year period; or 6) Has, while vacant, had a nuisance abated by the County pursuant to this Ordinance.

Garbage, Trash or Waste means all useless or discarded putrescible and non-putrescible materials, including but not limited to rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid materials, dead animals and infectious waste.

This definition also includes medical and infectious waste as defined in ORS 459.386 and OAR 340-93-030(42) and (52); all wastes capable of being recycled that are commingled with other wastes; and incidental Household Hazardous Waste or Small Quantity Generator Hazardous waste as defined under 40 CFR 261.5. The fact that materials, which would otherwise come within the definition of Garbage, Trash, or Waste, may from time-to-time have value and thus could be utilized, shall not remove them from the definition.

Hazardous Vehicle means a vehicle left in a location or condition such as to constitute an immediate threat to the safety of vehicular or pedestrian traffic and as defined in Oregon State Highway Division Administrative Rule OAR 734-020-0147.

Household Hazardous Waste means any discarded, useless or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households and is generated by the household. Household hazardous waste may include but is not limited to some cleaners, solvents, pesticides and automotive and paint products.

Infestation means to be overrun to an unwanted degree or in troublesome manner, especially as predatory animals, insects, or vermin do.

Invasive Species means an organism that causes ecological or economic harm in a new environment where it is not native.

Junk includes, but is not limited to, nuisance vehicles, all vehicles, vehicle parts, abandoned automobiles, machinery, machinery parts, appliances or appliance parts, iron or other metal, glass, paper, lumber, wood or other useless, unwanted or discarded material. The fact that materials, which would otherwise come within the definition of Junk, may from time-to-time have value and thus could be utilized, shall not remove them from the definition. For purposes of this subsection, the term "junk"

shall include, but not be limited to, a description of items which are dilapidated, abandoned, inoperable, or otherwise in a state of disrepair. Junk means broken, discarded or accumulated objects including but not limited to appliances, building supplies, furniture, vehicles, or parts of vehicles. This definition is not meant to include "bone yard" as defined in the Solid Waste Management Plan.

Justice of the Peace (JP) means the elected official in Morrow County who handles minor legal issues such as traffic offenses and code enforcement violations.

Livestock means domestic animals of types customarily raised or kept on a farm for profit or other purposes.

Motor Vehicle means a vehicle that is self-propelled or designed for self-propulsion.

Noise Nuisance means any sound which a) injures or endangers the safety or health of humans; or b) annoys or disturbs a reasonable person of normal sensitivities.

Noxious Weed means any plant which is determined by the Board of Commissioners to be injurious to public health, crops, livestock, land or other property. (See Appendix A)

Nuisance means any thing, substance, or act that is a threat to the public health, safety, or welfare.

Nuisance Vehicle means a vehicle that meets at least one of the following conditions:

- a. Is not currently licensed and registered for operation.
- b. Is being used to store junk, solid waste, or waste as defined in this section; or
- c. Has parts which have been discarded, dismantled, or partially dismantled, or stripped, or the vehicle is in a rusted, damaged, wrecked or other condition which renders the vehicle inoperable.

Penalty means a fine assessed according to the schedule set forth in the applicable ordinance(s) against a responsible party(s) upon a finding by the Justice Court that a violation has occurred.

Person means any public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof.

Person in Control of Property means an owner, agent, contract purchaser, lessee, occupant, or other person having possession or control of property.

Place or Property means any premises, room, house, building or structure or any separate part or portion thereof, whether permanent or not, or the ground itself.

Public Safety Officer means a peace officer, Morrow County Code Enforcement Officer, fire prevention inspector, firefighter, or any person who, during an emergency formally declared by the Morrow County Board of Commissioners, has been deputized by and is acting pursuant to the orders of the Morrow County Sheriff.

Responsible Party/Violator means an owner, title holder, contract seller, contract buyer, possessor or user of the land upon which a violation is occurring, or the person(s) responsible for the action, conduct, or omission which constitutes a violation of a County ordinance, may each be held responsible for a violation of a County ordinance.

Stop Work or Stop Use Order means a formal written order issued by the Code Enforcement Officer or Building Official directing that any work, action or use is in violation of a County ordinance, must stop immediately. Such an order must be issued according to the requirements of Section 14 of this Ordinance.

Street or Roadway means that portion of the road right-of-way developed for vehicular traffic.

Unsafe Building means any building or structure where defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

Violation means an offense created by an ordinance of Morrow County or the State which is punishable by a fine or punishment in addition to a fine but does not provide that the offense is punishable by a term of imprisonment.

Weeds of Economic Importance means weeds which result in economic impact and which are identified by the Weed Advisory Board and approved by Board of Commissioners as appropriate targets for intensive control or eradication as feasible. (See Appendix B)

Section 3. Jurisdiction

This Ordinance shall apply within those areas located inside Morrow County which are situated outside the city limits of an incorporated city. The Circuit and Justice Courts for the State of Oregon for the County of Morrow have concurrent jurisdiction over any and all violations of this Ordinance.

Section 4. ~~Motor~~ Vehicles

4.100 Abandoned Vehicles

An abandoned vehicle may be taken into immediate custody and removed by an appropriate authority. The Morrow County Sheriff has all authority to enforce ORS 819.100 - 819.200.

4.200 Disposal of Vehicles at the Request of a Person in Lawful Possession (junk slips)

- A. A person may make a request to the Morrow County Sheriff's Office, or designee, to dispose of a vehicle that is on the private property of the person and that is appraised at a value of \$500.00 or less, as determined by a holder of a certificate issued under ORS 819.230, if the person is in lawful possession of the vehicle. For the purposes of this subsection, a person need not have the certificate of title to be in lawful possession of the vehicle.
- B. When the Sheriff's Office chooses to dispose of a vehicle under Section A above, the Sheriff's Office shall do all of the following:
 1. Photograph the vehicle.
 2. Verify that the person is in lawful possession of the vehicle.
 3. Provide notification on a "junk slip" document recording the vital information of an abandoned or accumulated vehicle to the person requesting the disposal and the Department of Motor Vehicles of all of the following:
 - a. The name and address of the person requesting the disposal;
 - b. The vehicle identification number;
 - c. The appraised value of the vehicle;
 - e. The name and address of the authority disposing of the vehicle.
 4. Dispose of the vehicle and its contents to a person who holds a valid dismantler certificate issued under ORS 822.110.
- C. The Sheriff's Office may charge the person requesting the disposal a fee to dispose of the vehicle.
- D. Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights. No title shall further be issued upon the vehicle, including salvage title.
- E. In lieu of submitting ownership or other title documents for the vehicle, the Sheriff's Office may submit to the dismantler a copy of the junk slip notification provided to the Department of Motor Vehicles under subsection B. of this section.

4.300 ~~Motor~~ Vehicle Impound

A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in Oregon Statute may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a hearings officer.

4.400 Towing and Storage Liens

The lien that attaches to the vehicle shall be a possessory chattel lien in accordance with ORS 87.142 and shall be foreclosed in the manner provided in ORS 87.152 to 87.212. If the appraised value of the vehicle is \$1,000.00 or less, the vehicle shall be disposed of in the manner provided in ORS 819.220. Evidence regarding market value from any person who deals, trades, buys, or disposes of such vehicles in the ordinary

course of such person's business shall be sufficient to establish market value.

4.500 Suspension of Notice and Hearing Requirements

In all cases where removal, towing or impoundment of any vehicle has been performed by persons engaged in emergency operations after formal declaration of emergency by the Morrow County Board of Commissioners, all notice and hearings requirements shall be suspended and held in abeyance until abatement of the conditions creating the emergency reasonably allow for providing notice and hearing.

4.600 Vehicles as attractive nuisances

No person in charge of property may permit, or no person may cause to exist, vehicles or parts thereof, which could cause an attractive nuisance or infestation.

4.700 Nuisance Vehicle Storage

A. Storing or permitting to be stored more than two nuisance vehicles, or portions thereof, or any vehicle leaking automotive fluids onto the ground or into a waterway, on any private property is prohibited, unless the vehicle is completely enclosed within a building, is covered with a fitted car cover specifically designed to protect vehicles from the elements, or is stored on the premises of a business enterprise dealing in used vehicles that is being lawfully conducted within the County;

B. Farm-related equipment that is not required to be registered as a motor vehicle is excluded from this section if it meets the following criteria:

1. Equipment function is clearly related to farming/ranch practices and/or the equipment is historically related to agricultural operations, such as combines;
2. Equipment is not leaking automotive fluids onto the ground or into a waterway;
and
3. Multiple pieces of equipment are stored together, not spread out across the property

The owner of record or person in charge of the property must be able to demonstrate that non-registered farm equipment is either actively used as part of the agricultural operation or is of historical significance.

C. Removal of an unregistered or inoperable vehicle from one tax lot to another tax lot, or removal of an unregistered or inoperable vehicle from private property onto a public right-of-way, or removal of an unregistered or inoperable vehicle from one location to another location on a public right-of-way, after the responsible party has received a Notice of Violation shall not prevent the County from proceeding with the process to have the vehicle towed from a tax lot or the public right-of way and impounded under the provisions of Chapter 3.

D. Illegal Parking lot: Storing or permitting to be stored in excess of 30 days within any consecutive twelve (12) month period, more than three operational and registered vehicles, not registered to the property address, unless they are completely enclosed within a building or are stored on the premises of a business enterprise dealing in new or used vehicles or the storage of vehicles lawfully conducted within the County.

Section 5. Nuisances

5.100 Nuisances

No person in charge of property may permit, or no person may cause to exist, any thing, substance, or act that is an imminent threat to the public health, safety, or welfare. An imminent nuisance may be summarily abated as provided in Section 12.

5.200 General Nuisance

- A. All accumulation of garbage, waste and debris must be in accordance with the requirements of the Solid Waste Ordinance. No person in charge of property may permit, or no person may cause to exist, accumulation of debris, garbage, junk, or animal excrement that are not removed within a reasonable time, except as follows:
1. junk may be accumulated if authorized by permit or business license.
 2. yard cuttings, other than grass clippings, may be accumulated on property owned or leased by the person for burning at the first available burn season. It is the landowners' responsibility to obtain any required burning permits.
 3. yard cuttings and other organic material may be accumulated on property owned or leased by a person for composting, if maintained in a manner that does not attract vermin and does not produce an offensive odor.
 4. garbage may be accumulated in order to be hauled by a licensed solid waste hauler or to be taken by the person to an authorized depository if the garbage is secured within a fly-proof, rodent-proof, water-tight covered container that is kept clean and in good repair, and is removed within a reasonable time.
 5. animal excrement from livestock may be accumulated for farm or agricultural purposes as long as it does not become a danger to health or safety.
- B. Weeds. The owner or person in charge of property shall not permit the growth, seeding or spreading of weeds as a fire danger. Local Fire Chiefs and Marshals are recognized as the enforcement authority for fire hazards. Additionally, Morrow County is declared a Weed Control District and is further regulated as characterized by Section 11 of this Code.
- C. No person may cause to exist vegetation that:
1. is a hazard to pedestrian use of a public sidewalk or is a hazard to bicycle or vehicular use of a public or private street by impeding passage or vision. The hazards include, but are not limited to:
 - a. Vegetation that encroaches upon, or overhangs lower than 8 feet, a public sidewalk or other pedestrian way, or encroaches upon or overhangs lower than 10 feet, a public or private street.
 - b. Vegetation that impedes motorist, bicyclist or pedestrian views of traffic, traffic signs or signals, street lights or name signs, or other safety fixtures or markings placed in the public way.
 2. is a hazard to the public or property on or near the property where the vegetation is located;
 3. impedes access to or use of any public facility;
 4. obstructs drainage facilities in the public way, including but not limited to roadside ditches, street curbs and gutters, catch basins, or culverts;

5. has roots that have entered a sewer or water line, main or system, and that stops, restricts or retards the flow of sewage or water, or damages the pipes or connectors; has roots that have cracked or displaced a sidewalk, curb or street;
 6. extends across a property line. Tree and shrub branches or limbs may extend across a property line when by condition or location they do not create a hazard to the health, safety or well-being of the general public.
- D. Trees. The owner or person in charge of property shall not permit shrubs or trees to interfere with the use of a sidewalk or roadway, or obstruct a driver's view of an intersection or of traffic upon streets approaching an intersection, or otherwise create a hazard to the public. Such owner or person in charge of property shall also trim the trees so that the minimum clearance of the overhanging part of the tree is eight feet above the sidewalk and eleven feet above the roadway.
- E. No person in charge of property may permit or no person may cause to exist on private or public property accessible containers with a capacity of more than one cubic foot and a door or lid that locks or fastens when closed and that cannot be easily opened from the inside.
- F. No person in charge of property may permit or no person may cause to exist a well, cistern, cesspool, pit, quarry, excavation, swimming pool, or other hole of a depth of four feet or more, unless;
1. it is fenced or securely covered; or
 2. the excavation is part of an authorized construction project and during the course of construction reasonable safeguards are maintained to prevent injury.
- G. No person in charge of property may permit or no person may cause to exist on a sidewalk or public or private street adjacent to the property, any dumping or storage of dirt, sand, rocks, gravel, lawn clippings, bark dust, lumber or other similar material.
- H. No person in charge of a development project may permit, or no driver of a vehicle may cause, any deposit of dirt, mud, lumber or other material or object on any street or sidewalk.
- I. Unlawful Posting of placards.
1. No person may attach or cause to be attached an advertisement, bill, placard, poster or sign upon real or personal property, whether public or private, without first securing permission from the owner or person in control of the property.
 2. This section shall not be construed as an amendment to or a repeal of any county development code regulation of the use and location of signs.
- J. No person in charge of property may possess nuisance vehicles on the property, except as otherwise allowed in Section 4.700.

5.300 A general nuisance may be abated as provided in Section 11.

5.400 Compliance with 5.400 LAND USE AND ZONING AND -SUBDIVISION ORDINANCES/NUISANCES^(TM)

Violations of the Zoning Ordinance or the Subdivision and Land Partition Ordinance are subject to this Code Enforcement Ordinance.

- A. Development Without Land Use Review and Approval: (whether approvable or not) development within Morrow County conducted without having obtained the permits and approvals required by Morrow County Zoning Ordinance regardless of whether or not it could comply with all applicable land use regulations.
- B. Non-Compliance with Approval: Development that does not comply with the specifications set out in the approval issued by the Morrow County Planning Department or built inconsistently with Approval. Including but not limited to: placing structures in different locations than approved, not meeting setback or buffer requirements, building structures taller or larger than approved, or increasing or altering the nature and intensity of the approved use.
- C. Continuation of Use after Expiration of Approval:
1. A Permit may be approved with a limited time duration. Use continuing beyond the expiration of approval granted via a Permit, Temporary Use or other, is prohibited.
 2. Failure to remove additional dwelling within sixty (60) days of the expiration of a Temporary Use Permit granted due to family hardship or until a primary dwelling is built:
 - a. Temporary placement of an additional dwelling shall be granted for a specified time period, with the period not exceeding two (2) years. If the temporary placement is not renewed, the owner of record or person in charge of the property shall have sixty (60) days in which to remove the additional dwelling from the property, unless an extension is granted.
- D. Nonconforming Uses: The following nonconforming uses shall be considered permitting violations:
1. Any change, alteration, restoration or replacement of structures, uses or area related to the pre-existing nonconforming structure, use or area that fails to conform to the applicable nonconforming use standards or those of the current zoning designation; and
 2. Use or employment of a structure, use or area that is discontinued or abandoned according to the applicable nonconforming use standards.
- E. Outdoor Lights: Outdoor lights shall be directed downward and sited, hooded and shielded in a manner that prevents the lighting from projecting on to adjacent properties.
- F. Illegal Uses: No development may occur that conflicts with the requirements of the Morrow County Zoning Ordinance or that require permits and approvals that were not obtained. These illegal uses include, but are not limited to:
1. Illegal Dwellings: Structures designed for, or used in the capacity of a dwelling, or parts thereof erected, moved, reconstructed, extended, enlarged, or altered which did not receive all of the applicable approvals (local, state, or federal) that were required at the time the structure was built or placed on the property.
 2. Illegal Structures: Structures or parts thereof erected, moved, reconstructed, extended, enlarged or altered which did not receive all of the applicable approvals (local, state, or federal) that were required at the time the structure was built or placed on the property.
 3. Illegal Home Occupations: Any for-profit activity conducted, without Planning Department approvals, within a dwelling or other structure, normally associated with uses permitted in the zone contrary to applicable approvals (local, state, or federal).

4. Illegal Businesses: Any for-profit activity conducted, without Planning Department approvals, within a dwelling or other structure, normally associated with uses permitted in the zone contrary to applicable approvals (local, state, or federal).

5. Illegal Land Divisions/Property Line Adjustments: Partitions, Replats, Property Line Adjustments that do not comply with applicable approvals (local, state, or federal).

G. Violation of Structure Restrictions: No structures larger than 100 square feet in area or 10 feet in height are permitted without applicable approvals (local, state, or federal).

Section 6. Housing as a Public Nuisance

6.100 Authority

Whenever the County finds that there exists in the County dwellings, buildings or structures which are unfit for human habitation due to unsanitary conditions, dilapidation or other defects detrimental to the public health, welfare and safety of Morrow County residents the County may exercise its authority under State Statute to repair, close or demolish these dwellings in the manner provided in this Section and in State Statute.

For the purposes of aiding the Code Enforcement Officer, the County will, pursuant to this Section, utilize the authority given to the County Public Health Director in ORS 431.150 in all matters pertaining to the public health and the authority given to the Building Official in Oregon Administrative Rule 918-480-0140(5) to revoke a certificate of occupancy of a residential dwelling in violation of applicable law that poses a threat to health and safety. The Fire Chief of an appropriate Fire Protection District will have all authority to enforce the Oregon Fire Code in order to protect the public safety and health of the citizens of Morrow County.

6.200 Purpose and Policy

It is the purpose of this Section to address the matter of concern in the County with particular, although not widespread, instances of unsafe, unsanitary and dilapidated housing that exist and are detrimental to the public health, welfare and safety. It is not the purpose of this Section to constrain rural, isolated dwellings such as cabins built for recreational use but may be applied if such a dwelling is occupied for a full calendar year. It shall be the policy of the County to:

- Endeavor to educate responsible parties when a health and safety issue with housing becomes apparent. It is recognized that not all landlords and tenants are aware of their resources and responsibilities according to Oregon State law.
- Provide clear evidence and health benchmarks as provided by this Section and the expertise, experience and authority of the Code Enforcement Officer, the Public Health Director, the Building Official, Fire Officials and other public officials whose work, training and lawful authority allow for enforcement of health and safety issues.
- Identify and abate chronic violations. Properties that have had ongoing or repeated violations and have been identified as chronic offenders are especially at risk for County action. County actions are meant to encourage property owners to comply. Lack of compliance may lead to additional penalties.

6.300 Property as a Public Nuisance

Any structure that is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence or whenever any structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such structure provided by the building regulations of Morrow County, the Oregon State Structural Code, the Fire and Life Safety Code, or any local law or ordinance relating to the condition, location, or structure of buildings.

A. Dangerous Buildings.

1. Whenever the structure has been so damaged by fire, wind, earthquake, or flood or any other cause, or has become so dilapidated or deteriorated as to become:

- a. An attractive nuisance, or
- b. A harbor for vagrants or criminals, or
- c. As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts;
- 2. Whenever a structure has become chronically derelict;
- 3. Unsafe buildings and burned or partially burned structures that have become unsafe or dangerous; or
- 4. When deemed dangerous by the Building Official or local Fire Marshall.

6.400 Benchmarks.

A tenant, property owner, or both, can be considered a Responsible Party for meeting the requirements of this Section. For purposes of this Section, a dwelling unit shall be considered inhabitable if it substantially lacks any one of the first 7 or a combination of:

A. As applied to landlord responsibilities:

- 1. Effective waterproofing and weather protection of roof and exterior walls, including windows and doors;
- 2. Plumbing facilities which conform to applicable law in effect at the time of installation, and maintained in good working order;
- 3. A water supply approved under applicable law, which is:
 - a. Under the control of the tenant or landlord and is capable of producing hot and cold running water
 - b. Furnished with appropriate fixtures;
 - c. Connected to a sewage disposal system approved under applicable law; and
 - d. Maintained so as to provide safe drinking water and to be in good working order to the extent that the system can be controlled by the landlord;
- 4. Adequate heating facilities which conform to applicable law at the time of installation and maintained in good working order;
- 5. Electrical lighting with wiring and electrical equipment which conform to applicable law at the time of installation and maintained in good working order.
- 6. Buildings, grounds and appurtenances at the time of the commencement of the rental agreement in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord kept in every part safe for normal and reasonably foreseeable uses, clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin;
- 7. Safety from fire hazards as required by the Oregon Fire Code.

B. As applied to tenant duties:

- 1. All areas of the premises kept in every part as clean, sanitary and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, as the condition of the premises permits and to the extent that the tenant is responsible for causing the problem.

2. All ashes, garbage, rubbish and other waste disposed of from the dwelling unit in a clean, safe and legal manner.
3. All plumbing fixtures in the dwelling unit kept or used by the tenant as clean as their condition permits.

The tenant shall cooperate to a reasonable extent in assisting the landlord in any reasonable effort to remedy the problem.

6.500 Resolution

Resolution of a violation of this section may be sought as stipulated in Section 11 Enforcement Procedures in this Ordinance with the following changes:

A. Discovery.

A complaint under this section shall be filed for investigation by recommendation to the Code Enforcement Officer or a local Fire Chief.

B. Investigation and Confirmation.

An action for enforcement by the Code Enforcement Officer shall be investigated and authorized by at least one authorized public health official as identified in Section 6.100 above. The investigation shall be accomplished either by physical inspection of the property or by inspection of photographic or video evidence of the alleged violation. When a violation of this Section has been confirmed upon this investigation, the public health official(s) shall provide the Code Enforcement Officer with a Confirmation Statement avowing the existence of a public health and safety violation according to the Benchmarks provided in Section 6.400 (Benchmarks) above.

C. Actions.

1. The first confirmed violation with respect to location and property owner shall follow the guidelines of Section 11.100(A) of this Ordinance if Summary Abatement is not warranted. The responsible part(y)ies shall be provided with appropriate education materials as to property owner and/or tenant resources and responsibilities.
2. Subsequent violations on the same property with the same property owner may meet the definition of chronic offender. The County may utilize an enforcement action most appropriate to the situation in compliance with Section 11 of this Ordinance. Penalties and Costs will be assessed according to Section 13 of this Ordinance including recovery in the form of a lien to recover costs and penalties for abatement.
3. A chronic offender will face additional sanctions, such as citation and County abatement with the requirement to pay the County's costs plus chronic offender percentage penalties as stipulated in the Morrow County Fee Ordinance.

6.600 Inspection and Right of Entry

A. Right of Entry.

A Code Enforcement Officer may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any building regulations, or whenever the Officer has reasonable cause

to believe that there exists in any structure or upon any property any condition which would constitute a violation as described in this Section, the Oregon Fire Code or Building Code. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken:

1. Occupied Property. If any structure on the property is occupied, the Code Enforcement Officer shall first present proper credentials and request entry. If entry is refused, the Code Enforcement Officer may obtain entry by obtaining an inspection warrant;

2. Unoccupied Property.

a. If the property is unoccupied, the Code Enforcement Officer shall contact the property owner, or other persons having charge or control of the property, and request entry. If entry is refused, the Code Enforcement Officer may obtain entry by obtaining an inspection warrant.

b. If structures on the property are unoccupied, the Code Enforcement Officer shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Code Enforcement Officer may obtain entry by obtaining an inspection warrant; or

B. Grounds for Issuance of Inspection Warrants; Affidavit.

1. Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.

2. Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with any building regulation exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with building regulations.

C. Procedure for Issuance of Inspection Warrant.

1. Examination. Before issuing an inspection warrant, the Justice of the Peace may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

2. Issuance. If the Justice of the Peace is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the Justice of the Peace shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation.

The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the Justice of the Peace

has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

3. Police Assistance. In issuing an inspection warrant on unoccupied property, the Justice of the Peace may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Code Enforcement Officer(s) inspecting the property in any way necessary to complete the inspection.

D. Execution of Inspection Warrants

1. Occupied Property. Except as provided in paragraph 2. below, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

2. Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in paragraph 1. above, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.

3. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the Justice of the Peace by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

6.700 Appeals

Appeals of Code Enforcement decisions shall be made to the Morrow County Board of Commissioners, which will act as an advisory and appeals board. A written appeal must be filed with the Planning Department within 20 days after the day of the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Section or the rules legally adopted thereunder have been incorrectly interpreted, the provisions do not fully apply, or the requirements are adequately satisfied by other means. The Board of Commissioners shall meet to hear an appeal upon notice from the Planning Director within 20 days of the filing of an appeal at a separate hearing or at a regularly scheduled Board of Commissioners hearing. All appeal hearings shall be open to the public. The appellant, the appellant's representative, the Code Enforcement Officer and any person whose interests are affected shall be given an opportunity to be heard. The Board of Commissioners shall modify or reverse the decision of the Code Enforcement Officer only by a concurring vote of a majority of the Board of Commissioners and upon consultation with the public health officials responsible for signing the original Confirmation Statement stipulated in this 6.500(B) of this Section. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board of Commissioner. The Code Enforcement Officer shall take immediate action in accordance with the decision of the Board of Commissioners.

Section 7. Chronic Nuisances

7.100 Definitions

Chronic Nuisance Property is defined as:

- A. Property on which three or more Nuisance Activities exist or have occurred during any thirty (30) day period; or,
- B. Property on which or within 400 feet of which any Person Associated with the Property has engaged in three or more Nuisance Activities during any thirty (30) day period; or,
- C. Property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in the Oregon Revised Statutes has occurred within the previous thirty (30) days, and the Morrow County Sheriff has determined that the search warrant was based on evidence of continuous or repeated Nuisance Activities at the Property; or,
- D. Property on which continuous or repeated Nuisance Activities as defined in this chapter exist or have occurred.

7.200 Nuisance Activities

Any of the following activities, behaviors, or conduct:

- A. Harassment as defined in the Oregon Revised Statutes.
- B. Intimidation as defined in the Oregon Revised Statutes.
- C. Disorderly Conduct as defined in the Oregon Revised Statutes.
- D. Assault or Menacing as defined in the Oregon Revised Statutes.
- E. Sexual Abuse, contributing to the Delinquency of a Minor, or Sexual Misconduct as defined in the Oregon Revised Statutes.
- F. Public Indecency as defined in the Oregon Revised Statutes.
- G. Prostitution or related offenses as defined in the Oregon Revised Statutes.
- H. Alcoholic liquor violations as defined in the Oregon Revised Statutes.
- I. Offensive Littering as defined in the Oregon Revised Statutes.
- J. Criminal Trespass as defined in the Oregon Revised Statutes.
- K. Theft as defined in the Oregon Revised Statutes.
- L. Arson or related offenses as defined in the Oregon Revised Statutes.
- M. Possession, Manufacture, or Delivery of a Controlled Substance or related offenses as defined in the Oregon Revised Statutes.
- N. Illegal Gambling as defined in the Oregon Revised Statutes.
- O. Criminal Mischief as defined in the Oregon Revised Statutes.
- P. Any attempt to commit (as defined in the Oregon Revised Statutes), any of the above activities, behaviors or conduct.

7.300 Violation

- A. Any Property determined by the Morrow County Sheriff to be Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.
- B. Any Person in Control of Property determined by the Morrow County Sheriff to be a Chronic Nuisance Property is in violation of this Chapter and subject to its remedies.

7.400 Procedures

- A. When the Morrow County Sheriff receives two or more police reports documenting the occurrence of Nuisance Activities on or within 400 feet of a

Property, the Morrow County Sheriff shall independently review such reports to determine whether they describe the activities, behaviors or conduct enumerated under this chapter. Upon such a finding, the Morrow County Sheriff may notify the Person in Control in writing that the Property is in danger of becoming Chronic Nuisance Property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the Property.
2. A statement that the Morrow County Sheriff has information that the Property may be Chronic Nuisance Property, with a concise description of the Nuisance Activities that exist, or that have occurred. The Morrow County Sheriff shall offer the Person in Control an opportunity to propose a course of action that the Morrow County Sheriff agrees will abate the Nuisance Activities giving rise to the violation.
3. Demand that the Person in Control respond to the Morrow County Sheriff within ten (10) days to discuss the Nuisance Activities.

B. When the Morrow County Sheriff receives a police report documenting the occurrence of additional Nuisance Activity on or within 400 feet of a Property after notification as provided by this chapter; or, in the case of Chronic Nuisance Property as defined in this chapter, for which notice is not required, the Morrow County Sheriff shall notify the Person in Control in writing that the Property has been determined to be a Chronic Nuisance Property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the Property.
2. A statement that the Morrow County Sheriff has determined the Property to be Chronic Nuisance Property with a concise description of the Nuisance Activities leading to his/her determination.
3. Demand that the Person in Control respond within ten (10) days to the Morrow County Sheriff and propose a course of action that the Morrow County Sheriff agrees will abate the Nuisance Activities giving rise to the violation.
4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the Person in Control at the address of the Property determined to be a Chronic Nuisance Property, or such other place which is likely to give the Person in Control notice of the determination by the Morrow County Sheriff.
5. A copy of the notice shall be served on the owner at the address shown on the tax rolls of the county in which the Property is located, and/or the occupant at the address of the Property, if these Persons are different than the Person in Control, and shall be made either personally or by first class mail, postage prepaid.

C. If the Person in Control fails to respond as required, the Morrow County Sheriff may refer the matter to the Morrow County Board of Commissioners and the County Counsel. Prior to referring the matter to the Morrow County Board of Commissioners and the County Counsel, the notice shall also be posted at the property.

D. If the Person in Control responds as required and agrees to abate Nuisance Activities giving rise to the violation, the Morrow County Sheriff may postpone referring the matter to the Morrow County Board of Commissioners and the County Counsel. If an agreed course of action does not result in the abatement

of the Nuisance Activities within sixty (60) days; or, if no agreement concerning abatement is reached within sixty (60) days, the Morrow County Sheriff may refer the matter to the Morrow County Board of Commissioners and the County Counsel.

- E. When a Person in Control makes a response to the Morrow County Sheriff as required any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any Nuisance Activities have occurred or are occurring. This Subsection does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.
- F. The failure of any Person to receive notice as provided by shall not invalidate or otherwise affect the proceedings under this Chapter.

7.500 Commencement of Actions; Remedies; Burden of Proof

- A. The Morrow County Board of Commissioners may authorize the County Counsel to commence legal proceedings in the Circuit Court or Justice Court to abate Chronic Nuisance Property and seek closure, the imposition of civil penalties against any or all of the Persons in Charge thereof, and, any other relief deemed appropriate.
- B. If the Court determines Property to be Chronic Nuisance Property, the Court shall order that the Property be closed and secured against all unauthorized access, use and occupancy for a period of not less than six (6) months, nor more than one (1) year. The order shall be entered as part of the final judgment. The Court shall retain jurisdiction during any period of closure.
- C. If the Court determines a Property to be Chronic Nuisance Property, the Court may impose a civil penalty of up to \$100 per day for each day Nuisance Activities occurred on the Property; or, the cost to the County to abate the Nuisance Activities at the Property whichever is greater. The amount of the civil penalty shall be assessed against the Person in Control and/or the Property and may be included in the County's money judgment.
- D. If satisfied of the good faith of the Person in Control, the Court shall not award civil penalties if the Court finds that the Person in Control at all material times could not, in the exercise of reasonable care or diligence, determine that the Property had become Chronic Nuisance Property.
- E. In establishing the amount of any civil penalty, the Court may consider any of the following factors and shall cite those found applicable:
 - 1. The actions taken by the Person in Control to mitigate or correct the Nuisance Activities at the Property;
 - 2. The financial condition of the Person in Control;
 - 3. Repeated or continuous nature of the problem;
 - 4. The magnitude or gravity of the problem;
 - 5. The cooperation of the Person in Control with the County;
 - 6. The cost to the County of investigating and correcting or attempting to correct the Nuisance Activities;
 - 7. Any other factor deemed relevant by the Court.
- F. The County shall have the initial burden of proof to show by a preponderance of the evidence that the Property is Chronic Nuisance Property.
- G. Evidence of a Property's general reputation and/or the reputation of persons residing in or frequenting it shall be admissible.

7.600 Summary Closure

Any summary closure proceeding shall be based on evidence showing that Nuisance Activities exist or have occurred on the Property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of summary closure shall be governed by the provisions of the Oregon Rules of Civil Procedure for obtaining temporary restraining orders. In the event of summary closure, the County is not required to comply with the notification procedures set forth in this Chapter.

7.700 Enforcement

The Court may authorize the County to physically secure the Property against all unauthorized access, use or occupancy in the event that the Person in Control fails to do so within the time specified by the Court. In the event that the County is authorized to secure the Property, the County shall recover all costs reasonably incurred by the County to physically secure the Property as provided by this Section. The County shall prepare a statement of costs and the County shall thereafter submit that statement to the Court for its review as provided by the Oregon Rules of Civil Procedure.

A lien shall be created against the Property for the amount of the Counties money judgment. Judgments imposed by this Chapter shall bear interest at the statutory rate.

7.800 Attorney Fees

The Court may, in its discretion, award attorneys' fees to the prevailing party.

Section 8. Noise as a Public Nuisance

8.100 Prohibited Acts

It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any loud, disturbing or unnecessary noise in the County. The following acts are declared to be violations of this Section, but such enumerations shall not be deemed to be exclusive:

- A. Any loud and continuing noise that obstructs the free use of property so as to essentially interfere with the reasonable comfort and enjoyment of life and property and meets one of the following:-
- ~~B. Noise made between the hours of eleven o'clock (11:00) PM and seven o'clock (7:00) AM, and is one of the following:~~
 - ~~1. Constant for at least five (5) minutes; or~~
 - ~~2.1. Repeated at least three (3) times during a thirty (30) minute time period.~~
- ~~C.B.~~ Noise that is plainly audible within a dwelling unit one hundred feet (100') or more away from the source of the noise, including the use of domestic power tools, construction work, noise created by dogs, or any similar offensive noise from any building used as a private residence, apartment house, rooming house, or hotel between the hours of eleven o'clock (11:00) PM and seven o'clock (7:00) AM.
- ~~D.C.~~ A continuing offense, which shall be one in which the sound constituting the violation occurs without substantial break for a period of twenty-four (24) hours or more.

8.200 Exceptions

The following acts are exceptions in this Chapter:

- A. Noise emanating from aircraft, railway locomotives, military operations, energy facilities, and farm equipment and operations.
- B. Noise created by the normal operation of construction, road work, road repair, drilling or demolition work that occurs between the hours of six o'clock (6:00) AM and ten o'clock (10:00) PM.
- C. Noise created by a community outdoor activity or event conducted on public or private parks, playgrounds, and public or private school grounds.
- D. When an alleged noise nuisance is the result of an activity allowed by a permit issued by an authority of the State or Federal jurisdiction, the nuisance shall be enforced under the provisions and conditions of that particular permit.
- E. Noise caused by the performance of emergency work, emergency alarms, or by the ordinary and accepted use of emergency apparatus and equipment.

8.300 Penalties

In addition to other remedies provided by this Ordinance, a violation may be enjoined by a civil action pursuant to Oregon Statute as described in Section 15 of this Code.

Violations of Oregon Administrative Rule 340-035 Noise Control Regulations are not enforced under this code enforcement ordinance.

Section 9. Dogs as a Public Nuisance and Animal Neglect

9.100 Establishment of a Dog Control District

Morrow County is hereby declared a Dog Control District. The Morrow County Board of Commissioners shall act as the Dog Control District Board of Supervisors. The Code Enforcement Officer shall be the dog control officer and will provide for administration and enforcement of a dog control program.

9.200 Dogs as a Nuisance

A. A dog is a public nuisance if it:

1. Chases persons or vehicles on premises other than premises from which the keeper of the dog may lawfully exclude others;
2. Damages or destroys property of persons other than the keeper of the dog;
3. Scatters garbage on premises other than premises from which the keeper of the dog may lawfully exclude others;
4. Trespasses on public or private property of persons other than the keeper of the dog;
5. Disturbs any person by frequent or prolonged noises;
6. Is a female in heat and running at large; or
7. Any dog running at large; or
8. Is a menacing or potentially dangerous dog, but is not a dangerous dog as defined in Oregon Statute

B. Any person who has cause to believe a keeper is maintaining a dog that is a public nuisance may complain, either orally or in writing, to the County. The receipt of any complaint is sufficient cause for the County to investigate the matter and determine whether the keeper of the dog is in violation of this Section.

C. A law enforcement officer or dog control officer may cite a keeper, impound a dog, or both if the dog is found running at large as a nuisance as described in 8.200(A) above.

9.300 Owner Responsibility

A. All dogs shall be kept within the real property limits of the keeper of the dog and under control of the responsible person, or contained with a fence that maintains control of the animal. While off the property of the keeper of the dog, a dog must be on a leash or lead under control of a responsible person or be contained within a portable kennel. If the dog has been determined by the law enforcement officer or dog control officer to be a public nuisance consistent with the definition in 8.200(A) above, restraint shall mean contained within a dog run or kennel, inside a secure structure, or leashed and muzzled when off the premises or the premises occupied by the keeper of the dog.

B. Any dog determined by the County to be a menacing dog or a public nuisance shall be confined by the keeper of the dog, within a secure building, secure kennel or dog run. Whenever off the premises the dog shall be securely muzzled and leashed or muzzled and caged whenever off the premises of the keeper of the dog.

C. No dog shall be allowed to cause a nuisance. The keeper of every dog shall be held responsible for every behavior of such dog under the provisions of this Section and State law.

9.400 Dogs and Livestock

- A. The owner of any livestock which has been damaged by being injured, chased, wounded or killed by any dog shall have a cause of action against the owner of such dog for the damages resulting therefrom, including double the value of any livestock killed and double the amount of any damage to the livestock.
- B. If one or more of several dogs owned by different persons participate in damaging any livestock, the owners of the respective dogs shall be jointly and severally liable under this section. The owners of dogs jointly or severally liable under this section have a right of contribution among themselves. The right exists only in favor of an owner who has paid more than the pro rata share of the owner, determined by dividing the total damage by the number of dogs involved, of the common liability, and the total recovery of the owner is limited to the amount paid by the owner in excess of the pro rata share of the owner.
- C. Any dog, whether licensed or not, which, while off the premises owned or under control of its owner, kills, wounds, or injures any livestock not belonging to the master of such dog, is a public nuisance and may be killed immediately by any person. This regulation does not apply to any dog acting under the direction of its master, or the agents or employees of such master.
- D. If any dog, not under the control of its owner or keeper, is found chasing or feeding upon the warm carcass of livestock not the property of such owner or keeper it shall be deemed, prima facie, as engaged in killing, wounding or injuring livestock.
- E. No person shall kill any dog for killing, wounding, injuring or chasing chickens upon a public place or highway.

9.500 Impounding certain dogs; procedure for county disposition of impounded dogs; impoundment fees and costs; release of dog.

- A. A law enforcement officer or dog control officer may cite a keeper, impound a dog, or both if the dog is a public nuisance as described above; or the officer has probable cause to believe that the dog is a dangerous dog as defined in ORS 609.098.
- B. All dogs impounded under this section shall be held in an adequate and sanitary pound to be provided by the county governing body from the general fund or out of funds obtained from dog licenses and from the redemption of dogs so impounded. However, in lieu of the establishment of a dog pound, the county governing body may contract for the care of the dogs. Unless claimed by its keeper, a dog shall be impounded for at least three days if the dog is without a license or identification tag and for at least five days if it has a license or identification tag. A reasonable effort shall be made to notify the keeper of a dog before the dog is removed from impoundment.
- C. Unless the county governing body provides otherwise, if the keeper appears and redeems the dog, the keeper shall pay a fee for each subsequent impoundment, pay the expense of keeping the dog during the time it was impounded, and obtain necessary immunizations. Fees will be in accordance with the current Morrow County Fee Schedule.
- D. In addition to any payment required pursuant to subsection C. of this section, the county governing body may require as a condition for redeeming the dog that the keeper agree to reasonable restrictions on the keeping of the dog including, but not limited to 8.300(B) of this section (Owner Responsibility). The keeper must pay the cost of complying with the reasonable restrictions. As used in this

- subsection, "reasonable restrictions" may include, but is not limited to, sterilization.
- E. A keeper of a dog maintains a public nuisance if the keeper fails to comply with reasonable restrictions imposed under subsection D. of this section or if a keeper fails to provide acceptable proof of compliance to the county governing body on or before the 10th day after issuance of the order imposing the restrictions. If the board or governing body finds the proof submitted by the keeper unacceptable, the board or governing body shall send notice of that finding to the keeper no later than five days after the proof is received.
 - F. The county governing body may release the dog to a responsible person upon receiving assurance that the person will properly care for the dog, including providing necessary immunizations, and upon payment of a sum established by the county governing body plus cost of keep during its impounding, and purchase of a license if required. The person shall thereafter be the keeper of the dog for purposes of ORS 609.035 to 609.110.
 - G. If the keeper of a dog is not charged with violating ORS 609.095 (2) or (3) or ORS 609.098, and the county governing body finds that the dog has menaced or chased a person when on premises other than the premises from which the keeper may lawfully exclude others or has bitten a person, the county governing body may order that the dog be killed in a humane manner. Before ordering that the dog be killed, the board or governing body shall consider the factors described in ORS 609.093 and issue written findings on those factors. Notwithstanding ORS 34.030, if the disposition order issued by the board or governing body provides that the dog is to be killed, a petition by the keeper for a writ of review must be filed no later than the 10th day after the county governing body sends notice of the order to the keeper. Notwithstanding ORS 19.270, 19.330 and 34.070, the order for the killing of the dog may not be carried out during the period that the order is subject to review or appeal. If the dog is not killed, the board or governing body may impose reasonable restrictions on the keeping of the dog. The keeper must pay the cost of complying with the reasonable restrictions. If no keeper appears to redeem a dog within the allotted time or the keeper of the dog is not able or willing to comply with the required restrictions, the dog may be surrendered to the County.
 - H. If the keeper of a dog is charged with violating ORS 609.095 (2) or (3) or 609.098, upon conviction of the keeper the court may determine the disposition of the dog as provided under ORS 609.990 up to and including euthanization.
 - I. Notwithstanding subsections B., C., F., G. and H. of this section, any dog impounded for biting a person shall be held for at least 10 days before redemption or destruction to determine if the dog is rabid.
 - J. Notwithstanding subsections B. and C. of this section, if the keeper is charged with violating ORS 609.098, the dog shall be kept in impoundment pending resolution of the charges. A court may order the keeper to post a deposit with the county governing body to cover the cost of keeping the dog in impoundment. If the keeper is convicted of violating ORS 609.098, the court may order the deposit forfeited to the board or governing body.
 - K. The county governing body may impose lesser fees or penalties under subsections C. and F. of this section for certain senior citizens under certain circumstances.
 - L. The county governing body may euthanize the dog if not claimed within 30 days.

9.600 Animal Abuse, Neglect and Abandonment

A person who commits a crime of animal abuse, neglect or abandonment shall be subject to the provisions of ORS 167.310 through 390.

9.700 Nuisance Dog Penalties

Fines and Penalties shall be paid in accordance with the Morrow County Fee Schedule and ORS 609.162, 163,166, and 990. In addition to any fine or sentence imposed under this section, a court may order a person who keeps a nuisance dog as set forth in Section 9.200 above to pay restitution for any physical injury, death or property damage caused by the dog as a result of the keeper's violation. The court may also order the person to pay the cost of keeping the dog in impoundment.

Section 10. Environmental Health

10.100 Purpose

It is the purpose of this Section to implement the County's authority to enforce the environmental health programs delegated to Umatilla County by the State of Oregon for Onsite Septic Systems, Food Service Facilities, Tourist Facilities, and Pool Facilities.

10.200 Adoption

- A. Except as specifically provided herein, all administrative rules which are duly existing and adopted by the Environmental Quality Commission of the state of Oregon, and the Department of Environmental Quality on <date of adoption of MOA>, pursuant to ORS 454.605 through 454.780, including appendices, are adopted as regulations by Morrow County and shall have full force and effect as law in Morrow County. These rules include OAR 340-012-0060. The Administrative Rules are adopted as part of this Section and are incorporated into this Section by this reference. Violations of this Section shall be measured by the technical and other standards found in said rules.
- B. The following Oregon State Statutes and Administrative Rules are adopted as part of this Section and are incorporated into this Section by this reference:
1. Restaurants and Bed and Breakfast Facilities (including limited service restaurants, and temporary restaurants): ORS 624.010 to 624.035, 624.060 to 624.110, 624.130 and 624.992 and Administrative Rules adopted by the Department of Human Services (or its successor agency) pursuant to those statutes, including OAR Chapter 333, Divisions 150, 157, 158, 160, and 170.
 2. Commissaries, mobile units and vending machines (including warehouses): ORS 624.310 to 624.440, and 624.992, and Administrative Rules adopted by the Department of Human Services (or its successor agency) pursuant to those statutes, including OAR Chapter 333, Division 162.
 3. Tourist Facilities (including travelers' accommodations, hostels, picnic parks, recreation parks, and organizational camps): ORS 446.310 to 446.320, 446.322 to 446.349, and Administrative Rules adopted by the Department of Human Services (or its successor agency) pursuant to those statutes, including OAR Chapter 333, Divisions 29, 30, and 31.
 4. Pool Facilities (including public swimming pools, public spa pools, public wading pools, and bathhouses): ORS 448.005 to 448.060, 448.095 to 448.100, and Administrative Rules adopted by the Department of Human Services (or its successor agency) pursuant to those statutes, including OAR Chapter 333, Divisions 60 and 62.
 5. Administrative Procedures: ORS 183.310, 183.413, to 183.502, and 183.745, and OAR 333-012-0050 to 333-012-0070, and 137-003-0001 to 137-003-0092.

10.300 Permits Required

- A. All proposed or approved sewage facilities shall comply with all applicable provisions of Oregon Revised Statutes and rules and regulations of the Oregon Department of Environmental Quality.
- B. Except as specifically provided in the rules, it is unlawful and a violation of this Section to:
 - 1. Begin construction, installation, or development of any system without first obtaining a construction installation permit from the county;
 - 2. Place into service, change use of, or increase the projected daily sewage flow into an existing system without obtaining either an authorization notice or alteration permit, as appropriate, from the county;
 - 3. Repair a system without first obtaining a repair permit from the county, except that emergency repairs may be made when sewage is backing up into a dwelling or commercial facility, or when there is a broken sewer pipe and immediate action is necessary provided that a permit is obtained within three days after the emergency repairs are begun.

10.400 Violations

It is unlawful and a violation of this Section for any person to:

- A. No person shall construct a subsurface sewage disposal system except in compliance with ORS Chapter 454 and rules promulgated under that Chapter.
- B. No person shall habitate on or utilize land except in compliance with ORS Chapter 454 and rules promulgated thereunder.
- C. Fail to treat or dispose of any sewage as required by this chapter;
- D. Discharge untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into any public waters;
- E. Connect any plumbing fixture from which sewage is or may be discharged into any sewage disposal system that has not been approved by the county;
- F. Obstruct, cover, modify the soil covering or otherwise affect a system replacement area without first obtaining approval from the county;
- G. Fail to abandon an on-site system, including a septic tank and system, when required to under the rules or fail to comply with the procedures and requirements for proper abandonment as provided by the rules;
- H. Backfill or cover, connect to or use, any system without first obtaining a certificate of satisfactory completion of construction, installation, repair or alteration unless issuance of the certificate has been waived by operation of law or otherwise;
- I. Fail to meet requirements for satisfactorily complying with any correction notice within the time required;
- J. Use any materials that do not comply with standards for on-site systems set forth in the rules;
- K. Falsify or fail to provide any information requested by the county of any applicant for a permit, variance or hardship relief with the intent to evade or circumvent the procedures or standards established for regulation of on-site systems;

- L. Fail to comply with the terms or conditions of any permit including the duties imposed on permit holders by the rules.

10.500 Public Nuisance

Any facility that is operated in violation of this Section is a public nuisance and dangerous to health and may be abated or enjoined in any manner provided by law.

10.600 Updates to Statutes and/or Rules

All amendments to the Oregon Revised Statutes and Oregon Administrative Rules adopted and incorporated into this Section shall automatically be adopted into this Section as well, with the same effective dates as that set forth in such amended statutes and rules.

10.700 Remedies Not Exclusive

None of the remedies available to Morrow County as set forth in this Section are exclusive. Nothing in this Section shall preclude any remedy otherwise available to Morrow County, either in law or equity, including enforcement under Section 12 of this Ordinance.

10.800 Delegation

The Umatilla County Health Public Administrator is delegated the authority to carry out the provisions of this Section, including those available to Director of Human Services (or its successor position title) under the Oregon Revised Statutes and Oregon Administrative Rules.

The Public Health Administrator shall administer the programs necessary to enforce the rules adopted by the Oregon Department of Human Services.

Section 11. Weed Control

11.100 Establishment of a Weed Control District

Morrow County is hereby declared a Weed Control District. The Morrow Soil and Water Conservation District shall act as the Weed Advisory Board. The Morrow County Weed Coordinator/Inspector will provide administration and enforcement of a weed control program as outlined in Oregon Statute.

11.200 Weeds Considered Noxious or of Economic Importance

- A. A weed is a noxious weed if it:
 - 1. Is recognized by the Board of Commissioners as an imminent and continuous threat to natural resources, watershed health, livestock, wildlife, land, and agricultural products.
 - 2. Has the potential for widespread infestation.
 - 3. Is not native to the State of Oregon
- B. The weed Coordinator/Inspector shall administer and enforce management and control of noxious weeds and weeds of economic importance, when feasible, with control practices selected and applied to achieve desired weed management objectives in a manner that minimizes risks to human health, non-target organisms, native fish and wildlife, watersheds, and the environment.

11.300 Property Owner Responsibility

- A. Each person, firm, or corporation owning or occupying land within the district shall destroy or prevent the spread or seeding of any noxious weed by the use of the best means at hand and within a time deemed reasonable, except that no weed declared noxious shall be permitted to produce seed.
- B. Persons operating or having control of any threshing machinery, clover huller, hay baler, seed cleaning or treating machinery or other machinery shall thoroughly clean it before moving it over any public road or from one farm to another. All hay, straw or other crop residue infested with noxious weeds having partially or fully formed seeds shall not be moved from the land on which it was grown.

11.400 Weed inspector right of entry; service of notice to eradicate weeds; department or district control measures.

- A. The weed Coordinator/Inspector shall have access to the land within the district.
- B. When provisions of Oregon Statute are not being complied with, the weed Coordinator/Inspector or code enforcement officer shall serve a written notice to the owner or occupant of the land. When the weed Coordinator/Inspector or code enforcement officer is unable to serve the notice personally, the notice shall be posted and two (2) copies thereof in three (3) conspicuous places on the land. The notice shall contain:
 - a. The date of service or posting of notice.
 - b. The name of the weed or weeds growing on the land, and a statement setting forth that the weeds must be destroyed or must be prevented from producing seed within a specified time of not less than two (2) days or more than 20 days, to be established by the inspector, from the date of service of the notice.
- C. The service of notice as provided in subsection (B) of this section imposes a requirement on the owner or occupant of the land to destroy or prevent the

weeds from seeding or spreading during the continuation of ownership or occupancy of the land or until the district is dissolved. A copy of the notice, together with proof of service indorsed thereon, shall be filed with the Board of Commissioners.

- D. Notwithstanding subsection (B) of this section, with permission of the owner or occupant of land, employees of the State Department of Agriculture, or of designated weed control districts, may enter the land to identify noxious weeds and to implement or provide for the implementation of integrated noxious weed control measures, including but not limited to the application of pesticides to the land. The control or eradication of noxious weeds may be conducted with or without charge to the owner or occupant of the land. A notice as described in subsection (B) of this section is not required for the conduct of activities described in this subsection.

11.500 Procedure for County Disposition of Weeds.

- A. Steps leading to eradication and control of noxious weeds in the county are necessary and the weed Coordinator/Inspector shall cooperate with individual landowners in the control and eradication of noxious weed pests.
- B. The weed Coordinator/Inspector shall destroy or prevent the spread or seeding of any noxious weed on any land owned by the county or constituted as the right of way for any highway, county road, drainage or irrigation ditch, power or transmission line, or other purposes under their jurisdiction.
- C. If the owner or occupant of the land fails or refuses to immediately destroy or cut the noxious weeds, the weed Coordinator/Inspector shall at once notify the Board of Commissioners, who will take enforcement steps.
 - 1. The county shall authorize the weed Coordinator/Inspector to go upon the land or premises and destroy the noxious weeds or control them in such a manner as will destroy all seeds using the most effective and practical method in the judgement of the inspector and with the least injury to the land or crops.
 - 2. If the weeds are too far advanced for local control procedures the inspector shall notify the Board of Commissioners which shall request the State Department of Agriculture to immediately quarantine any uncontrolled noxious weed infested farm within the county to prevent the movement of infested crops or livestock and to prevent the spread of the weeds.

11.600 Penalties, Fees and Costs.

- A. Upon completion of work the person so appointed and authorized by the Board of Commissioners shall file an itemized statement of expenses necessarily incurred including wages. A lien shall be docketed upon the lands or premises for the cost of expenses. If the charges and expenses are not paid and the lien discharged by the owner or occupant of such land within 90 days the county may recover the expenses in an action at law.
- B. In addition to other remedies provided by this Ordinance, violation may result in a fine assessed in accordance with Oregon Statute and may incur civil penalties.

Section 12. Enforcement Procedures

12.100 Enforcement Actions

Enforcement Options. Resolution of a violation of Morrow County ordinances may be sought in any one or a combination of the following methods. Which method to be used is solely at the discretion of the County.

- A. Warning Notice process seeking voluntary compliance;
- B. Consent agreement;
- C. Citation;
- D. Stipulated judgment;
- E. Order of abatement;
- F. Other civil actions, seeking a judgment and order for compliance, including but not limited to mandamus, restraining orders, stop work orders;
- G. Summary Abatement.

12.200 Investigation Authority; Entry on Premises.

Where authorized by statute or as a condition of permit approval, consent agreement, or agreed condition of a prior enforcement order, the Code Enforcement Officer shall have the power to enter upon and inspect, at any reasonable time, any public or private property, to investigate any alleged violation of County ordinance, order or permit approval, a violation of a statute which the County has the authority to enforce, or to ascertain compliance or noncompliance with the administrative resolution procedure set out in this Section, a stop work or stop use order under Section 15 of this Ordinance, or a consent agreement under Section 12.500 of this Ordinance. A warrant for inspection of private property, including a private residence, will be accomplished in accordance with Section 6.600 of this Ordinance (Inspection and Right of Entry).

12.300 Enforcement by voluntary compliance; warning notice

- A. The process authorized in this section is primarily for the purpose of seeking voluntary compliance by the alleged violator. At the discretion of the enforcement officer this process is to be considered in those cases where voluntary compliance is likely and is in the interests of the County, taking into consideration the nature and severity of the violation and the history of the property and the person responsible.
- B. Voluntary compliance procedure: Except as otherwise provided in subsection (G) of this section, the enforcement officer shall solicit the voluntary compliance of the person in violation of this Ordinance by the procedure set forth in this subsection.
- C. In cases where the corrective action indicated in a notice requires both applying for and receiving a permit or approval, the violation shall continue until all necessary permits or approvals are granted or until they are denied and code compliance is obtained through other means.
- D. If the person responsible is not the property owner, the County shall give initial and final notice to abate a violation to the property owner; however, a notice of violation published at least once in a newspaper of general circulation in Morrow County is sufficient notice to a property owner to satisfy the notice requirements of this Ordinance and or other due process required by law. The notice to the property owner and the publication shall additionally state that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.

- E. On completion of the personal giving of notice, posting, and mailing, the person or persons giving such notice shall execute and maintain affidavits stating the date, time, place and manner of giving notice.
- F. An error in the name or address of the person responsible or property owner shall not make the notice void, and in such case the posted or published notice, as the case may be, shall be sufficient.
- G. Notwithstanding the process authorized in this section, the County may at any time immediately begin prosecution of any violation on a citation or file any other action to abate the violation. This determination is at the discretion of the enforcement officer. The determination is not appealable or reviewable.
- H. Warning notice
 - 1. Subject to subsection (B) of this section, if an enforcement officer is satisfied that a violation exists, the enforcement officer shall:
 - 2. Give personal notice; or
 - 3. Cause an initial notice to abate to be posted on the premises or at the site of the violation, directing the person responsible to abate the violation; and
 - 4. At the time of posting, cause a copy of the notice to abate to be forwarded by registered or certified mail, postage prepaid, to the person responsible at the last known address of such person.
 - 5. The notice to abate shall contain the following contents;
 - a. Statement that the notice is a "notice to abate a violation."
 - b. The name of the person issuing the notice along with the name of the County Department to contact regarding the violation;
 - c. The date the notice was issued;
 - d. A brief description of the violation alleged to exist;
 - e. A description of the real property, by street address or otherwise, on which the violation exists;
 - f. A statement describing the corrective action that needs to take place to correct the alleged violation(s);
 - g. An order to voluntarily abate the violation within 10 days from the date of the notice;
 - h. A statement that failure to correct the alleged violation(s) within 10 days may result in further enforcement procedures including any combination of the following:
 - (1) An enforcement citation and prosecution including, but not limited to; payment of a fine and court costs and court orders to comply;
 - (2) Other civil actions in court; or
 - (3) Abatement by the County.
 - i. A statement that if the violation is not voluntarily abated, the County may seek from the court a judgment to abate the violation, which if not obeyed, could result in the County itself abating the violation and being awarded a lien by the court on the specified property for the expenses of abating the violation and administrative costs.

12.400 Enforcement Process by Citation

- A. If the violation has not been satisfactorily abated by the date and time specified in the warning notice, or the enforcement official makes the determination set

forth in subsection (B) of this section, the enforcement officer may issue a citation pursuant to this Ordinance.

- B. If the enforcement officer determines that enforcement of a violation by means of a citation is warranted, the enforcement officer may issue a citation under this Ordinance.
- C. Any code enforcement officer may issue and serve a citation for violation of a Morrow County regulation or State Statute as described in Section 1.200 or 1.300 of this Ordinance. If the responsible party(s) is cited, or if a stop work/use order is issued, the responsible party(s) may request a hearing as provided in Section 13 of this Ordinance. The setting of priorities among different complaints and enforcement actions shall be within the discretion of the Code Enforcement Officer, upon consultation with the County Department(s) involved.
- D. Sequence of Procedures.
 - 1. Citation: The Code Enforcement Officer shall use the Oregon Uniform Citation & Complaint form.
 - 2. Violation: Except where otherwise prohibited by statute, each calendar date on which the violation occurs shall constitute a separate violation. A citation shall be written for each day the violation continues to be a continuing violation.
 - 3. Multiple Violations: The prosecution of an individual violation shall not bar the subsequent prosecution of any additional violations, which occurred at the same time or as part of the same act.
 - 4. Service: The Code Enforcement Officer shall issue a copy of the citation to the responsible party(s).
 - 5. Filing: In addition to service on the responsible party(s), one copy of the citation, complaint and summons shall be filed with the Justice Court and one copy shall be placed in the Code Enforcement File within three days of completion of service. The citation, complaint and summons must be served a minimum of ten (10) days prior to the scheduled date of the hearing.

If the situation has not been abated within the time allowed, the Code Enforcement Officer may cause the situation to be abated. The Public Safety Officer or other persons charged with the responsibility of abatement of the situation shall have the right at reasonable times to enter upon the property to investigate or cause the removal of the situation. Abatement will be accomplished according to the abatement procedures set forth in this Section.
- E. Pursuant to Oregon Statute, any enforcement officer may serve a person with a citation on which another enforcement officer made a certification.
- F. Any enforcement officer issuing a citation pursuant to this chapter shall, in addition to the date and time, indicate that the responsible party must appear before the court and the name of the court before which the responsible party is required to personally appear.
- G. The base fine for a violation shall be the maximum amount allowed in Oregon Statute.
- H. The person making the certification is not required to be the person who serves the citation on the person believed to be in violation of the Ordinance.
- I. An enforcement officer may issue a violation citation pursuant to this Ordinance even if the conduct alleged to constitute a violation does not take place in the

presence of the officer, if the officer has reasonable grounds to believe that the conduct alleged constitutes a violation.

- J. Violation proceedings for the purpose of enforcing the Morrow County Code and this chapter may be commenced only by enforcement officers. No private party may initiate a violation proceeding pursuant to ORS 153.058 or other law.

12.500 Enforcement by Consent Agreement

- A. During the pendency of an action on a violation, but prior to entry of a judgment, the County and the responsible party may enter into an agreement designed to abate the violation and petition the court to include it as a part of a consent agreement as described in this section.
- B. The consent agreement may provide that the responsible party does not admit violation of a County Code but will make necessary corrections, as set forth in the agreement, to bring the responsible party's actions, conduct, omissions or property into conformance with the Code.
- C. The responsible party, the responsible party's attorney, if any, and a County representative shall sign the consent agreement.
- D. The consent agreement shall be filed with the Circuit or Justice Court as a final adjudication of the proceedings and shall constitute a dismissal of the action when the responsible party performs as agreed. The violator or Morrow County may seek a court order dismissing the case upon completion of the conditions of the consent agreement. The court retains jurisdiction of the matter until the order dismissing the case is issued.
- E. The responsible party's failure to comply with the consent agreement allows the County to seek any additional remedies provided by law or this Ordinance including an order of abatement.

12.600 Enforcement by Stipulated Judgment

- A. During the pendency of an action on a violation, if the responsible party enters a plea of guilty or is found guilty, the responsible party and the County may agree to and submit to the court a stipulated agreement and judgment to abate a violation.
- B. As part of a stipulated agreement and judgment under this section:
 - 1. The responsible party must plead guilty to the violation;
 - 2. The responsible party shall abate the violation as provided by the agreement;
 - 3. The responsible party shall cooperate with the Enforcement Officer;
 - 4. The County may, but is not required to, bear some or all of the costs of abatement
 - 5. Any costs of abatement which the County bears must be repaid by the responsible party to the County as provided by the agreement; and
 - 6. Any costs paid by the County to abate the violation shall become a money judgment in favor of the County against the responsible party. The County may record such judgment as a lien in accordance with applicable law.
- C. If the responsible party fails to comply with the terms and conditions of the stipulated judgment, the County may enter the property and abate the violation.

12.700 Enforcement by Order of Abatement

- A. If the parties do not enter into a consent agreement or a stipulated judgement, and notwithstanding the willingness of the responsible party to pay the base fine, the Justice of the Peace shall, if the responsible party pleads guilty or no contest or is found guilty, issue an order to the responsible party to abate the violation in a manner and time acceptable to the County and require the responsible party to provide proof of abatement to the County and to the Justice of the Peace.
- B. Order of Abatement
 - 1. In addition to, not in lieu of, any remedy allowed by this Section and pursuant to ORS 153.090 (1)(e), as part of a judgement entered under this Section, the Justice of the Peace:
 - a. may on its own motion and shall on request of the enforcement officer, order a responsible party to abate any violation of which the responsible party is found guilty or enters a plea of guilty or no contest. The Justice of the Peace shall set a time by which the responsible party must abate the violation and may set other conditions on the order of abatement. Any abatement order shall include authorization for an enforcement officer to enter the property to determine compliance with the code and compliance with an order to abate. Any failure to abate the violation as ordered by the Justice of the Peace shall be contempt of court; or
 - b. shall on request of the enforcement officer, authorize the County to enter the property for the purposes of abating the violation.
 - 2. The responsible party shall cooperate with the Enforcement Officers including not preventing the officer and any other persons employed or contracted by the County to enter the property to determine compliance with the code and any orders to abate.

12.800 Summary Abatement.

The health officer, the chief of a Fire Department, the Sheriff, the Planning Director, or the Director of Public Works may, through coordination with the Code Enforcement Officer, proceed summarily to abate a health or other violation which unmistakably exists and which imminently endangers health or property; however, such summary abatement shall be limited to only those actions necessary to reduce the threat to a level that eliminates the imminent danger to health or property. No notice to the property owner or person in control of the property is required. Costs of the abatement may be assessed as provided in Section 14(Penalties and Costs).

Section 13. Hearings

- A. A person to whom a citation is issued shall have a hearing before the Justice Court of Morrow County on an issue of violation or abatement pursuant to this Ordinance and the date shall be as set forth in the citation.
- B. Hearing by Justice Court of Morrow County.
The Morrow County Justice of the Peace may act as an administrative hearings officer for the purposes of this Ordinance, unless otherwise appointed by the Board of Commissioners. The County shall have the burden of proving by a preponderance of the validity of the violation, citation, or abatement. The County may present evidence either by testimony or written report of the Public Safety Officer or Code Enforcement Officer. If the County's evidence is presented only by written report and the Justice of the Peace cannot resolve a question solely upon the information contained in the report, the hearing may be continued for a reasonable time to obtain additional information.
- C. If the Justice of the Peace finds that:
 - a. the citation, or abatement was proper, the Justice of the Peace
 - 1. Shall enter a written order supporting the citation or abatement; and
 - 2. Shall find that the owner or responsible person is liable for any costs resulting from the abatement; and
 - 3. May find that the owner or responsible person is liable for the costs of the hearing.
 - b. the citation or abatement was improper, the Justice of the Peace shall:
 - 1. Find that the owner or responsible person is not liable for any charges or abatement costs resulting from the abatement; and
 - 2. Order the County to satisfy the abatement costs.
- D. The decision of the Justice of the Peace is final subject to the protesting party having right to file a writ of review pursuant to ORS 34.010 to 34.100.
- E. If the person requesting the hearing does not appear at the scheduled hearing, the Justice of the Peace may enter an order supporting the assessed costs of the abatement.

Section 14. Penalties and Costs

14.100 Civil Penalties

Except for any separate fine issued for an amount otherwise established by law for any specific fine violation such as a nuisance dog, any person who violates the provisions of this Ordinance shall be punishable, upon conviction, by a fine for a Class A violation as provided in Oregon Statute for a non-continuing offense and for each continuing offense. Each day upon which a continuing offense occurs or continues shall constitute a separate violation if cited as such. In addition to the civil penalty amounts assessable herein, the County may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities and the costs of any actual damages incurred by the County attributable to the responsible party.

Payment of any fine shall not excuse or discharge a responsible party from the duty to immediately abate and correct a violation of the code, nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the code.

For the purposes of this Ordinance, a continuing offense occurs when a responsible party or person allows the circumstances constituting the offense to continue over consecutive 24-hour periods after:

- A. having received notice of the violation; or
- B. having refused notice of the violation; or
- C. it is reasonable to expect that the person has actual knowledge of the circumstances constituting the offense.

14.200 Costs Recoverable

- A. Upon a finding that a violation has occurred, the Justice Court has the discretion to order the violator, in addition to any penalties assessed, to reimburse the County for actual costs or expenditures incurred by the County in prosecuting, cleaning up or abating an ordinance violation for any of the following:
 1. Any fees charged the County for service on responsible party(s);
 2. Mileage for investigation service or other activities directly related to the enforcement action at the current county rate;
 3. Postage;
 4. Photocopying;
 5. Publication charges;
 6. Sampling and monitoring expenses;
 7. Film and development costs; and
 8. Any expense incurred by the County in abating or correcting a violation which the responsible party(s) has refused to correct.

All costs and expenses to be reimbursed must be documented by receipts, vouchers, or records verified by affidavit of the public official keeping such records.

14.300 Code Enforcement Cleanup Fund

- A. The Code Enforcement Cleanup Fund is hereby established. The Planning Department shall recommend an amount to be approved annually by the Budget Committee, and all amounts so approved are appropriated for the purposes set forth in this Section.

- B. Monies in the fund created by this Section may be used, at the sole discretion of the County, in any abatement ordered under this Ordinance. Monies expended from the Code Enforcement Cleanup Fund and repaid by the responsible party to the County shall be applied to the fund established in this Ordinance.

14.400 Weed Control Fund

- A. The Weed Control Fund is hereby established. The Board of Commissioners shall recommend an amount to be approved annually by the Budget Committee, and all amounts so approved are appropriated for the purposes set forth in this Section.
- B. Monies in the fund created by this Section may be used, at the sole discretion of the County, in any abatement ordered under this Ordinance. Monies expended from the Weed Control Fund and repaid by the responsible party to the County shall be applied to the fund established in this Ordinance.

14.500 Recovery on a money judgment

- A. Every money judgment shall name Morrow County as the judgment creditor.
- B. A money judgment, including but not limited to funds described in Section 14.300, Code Enforcement Cleanup Fund, and 14.400, Weed Control Fund, must be repaid by the responsible party to the County.
- C. Fines and other court costs
 1. The amount of any fine imposed pursuant to this Ordinance shall be transferred to the Morrow County General Fund. Fifty percent of the fine amount shall then be transferred to the Code Enforcement Cleanup Fund or Weed Control Fund, established in this Section.
 2. The Justice Court shall charge court costs to the responsible party, as determined within the county fee schedule, where,
 - a. The responsible party admits a violation or is found guilty of a provision of the County Code;
 - b. The responsible party fails to appear for the hearing or, following a hearing, is found to have violated a provision of the County Code; or
 - c. The defendant enters into a stipulated judgment with the County wherein the responsible party pleads guilty on the citation but agrees to make necessary corrections, as set forth in the agreement, in order to bring the responsible party's conduct, actions, omissions, or property into compliance with the County Code.
 - d. If the responsible party fails to pay the costs, the costs shall be entered as a judgment against the responsible party in the same manner and with like effect as a judgment for a fine.

14.600 Liens

Penalties and costs assessed against a violator(s) by order of the Justice Court shall, if not paid within 60 days of the date of the order or as otherwise specified in the order, be County liens as provided in Oregon Statute Recovery of Fines and Forfeitures.

Recording and releasing liens

- A. If the County intends to pursue recovery of penalties and costs against a violator the Board of Commissioners shall cause to be filed with the County Clerk an

itemized statement of the penalties and costs, as ordered by the Justice of the Peace, to be recovered. When the Statement of penalties and costs is filed the Clerk shall cause it to be entered upon a lien docket prepared for that purpose. The amount of the penalties and costs when so docketed shall constitute a first lien upon such property, except as to taxes. It shall be the responsibility of the County Treasurer to create and maintain a record of payments made by the responsible party, on a form identifying the case, the responsible party, the amount and date payment was made.

- B. The County may record a money judgment as a lien in accordance with this Section, and may pursue recovery of any money judgment.
- C. For purposes of a lien that has been filed, an error in the name of the owner or person responsible shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void but it shall remain a valid lien against the property.
- D. The Code Enforcement Officer is responsible, in consultation with the Treasurer and County Counsel, to ensure that a satisfaction of judgment and release of lien is executed and filed as appropriate, once any money judgment is paid in full.

Section 15. Stop Work or Stop Use Order

The Code Enforcement Officer, having reasonable grounds to believe that a person(s) has committed a violation, in lieu of or in addition to issuing a citation, may issue a stop work or stop use order according to the provisions of this Section.

15.100 Grounds for Issuance.

A stop work or stop use order may be issued by the Code Enforcement Officer at any point in the enforcement process, if the violation observed is on which requires immediate remedial action:

- A. To protect the public health, safety or welfare;
- B. Because the responsible party(s) refuses to cooperate with the Code Enforcement Officer; or
- C. Because the violation continues despite notice to the responsible party(s) of the violation or notice to obtain a necessary permit.

15.200 Contents.

A stop work or stop use order shall be in writing and contain the following:

- A. An order that all work or action in violation of County ordinance(s) stop immediately;
- B. The name of the person(s) or entity(s) to whom it is issued (if known);
- C. The effective date of the order;
- D. The date the order is issued;
- E. The location or address of the violation;
- F. The tax account identification number;
- G. The specific sections of the County Ordinance(s) violated;
- H. A factual description of the nature of the violation;
- I. The specific steps which the responsible party(s) must take to correct the violation;
- J. The name and signature of the Code Enforcement Officer; and
- K. An address and phone number where the Code Enforcement Officer can be contacted.

15.300 Service

A copy of a stop work or stop use order shall be posted on the property where the violation is occurring (hereinafter "subject property") and sent certified mail with return receipt, or any means of mailing by which a return receipt can be obtained, to the following:

- A. All owners and contract purchasers of the subject property;
- B. Any known lessees;
- C. The State Building Codes Agency;
- D. Any known contractors doing construction work on the subject property which would be in violation of County Ordinance(s); and
- E. Any other person(s) identifiable as a responsible party(s).

15.400 Priority

If a hearing is requested, a stop work or stop use order shall be given priority for court appearance over all other code enforcement citations and be heard by the Justice of the Peace on the next scheduled Court date.

15.500 Violation of Order

If the responsible party(s) fails to obey the order, the Code Enforcement Officer shall promptly issue a citation for violation of a stop work or stop use order. Violation of a stop work or stop use order constitutes a separate violation.

15.600 Impact on other Permits

No building permit, sanitation permit or other permit or license may be issued, or any work continued under such permits while a stop work or stop use order is in effect.

Section 16. General Provisions

16.100 Appeal

A decision of the Justice Court on an enforcement action may be appealed to the Circuit Court within 30 days of the date of the decision, in accordance with the requirements of Oregon Statute through 34.102 for a Writ of Review.

16.200 Remedies

The remedies provided herein shall be in addition to any other remedies provided by law.

16.300 Records

All records of enforcement proceedings shall be permanent County records. All Court orders, consent agreements and other Justice Court actions entered into after the issuance of a citation, and stop work or stop use orders shall be filed with the Justice Court. Liens shall be filed with the County Clerk.

16.400 Severability Clause

If any section, subsection, provision, clause or paragraph of this ordinance is adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance.

It is hereby expressly declared that every other section, subdivision, paragraph, provision or clause of this ordinance would have been enacted irrespective of the enactment or the validity of the portion declared or adjudged unconstitutional or invalid.

16.500 Amendment Procedure

Morrow County Board of Commissioners shall have the authority to order this Ordinance to be amended. During a comment period lasting a minimum of 20 days after notice of publication the Board of Commissioners shall hold two public hearings on the proposed amendments, one held in the North and one held in the South side of the county.

Appendix A

NOXIOUS WEEDS

Rush Skeletonweed
Yellow Starthistle
Tansy Ragwort
Dalmatian & Yellow Toadflax
Mediterranean Sage
Leafy Spurge
Spikeweed
Musk Thistle
Scotch Thistle
Purple Loosestrife
Common Crupina
White Top
Hounds tongue
Plumeless Thistle
Flowering Rush
Yellow Flag Iris

Appendix B

WEEDS OF ECONOMIC IMPORTANCE

Poison Hemlock
Canada Thistle
Jointed Goatgrass
St. Johnswort
Perennial Sowthistle
Field Bindweed
Cereal Rye
Wild Oats
Johnsongrass
Knapweeds-Russian, Diffuse, Spotted
Field Dodder
Water Hemlock
Medusahead Rye
Puncturevine
Kochia
Perennial Pepperweed
Myrtle Spurge
Ventenata



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Presenter at BOC: Stephen Wrecsics/Tamra Mabbott

Phone Number (Ext): 5506

Department: Planning

Requested Agenda Date: 05/05/2021

Short Title of Agenda Item:

(No acronyms please)

Application to rename Threemile Road to Marty Myers Road

This Item Involves: (Check all that apply for this meeting.)

- Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time: 15 minutes
Purchase Pre-Authorization
Other

N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:

Contractor/Entity Address:

Effective Dates - From:

Through:

Total Contract Amount:

Budget Line:

Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Tamra Mabbott April 27, 2021 Department Director

Required for all BOC meetings

Darrell Green 5/3/2021 Administrator

Required for all BOC meetings

County Counsel

*Required for all legal documents

Finance Office

*Required for all contracts; other items as appropriate.

Human Resources

*If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

This Public Hearing is to consider an application to rename Threemile Canyon Road to Marty Myers Road.

The attached application was filed by Jeff Wendler and the request was made to honor the contributions to the region and farming made by the late Marty Myers.

Notice of this hearing was sent to adjoining property owners and public agencies on April 15, 2021.

Public Notice was published in the Heppner Gazette - Times on April 6, 2021.

2. FISCAL IMPACT:

There is no direct fiscal impact to the County.

3. SUGGESTED ACTION(S)/MOTION(S):

A motion to approve the application and rename Threemile Road to Marty Myers Road.

See attached:

Application

Findings of Fact

Vicinity Map

Letter of support from John S. Wilson, Beef Northwest Feeders

Order for Board of Commissioner consideration

Attach additional background documentation as needed.



LAND USE APPLICATION
DEDICATION OR NAMING OF A ROAD

Received 03152021
Date: 2-24-21

PAID 03-15-2021 \$250

Applicant: Name(s) Jeff Wendler
Address 75906 Threemile rd Boardman OR 97818
Phone 541 314 8098 E-mail address jwendler@rdoffutt.com

Type of Road Application: [] New Road Name [] Road Adoption [X] Rename

Please give a brief explanation of why the road or road name is requested:

Marty Myers developed Threemile Canyon farms
We wish to honor his contributions to this area
by renaming the road that leads to
Threemile Canyon farms from I84

General Information:

Township Range Section Tax Lot(s)
General Location Threemile rd, Exit 151

Current Road Status: [] Private [] Public Use [] County

Desired Road Status: [] Private [] Public Use [] County

Proposed Road Name: Myers Threemile rd or Myers Rd.
MARTY MYERS ROAD.

Attachments:

- 1. Attach a list of all petitioners. Requests should include a majority recommendation from residents living along the proposed road.
2. Attach also a vicinity map marked "Exhibit A" and a detail map marked "Exhibit B". The Planning Department or Assessor's Office can provide you with an Assessor's Map or tax lot map.

Depending on the action requested the Planning Department, working with the Public Works Department and the County Court, will provide notice as required and schedule the necessary public hearings.

Signatures:

Signed: [Signature] Applicant [Signature] Owner (if applicable)

Morrow County Planning Department
P.O. Box 40, Irrigon Oregon 97844
(541) 922-4624 FAX: (541) 922-3472

FINDINGS OF FACT
MORROW COUNTY BOARD OF COMMISSIONERS
Road Renaming – Threemile Road to Marty Myers Road

REQUEST: To rename, in its entirety, Threemile Road to Marty Myers Road.

APPLICANT: Jeff Wendler
Threemile Canyon Farms
75906 Threemile Road
Boardman, Oregon 97818

ROAD LOCATION: Township 4N Range 23E Sections 21, 28, and 33, and Township 3N 23E, Sections 3, 4, 9, 15, 22, 23, and 26.

I. APPROVAL CRITERIA:

The following review, completed by Planning staff, is in compliance with Ordinance MC-C-3-92, which governs establishing a road name and rural addressing procedures in unincorporated Morrow County, specifically Item 4.4, Processing Road Name Applications.

The Morrow County Planning Department shall have the responsibility for processing and maintaining applications for road naming and renaming and shall perform such function in the following manner: (Criteria are listed below in **bold type**, followed by a response in standard type).

- A. Verify legal status, i.e., ownership and maintenance of road.**
Threemile Road is a paved/gravel County Road located west of Boardman, Oregon between exit 151 and Interstate 84 south to Taggares Lane, specifically in Township 3N Range 23E Sections 26.
- B. Check proposed road name(s) for duplication or similarity with other existing road names.**
No other road names in the adopted Morrow County Road Name list would be considered similar or in conflict with the proposed name: Marty Myers Road. Additionally, the proposed road name is not similar or in conflict with any of the street names of the cities within Morrow County.
- C. Perform a field check, when deemed necessary.**
No site visit has been completed for this request, nor has one been deemed necessary.
- D. Assist applicant or other affected person(s) to find alternate names when required.**
There is opportunity during the public hearing for discussion around alternate road names.
- E. Notify the following departments and agencies if they are affected by the road naming or renaming:**

 - 1. County Assessor,
 - 2. County Road Department,
 - 3. County Clerk,
 - 4. Cities,
 - 5. Private Sector Businesses,
 - 6. Emergency Services.

Please see the list of notified agencies below.

F. When appropriate, mail questionnaire to owners of all property abutting the road to determine general consensus regarding the proposed name.

Application was received from Threemile Canyon Farms and is the principal landowner along Threemile Road. Adjoining property owners have received notice of the public hearing scheduled for 9:00 a.m. on May 05, 2021, at the Bartholomew Building in Heppner, Oregon.

G. Prepare recommendation on the proposed road name for the Board of Commissioners.

The Morrow County Board of Commissioners have several options related to this request as listed below:

- The Board may choose to rename Threemile Road to Marty Myers Road. This option would fulfil the request of the application submitted by Jeff Wendler of Threemile Canyon Farms dated March 15, 2021.
- The Board may choose to keep Threemile Road named as is. This option would create no changes or impacts to adjoining property owners.

Any change in the current name of Threemile Road would constitute a change in address and would require action from residents and land owners along Threemile Road to work with the United States Post Office and anyone land owners receive mail from, changing their mailing address or other legal use of Threemile Road to whatever the new name might be.

H. Determine appropriate County Court meeting date.

The public hearing is scheduled for 9:00 a.m. on May 05, 2021, at the Bartholomew Building in Heppner, Oregon.

I. Give notice of public hearing by publication in a newspaper of general circulation and, if appropriate, by posting along the road and/or by mailing notices to all owners of property abutting the road. Publication notice or written notice of posting shall be given at least two (2) weeks prior to the date of the hearing.

Public notice was provided to the *Heppner Gazette-Times* to be published Wednesday, April 06, 2021. Adjoining property owners and affected agencies were mailed notice of the hearing on April 15, 2021. It has been deemed not appropriate or necessary to post notices along the road.

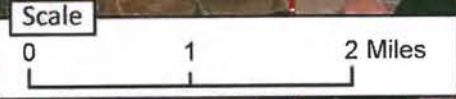
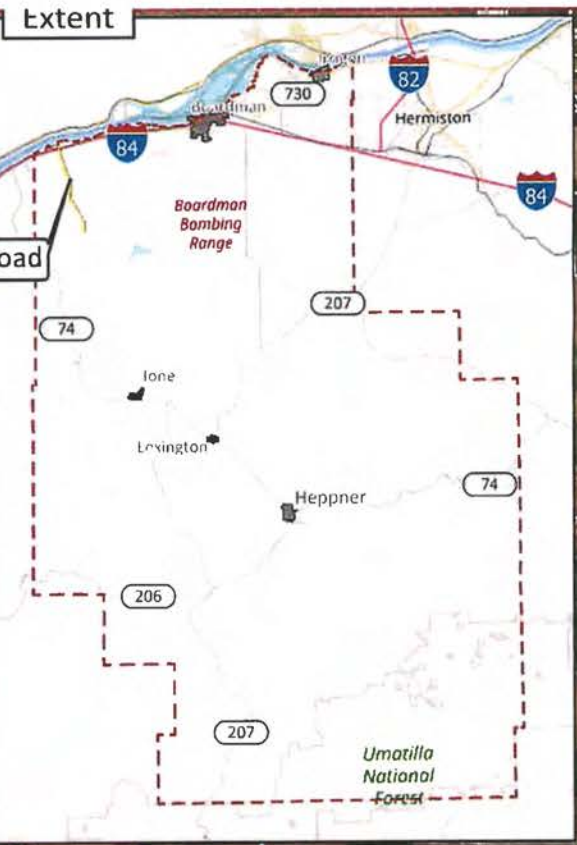
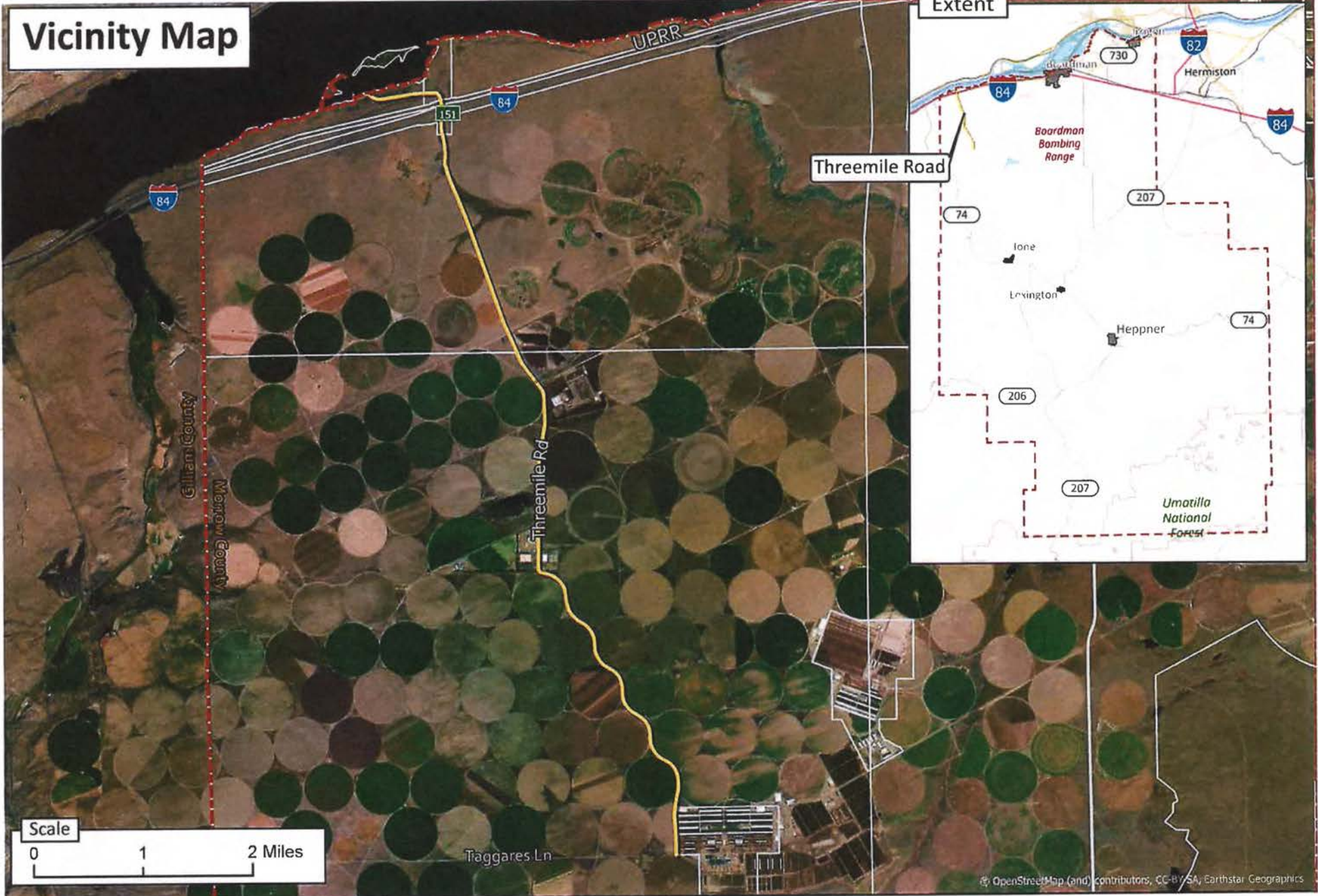
II. AGENCIES NOTIFIED: Matt Scrivner, Public Works Director; Bobbi Childers, Morrow County Clerk; Mike Gorman, Morrow County Assessor; Mike Hughes, Boardman Rural Fire Protection District; Ryan Fowler, Morrow County Health District; Eric Patton, Morrow County Sheriff's Office; Lana Eckman, Boardman Post Office; Ken Patterson, Oregon Department of Transportation; Jeff Wendler, Threemile Canyon Farms

III. DETERMINATION:

Planning staff have prepared a draft Order dependent upon the Board of Commissioners decision. The order renames Threemile Road to Marty Myers Road. A decision to maintain Threemile Road as currently named would not require an Order.

Attachments:
Vicinity Map

Vicinity Map



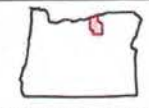
© OpenStreetMap (and) contributors, CC-BY-SA, Earthstar Geographics



Threemile Canyon Farms
Threemile Rd.
Proposed Rezone

Legend

Tax Lot — Threemile Rd.



Date Saved: 4/8/2021 5:04 PM

Cartography By: Stephen Wrecsics
Morrow County Planning Department
Coordinate System: NAD83 Oregon GIC Lambert ft
Datum: North American 1983
Projection: Lambert Conformal Conic





April 26, 2021

Tamra Mabbott
Planning Director
Morrow County
PO Box 40
Irrigon, OR 97844

Dear Tamra,

I am writing to you on behalf of the management and employees of Beef Northwest Feeders to express support for renaming Threemile Road to Marty Myers Road.

Marty was a good friend of mine, and a good partner to Beef Northwest. He was a leader and innovator in agriculture and through his efforts, brought many innovations and positive changes to the industry. Marty was also a champion of community causes and supported Morrow County and our local communities.

We believe renaming Threemile Road to Marty Myers Road is a fitting tribute to Marty and an appropriate way to memorialize his many contributions to agriculture and our communities. Please pass our endorsement of Marty Myers Road on to the Board of Commissioners.

If there is anything else we can do or anyone we should contact to make this happen, please notify Michele Daniels at the Beef Northwest feedlot out of Boardman. Thank you for your assistance.

Sincerely,

John S. Wilson
Managing Partner
Beef Northwest Feeders

CORRECTED	OWNER	MAIL ADDRESS	CITY	STATE	ZIPCODE	
4N23E 110	DOUBLE T FARMING	77458 THREEMILE RD	BOARDMAN	OR	97818	
3N23E 100	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	EMAIL
3N23E 112	THREEMILE CANYON FARMS, LLC	75906 THREEMILE RD	BOARDMAN	OR	97818	
4N23E 200	USACE	1201 NE LLOYD BLVD STE 400	PORTLAND	OR	97232	
4N23E 300	USACE				0	
ROAD	OREGON DEPARTMENT OF TRANSPORTATION	3012 ISLAND AVE	LA GRANDE	OR	97850	EMAIL
RAIL	UNION PACIFIC RAILROAD	CASEY MOORE	EMAILED			EMAIL

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

IN THE MATTER OF RENAMING)
THREEMILE ROAD TO)
MARTY MYERS ROAD) ORDER NO. OR-2021-8

The matter coming before the Board of Commissioners, sitting as the governing body for Morrow County, Oregon, during its regularly scheduled business meeting on May 5, 2021; and

WHEREAS, the County Court adopted Ordinance MC-C-3-92 on May 13, 1992, titled the "Road Naming and Rural Addressing Procedures Ordinance" which established the policy by which the names of roads in Morrow County are determined and established the procedures to name such roads; and

WHEREAS, the County Court adopted Ordinance MC-C-9-96 on August 7, 1996, titled the "Rural Road Naming Ordinance" which adopted the list of approved roads within Morrow County and their names; and

WHEREAS, in the application filed by Jeff Wendler, he requested Morrow County rename Threemile Road to Marty Myers Road, in honor of Marty Myers and his contributions to the region; and

WHEREAS, the public hearing was held on May 5, 2021 and public notice was provided to adjoining property owners and interested agencies on April 16, 2021; and

WHEREAS, there being no opposition presented at the public hearing, either in testimony or the submission of written comments; and

WHEREAS, the Morrow County Board of Commissioners determined that it is appropriate and in the public interest to rename the Threemile Road "Marty Myers Road;"

NOW, THEREFORE, IT IS HEREBY ORDERED that the road constructed and shown on the Vicinity Map shall now be named and known as "Marty Myers Road."

Dated this 5th day of May 2021

**MORROW COUNTY BOARD OF COMMISSIONERS
MORROW COUNTY, OREGON**

Approved as to Form:

Don Russell, Chair

Jim Doherty, Commissioner

Morrow County Counsel

Melissa Lindsay, Commissioner



North Morrow Vector Control District

"We bite Mosquitoes Back"

- 3 Marine Drive/ P.O. Box 192 • Boardman, Oregon 97818 • 541.481.6082 Voice
541.481.6082 Fax (by request)
Email: gbarron@centurytel.net

May 5, 2021

Dear Morrow County Board of Commissioners:

It is a pleasure to update you on the happenings at North Morrow Vector Control District.

North Morrow Vector Control District was established by the voters of the North end of Morrow County in May of 1978. Its primary concern is to suppress the mosquito genera *Culex* which is our main disease transmitter. Our secondary concern is the control of pestiferous biting *Aedes* mosquitoes. To do this, we utilize a variety of control methods such as surveying our mosquito population, larviciding, adulticiding, biological control, source reduction and public education.

I have provided our district's 2020 annual report (attached) which highlights our mosquito control activities at a local, state, regional and national level. By reading our annual report you can appreciate the challenges of performing our mosquito abatement activities and realize that even though we are a local Morrow County municipality our program is even more far reaching than local mosquito control. Besides being the manager of the district, I am also on the American Mosquito Control Association Board of Directors serving as the North Pacific Director.

According to **ORS 452.090 Filling vacancies.** (1) *A vacancy in an office of district trustee shall be filled by appointment by the county court.* North Morrow Vector Control District has three Board Members whose terms on the Board have either expired or will be expiring this year. Please see the letters of interest from Kevin Gilbertson, Smokey Joe Wightman and Lenn Greer stating their interest in continuing to serve on the NMVCD Board for another 4-year term. Today, I am requesting that long time NMVCD Board members Kevin Gilbertson, Smokey Joe Wightman and Lenn Greer be approved by the Morrow County BOC.

Thank you for this opportunity to share this information with the Morrow County Board of Commissioners.

Respectfully,
Greg Barron, Manager
P.O. Box 192 / 3 Marine Dr.
Boardman, OR 97818
gbarron@centurytel.net
481-6082



North Morrow Vector Control District



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541.481.6082 Fax (by request)
Email: gbarron@centurytel.net

April 7, 2021

Attn: Roberta Lutcher, Executive Assistant
Morrow County Board of Commissioners
P.O. Box 788
Heppner, OR 97836

Dear Morrow County Board of Commissioners:

It has come to my attention that three sitting North Morrow Vector Control District Board Member terms on the board have expired or will expire in 2021.

All three board members have been contacted and have signed a letter stating their intent to continue to serve another four-year term on the board.

Kevin Gilbertson whose term expired on 7-31-20 lives in Boardman and works at Amazon, Smokey Joe Wightman whose term will expire 5-31-21 lives in Boardman and is a self-employed contractor and Lenn Greer whose term will expire 7-12-21 and is a teacher in Irrigon. Please find all three suitable to serve on our North Morrow Vector Control District Board of Trustees for another four-year term.

I look forward to hearing from you upon all three being approved by the Morrow County Court.

Thank you.
Sincerely,

Greg Barron, Manager
P.O. Box 192 / 3 Marine Dr.
Boardman, OR 97818
gbarron@centurytel.net
481-6082



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541.481.6082 Fax (by request)
Email: gbarron@centurytel.net

February 17, 2021

Kevin Gilbertson
304 Allen Court
Boardman, OR 97818

Dear Kevin:

I do not know how this slipped by me, but your Board term expired on July 31, 2020. Let us just say, I will blame it on one of the weirdest years I have ever seen, and still continue to see even in 2021.

It is time once again to consider your renewal to the North Morrow Vector Control District Board. As manager, I appreciate the time and effort that you contribute serving on the Board. Please check your decision below and mail this letter back to me using the enclosed self-addressed stamped envelope.

Thank you for your service on the Board.

Yes, I would like to serve another four-year term on the Board.



Signature

No, I do not wish to serve another four-year term on the Board.

Respectfully,

Greg Barron, Manager
P.O. Box 192 / 3 Marine Dr.
Boardman, OR 97818
gbarron@centurytel.net
481-6082



North Morrow Vector Control District

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541.481.6082 Fax (by request)
Email: gbarron@centurytel.net

February 17, 2021

Smokey Joe Wightman
741 Mt. Adams Ave
Boardman, OR 97818

Dear Smokey Joe:

As your Board position is set to expire on May 31, 2021, it is time once again to consider your renewal to the North Morrow Vector Control District Board of Trustee's. As manager, I appreciate the time and effort that you contribute serving on the Board. We have so much unfinished business yet to accomplish all while still dealing with COVID-19. It is my wish that you continue your service on the Board. Please check your decision below and mail this letter back to me using the enclosed self-addressed stamped envelope.

Thank you for your service on the Board.

Yes, I would like to serve another four-year term on the Board.


Signature

No, I do not wish to serve another four-year term on the Board.

Respectfully,



Greg Barron, Manager
P.O. Box 192 / 3 Marine Dr.
Boardman, OR 97818
gbarron@centurytel.net
481-6082



North Morrow Vector Control District

"We bite Mosquitoes Back"

- 3 Marine Drive/ P.O. Box 192 • Boardman, Oregon 97818 • 541.481.6082 Voice
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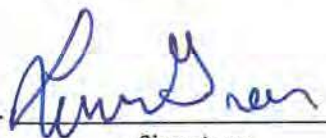
February 17, 2021

Lenn Greer
P.O. Box 638
Irrigon, OR 97844

Dear Lenn:

As your Board position is set to expire on July 12, 2021, it is time once again to consider your renewal to the North Morrow Vector Control District Board of Trustee's. As manager, I appreciate the time and effort that you contribute serving on the Board. We have so much unfinished business yet to accomplish all while still dealing with COVID-19. It is my wish that you continue your service on the Board. Please check your decision below and mail this letter back to me using the enclosed self-addressed stamped envelope.

Thank you for your service on the Board.

Yes, I would like to serve another four-year term on the Board. 
Signature

No, I do not wish to serve another four-year term on the Board.

Respectfully,



Greg Barron, Manager
P.O. Box 192 / 3 Marine Dr.
Boardman, OR 97818
gbarron@centurytel.net
481-6082

North Morrow Vector Control District The Mosquito / COVID-19 Season



Masking up in 2020 became the new normal because of the Coronavirus pandemic. Just like everyone else in the world Vector Control was affected.

The year 2020 will definitely go down in the history books as the year of the Coronavirus pandemic. This virus later known as COVID-19 changed everything throughout the world. At the beginning of the year, it was just a virus that was affecting China which we learned was the origin of the virus that eventually turned the world upside down.

COVID-19 started early for Greg. He traveled to Montana to give two presentations at their annual meeting in January. On the flight back, Greg and his wife got caught in a shuttle bus on the tarmac at Sea-Tac for about an hour with wall-to-wall people.

About that time is when the first case of COVID-19 showed up in the Seattle area. When we finally got home on Friday January 17th I felt fine, but by Sunday evening my condition changed and progressively got worse. I had strange upper respiratory symptoms that I had not experienced before. By Tuesday, Carma had me in urgent care. After we left urgent care Carma did not think the diagnosis Influenza A

was correct (this was way before COVID-19 testing). Anyway, after about a week I felt better. Carma came down with symptoms later that week and recovered quickly. I exposed my friend Steve and he got really sick...so did we have Influenza A or had we contracted COVID-19? Anita never experienced any symptoms.

In March, as a board member of the American Mosquito Control Association (AMCA), we had to make a hard decision. The AMCA Annual Meeting was scheduled to happen mid-March in Portland. We collectively decided to cancel the meeting which was the first time an AMCA annual meeting has been cancelled ever. We stood to lose over \$500,000 in contract obligations, but Governor Brown's executive order limiting meetings to no more than 250 persons saved our collective butts. As a result of that executive order, we were allowed to be released from all of our contract obligations. The only revenue we lost was from registrations, about \$100,000 which did hurt the budget to a degree, but we will live to have another meeting in 2021 in Salt Lake City.

Here at North Morrow Vector Control District, we have been following all of the COVID-19

requirements. We have COVID-19 OSHA rules we must follow. Since we are considered an essential service the facility doors remained open, but entry was restricted, and masks had to be worn and new signage adorned the doors and walls at the facility. We did practice social distancing when at the facility. One of the important changes we made was if two employees were riding in a vehicle together, they had to wear masks. If they were outside, they were not required to wear a mask only social distance themselves from one another. If a mosquito technician was making a service request to someone's home, they had to wear a mask. We provided our employees with N95 masks, nitrile gloves, bacterial wipes and hand sanitizer. Employees were required to wipe down their vehicles after use each day.

To sum it all up, we survived a mosquito season dealing with COVID-19. Two employees were exposed to the virus and had to take a paid leave from work. Our helicopter pilot contracted the virus and was out for about 3 weeks and put a damper on our aerial larviciding. Right now, Anita and I are applying for COVID-19 relief funds to help reimburse the money spent dealing with the COVID-19 requirements.



Here is an image of the extensive tree damage caused by 80 mph wind gusts on May 30th in our district.

The mosquito season started out just like everything else in 2020, very challenging. We never saw the *Aedes increpitus* hatch on the Washington side of the Columbia River that we normally see in May and June. Anita and I think (and we are only guessing) that maybe the early February flooding event possibly flush most of the *Aedes increpitus* eggs from the river shoreline. Another theory was the wind event we experienced on May 30th which rocked Boardman and Irrigon with gusts up to 80 mph. Many trees and structures did not survive the storm! Maybe it blew

the *Aedes increpitus* back across the river into Washington State?

We also noticed an increase in our *Aedes vexans* population which persisted for much of the mosquito season. *Aedes vexans* are very strong flyers and can transmit both West Nile virus and Western Equine Encephalities. Of course, our most populous mosquito genera is *Culex*. The *Culex pipiens* topped the adult mosquito trapping with *Culex tarsalis* coming in second. Another 2020 anomaly was not capturing one West Nile virus positive mosquito in our district this season. Last year, we topped the state in WNV positive mosquitoes.

We were hard on our drone this year. The drone accidentally ran into a tree in August and the tree won. By the time we shipped the drone off for repairs and got it back the season was



Greg getting ready to load 40 pound bags of VectoPrime into the Micronair hopper. VectoPrime is a new granular larvicide applied via helicopter at 4.5 pounds per acre.

expensive, Ag-Terra, was around \$15,000. All of the programs were excellent, but we couldn't justify the cost of the MapVision and didn't feel like Ag-Terra had been in the mosquito business long enough. So far, Field Seeker has been working for us and Anita has done an excellent job integrating the new system into our mosquito control operations.

Finally, Greg purchased a forklift! How did we ever get by without a forklift? Life is so much easier when loading and unloading product. Greg found a used Toyota diesel 4,000 pound capacity forklift on Hermiston Classified and purchased it for \$3,800. Anita named the new forklift "Wally". Greg has only managed to get the forklift stuck three times in the gravel parking lot. Wally will operate on packed gravel, but not under a load. Hopefully, we can build a new chemical building with a bigger concrete pad for easier forklift operations at the facility.

over.

We did an excellent job of controlling our mosquitoes. We played the hand we were dealt dealing with COVID-19, training a mostly new crew, a fire on the Argo (which Anita put out with the onboard fire extinguisher and I repaired in the field), crashing the drone and finding open testing centers for our guys proved challenging, but we made it through. I hope 2021 is boring and uneventful!

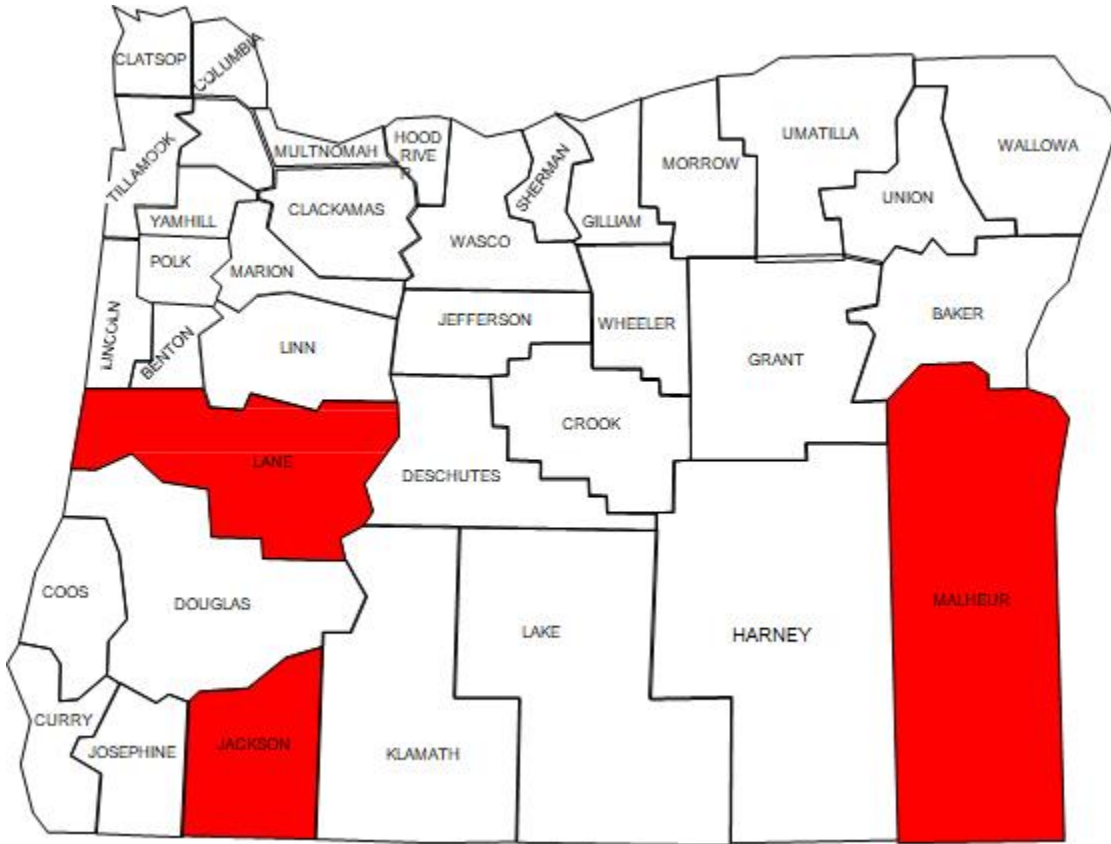
New Acquisitions and Changes

In January, we purchased our new GIS program after our old GIS program became obsolete. It was a hard decision, but after much thought and deliberation by us and the board we decided to go with the company that we have been dealing with for the last 10 years. The cost of the new Field Seeker plus equipment was approximately \$20,000. The most expensive program, MapVision, was \$50,000 and the least



Greg is unloading a 1,600 pound pallet of BTI Granules from a freight truck this spring.

West Nile Virus in Oregon 2020



2020	
Number Positive	
Humans	0
Sentinel Chickens	0
Birds	1
Mosquitoes (pools)	3
Horses	0
Squirrel	0
Dogs	0
As of September 2020	
U.S. West Nile cases by state - CDC website	

Our district captured zero West Nile positive mosquito pools during the 2020 season. There were zero human cases of WNV this year in Oregon. There were zero WNV horse infections two in Oregon. There was one WNV positive bird found in Lane County. There were three mosquito pools that tested positive for WNV in Oregon, two in Malheur County and one in Jackson County.

There were 540 human cases of WNV with 33 deaths during 2020. California recorded the most WNV cases with 184 that resulted in 8 deaths and Texas came in second listing 63 cases that resulted in 11 deaths. There were 411 neuroinvasive human cases and 129 non-neuroinvasive (fever) human cases in the U.S. Interesting to note that there were 127 WNV viremic blood donors in the U.S. in 2020.

Standards and Policies



Josie Sanchez larviciding a mosquito producing source with BTI-G utilizing a powerpack before those little blood suckers hatch out!

North Morrow Vector Control District was created in 1978 under provisions of chapter 452. Oregon Revised Statutes (ORS) to provide a program for relief from mosquitoes in the Boardman and Irrigon areas of North Morrow County.

Changes in the Statutes have substantially altered the definition of “Public Health Vectors” to include additional arthropods, rodents and coyotes since the formation of the district. As the district was originally formed and funded for mosquito control the Board of Trustees have designated that mosquito control shall be the principle program of the district. However, the Board has established the policy that the district will provide to residents of the district, technical information regarding other vector pests and their control so as personnel, time and money permits.

The District Board have established policy and guidelines and employed personnel to implement a comprehensive control program. The program is

reviewed annually for revisions to adjust to regulatory and ecological requirements or changing conditions.

The District program is financed by a property tax levy. A tax base for the district was established in 1978.

North Morrow Vector Control District’s principal objective is to provide a means for preventing the transmission of Western Equine Encephalitis through the reduction of its

primary vector, the mosquito *Culex tarsalis*.

North Morrow Vector Control District supports management of vector populations when and where necessary by means of an integrated program designed to benefit or to have minimal adverse effects on people, domestic animals, wildlife and the environment. This integrated pest management policy recognizes that vector populations cannot always be eliminated. Often they must be suppressed to tolerable levels for the well-being of humans, domestic animals and wildlife, and that selection of scientifically sound suppression methods must be based upon consideration of what is ecologically and economically in the long-term interest of humankind.



Josiah is surveying for mosquito larva utilizing a process called “dipping”. This will tell him if he needs to treat the source with a larvicide.

The following principles are to be followed:

- Vector control measures should only be undertaken when there is adequate justification based upon surveillance data.

The combination of methods for vector control should be chosen after careful consideration of the efficacy, health effects, ecological effects and cost versus benefits of the various options; including public education, legal action, natural and biological control, elimination of the breeding sources, and pesticide applications.

- Vector breeding sources, whether natural or created by human activity, should be altered in such a manner as to cause the least undesirable impact on the environment.

Pesticides and application methods should be used in the most efficient and least hazardous manner in accordance with all-applicable laws, regulations and available scientific data. The registered label

requirements for pesticide use should be followed. When choices are available among effective pesticides, those offering the least hazard to non-target organisms should be used. Pesticides should be chosen and used in a manner that will minimize the development of resistance in vector populations.

Personnel involved in the vector control program should be properly trained and supervised, certified in accordance with relevant laws and regulations, and should keep current with improvements in management techniques through continuing education and/or training programs.

Much of the progress in the district program is due to the support, cooperation and assistance received from numerous individuals, firms and agencies and is greatly appreciated by the Board of Trustees and District Employees.

Workshops and Conferences



Here Commander U.S. Navy (Retired) Joe Conlon is giving a presentation at the 2020 Montana Mosquito and Vector Control Association Meeting on risk assessment in mosquito control at the only in-person meeting I attended in 2020 before the COVID-19 Pandemic.

Greg attended Montana Mosquito and Vector Control Association meeting in Great Falls, Montana January 15th through the 17th. Greg gave two presentations at the meeting. One was an AMCA update as Greg is the North Pacific Director on the AMCA Board. The other presentation was titled “Hemped In” and is about mosquito control challenges when adulticiding in and around hemp fields and what the future holds.

Greg also attended the Special District’s Association of Oregon annual conference in Seaside, Oregon February 7th through the 8th. The

SDAO conference keeps us up to date on many employment and insurance compliment issues as well as legislative issues.

After the SDAO conference COVID-19 hit and all in-person meetings were out of the question via the Governor’s executive orders and OSHA requirements. Basically, everything was cancelled or postponed until after the pandemic.

Anita and Greg did manage to take in the rest of our workshops virtually. In May, we livestreamed two All Day workshops: one called “Innovating Solutions for Container Mosquito Control Utilizing Wide Area Larviciding Systems” and the other entitled simply “Pacific Northwest Virtual Workshop” where we learned about mosquito control in our neck of the woods.

In September, we streamed a workshop entitled “The Future of Mosquito Borne Illness and Pest Management Considerations”. In October, we streamed our final virtual workshop entitled “Adapco West Virtual Education Event” where most of the topics were related to mosquito control in our western location in the U.S.

In November, Greg actually risked it all and attended a two-day AMCA Interim Board of Directors meeting in Salt Lake City November 12th & 13th. It was a most informative meeting with the group deciding to hold the 2021 AMCA Annual Meeting as a virtual event instead of an actual live event because of the pandemic. We are excited and scared at the same time hoping that our membership will buy in and attend this first-time virtual event.

Keeping with the virtual meeting theme, the Oregon Mosquito and Vector Control Association

did just that and held their annual fall business meeting virtually on November 17th.

NMVCD Receives Grant Funding



Here Roberto Ayala Mosquito Larviciding Trainee records his surveying and abatement activities on the Field Seeker tablet. Roberto was awarded the SDAO internship grant of \$3,000 to supplement his wages.

At the beginning of the 2020 year we were awarded a \$5,000 CDC/ELC /WNV grant. The money was utilized to purchase items like EVS traps, BG Sentinel 2 traps, lab equipment, dry ice, batteries, wages, fuel and other expenses related to WNV surveillance.

In June, our district was awarded a \$3,000 internship grant from Special District's Insurance Services of Oregon. We used the funding to help supplement field technician Roberto Ayala wages while performing his Larvicide Technician Training Internship activities (see article).

In June, I applied for a Columbia River Enterprise Zone CREZ II grant for the purpose of bringing more mosquito control awareness to the Irrigon community. As a result, we were awarded a \$12,190 grant. In addition, NMVCD was awarded \$29,069.70 in CREZ II Education, Public Safety and Housing & Community Development grant funding. NMVCD will provide a written report at the end of the 2021 year to the CREZ II Board as to how

the monies were used. We will utilize the funds for public and school mosquito education materials and continue to produce video shorts to promote mosquito awareness in North Morrow County. We will also develop and produce humorous mosquito memes to post on Facebook. We will contract with a media specialist to develop mosquito awareness video shorts for the district.

Option Levy

On November 3rd, 2020 the vector control option levy passed with 74% approval. The option levy will generate an estimated \$648,000 over the next four years. This money will be utilized to operate our West Nile virus control program.

Mosquito Control

The district's comprehensive mosquito suppression program consists of surveys, larviciding, adulticiding, biological control, source reduction and public information.

Surveys are conducted to locate and provide data on all sites that produce or have the potential of producing mosquitoes. Maps and records developed over the past years provide the basis for a systematic inspection program. These records are constantly updated to reflect changing conditions.

Larviciding provides the most effective and economical means of control. Field applicators inspect known sources on a systematic basis treating infested sources with an appropriate control to prevent production of mosquitoes. The data from daily field reports is evaluated and used to update source records for current operations and future planning via Sentinel GIS programs.



Adult mosquito surveillance is very important to our mosquito control program. Here Ashley Aguilera is bringing in captured adult mosquitoes for identification, counting and pooling.

Adulticiding generally occurs when adverse weather conditions, varied irrigation practices or migrations of adult mosquitoes from uncontrolled areas prevent the level of control the larvacide program attempts to maintain. Also, a mosquito-borne disease outbreak, like West Nile Virus, can trigger higher levels of adult control. Adult mosquito control is a difficult, expensive practice that cannot always be applied when the need is greatest and is effective for a very short time, often less than 24 hours.

Biological Control includes water management practices and the use of mosquito predators. A site may be drained, water prevented from entering, filled, and deepened to support fish or the shoreline altered to prevent shallow areas. The use of *Gambusia affinis* (mosquito fish) in areas of suitable habitat substantially reduce the amount of insecticides used for mosquito control. Many of the sites require restocking annually and frequently sufficient numbers of fish are not available early in the season due to reproduction factors in our climatic area. The district attempts to maintain a source of *Gambusia* by establishing brood ponds free of trash fish varieties. *Gambusia* are only for aquaria use.

Source Reduction also like Biological Control includes water management practices. Educating the public of what is and what is not a mosquito breeding source greatly aids vector control

activities. Some mosquito breeding sources can be eliminated, but others can be manipulated as to reduce their production of mosquitoes without causing harm to an ecosystem. Working with landowners, so they irrigate their property responsibly, thus reducing possible breeding sites of flood water mosquitoes.



Veteran Mosquito Technician Ethan Greer is larvicide a source in the Irrigon area.

Information Programs to service clubs, organizations, school classes and news media are essential that individuals be aware and encouraged to assist in the reduction of mosquito production around the home, business and farm.

Fly Control: Fly problems develop from the improper handling of garbage, refuse or animal waste. The district views fly production as a sanitation problem and the policy is to locate the production source and encourage the responsible party to eliminate the source and/or implement a suitable fly reduction program.

Insecticides: Due to the diversity of sources, land use crop label requirements and environmental concerns a variety of insecticides are used. The district does not use broad spectrum insecticides, only those that are more species selective. While costs are higher, these insecticides leave natural predators more available for control purposes.

Other Vertebrates and Arthropod Vectors: District policy regarding other insect and vertebrate vectors in that most are pest problems created by an individual effecting their own premises and that public funds should not be used to control an individual's pest problems. As a service to residents of the area, district personnel does, so far as time permits, provide information and technical advice regarding control or prevention measures, or where they can find professional pest control services in the private sector. The district does respond to requests by public agencies where pests on their properties pose a threat to the public. District personnel have also conducted training and demonstration programs for employees of public agencies and private businesses in pest control.

District Personnel: A full time manager is employed to plan and organize the work of field inspection and control operations, employ and direct district personnel, maintain financial and operational records and provide public information in accordance with district policies.

Additional duties include maintenance and repair of equipment.



Here Mosquito Trainee Rilyn Elliott is surveying a rather nasty mosquito breeding site in the Boardman area.

During mosquito season qualified field technicians are employed to implement the mosquito abatement program. Part-time help may be hired at the request of the district manager.

Mosquito Control Larvacide Technician Internship Report



Checking mosquito breeding sources is key in the first step of mosquito control.

My name is Roberto Ayala and I am a mosquito control larvacide technician intern at North Morrow Vector Control District. It has been exciting to be a part of the Mosquito Control Operations Program here at North Morrow Vector Control District. The goal of the program is to perform daily surveys of the mosquito larva population. My role is to determine location, species, population densities and control of pestiferous and vector mosquitoes in their larval and pupae stage of development. Larval Surveillance Technicians are utilized to forecast the need for adult mosquito control, as well as assess the effectiveness of both chemical, mechanical and biological control methods.

learned the proper techniques for dipping, mosquito larval taxonomy in the field, distribution, biology, and the importance of

During the SDAO Internship my role was to shadow and work with an experienced mosquito control technician. This way, I learned the proper techniques for dipping, mosquito larval taxonomy in the field, distribution, biology, and the importance of mosquito species found in the district. It also taught me the importance of mosquito control in protecting the citizens of North Morrow County from annoying disease transmitting mosquitoes.



Treating mosquitoes with a biorational larvicide in their larval stage of development is important and environmentally safe!



Operating a UTV safely is important. These units are the workhorse for our technicians in the field.

My internship has engaged me in the following:

See attached: NMVCD Larval Surveillance Technician Intern Grant 2020.

Our district is very thankful for being awarded a \$3,000.00 SDAO Internship Grant. The grant is an important need for our district, so that the district can train seasonal technicians like me to better assist in the overall mosquito control program. My job as a larval technician is vital in the fight to control annoying disease transmitting mosquitoes and it feels good to know that the work I do here at North Morrow Vector Control District is important to the district operations as well as to the safety of our community.

THE STAFF

Our staff for the 2020 mosquito season consisted of experienced veterans like Greg Barron, Manager. Greg has spent 34 years with the district. Greg is the “jack of all and the master of many”.

Our other long-time employee is Anita Baumgart who is the Surveillance Supervisor. Anita has been with the district for 27 years. Anita is the only employee allowed to operate the predator ATV. Anita is very skillful at mosquito taxonomy and is our drone pilot. This season we employed five seasonal technicians.



Here is Anita directing the helicopter application of our new product VectoPrime. We apply this product at 4.5 lbs per acre vs VectoBac G applied at 10 lbs per acre.

We got an unexpected surprise when Ethan Greer came back for a second and last season. Ethan is a seasoned pro and definitely helped with training and mosquito control. Ethan was responsible for Area 2 which covers the Irrigon area. Ethan is studying Construction Engineering at Oregon State University.

Josiah Barron came back for his fourth year as part of our mosquito surveillance team. Josiah did an excellent job this season covering the Boardman area. One thing about Josiah...you will never see him just standing around...he is definitely a “self-starter”. He helped train Roberto Ayala and Railyn Elliott after they were hired through the Morrow County Summer Works Program. Josiah recently graduated with a degree in Political Science at Pensacola Christian College in Florida.

Jocelin “Josie” Sanchez assisted Anita with trapping, identification and pooling mosquitoes for disease testing. She also helped train Ashley Aguilera in adult mosquito

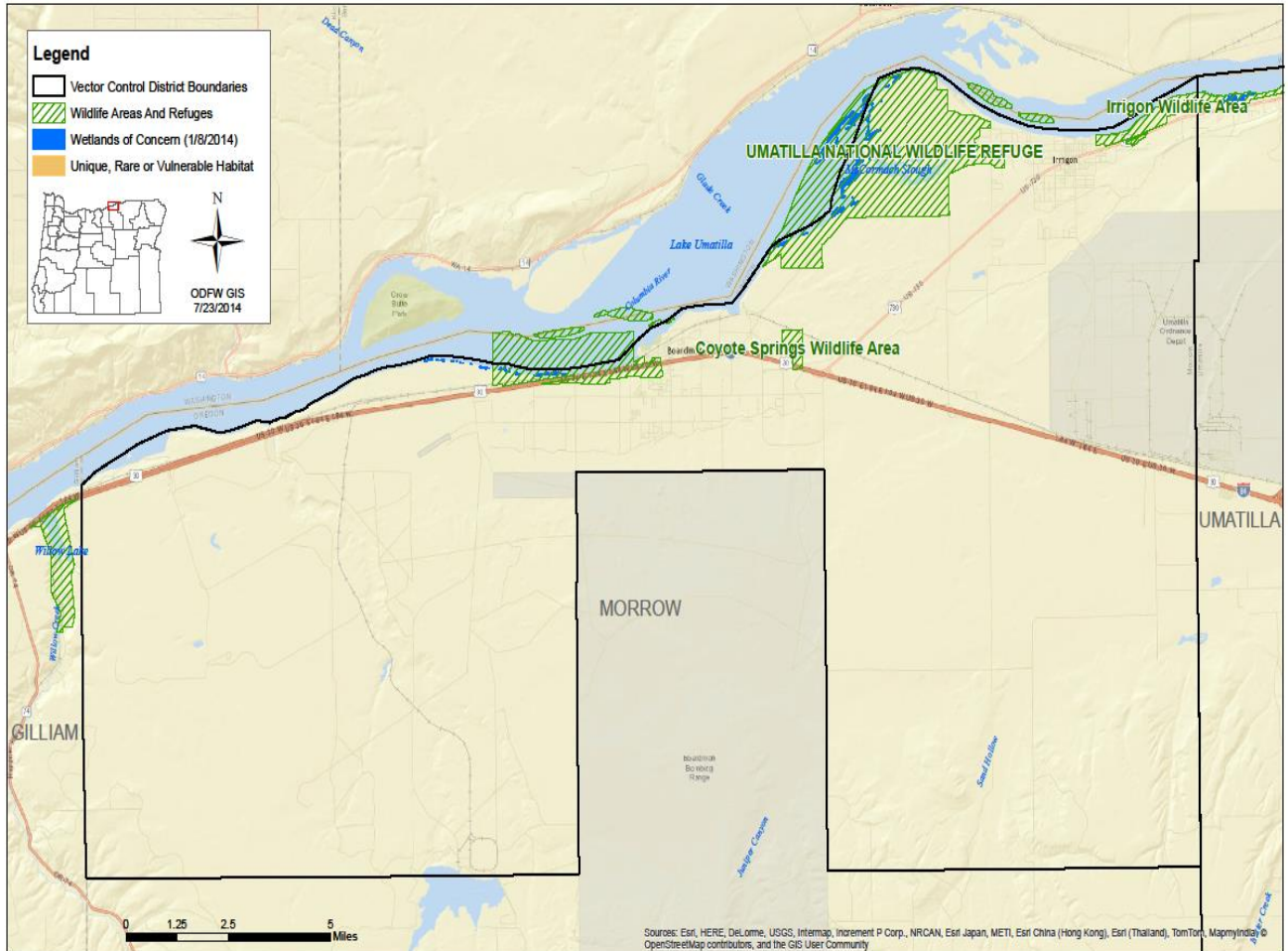
surveillance. Jocelin is currently studying Education at Oregon State University.

Roberto and Ashley are currently attending Blue Mountain Community College and Railyn is studying at Oregon State University.

Our longtime Board Chairman Roger Trueax retired from the Board in January. We will certainly miss his leadership as well as his friendship on the board. Longtime Budget Committee member Pat Tolar was appointed to finish out the rest of Roger’s vacated term which expires 6-21-23. Welcome aboard Pat!

MAPS * CHARTS * GRAPHS

North Morrow Vector Control District - Sensitive Areas



This map shows North Morrow Vector Control District's Boundaries. The green stripes represent sensitive areas of the Wildlife Area's and Refuges both inside and outside the district

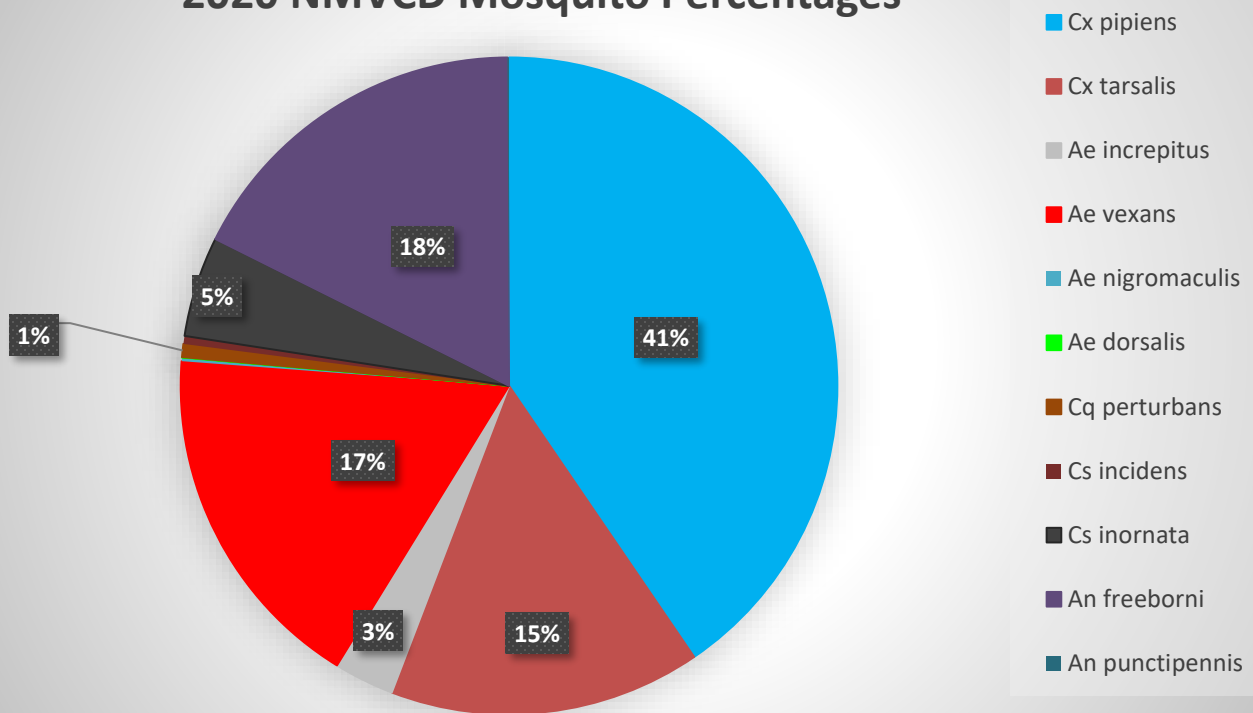


© MATT BERTONE 2015

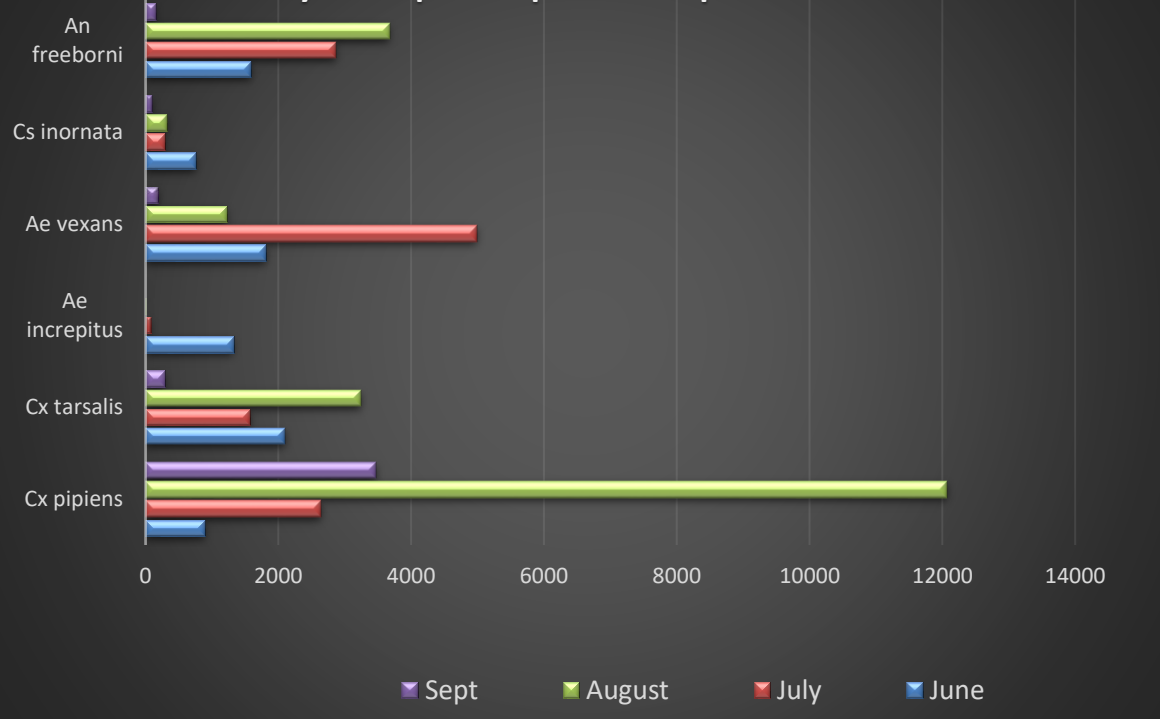
2020 NMVCD MOSQUITO SPECIES PERCENTAGES

June 1st thru Sept. 15

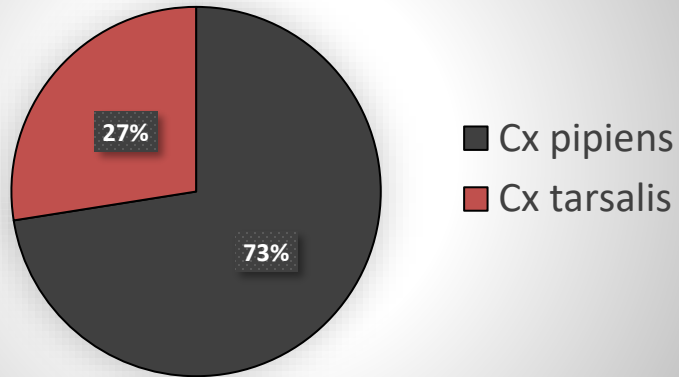
2020 NMVCD Mosquito Percentages



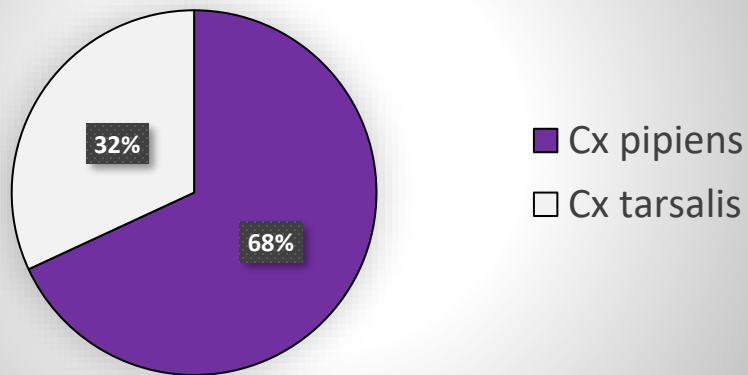
Monthly Mosquito Species Population Chart



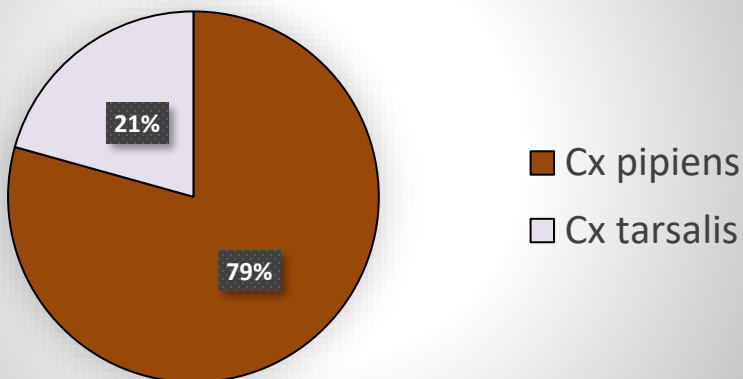
2020 Cx pipiens Vs. Cx tarsalis



2019 Cx pipiens Vs. Cx tarsalis



2018 Cx pipiens vs. Cx tarsalis

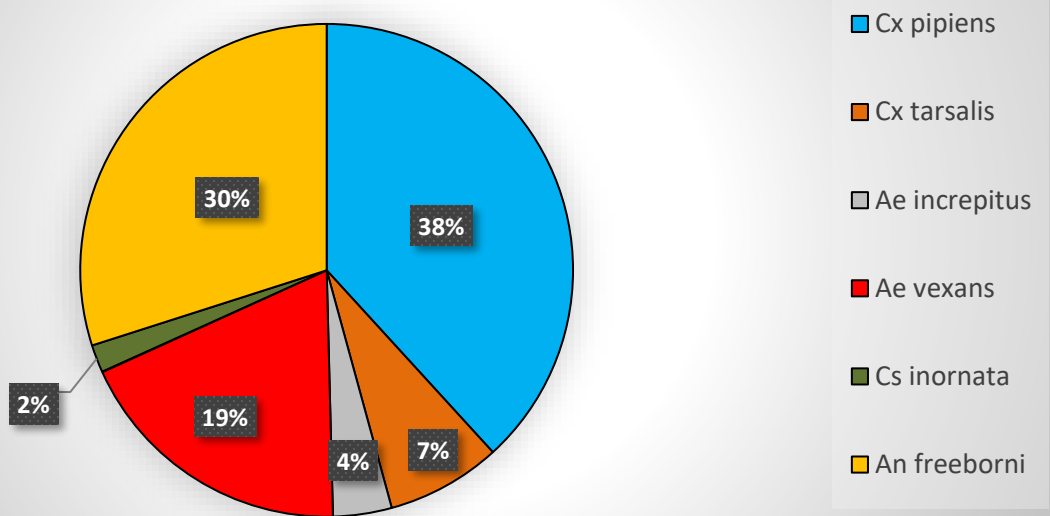


Cx tarsalis and Cx pipiens are the most important mosquito species we track, because of their ability to transmit viruses such as Western Equine encephalitis, St Louis encephalitis, and West Nile virus. The graphs to the left show the different trends over a 3-year period through- out the whole district.

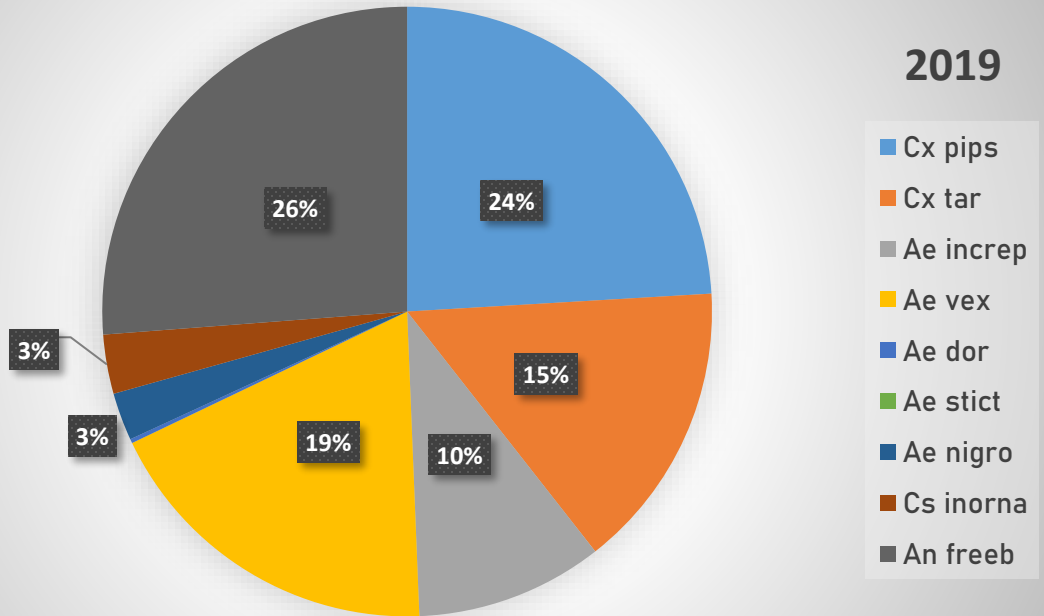
2020 Castle Rock Farms Mosquito Species Percentages

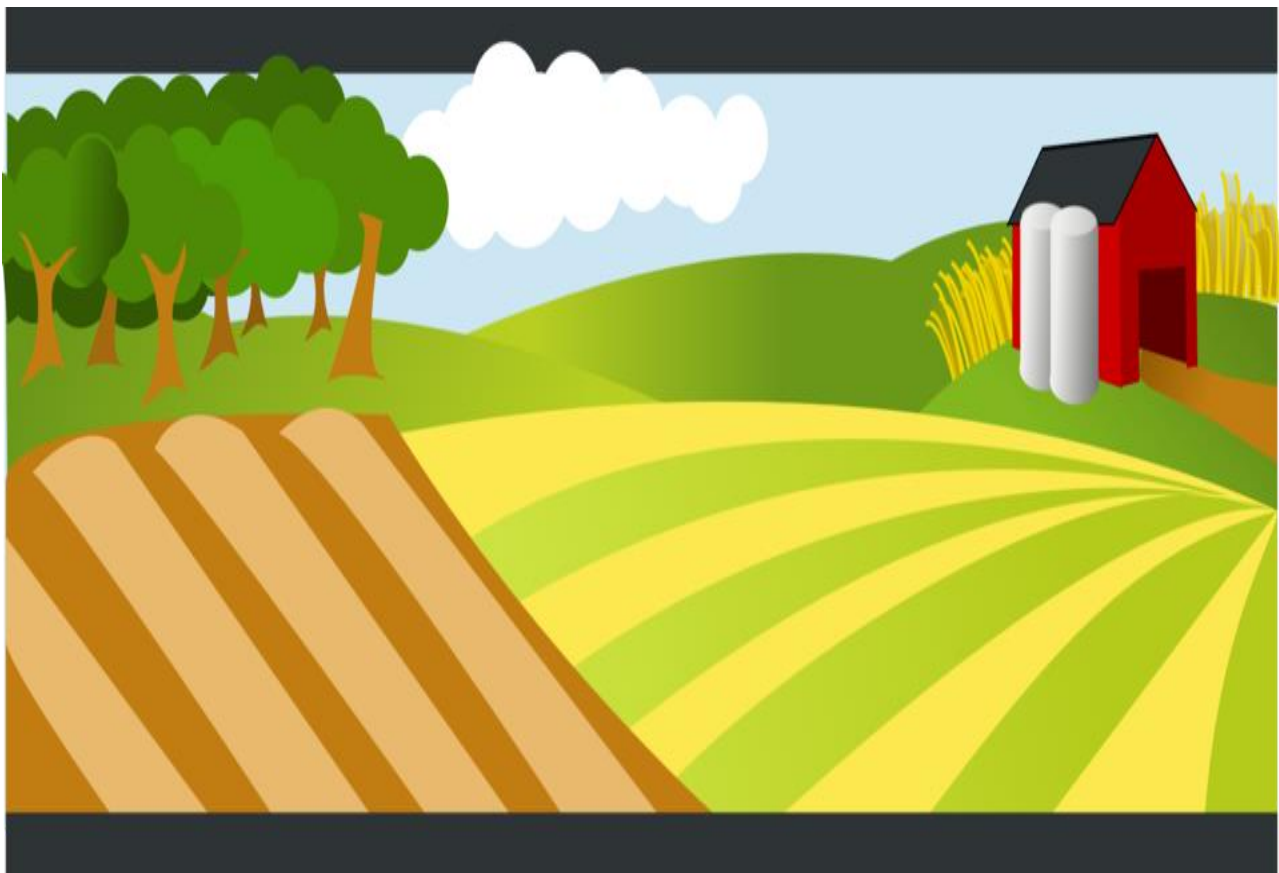
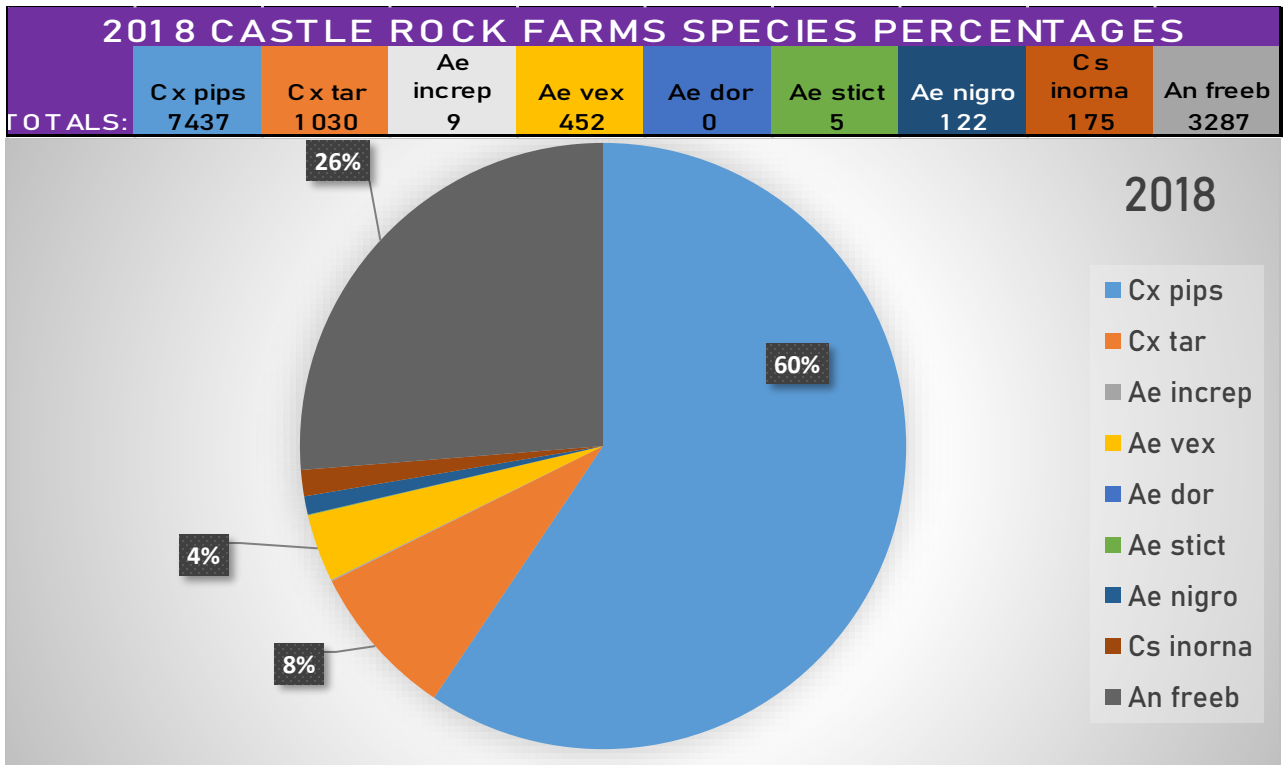
Cx pipiens	Cx tarsalis	Ae increp	Ae vexans	Ae nigrom	Ae dors	Cq perturb	Cs incidens	Cs inorn	An freeb	An punct
8129	1601	819	3960	7	2	0	0	386	6367	0

2020 Castle Rock Farms Mosquito Percentages



2019 CASTLE ROCK FARMS SPECIES PERCENTAGES									
TOTALS:	Cx pips	Cx tar	Ae increp	Ae vex	Ae dor	Ae stict	Ae nigro	Cs inorna	An freeb
	6524	4162	2697	5028	59	0	686	852	7105



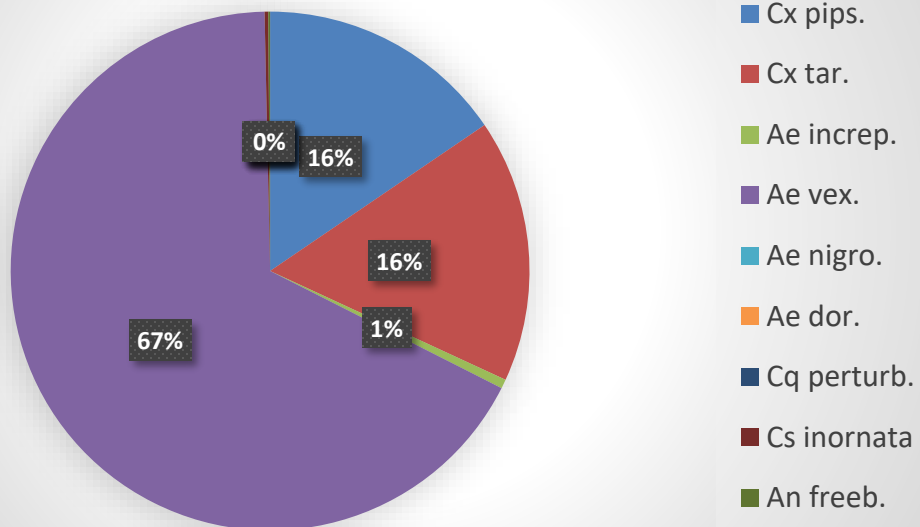


2020 NORTH MORROW VECTOR CONTROL DISTRICT'S ODFW LARVACIDE APPLICATIONS

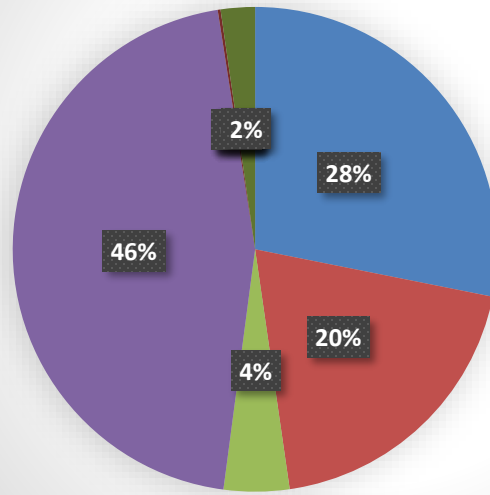
MONTH	MATERIAL APPLIED	RATE APPLIED	LBS. OF MATERIAL	ACRES APPLIED	LBS OF ACTIVE INGREDIENTS
APRIL	VECTOPRIME FG	4/AC	508	127	31.3436
MAY	VECTOPRIME FG	4/AC	976	244	60.2192
JUNE	VECTOPRIME FG	4/AC	473	118.25	29.1841
JULY	VECTOPRIME FG	4/AC	550	137.5	33.935
AUGUST	VECTOPRIME FG	4/AC	520	130	32.084
SEPTEMBER	VECTOMAX FG	8/AC	400	50	28.8
TOTAL:			3427	806.75	215.5659

NOTE: ALL LARVACIDE APPLICATIONS WERE APPLIED BY HELICOPTER.

2020 MOSQUITO SPECIES PERCENTAGES



2019 MOSQUITO SPECIES PERCENTAGES



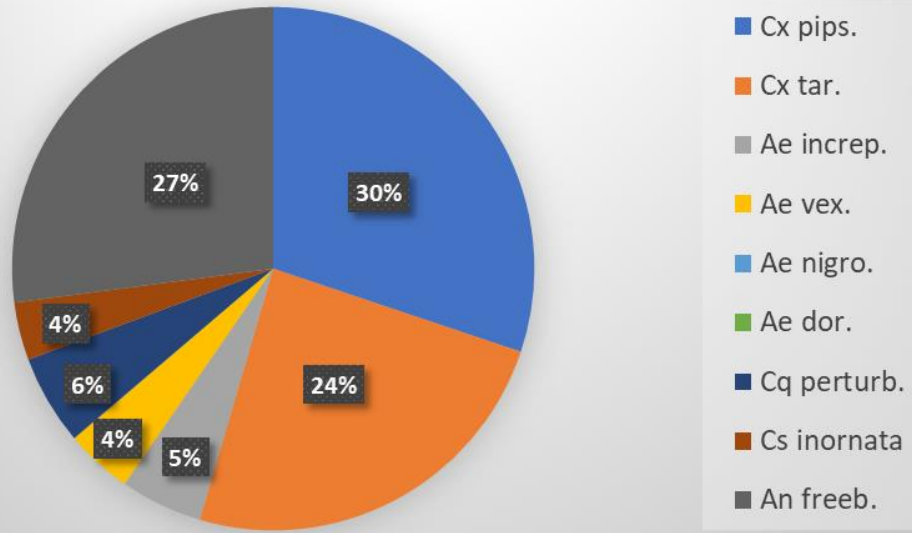
- Cx pips.
- Cx tar.
- Ae increp.
- Ae vex.
- Ae nigro.
- Ae dor.
- Cq perturb.
- Cs inornata
- An freeb.

2020 NORTH MORROW VECTOR CONTROL DISTRICT USFW LARVICIDE APPLICATIONS

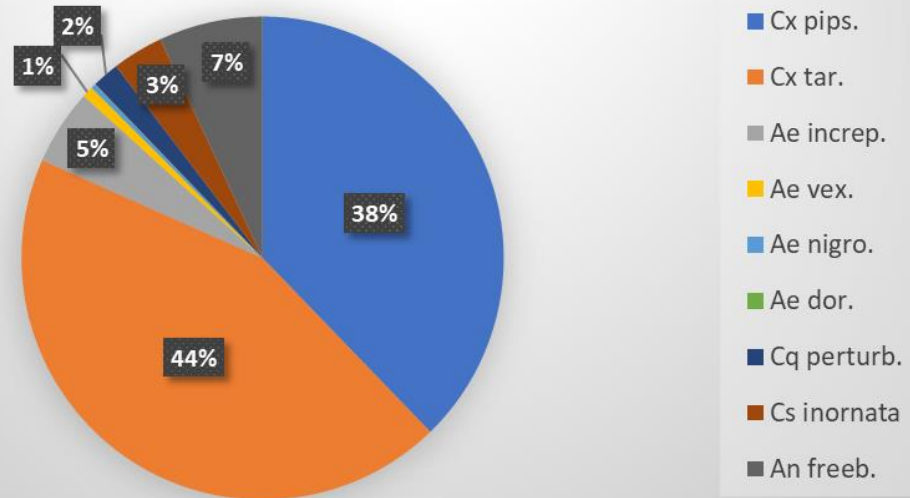
MONTH	MATERIAL APPLIED	RATE APPLIED	LBS. OF MATERIAL	ACRES APPLIED	LBS OF ACTIVE INGREDIENT
APRIL	VECTOPRIME FG	4/AC	4	1	0.2468
APRIL	VECTOBAC G	10/AC	10	1	0.28
MAY	VECTOBAC G	10/AC	96	9.6	2.688
MAY	VECTOPRIME FG	4/AC	4	1	0.2468
JUNE	VECTOPRIME FG	4/AC	4	1	0.2468
JUNE	VECTOBAC G	10/AC	56	5.6	1.568
JULY	VECTOPRIME FG	4/AC	10	2.5	0.617
JULY	VECTOBAC G	10/AC	84	8.4	2.352
AUGUST	VECTOBAC G	10/AC	95	9.5	2.66
AUGUST	VECTOPRIME FG	4/AC	10	2.5	0.617
SEPTEMBER	VECTOBAC G	10/AC	65	6.5	1.82
SEPTEMBER	VECTOMAX FG	8/AC	20	2.5	1.44
TOTAL:			458	51.1	11.5224

NOTE: APPLICATIONS WERE MADE FROM HELICOPTER AND GROUND CREW.

2020 Mosquito Species Percentages



2019 Mosquito Species Percentages



District Statistics

MOSQUITO POOLS

916 pools 2020
919 pools 2019
517 pools 2018

POSITIVE POOLS

0 Irrigon 2020
41 Irrigon 2019
0 Irrigon 2018
0 Boardman 2020
24 Boardman 2019
0 Boardman 2018
0 RDO 2020
1 RDO 2019
0 RDO 2018
0 USFWR 2020
5 USFWR 2019
0 USFWR 2018

DEAD BIRDS TESTED

0 Irrigon 2020
1 Irrigon 2019
0 Irrigon 2018
0 Boardman 2020
2 Boardman 2019
0 Boardman 2018
0 positive birds in 2020
0 positive birds 2019
0 positive birds 2018

HUMAN POSITIVES

0 Irrigon 2020
0 Boardman 2020

EQUINE POSITIVES

0 Irrigon 2020
0 Boardman 2020

<u>DISTRICT</u>	<u>DISTRICT EMPLOYEES</u>	<u>GROUND ADULTICIDING</u>
274 square miles	1 manager	43,655 acres 2020
175,360 acres	2020 earnings	29,507 acres 2019
	\$85,975.08	14,582 acres 2018
<u>CITIES</u>	2019 earnings	
Boardman & Irrigon	\$82,800.08	<u>AERIAL ADULTICIDING</u>
	2018 earnings	0 acres 2020
<u>ESTIMATED POPULATION</u>	\$79,426.44	10,425 acres 2019
8,000 people	1 Surveillance Supervisor	0 acres 2018
	2020 earnings	
<u>OPERATING BUDGET</u>	\$69,019.92	<u>GROUND LARVACIDING</u>
<u>FY 2020-21</u>	2019 earnings	362 acres 2020
\$1,145,654	\$63,999.96	447 acres 2019
<u>FY 2019-20</u>	2018 earnings	324 acres 2018
\$991,808	\$56,250.00	
<u>FY 2018-19</u>	4 to 5 Field Technicians	<u>AERIAL LARVACIDING</u>
\$991,675	2020 earnings	1,417 acres 2020
	\$62,023.75	1,857 acres 2019
	2019 earnings	1,560 acres 2018
	\$48,731.25	
	2018 earnings	<u>MOSQUITO FISH</u>
	\$42,207.50	566 fish 2020
		120 fish 2019
		125 fish 2018

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Planning Department seeks professional assistance with grant writing and environmental work related to Heritage Trail. Most work on the Heritage Trail will involve federal lands which then requires environmental review and reporting.

Planning staff is currently scoping several grant opportunities and will be engaging a stakeholders group to get local input and priorities. It will be important to have the consultant involved at this earlier stage so that they can both guide the discussion as it relates to realistic projects and environmental compliance as well as to understand the local priorities when helping with grant applications and related work. The consultant may also assist in promulgating agreements with federal agencies.

For purposes of documenting compliance with Oregon laws related to public contracting, Planning Director contacted two other companies to solicit interest and skills to provide the services. Both firms declined. One firm is interested in providing engineering services at a later date and the other firm may have availability and staffing capacity in a year or so.

2. FISCAL IMPACT:

\$5,000-\$10,000

3. SUGGESTED ACTION(S)/MOTION(S):

Recommendation is to approve the contract with Ducote Consulting.

Attach additional background documentation as needed.

Ducote Consulting
Morrow County, Grant-Writing and Environmental Services
May 2021

THIS AGREEMENT entered into this ___ day of ___ 2021 by and between Morrow County, hereinafter referred to as the "County", and Ducote Consulting hereinafter referred to as the "Contractor".

A. Scope of Services:

Understanding of the project: Assist in developing funding applications for Morrow County's trail projects. There will be at least two possible applications: 1. Local Government Grant Program; 2. Recreational Trails Program. Assistance with other grant applications can be requested by client. Assistance with coordination with agencies may also be requested by client.

Tasks:

1. Develop and Assist with OPRD LGGP Grant

- a. Coordinate with OPRD on eligibility and grant application
- b. Develop the grant materials, narrative, project budget, and attachments needed to complete the application.
- c. Develop environmental materials needed to meet application requirements.

2. Develop and Assist with OPRD/Federal RTP Grant

- a. Coordinate with OPRD on eligibility and grant application
- b. Develop the grant materials, narrative, project budget, and attachments needed to complete the application.

3. Other Services as requested

- a. Any additional services requested by the client in relation to the Morrow County's trail program.

Completing the applications will also depend on the following tasks achieved by the County:

Morrow County responsibilities

1. Provide Ducote Consulting with:

- a. Requested documents and facilitate any actions needed to be taken by the County.
- b. OPRD online grant portal login or access to the account.
- c. Financial and technical (engineering) information for the project

Cost of services: \$90/hr, not to exceed \$5,000, unless otherwise agreed upon by county and consultant. In no case may contract exceed \$10,000.

- **Caveat:** Change Orders can be approved by client to increase scope of services or the fee. Complexity of the project is currently unknown and the project is not scoped to a degree that would enable a more precise not to exceed fee.

B. Effective Date and Duration

This Contract shall become effective on the date it is fully executed by both parties. Unless earlier terminated, this contract shall end no later than 60 days after the completion of the project, unless other arrangements are made.

C. Compliance with Applicable Law

The Contractor shall comply with federal, state and local laws, regulations, handbooks, executive orders and ordinances applicable to the work under this agreement, including without limitations, the provisions of ORS Chapters 279A, 279B and 279C; 24 CFR Chapter 58; Title VI of the Civil Rights Act of 1964; Section V of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, and ORS 659.425; and all regulations and administrative rules established pursuant to the foregoing laws; and all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

E. Independent Contractor

The Contractor is not an officer, employee, or agent of Morrow County. Although Morrow County reserves the right (i) to determine (and modify) the delivery schedule for the work to be performed and (ii) to evaluate the quality of the completed performance, Morrow County cannot and will not control the means or manner of the Contractor's performance. The Contractor is responsible for determining the appropriate means and manner of performing the work. The

Contractor is engaged as an independent Contractor, and will be so deemed for purposes of the following:

- (a) The Contractor will be responsible for payment of any Federal or State taxes required as a result of the Contract.
- (b) The Contractor is not entitled to any benefits generally granted to City of Ontario employees. Without limitation, but by way of illustration, the benefits that are not intended to be extended by this Contract to the Contractor are vacation, holiday, sick leave, other leaves with pay, tenure, medical insurance, dental insurance or retirement benefits.

Ducote Consulting
Morrow County, Grant-Writing and Environmental Services
May 2021

(c) The Contractor is an independent Contractor for purposes of the Oregon Worker's Compensation laws (ORS Chapter 656) and is solely liable for Worker's Compensation coverage under this Contract.

(d) The Contractor will furnish all necessary tools, equipment, supplies, and all other administrative support expenses.

(e) The Contractor will not be eligible for any Federal Social Security, State Worker's Compensation for unemployment insurance, from this contract payment except as a self-employed individual.

G. Ownership

All work products of the Contractor that results from this Contract (the work products) are the exclusive property of Morrow County.

Nicholas Ducote, President
Ducote Consulting LLC

Date

Morrow County

Date

APPROVED AS TO FORM:

Morrow County Counsel

Date



Administration

P.O. Box 788 • Heppner OR 97836
(541) 676-2529 Fax (541) 676-5619

Darrell Green
County Administrator
dgreen@co.morrow.or.us

TO: Board of Commissioners
FROM: Darrell Green, County Administrator
DATE: April 30, 2021
RE: Administrator Monthly Report for April 2021

Below are the highlights for the month of April.

1. North County Government Building update:
 - a) The metal building was delivered on March 29th. The outside beams have been erected and work on the interior walls will begin soon. The furniture order has been finalized. The name of the building, Morrow County Government Center was submitted to Fortis/CIDA.
2. The Morrow County Government Command Center Team meets weekly to discuss what action(s) the county should take in the event COVID-19 levels off/subsides or if it gets worse. The focus continues to be on vaccine. The FEMA pilot for a Mobile Vaccine Unit operated by FEMA that will run from April 5th through April 12th. The Pilot went well and approximately 500 doses were administered before JnJ was placed on Pause. The weekly EOC meetings will be held monthly beginning May 3, 2021, unless a significant event occurs.
3. The Leadership TEAM worked on defining behaviors that reflects Morrow County Values; Communication, Teamwork and Professionalism in April. The primary focus was on behaviors about Communication
4. Morrow County and Tillamook County Creamery Association grant dollars were dispersed.
5. US Cellular cell phone consolidation is complete. The Sheriff's Office, Juvenile Department, and the Planning Department made the switch. There will be an estimated savings of about \$400/mo. We will also have consolidated billing, which will make this process more efficient.
6. Other projects or activities;
 - a) Courthouse Space Analysis
 - b) Sheriff Station 2
 - c) ORMS

Sincerely,

A handwritten signature in blue ink that reads "Darrell J Green".

Darrell J Green



Morrow County Sheriff's Office - Monthly Stats 2021

Incident	Jan	Feb	Mar	April	May	June
Alarms	4	9	5	6		
Animal Complaint	23	13	15	28		
Agency Assist	34	13	12	14		
Assaults	2	1	4	5		
Burglary	5	5	1	1		
CHL	32	10	56	46		
Citizen Assist	23	17	15	17		
Civil Service	38	71	58	51		
County Code Calls	17	19	19	13		
Heppner area	0	2	2	1		
Irrigon area	9	9	10	2		
Bdmn area	8	8	7	10		
lone/Lex area	0	0	0	0		
Death Investigation	0	3	0	0		
Disturbance	6	12	17	14		
Dog	51	53	52	41		
Driving Complaints	64	57	81	69		
Drunk/Impaired Driver	1	4	3	3		
EMS	8	16	12	12		
Hit & Run	5	1	1	1		
Juvenile Complaints	23	22	9	16		
Motor Vehicle Crashes	7	9	4	3		
RV Code	0	0	0	0		
Suicidal	1	3	2	6		
Suspicious Activity	36	22	40	26		
Theft	6	6	21	7		
Trespass	5	4	8	11		
Traffic Stops - Cite	36	44	32	34		
Total Traffic Stops	146	176	109	102		
UUMV-Stolen vehicle	4	1	3	5		
Welfare Check	12	6	17	20		
Totals	589	597	596	551		
Other Misc. Incidents	586	568	606	657		
Total # of Incidents	1175	1165	1202	1208		
Felony Arrests	16	13	14	15		
Total # of Arrests	43	27	36	31		



Finance

P.O. Box 867 • Heppner OR 97836
(541) 676-5615

Kate Knop
Finance Director
kknop@co.morrow.or.us

TO: Board of Commissioners & Interested Parties

FROM: Kate Knop, Finance Director *KK*

DATE: May 5, 2021

RE: Finance Department – Quarterly Report

- Analysis (Internal)
 - Airport hangar study;
 - North-end facility - loan RFP
 - Collective bargaining - personnel;
 - Compensation Board – personnel;
 - Grant awards; and
 - Intergovernmental agreement(s).
- Budget FY 2020-2021
 - R-2021-3: Financing, full faith & credit agreement for \$6.9 million; and
 - R-2021-6: Supplemental budget for fund #227 – appropriate credit bond proceeds.
- Budget FY 2021-2022
 - January 21st – Forecast presentation;
 - February 19 – Budgets received from departments & data entry;
 - March – Budget preparation & department meetings; and
 - April 13-15th - Budget hearings.
- Capital Improvement Project (CIP) Fund
 - R-2021-5 – Rename fund #227 to Capital Improvement Project Fund
 - North-end facility
 - Commerce/Zions Bank chosen for credit bond; and
 - Credit Bond – Issued end of February for \$6.9 million.
- Collective Bargaining
 - AFSCME – General & Road
 - Meetings, analysis, & minutes
- Resiliency Fund - Special Reserve
 - Morrow County & Tillamook County Creamery Association Grant:
 - Awards: 20, \$193,192.
- Morrow County Retirement Plan
 - R-2021-9 – Retirement Trust, closure to new members, effective June 30;
 - 2021 Retirees: 6 (including active and non-active members); and
 - Retirement benefit estimates: 3 active members.
- Finance Team
 - *Quarterly reports enclosed.*

Morrow County Finance Department
Staff Accountant Quarterly Report
January – March 2021

RECONCILIATIONS, QUARTERLY REPORTING / CALENDAR YEAR END:

- Completed and submitted 6 Year-End reports.
- Provided fiscal information to assist 6 different Departments with Quarterly Reporting.
- Completed and filed Quarterly Reports for two Departments.
- Maintain reconciliations on ongoing Capital Projects, and various pass-through funds.
- Compiled final Department of Administrative Services Grant No. 1025 (CARES) reimbursement request.
- Reconciled all four of the County bank accounts monthly.

INSURANCE / FIXED ASSETS:

- Monitor existing insurance claims, and provide documentation as requested.
- Review surplus equipment status. Request removal from insurance company once payment has been received and they are removed from Morrow County property. Year-to-Date stats are:
 - 14 vehicles removed from the Auto Policy, with Total Reported Value of \$371,017.
 - 13 items removed from the Mobile Policy, with Total Reported Value of \$183,818.
 - 1 building has been removed from the Property Schedule, with a Total Building Value of \$509,850, plus a Content Value of \$55,620.
 - Total Value removed \$1,120,305.
- Monitor purchases of new items requiring insurance, and requested additions of:
 - 8 new vehicles added to the Auto Schedule with a total value of \$857,116.
 - 7 new items added to the Mobile Schedule with a total value of \$487,046.
 - 2 new items added to the Property Schedule with a building and content value of \$1,685,000.
 - Total Value added \$3,029,162.
- Work with the Road Department to identify specific assets being requested for disposition.

BUDGET PREP:

- Assisted Finance Director by attending budget meetings with five different Departments.
- Input multiple budgets into Incode, balance and reconcile.
- Organize original budget documents as needed to assist the Finance Director.
- Derive estimate for 2021-2022 auto and general liability insurance costs.

Look for fiscal savings, contract reviews, Asset Value

**JANUARY – MARCH 2021 Quarterly Duty Summary
Accounts Payable**

Tracked & Reconciled:

- 17 Centurylink accounts
- 8 US Cellular accounts *
- 8 Verizon accounts *
- 7 Devin Oil accounts
- 8 MCGG accounts
- 5 Pitney Bowes accounts

- I tracked 47 VISA accounts and updated the spreadsheet on the amount spent for the Fiscal Year. The amount spent to date is significantly lower than this point last year due to trainings/conferences being done virtually. I will have a comparison of this Fiscal Year and last, by department, included my 4th quarter report.
- The switch to Canon copiers has been smooth...on the Canon side. Roberta and I are still tracking/correcting Ricoh invoices we receive for a time period after Ricoh picked up the machine. It appears the different departments (Leasing, Warehouse, Customer Service) do not communicate with each other. To date, we have only one contract left with Ricoh, Sheriff Office #3-#4, and that will run through February 2022.
- Processed three monthly Retirement Tax payments with IRS and four States.
- * I am working alongside the County Administrator and the Undersheriff to switch our cell service from Verizon to US Cellular. Our account representative, Travis Adams, has been reliably helpful during this process and is working with me to centralize the billing using "MobilSense". It will allow us to pull up a report that list all lines of service, the cost of that line, and will have our G/L code on it for easy entering on my end. I'm looking forward to the efficiency and time savings this will have. With exception to a few Verizon accounts: OHV park for remoteness and the Surveyor as it's a new phone/service not switchable at this time, we will have four-instead of 16-accounts for me to track.
- Starting this year, the IRS divided up the 1099 forms. The 1099-NEC is now its own form for reporting Non-Employee Compensation. Rent, Medical, and Other Income will still be reported on the 1099-MISC form. In January, I sent out 68 1099-NEC forms and 56 1099-MISC forms. I continue to contact new Vendors for their W-9 so we remain compliant with the reporting rules.

Quarterly AP Processing:

Jan APs	541 invoices,	277 vendors,	totaling \$ 781,684
Feb APs	510 invoices,	198 vendors,	totaling \$ 850,953
Mar APs	510 invoices,	211 vendors,	totaling \$ 743,042

QUARTER TOTALS: 1561 invoices processed, totaling \$ 2,375,678



ASSESSMENT & TAXATION

P.O. Box 247 • Heppner, Oregon 97836
(541) 676-5607 FAX: (541) 676-5610

MIKE GORMAN
Assessor/Tax Collector

County Commissioners
Administrative Staff,

Assessment & Tax Department Report 5/5/21

1. Tax Office

- About \$858,560 of current year taxes left to collect. (Probably a record collection year)
- Second Trimester notices were sent April 17, and are due May 15.

2. Appraisal staff

- The Appraisal staff is shorthanded currently, with one appraiser out on maternity leave. The rest of the crew has been working diligently on the large amount of new construction and property sales reviews for the annual sales ratio study. We will begin the ratio study in the next week or so. They will begin processing over 50 farm use disqualifications from the wind projects in the next couple of weeks. The entire appraisal staff spent last week taking some "Virtual Continuing Education Training" sponsored by the Assessor's Association, to complete their continuing education credit requirements.

3. Assessor/Tax Collector

- I have completed budget estimates for districts, GASB 77 information for districts, submitted the CAFFA Grant and have been processing annual Enterprise Zone Claims. We are busy reviewing several Subdivision, Partition Plats and Property Line Adjustments, having over 15 plats filed since January 1, of this year. I will begin working on the annual Farm Use Study, which calculates Farm Use Special Assessment values in the next few weeks.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mike Gorman".

Mike Gorman,
Morrow County Assessor/Tax Collector