

**CROOK COUNTY BOARD OF COMMISSIONERS MINUTES
OF DECEMBER 18, 2024, REGULAR MEETING
Open Portion**

Be It Remembered that the Crook County Board of Commissioners met in a Regular Session on December 18, 2024, at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon 97754.

Board Members Present: Commissioner Seth Crawford, Commissioner Brian Barney, and Commissioner Susan Hermreck

Absentees: None

Others Present in Person or Via Zoom: Legal Counsels Eric Blaine and John Eisler; Executive Administrative Assistant Sarah Puerner; County Manager Will Van Vactor; HR Generalist Amy Albert; Chief Information Officer Stephen Chellis; Finance Director Christina Haron; Budget Manager Jamie Berger; Airport Manager Kelly Coffelt; Natural Resources Manager Tim Deboodt; Fairgrounds Manager Casey Daly; Executive Assistant Breyanna Cupp; Landfill Manager Jacquie Davis; Office Manager Alex Solterbeck; Clerk Cheryl Seely; Administrative Assistant Mona Glade; Library Director Sarah Beeler; Senior Planner Katie McDonald; Facilities Director James Preuss; Operations Manager Katrina Weitman; Sheriff Gautney; Undersheriff Bill Elliott; Assessment Technician Linda Pepper; Assessment Technician Elsie Ray; Derek Hofbauer; Justin Alderman; Dick Zimmerlee; Robin Hayakawa; Adam Mikulski; Karen Mikulski; Tawndy Byrd; and members of the public.

REGULAR SESSION

The meeting was **called to order at 9:00 a.m.**

Public Comment:

Karen Mikulski expressed frustration over the handling of her complaint against Knife River regarding violations of their CUP permit, filed on October 11th, highlighting issues like excessive dust emissions and inadequate tree replacements. Despite providing photos as evidence, Knife River's response was dismissive, claiming no records of the complaint. She noted the lack of effective follow-up from Louis Seals, the compliance officer, and questioned whether Knife River complied with CUP condition number 15, which mandates a dust mitigation plan. Disappointed with the inadequate responses and procedural inefficiencies, Karen plans to file another complaint but is skeptical about following the same ineffective process and urges Louis to demand more stringent compliance from Knife River. Commissioner Crawford commented that the situation could have been handled better and inquired about the protocol for dealing with poor excuses from Knife River. County Manager Will Van Vactor explained that there is a formal process in the code enforcement's protocol when a complaint is filed, which includes sending out a notice of complaint. Commissioner Hermreck committed to personally following up with Karen on this issue.

Adam Mikulski, married to Karen, raised concerns about Knife River's compliance with their CUP, particularly regarding their de-watering and rock washing processes, which

he believes are not in line with the permit requirements. Despite previous discussions, there has been no follow-up, prompting him to question what actions the county will take to enforce compliance. He suggested revisiting this topic at the next meeting. Commissioner Crawford spoke about related issues, noting ongoing water tests and discussing funding challenges faced by DEQ for such projects, which were discussed during the AOC conference. Assistant County Counsel John Eisler clarified that the Woodward CUP does not restrict the origin of the rock, but Adam countered that the CUP specifies all mining ponds should be backfilled with material from specific sites, alleging non-compliance as they are using material from other locations for crushing and washing. Commissioner Hermreck mentioned slow progress despite efforts by political figures like Merkley and Wyden, and noted that another project, Vanier, is stalled through DEQ. Adam emphasized that other aspects of the CUP are also important and expressed concerns about potential non-compliance in other areas. Commissioner Barney committed to looking into other complaints, and Commissioner Hermreck said she would have County Manager Will Van Vactor review the CUP. Dick Zimmerlee updated that about 60 wells had been tested with results expected by January, but Knife River was not allowing property access for testing, hinting at broader issues.

Justin Alderman, managing editor at Prineville Review, raised concerns about a secret meeting held by the NRAC and filed a public records request and grievance related to it. Despite working with counsel to narrow the scope, IT stated they could not provide the requested metadata, a claim Alderman has never encountered with other government bodies. He argued for fee waivers for these requests to ensure transparency for the press, referencing the need for these to be reviewed by commissioners. In discussions, Commissioner Crawford questioned the specifics of what IT could provide, and whether the refusal was due to inability or discomfort. CIO Stephen Chellis clarified the technical process of exporting emails, which involves opening each one individually. Justin, with an IT background, sought specifics on the storage vendor and file types used. The fee for accessing emails was reduced, but still significant, leading Justin to press for a full waiver, citing the public benefit and his publication's role in local governance transparency. There was debate among Commissioners about the appropriateness of the fee, with Commissioner Hermreck highlighting the impact of such costs on the local community, particularly the elderly. There was also a suggestion to split the fee payment between the requester and the county to alleviate some financial burden, and broader concerns about the potential loss of volunteer board members due to ongoing costs associated with public records requests. Justin Alderman is considering escalating the issue by petitioning the DA's office or requesting a facilitated dispute resolution with the Oregon public records advocate. He also intends to file a formal complaint against the NRAC with the Oregon government ethics commission to investigate the secret meeting and related communications.

Consent Agenda:

1. Approve Minutes
2. COIC Requests Board Approval for Crook County STIF and FTA 5310 Projects (2025-2027) and Updated Committee Roster

3. Amendment #7 for Intergovernmental Agreement for the Financing of Community Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Treatment (Agreement #PO-44300-00026007)
4. Upgrade current ERP with Central Square to new version
5. 2025 Update to County's Airport Hangar Lease Policy
6. Code Compliance and Land Use Hearings Officer Contract with David Doughman of DFD Law LLC

MOTION to approve the consent agenda as presented. Motion seconded by Commissioner Hermreck. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #7: Proposal for Early Closure of County Offices on Christmas Eve 2024:

Requester: Will Van Vactor

Details: County Manager Will Van Vactor attended the Regular Session to propose a 1/2 day holiday on Christmas Eve, suggesting that County offices close at noon. For employees and departments unable to take the entire afternoon off, the County will provide 4 hours of paid time off (PTO) to compensate for the 4-hour difference.

MOTION to approve the proposal for early closure of County offices on Christmas Eve 2024. Motion seconded by Commissioner Barney. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #8: Approve 2025 Holiday Schedule, 2025 Regular Session Schedule, & 2025 Work Session Schedule:

Requester: Will Van Vactor

Details: County Manager Will Van Vactor attended the Regular Session to present the 2025 Holiday Schedule, 2025 Regular Session Schedule, and 2025 Work Session Schedule. The 2025 holiday schedule will incorporate the newly proposed 1/2 day for Christmas Eve, allowing County offices to close at noon on that day. Additionally, he outlined the planned dates and times for the regular and work sessions throughout 2025, ensuring all schedules align with county operations and holiday observances.

MOTION to approve Order 2024-56 in the manner of establishing the holidays and calendar years for 2025 and January 1, 2026. Motion seconded by Commissioner Hermreck. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #9: Orders 49, 50, and 51 make leave policy changes to the County handbook:

Requester: Amy Albert

Details: HR Generalist Amy Albert attended the Regular Session to seek approval for several orders that would implement changes to the employee handbook. Order 2024-49 proposes extending Military Leave from 15 calendar days to 21 calendar days to

better support our employees serving in the military. Order 2024-50 introduces a new method for calculating FMLA, shifting from a backward to a rolling forward approach, enhancing clarity and consistency in leave tracking. Order 2024-51 aims to incorporate Oregon Paid Leave into the handbook, with the included language sourced from CIS to ensure compliance with state regulations. These updates are designed to align the handbook with current legal standards and best practices, improving support and benefits for all employees.

MOTION to approve Order 2024-49 in the matter of updating the County’s handbook concerning military leave. Motion seconded by Commissioner Barney. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

MOTION to approve Order 2024-50 in the manner of updating the County’s handbook to reflect leave as rolling forward. Motion seconded by Commissioner Hermreck. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

MOTION to approve Order 2024-51 in the manner of updating the County’s handbook to include Paid Leave Oregon. Motion seconded by Commissioner Barney. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #10: Consider appointment of citizen to the Budget Committee:

Requester: Jamie Berger

Details: Budget Manager Jamie Berger attended the Regular Session to request that the Board of Commissioners appoint a citizen to the Budget Committee as per ORS 294.414. This statute mandates that the Budget Committee should include an equal number of elected governing body members and appointed citizen electors. The appointed citizens serve staggered three-year terms, ensuring continuity. A subcommittee, consisting of two budget committee members and one county staff, reviewed citizen applications during a public meeting on December 16, 2024, and submitted their recommendation for appointment. This recommendation is detailed in a draft order, and the Board of Commissioners retains the authority to select the final appointee from the recommended candidates.

MOTION to approve Order 2024-53 in the appointment of Budget Committee Position #1 with that person being R. Scott Tibbs for a three-year term beginning 1/1/2025 and expiring 12/31/2027. Motion seconded by Commissioner Barney. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #11: Amendment to FLAP Grant for Ochoco Ranger Station Road Overlay to extend expiration date from 12/31/24 to 12/31/25:

Requester: Christina Haron

Details: Finance Director Christina Haron attended the Regular Session to inform the Board of Commissioners about an amendment to the 2022-approved FLAP grant. This

grant funds the Ochoco Ranger Station Road overlay project, which is managed federally on behalf of the County. The primary modification in the amendment is the extension of the project's expiration date from December 31, 2024, to December 31, 2025. This extension is requested due to the slower than anticipated progress of the project. Christina noted that the County has already contributed the required match for the project and no additional expenditures are anticipated at this time.

MOTION to amend the FLAP grant for the Ochoco Ranger Station Road overlay to extend expiration date from 12/31/24 to 12/31/25. Motion seconded by Commissioner Hermreck. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #12: Domestic Relations Mediation Services RFP Selection:

Requester: John Eisler

Details: Assistant County Counsel John Eisler discussed a Request for Proposals (RFP) issued on November 5, 2024, for Domestic Relations Mediation Services during the Regular Session. The RFP aimed to contract a mediator who serves under the Circuit Court with compensation from the State, and was advertised through various channels including the County's website and local media. Evaluated on a 100-point scale, the criteria included professional qualifications, experience, fee structure, approach, and local knowledge. By the deadline on December 5, the County received only one proposal from David C. Allen, who has been the County's mediator since 2013. Allen's extensive experience and satisfactory service record led staff to recommend his reappointment. They propose to finalize a contract with him after the protest period, based on his advantageous proposal in line with the RFP's criteria.

MOTION to name David Allen the proposer whose proposal was most advantageous to the County for the Domestic Relations Mediator RFP issued November 6th and to sign the contract out of court following the protest period. Motion seconded by Commissioner Barney. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #13: Resolution 2024-52 Amending the County's Fee Schedule:

Requester: John Eisler

Details: Assistant County Counsel John Eisler attended the Regular Session to discuss updates to the County's fee schedule. The primary adjustment is an increase in the Landfill's septage waste disposal fee to \$0.165 per gallon, a change driven by rising operational costs. According to ORS 203.115 and 294.160, such fee adjustments can only be made semi-annually, and the public must be given a chance to comment. Since the last modification to the fee schedule was in June 2024, adjustments to other County fees remain permissible at any time. Additionally, Landfill Manager Jacquie Davis provided insights into the septic services and the expiring contract with two springs. Efforts are underway in collaboration with the City of Prineville to devise a temporary plan.

A public hearing was opened.

Public Comment:

Justin Alderman requested to have it noted in the record. He raised a concern regarding the lack of a specified public comment period in the public notice about the fee change. He pointed out that the notice appears generic and does not explicitly state that public comments are being solicited for this issue. He suggested that future notices should clearly indicate when and how the public can provide feedback on such changes to ensure transparency and community involvement.

The public hearing was closed.

MOTION to approve Resolution 2024-52 as stated. Motion seconded by Commissioner Barney. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #14: Order 2024-48 Correcting Nomenclature of Agricultural Extension Committee:

Requester: Eric Blaine

Details: County Counsel Eric Blaine attended the Regular Session to present an Order aimed at clarifying the nomenclature concerning the agricultural extension committee. The Order, effective as of December 4, 2024, establishes that the terms "Ag Extension Service District Advisory Board" and "Crook County Agricultural Extension Service District Advisory Committee" can be used interchangeably without affecting the legality or the effectiveness of appointments. This correction ensures that all references to the committee in past and future documents maintain their legal validity, addressing inconsistencies in terminology used in previous orders. The new Order simplifies administrative processes and reinforces the continuity of the committee's function and authority within the county.

MOTION to approve Order 2024-48. Motion seconded by Commissioner Hermreck. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #15: Response to Grievance relating to public notice of the December 4, 2024, Board meeting:

Requester: Will Van Vactor

Details: County Manager Will Van Vactor discussed a grievance during the Regular Session regarding the timing of the public notice for the December 4th Regular Session, which was issued only about 24 hours in advance, failing to meet the 48-hour requirement. County Counsel Eric Blaine acknowledged this error in a prepared response and outlined steps to ensure future compliance with the notification requirements. Despite the acknowledgment of the error, Mr. Blaine recommended not rescinding the decisions made during the December 4th Regular Session as the main issue was with the timing of principal subject notifications, not the meeting's core details like date, time, and location. The Board of Commissioners showed reluctance to act on the grievance, trusting Mr. Blaine's judgment and noting the lack of public

complaints about the notice. The board is focused on improving notification procedures moving forward.

MOTION to not rescind the decisions made at the December 4th meeting. Motion seconded by Commissioner Hermreck. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

MOTION to approve the response under 192.705 making the modifications that were discussed in today's meeting and after those modifications are made to the response, the Board of Commissioners authorizes it to be signed outside the meeting. Motion seconded by Commissioner Barney. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #16: Final Plat Review for Grandridge II Subdivision, Phase 1:

Requester: Katie McDonald

Details: Senior Planner Katie McDonald attended the Regular Session to discuss the final plat for the Grandridge II Subdivision, a 15-lot development located south of Grandridge. The subdivision is being developed by Bobby Kennedy in phases. The Planning Commission gave its approval for the subdivision in November 2023, and the final plat for Phase 1 was signed in December 2024. All required signatures have been obtained on the plat before its presentation to the board for the final plat signature.

MOTION to approve Grandridge II Subdivisions. Motion seconded by Commissioner Hermreck. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Discussion item #17: Public Hearing: Ordinance 347, An Ordinance Amending the Crook County Zoning Ordinance to Adopt a Zone Map Change for Map Tax Lot 1614110000700, and Declaring an Emergency, second reading:

Requester: Katie McDonald

Details: Senior Planner Katie McDonald attended the Regular Session for the Public Hearing of the Second Reading of Ordinance 347. This ordinance, which amends the Crook County Zoning Ordinance to adopt a zoning map change for the property identified as map tax lot mtl1614110000700, also declares an emergency. Having already received approval from the Planning Commission, this amendment will lead to an update of the county zoning map upon the ordinance's recordation. The first reading took place at the December 4th meeting, and this session represents the second reading. It's significant to note that this action modifies the zoning map directly and does not affect any previous ordinances.

MOTION to read by title only Ordinance 347, an ordinance amending the Crook County zoning map to adopt a zone map change for map tax lot 1614110000700 and declaring an emergency. Motion seconded by Commissioner Hermreck. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

The Public Hearing was opened. With no comments received, the public hearing was closed.

MOTION to approve Ordinance 347 as presented. Motion seconded by Commissioner Barney. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

Manager Report:

Will Van Vactor provided several updates during the last regular meeting. He discussed the budget calendar and the adoption of fiscal policies, noting that a meeting with the county treasurer is postponed until early 2025, delaying the timeline slightly. Additionally, he mentioned that staff involved with boards and committees are invited to a training session on public meeting best practices scheduled for January 2nd. Lastly, he noted for the record that the executive session 2d has been removed from this morning's agenda.

Commissioner Updates:

Commissioner Hermreck mentioned that the county recently approved a Christmas partnership donation, which facilitates Christmas and grocery shopping for families in need. She expressed her gratitude to the community for their generosity and shared her rewarding experience volunteering to help these families.

Commissioner Crawford wished everyone Happy Holidays and Merry Christmas.

At 10:55 a.m. the Board of Commissioners convened into Executive Session under the following statute(s): ORS 192.660(2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations; and ORS 192.660(2)(h) Consulting with Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

EXECUTIVE SESSION

At the conclusion of the Executive Session, the Board of Commissioners convened back into Open Session, inviting members of the public into the meeting room.

MOTION to direct staff to proceed as discussed in the Executive Session. Motion seconded by Commissioner Barney. No discussion. Commissioner Hermreck votes Aye, Commissioner Crawford votes Aye, Commissioner Barney votes Aye. Motion carried 3-0.

There being no further business before the Board, the meeting was **adjourned at 11:08 a.m.**

Respectfully submitted,

Sarah Puerner / Breyanna Cupp