

B **E IT REMEMBERED THAT** the Crook County Court met in a regularly scheduled meeting on November 8, 2017 at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon 97754. In attendance were: County Judge Seth Crawford; County Commissioner Jerry Brummer; County Commissioner Brian Barney; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson.

Members of the public signing the attendance log: E.J. Horton, Prineville; Anne Poitras, Prineville; Marna Tallman, Prineville; Jane and Gordon Aggers, Prineville; Sarah Cuddy, Prineville; Audra Oliver, Prineville; Steve Miller, Prineville; Jerry Harpster, Prineville; Susanne Walters-Moore, Prineville; LaQuita Stec, Prineville; Melinda Kestler, Prineville; John Novak, Prineville; Frank Porfily, Redmond; Donna Porfily, Redmond; Cathy Gumtow-Farrior, Prineville; Dan Gumtow-Farrior, Prineville; Stephen Gilday, Chaplain, Prineville; Barbara Vieu, Prineville; David W Vieu, Prineville; Chris Scranton, Madras; Pam Scranton, Madras; Anne Hoffman, Prineville; Shelly Hudspeth, Prineville; Paul L. Miller, Prineville; Pete Sharp, Prineville; Henry Mott, Prineville; Paul Cuddy, Prineville; Teresa Rodriguez, Prineville; Barbara Fontaine, Powell Butte; Andrew Selesky, Salem; Chris Gannon, Crooked River Watershed Council; Bev Moltzau, Prineville; Karlene Richmond, Prineville; Lee and Peggie Franke, Bend; Melanie Marlow, Prineville; Steve Forrester, Prineville; MaryLou Bernard, Prineville; John Snyder, Prineville and Sam Lambert.

The media was provided public notice of the meeting.

Judge Crawford called the meeting to order and asked Paul Miller to lead the Pledge of Allegiance.

The Invocation was given by Steve Gilday, Law Enforcement Chaplain.

CONSENT AGENDA

Approve Order 2017-73, in the matter of adopting rates for reimbursement according to the County's per diem and mileage policies, supersedes 2017-72

Approve purchase of F150 Ford Pickup, Extension Office

Approve request for hiring of a second Desk Technician position with IT

Approve of Intergovernmental agreement (IGA) for IT services provided by County to Parks and Rec

Approve IGA between City of Redmond and Crook County for services/ Community Development

The Court reviewed the Consent agenda and removed item number one, moving it to later in the agenda for discussion.

Motion

Commissioner Brummer moved to approve the Consent Agenda as presented and discussed, moving item number one down to the discussion portion of the meeting. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Release of Breese Secured Funds

The Court discussed the letter received asking for the release of the Breese funds that have been held to secure completion of the improvements as required by the County's land use permit. The infrastructure has been completed, and the engineer has signed off on the roads built to County Standards.

Motion

Commissioner Brummer moved to respond to the letter regarding refunding the balance of the secured funds to the Breese Family. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Chris Gannon, Crooked River Watershed Council (CRWC), providing annual update and report for 2016

Chris Gannon, Director of the Crooked River Watershed Council provided an overview of the projects completed, current and in the future. He reported on projects:

Opal Springs, fully funded, 12 Million dollar fish project that now has a greater number of fish coming over;

The CET program at the high school that has grants from EWEB to continue funding through more years at the Open COCC Campus;

The Wetlands project and the Land Trust purchase, with a future plan to build a bridge across the river;

And plans of revising the Crooked River Watershed Council charter from the 1994 version. That will come back to the Court at a future time for approval.

Mr. Gannon provided an eleven page report that was designed to feature a single large project each year plus other additional smaller projects.

Public Hearing, Ordinance 304, second reading, public hearing, vote, emergency clause

The Court heard a brief overview of Ordinance 304 that has modest but important changes to Ordinance 17 and the Crook County Code. This includes improvements to subdivisions and how those improvements will be used and completed, streamlining the process and language update. This also addresses the need for the improvements to be approved and stamped off by an engineer. The Court commended Planning Director Ann Beier for all her time and efforts updating this ordinance. This ordinance does include an emergency clause and will go into effect upon approval.

Motion

Commissioner Brummer moved to have a second reading of Ordinance 304 by title only. Commissioner Barney seconded the motion. There was no additional discussion. The vote was 3-0, motion carried.

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Judge Crawford read Ordinance 304 by title only and opened the public hearing. There were no comments received from the public.

Motion

Commissioner Brummer moved to approve Ordinance 304 as presented on the second hearing, including the emergency clause. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Crook County Natural Resources Plan/Policy and Coordination

Judge Crawford started today's discussion about the Natural Resources Policy/Plan and Coordination. A similar discussion and public hearing was held on November 6th, 2017. Judge Crawford reminded everyone that at the meeting on November 6th, it was discovered that all those attending the Court Session love our Crook County area and believe in sustaining thriving forests. He said he appreciated the comments made at the November 6th meeting and the respect given to those that were presenting and those listening in the audience.

Judge Crawford read from a printed statement regarding Coordination.

At this time, the public was invited to share their viewpoints.

E.J. Hooton, addressed the process and the impact of the on the County of the Plan. He reviewed the step by step process if this were to be voted on by all the people in the County, and then on to Congress for the final vote, adding to the laws and the process being under the purview of the Congress to do land policies. He asked the question of how do you know that all the people want this.

John Novak, 4003 NE Elliot Lane, Prineville, said that his opinion is that Crook County already has coordination ability. He said the plan was written for and by a group of people. He believes that only Crook County comments should be considered, but we are considering comments from others that do not live in Crook County.

Teresa Rodriquez, 1566 Bailey Way, Prineville, addressed the comments from people that said there needed to be more time to review this. There has been thousands of hours of volunteer time given to this over the last two and one-half years. There is a need to use all the tools available on real project with coordination and collaboration to be used for educated decisions. Do not focus on the sympathetics. Ms. Rodriquez added that the new Forest Service Supervisor says to focus on working and on improving the healthy sustainable natural resources.

Scanlon, Madras, referred to an OPB article, and to liberty and justice for all. Everyone should have a say in this. It is a national issue, not just a Prineville issue.

Pete Sharp, 1245 NE Madras Hwy, Prineville said he has lived his whole life in Crook County except for four years serving in the Air Force. He said the plan is not perfect but a good step in the right direction. It brings it down to the local level and everyone has a say as to what goes on.

Steve Forrester, 2884 NW Ponderosa Lane, Prineville, discussed the current sitting delegation, the shut down after the spotted owl issue, he does not believe they understand. Mr. Forrester has done a lot of travel out of the Country and in Chile he saw forests much larger than here. This is all about education, both environmental and forestry.

LaQuita Steck, David Way, Prineville, presented information from a letter submitted yesterday, the consensus, and the limited role the County possesses in the plan. She said the plan suffers from numerous defects, and this plan basically is a rewritten plan by Karen Budd-Falen.

County Counsel Jeff Wilson spoke about Professor Blum's article and that the article has previously been presented to the Court. He discussed the Natural Resources plan commenting that in the event of a conflict between the Policy and Federal law, that Federal law would have priority. Mr. Wilson also stated that as a policy statement, there is nothing in the Natural Resource Policy that purports to usurp the Federal Law. The Policy will require consistency review, but nothing in the Policy is intended to change Federal Regulations.

Frank Porfily said he appreciated the time given and he referred to the Baker County plan.

Mr. Porfily has spoken with former County Judge Scott Cooper and Coordination was actually ordered in 2002. He said the BLM said no to a project on Millican. Mr. Cooper then flew to Washing DC and the bill was passed and signed by the President as SB2482.

Discussion was held regarding burned trees that recently killed someone by falling on the individual after the Forest Fires. We want the burned trees and the unsafe trees to be harvested.

Paul Cuddy, 805 NE Crest Drive, Prineville, spoke of prior Court hearings and information. He said much of the inflammatory information has been removed, but the plan wants to turn time back sixty years.

The plan calls for a Citizens Committee and changes the tone of the plan. He spoke of a recent article regarding small communities, and said this plan is not moving forward, it is moving backwards.

Barbara Fontaine, Powell Butte, provided information on a petition with over 100 signatures. She referred to climate change and that soon reservoirs will not refill and meadows will become deserts. Ms. Fontaine would like to toss the Natural Resource Plan out, manage for all species, and protect all wildernesses. She provided the number of wildland fire fatalities.

Jane Aggers, 4166 SE Tillamook, Prineville discussed whether the Natural Resource Plan should fall under the title of an ordinance. Discussion was held regarding this policy and possibly adopting an order for this policy, and allowing more time, at least 90 days, to put together the Citizens Committee.

Bill Zelenka, retired County Planning Director, 2630 NE Tennessee Lane, Prineville, said he owns property in the Ochocos. He said the County has used coordination in the past. This County is the first in the nation to create the process to allow a wind farm. He discussed FLITMA, the Plan versus policy, and he advised that it has to be a locally adopted plan and can only use as a policy when the County has already adopted a plan. He cautioned the Court and asked how does it relate?

Judge Crawford said a policy, plan or position is required. Mr. Wilson said the issue since the beginning of this matter was to establish a policy, not a land use plan. The Court has maintained that this document will be treated as a policy statement, and not a land use decision. This becomes a land use issue. He said he does not believe the document as written meets the legal definition of a land use plan.

Cathy Guntow-Farrier, 4033 SE Tillamook, asked why, if the County is already using coordination, are we using County Official's time and funds to further this matter. She referred to the Patriot group locally

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and Militia and said the tax payers will be on the hook for many legal challenges and grievances. She talked about politicians and Tax dollars.

Phil Paterno, Powell Butte, said he would bring to the attention of the Court that he appreciates the plan and all the work. This is not unique to Crook County or to Baker County. He has done research and has found that the American Stewards of Liberty from Texas have been going through the Western States with this same issue for the last five to seven years. He said the Communication and Coordination already exists through FLITMA. He urges the Court to reject the Natural Resource Plan and discussed the Natural Resources practices remaining within legal bounds.

Tom Mottl, 1204 McDaniel Lane, Powell Butte provided information on the Country being one nation and a house divided shall not stand. He is concerned. The Country is very divided, and is this process uniting or dividing us. He said again, whatever the position, will this unite or divide out County. He asked the Court if they were dividing the County. Something is wrong.

Barbara View, 3172 NE Sugarpine, has lived in Crook County for 11 years. She has lived in Baker County. She said the Patriots are Constitutional Conservatives and not a militia. They care about the County. They came together as a response to the large meeting at the Fairgrounds. They had an open forum and have never meant to be one-sided. People in New York or other places don't have the true understanding of true needs of this county.

Dan Gumtow-Farrier, read from a prepared statement . He spoke of teacher's public policy at Oregon State. He said the Forest Service must review the plan, referenced NEPA and spoke of government to government consultation. He talked about the NRC , the requirement of Trustees, no long term and that the County already has a seat at the table. He spoke on Health, Safety and Welfare.

Mr. Gumtow-Farrier asked about the second access out of Juniper Canyon. Commissioner Brummer explained the article in the newspaper, and the second access out of Juniper Canyon being one of the top two priorities in the Transportation System Plan (TSP). Commissioner Brummer said the project is more eligible for grants if it is included in the TSP. He hopes the road would go out to South Main. Commissioner Brummer explained grants, applications, and right of way dedicated from a land owner. Commissioner Brummer said he started in 2002 serving on the Planning Commission and talking about a second way out.

Suzanne Walters-Moore, 1900 NW Gerke Rd, Prineville, said she liked all the gentlemen of the Court. She is a member of the PAC and is an environmentalist who worked on the environmental portion of the plan. She discussed the plan to be used for multiple uses and to give local government a law to coordinate with agencies. She said in order to coordinate, you have to have a plan or policy in place.

At this time, the public hearing was closed.

Commissioner Barney moved to extend the effective date of the new policy for an additional 90 days and he would like to review Order 2002-28, regarding the original policy.

County Counsel Jeff Wilson presented information on the adoption process. He explained that the County had prepared for adoption of an order two years ago. He can prepare a new order with language from 2002, however this would be a new Order.

Commissioner Brummer talked to the public and explained that the coordination process, when he ran for commissioner, he did not understand the issue. He met with people from Idaho, spent days with the

locals there, and they have used coordination for 20 to 25 years. It is not a silver bullet. Regarding Baker County, BLM, Ms. Wood, Supervisor said they like the plan. If the policy is in place this gives wiggle room and an opportunity for a place to be heard.

Commissioner Brummer discussed yesterday's meeting of 40 to 45 people that met to discuss how we are going to clean up the forests and get the landscape back in shape. In the last 30 years, it has been worse than the former over logging years. If we want to keep the forests, we want to use the forests for all. We need to find common ground and get up to positive.

Judge Crawford said he echoes some of the things said earlier. He talked about shrinking wildfires, carbon emissions and the carbon from the large forest fires.

Commissioner Barney said the emphasis is on the Ochoco National Forest here in Crook County. There are also lots of other resources including the management of watersheds. There is a shopping list, a way to move forward and improve the lives of all.

Motion

Commissioner Barney moved to approve the current version of the Natural Resource Policy with an effective date of 90 days following this decision. Prior to that date, the Court will appoint a committee. This is not to be considered a land use plan. Discussion was held regarding the timeline. The 90 days was extended to 120. All agreed. Commissioner Brummer seconded the motion with the adjusted timeline to 120 days. The vote was 3-0, motion carried.

Laquita Stec had a few questions and asked that the Court keep everyone involved.

Teaters Road

Ed Fitch, attorney for Waibel Ranch, discussed the next step with BLM, the environment assessment and acceptance letter to Dennis Teitzel, District Manager, Prineville District, Bureau of Land Management (BLM). The letter will request that BLM initiate the steps to assume responsibility for the maintenance of the newly constructed Teaters Road across Waibel Ranch, and the letter will state that the Court understands that the letter will initiate an environmental assessment regarding that assumption of maintenance.

Motion

Commissioner Brummer moved to approve the letter. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Per Diem Policy

Assistant County Counsel Eric Blaine presented a possible revision of the current per diem policy. There is interest in removing or a revision of the section that applies to all employees but not to all purchasing of food. There are times when the County credit card is needed to be used for purchasing food for functions, meetings and events. The revision would be that the Crook County credit cards will not be used to pay for individual's food and beverages, but will be used for business related expenses that might include food for functions, meetings and events.

Motion

Commissioner Brummer moved to direct staff to modify the credit card use section of the per diem policy and add the sentence: "Crook County credit cards may not be used to pay for food and beverages, except for business related expenses." Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Mr. Blaine will make the changes and reissue the handbook policy.

Order 2017-73, Mileage Reimbursement

Mr. Blaine presented Order 2017-73 that will modify the reimbursement policy for mileage to 25 cents per mile if the employee chooses to use their own vehicle when a County vehicle is available and 50 cents per mile when the employee must use their own vehicle when no County vehicle is available.

Motion

Commissioner Brummer moved to approve Order 2017-73, modifying the reimbursement for mileage when employees must travel to 25 cents per mile if the employee chooses to use their own vehicle when a County vehicle is available and 50 cents per mile when the employee must use their own vehicle when no County vehicle is available. Commissioner Barney seconded the motion. The vote is 3-0, motion carried.

Holiday Partnership Bridge Funding

County Secretary Colleen Ferguson presented the request for \$2,500 bridge funding from Video Lottery for Holiday Partnership, for this year only. There has been a decline in donations this year plus additional applicants. The program should be whole next year with grants and donations, but finds it is short this year for funding of food and gifts for the holidays.

The Court discussed the request and agreed to a one- time \$2,500 bridge funding.

Motion

Commissioner Brummer moved to approve \$2,500 from Video Lottery for a one-time bridge funding of \$2,500 for the Holiday Partnership Program. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

There being no further business before the Court at this time in Open Session, Judge Crawford adjourned the Court into Executive Session under ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

EXECUTIVE SESSION

ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

The Crook County Court met in Executive Session with County Legal Counsel to discuss the matters before them under ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Following the discussion, Judge Crawford adjourned the Court out of Executive Session under ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and back into Open Session.

OPEN SESSION

Following adjourned from Executive Session under ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed, Judge Crawford convened the County Court back into Open Session and invited any members of the public waiting back into the meeting room.

Motion

Commissioner Brummer moved to approve the letters presented in Executive Session and direct staff to go forth as discussed in Executive Session. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

At this time, Judge Crawford continued today's meeting until 3:30 this afternoon.

3:30 p.m. Open Session continued

Termination discussion

Mr. Wilson recapped the meeting earlier today when the Court made a decision to terminate both Human Resource (HR) employees, provide a letter of termination to each and meet with each separately.

The Court discussed the purpose of the meeting as the plan going forward with recruiting and maintaining Human Resource management and the urgency to this matter.

Sam Lambert, Mid Oregon Personnel discussed an option of taking over some of the HR duties.

Mr. Wilson listed the multiple duties of the HR Department including employee benefits, SAIF claims, on and off boarding, reviews, training, OFLA and FEMLA and safety manuals. Also filing and claims. Payroll is handled by Finance.

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Discussion was held regarding duties during the interim that require immediate action that Mr. Wilson will take care of. There will need to be a person in the office to interact with individuals needing assistance for claims, FEMLA and OLFA as well as insurance questions. Mr. Lambert discussed HR Consulting but needing someone with compensation claim knowledge to manage workers compensation claims.

Kathy Gray, County Treasurers Office will assist with benefits in her office. Commissioner Barney had a recommendation of someone that could be available to help in the office, dealing with employees to help on board and deal with the paperwork needed to be done. The job would entail possible two to three months. The new software programs go on line July 18th, with the Treasurer office going on at that time. On January 19, the software will go live for the HR and Payroll program. Mr. Blaine explained that everyone will have to transfer to the program. The County is depending on HR to help with that. Once the software is in place, things should be good. Discussion was held regarding the software package and deciding how the packages will be structured depending on what the Court decides is needed.

Discussion was held on the time line for the position, the extra programs and the efficiency.

Ms. Gray said her office will take care of benefits. Benefits were previously the responsibility of the Treasurer's office, and it works out well because all payroll work is done through the Treasurer/Finance office. This works the most efficiently.

Discussion on the HR needs, the most pressing matters at this time and contacting the person that Commissioner Barney is recommending for the interim.

Administration employee Hannah Seely has been assisting HR with their filing, and she will continue to help catch up the filing and organization. Assistant County Counsel Mr. Blaine will become the "go-to" person at this time for HR issues and Treasurer's office for benefits. The Court will be at AOC next week. Discussion was held on the drafted notification announcement of the vacant HR Department.

Public Records Request

A brief discussion was held regarding a public records request from Amanda Peacher regarding the contract with Karen Budd-Falen.

There being no further business before the Court today, Judge Crawford adjourned the Crook County Court.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary