

**BE IT REMEMBERED THAT** the Crook County Court met in a regularly scheduled Open Session on September 6, 2017 at 9:00 a.m. in the County meeting room located at 320 NE Court Street, Prineville, Oregon. 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 were: LaQuita Stec, Prineville; Tom Case, Prineville; Steve Hamman, Prineville; George Heinz, Prineville; Stacey Forson, Prineville; Anne Hoffman, Prineville; Patricia A. Beverley, Prineville; Sharon Clark, Prineville; Wade Clark, Prineville; Michelle McSwain, Prineville; Barbara Fontaine, Powell Butte; Jerri Muir, Prineville; Marna Tallman, Prineville; Marion Marks, Prineville; Dave Marks, Prineville; Dennis Teitzel, BLM, Prineville; Ruthie McKenzie, Prineville; Wayne Looney, Prineville; Teresa Herrmann, County HR, Prineville; Cheryl Seely, County Clerk, Prineville; Steve McGuire, Prineville; Jerry D. Crafton, Prineville; Cynthia Harper, Prineville; Donna Porfily, Redmond; MaryLou Bernard, Prineville; Tim Hamilton, Prineville; Tish Plasterer, Crook County Sheriff's Office; Teresa Ervin; Sarah Cuddy; Pam Hardy Bend; Eric Bush, Prineville; Katie Plumb, Crook County Health Department (CCHD); Heather Stuart, CCHD; Holly Wenzel, CCHD; Melinda Kesther, Prineville; Karlene Richards, Prineville; Michael Warren, Crook County Properties, LLC; Dan Piske, Powell Butte; Mary Ryan, Library, Prineville; Rebecca Walker, Powell Butte; GH; Scott Hamilton, Prineville; Casey Daly, Crook County Fairgrounds Manager; Dennis Ralls, Crook County Fairgrounds; Rebekah Burkhardt, Sheriff's Office; Audra Oliver, Prineville; Steven Hatcher, Crook County Sheriff's Office (CCSO); Mitch Madden, CCSO; Chris Beard, CCSO; Kris Williams, CCHD; James Savage, CCSO; Shellie Piske, Powell Butte; Susanne Walters-Moore, Prineville and Kelly Coffelt, Crook County/Prineville Airport Manager.

The media was provided public notice of the meeting.

Judge Crawford called the meeting to order. The pledge of allegiance was held.

### **Swearing in, Congratulate Keith Knight on his appointment to a Patrol Deputy Position**

Sheriff Gautney announced the Ground Breaking ceremony on September 7, 2017 (tomorrow) at 10:00 a.m. for the new County Jail.

Sheriff Gautney introduced Keith Knight as the newest member of the Sheriff's Office. Mr. Knight comes to Crook County with over 24 years in law enforcement, his last position as Lieutenant with the Redmond Oregon Police Department. Mr. Knight introduced his wife Sonya, her parents and two of his good friends.

Mr. Knight received his oath of office from Sheriff Gautney and was issued the challenge coin of the Sheriff's Office and explained the meaning and use of the coin. Mr. Knight's wife pinned his badge on his uniform.

### **Consent Agenda**

1. Approve minutes of August 16, 2017, August 24, 2017 (Special Ex. Session)
2. Approve Order 2017-53, Appointments to Crook County Library Board of Trustee and Central Oregon Regional Housing Authority (CORHA)/Housing Works
3. Approve Avalon Enterprises Condominium Hangar update
4. Approve IGA with City for Jail Space Lease, First Amendment

5. Approve Personal Services Contract between Crook County and David Anderson/Grant Central LLC, grant Writing services
  6. Approve Lease Agreement with City of Prineville and Crook County Parks & Rec. re: Test Well Drilling
  7. Approve one step increase for Brent Johnson and Andy McChesney, due to new certifications for residential building, mechanical, plans review, and manufacturing home inspections
  8. Approve Amendment 3 to an Agreement to Provide Services between Crook County and the Humane Society of the Ochocos
  9. Approve State of Oregon Grant Agreement 155016 – Drug Free Communities Amendment No. 1
  10. Approve Crook County Natural Resources Plan Review Professional Services Contract with Budd-Falen Law Offices
  11. Approve request to waive administrative fee for SBHC Mental Health Grant
- ADD 11A.** Approve new position, New Inspector IV/A Level Plans Examiner

The Court reviewed the Consent Agenda. Assistant County Counsel asked to remove minutes of August 16 and August 24, 2017. He has not had time to review them. Judge Crawford explained the purpose of item number 10, Approve Crook County Natural Resources Plan Review Professional Services Contract with Budd-Falen Law Offices. This item could have been approved outside of Court due to the amount being less than \$5,000. The Court prefers to maintain transparency and is presenting this for approval on the Consent Agenda. This item is a contract bringing in a third person to review the Natural Resources Plan for legality. Today's approval is not about specifics of the plan. It is for review of legality and put it into perspective.

### **Motion**

Commissioner Brummer moved to approve the Consent Agenda as presented and discussed with removal of the minutes of August 16 and August 24, 2017. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

### **Presentation, “Years of Service Awards” to seven Crook County Employees**

The members of the County Court and assisted by HR Teresa Herrman presented certificates and pins to six employees, thanking them for their years of service to Crook County. Mary Ryan, Library, five years; Dennis Ralls, Fairgrounds, five years; Roger Chapman, Road Department, fifteen years; Rick Aaron, Community Development, twenty years; James Lewis, Road Department, twenty five years and Debra Patterson, Juvenile Department Director, forty years of exceptional service to Crook County and its youth. The Court presented Ms. Patterson with her certificate, pin, card and bouquet of roses. A moment was taken to congratulate the employees and thank them for their service.

### **Presentation, Forest Service Stacy Forson and BLM Dennis Teitzel, updates on activities and projects**

Stacey Forson, Ochoco Forest Supervisor Stacy Forson and Prineville Bureau of Land Management District Manager Dennis Teitzel presented an update on projects in recent months. Ms. Forson presented information on timber sales and restoration; the solar eclipse experience and coordination plans that worked well; the Helibase lease and conceptual design; Big Summit Wild Horse Plan; the OFRC, Ochoco Forest Restoration Collaborative, work on the GAP project and the Rager Ranger Station possibilities.

Judge Crawford and Commissioner Barney gave kudos to Commissioner Brummer for asking the Forest Service and Bureau of Land Management to come to the Court with updates on a regular basis.

Dennis Teitzel, Prineville Bureau of Land Management District Manager presented information on the eclipse event and the good working team. Grazing permit renewals, Barnes Butte recreation area of 160 acres added on to the City purchase of 280 acres with Barnes Butte project now moving forward; sage grouse management; the fuels program with Juniper removal and the trespass/land transfer process that is working the best way possible with some sale situations. Commissioner Barney explained the trespass/land transfer issue. He explained how some of this building on the federal property has occurred over the many years with landowners, homesteads, drive ways, etc. and finding what the easiest and best way to resolve the issues for all those involved.

Commissioner Brummer thanked again all of the departments and agencies for working together so well on the Symbiosis Eclipse Event.

### **Presentation, Wayne Looney, Kiwanis Splash Pad**

Wayne Looney representing the Kiwanis Club explained the Kiwanis policy of building a capital project in the community when financially possible. The local Kiwanis organization is ready to start on another capital project in Crook County and have chosen a splash pad for children to enjoy in the coming years. Mr. Looney presented information on size, how the splash pad operates, the building plan for the spring of 2018 and location of Court and 4<sup>th</sup> Street in the park behind the Fire Station. This park also acts as a flood plain, but the pad would be located on the upper part of the park, would be concrete and not absorb water, so the Kiwanis Club is waiting for a document to say this area will be available for use through FEMA. The cost estimate is \$150,000 and will be a standalone project with a recirculating and sanitizing water source. This will be located in the recreation area and may help to rejuvenate some businesses in the area. Also planned on the corner of Court and 4<sup>th</sup> is a terraced bank corner as is located on the other end of the park and a shade structure that will make this area very user friendly.

This will be a collaborative project with Kiwanis planning an outreach for funding. Facebook is interested in helping and Mr. Looney has spoken with Judge Crawford who has also expressed interest on behalf of the County. There must also be a restroom area and it will be located close to the bus stop. Once built, this will all be turned over to the Crook County Parks and Recreation District.

At this time, the Kiwanis needs to have firm commitments for financial assistance to move forward. The build time is 30 days and the children would have the whole summer to use it. The pad will be ADA compliant. The size is 25feet, but that may be expanded with additional toys like the Palm or Pine tree with water running off. Toys are available for the pad depending on the funding available. Today, Mr. Looney is requesting \$30,000 to be committed on behalf of the County. Judge Crawford has said that the County could earmark \$30,000 this year and maybe next from Transient Room Tax funds. The Kiwanis has \$20,000, and is in negotiations with the Rotary for funding and with the City for hook-ups. The bulletproof toilets are \$80,000, and the Kiwanis will be working with Joe Floyd and Lance Romine on construction and design.

Judge Crawford provided information on the Transient Room Tax collected by the County. Those dollars are to help promote tourism, and Judge Crawford believes this is a perfect example of physical tourism.

Mr. Looney said that Culver has a Splash pad, Sisters has one, and Salem has one. Anderson, the company that the Kiwanis is working with for the building of the facility, is building one in Ontario right now.

Mr. Wilson on behalf of the Court asked Mr. Looney for a letter of request for the funding for the Court members to consider at the next County Court meeting.

Members of the audience said they saw this as an example of coordination and cooperation.

**Presentation, Muriel DeLaVergne-Brown, Crook County Health Department Report to the Board of Health- Community**

County Health and Human Services Director Muriel DeLaVergne-Brown provided a report on the work of the Health Department, and update on the past years activities and information on the original and ongoing accreditation. The County Health Department , within its size, is now 1 of 10 to 15 with accreditation in the entire United States. The cost for the accreditation originally came from \$12,000 in grant funding. Ms. DeLaVergne-Brown said she may need to come forward this year to the County for additional funding.

This year, the Health Department was not able to get an AmeriCorps Vista person to work with them. The recent Vista personnel have been a tremendous asset to the Health and Human Services programs.

Ms. DeLaVergne-Brown spoke of the GAP analysis that would cost \$105 million across the nation to bring it up to modernization. Oregon received \$5 million. The local health departments will be applying for grant funding as a Tri-County applicant. Additional information was provided on personnel, grants, programs, and the work force of the department. Public Health is always there protecting the public.

The Court thanked Ms. DeLaVergne-Brown for all her dedication. Commissioner Barney thanked the Health and Human Services staff for their work and asked them to all to stand to a round of applause from the public and Court.

**Presentation, Ann Beier, looking for a letter of interest from the County Court to pursue a project with Oregon DLCD to update our EFU and Forest zone codes**

Planning Director Ann Beier requested a letter of interest from the Court regarding the pilot project of DLCD that involves the long transparent process of drafting the code to meet state law in the EFU and Forest zone codes while taking into account the local county issues. Some Counties has chosen to make a shorter summary. With this process, there is a consultant that audits, but the Planning Commission has to do all the work on the rest of the process.

Today, Ms. Beier is just requesting a letter of interest. There is no cost to the County at this time. Once a formal proposal is received; the County can decide whether to carry forward or not. This is just a step to keep the door open.

**Motion**

Commissioner Brummer moved to have Crook County pursue the letter of interest regarding EFU and Forest Zones as requested, to initiate and take a long look before moving forward and authorize Judge Crawford to sign the letter of interest outside of Court. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Mr. Beier will work with the County Counsel to draft the letter of interest.

### **Consider dental services RFP results**

Assistant County Counsel Eric Blaine discussed with the Court the RFP for dental services, a multiyear contract limited to emergency dental care for the jail. Through the recent RFP process, there was one response received from Dr. Hehn's office. There is an issue that has to do with the billing process that is required for payments through the jail. The Dental Office needs to be able to bill as a business, and this has not been possible through Dr. Hehn's Office.

Mr. Blaine said the recommendation from the Jail/ Sheriff's Office is to continue with the program as currently operating and formally cancel the RFP as it is now.

### **Motion**

Commissioner Barney moved to formally cancel the Jail Dental Services RFP. Commissioner Brummer seconded the motion. The vote was 3-0, motion carried.

### **Consider contract award for McKay Road Overlay Phase II Project**

County Roadmaster Bob O'Neal presented information on the McKay Road Overlay Phase II project. Last year, the first phase was 1.3 miles and this year will be 1.3 miles also. Next year, the project will be chip sealed.

Two bids were received. Knife River came in at the high bid and High Desert came in with the low bid of \$172,635. Mr. O'Neal recommends awarding the bid to High Desert.

Commissioner Crawford said this company, High Desert, was the company that came out to Juniper Acres at no cost to the residents to clear out the Juniper Acres roads during the heavy snow and ice storms last winter.

### **Motion**

Commissioner Brummer moved to approve and award the bid for the McKay project to High Desert and authorizing the signature of the contract outside of Court. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

Mr. Blaine said there would be a seven day notice of intent to award.

### **Community Comments**

Judge Crawford opened the public comment period and explained the approved contract that the Court was talking about today regarding the Natural Resources review contract with Ms. Budd-Falen

Jodie Fleck, Post, Chair of the NRPAC (Natural Resources Political Action Committee), commended the Court for their work in educating themselves and said she is excited that the Court is moving forward with the process for the Natural Resources Plan. She commended the Court for their energy.

Patricia Beverly announced that she had applications for the City Council positions that were open and encouraged people to sign up.

Pam Hardy, Bend, thanked the Court for the space for public opinion and comment. She said regarding Ms. Budd-Falen, she understands why they want her to review the Natural Resources document. She is now a celebrity attorney. She has concerns with Ms. Budd-Falen because she cannot find her on the list of those licensed to practice law in Oregon. Ms. Hardy said the problem is that the Court has become part of her political agenda. Ms. Hardy said she understood that the Court wanted to go to a third party to review the plan, but Ms. Budd-Falen is not an attorney in the State of Oregon and would not be able to represent the County in Oregon court. Ms. Hardy added that whoever the County Court talks with, they need to find out what is legal and what is enforceable. She suggested that the County Court talk with AOC and local timber mills. She is concerned about seeing Crook County caught up in national politics.

Steve McGuire, member of the NRPAC said that AFRC says Karen Budd-Falen is an excellent choice.

Marilyn Miller, member of OFRC, said she believes Ms. Budd-Falen has spent her years fighting against public ownership of lands. She fears that the County will look bad if it hires her.

Shelly Piske appreciated all the effort of the Court, and she understands that Ms. Budd-Falen is an expert.

Eric Bush, business owner, said he had heard a lot about everything today at the Court meeting. He wanted to give a shout out to Jodi Fleck. She gets the job done. He believes there is a problem with management and if it involves hiring a consultant, then he is all for it.

There being no further comments, Judge Crawford closed the comment period.

There being no further items before the Court in Open Session requiring action today, Judge Crawford closed the Open Session and adjourned the Court into Executive Session under ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property and transactions and 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**

Judge Crawford convened the Court into Executive Session under ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions and 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 Court met with Legal Counsel and Planning staff to discuss the matters before them under the ORS 192.660(2)(e) Property transactions and ORS 192.660(2)(h) Legal. Following the discussions, Judge Crawford adjourned the Court out of Executive Session under ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property and transactions and 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 the adjournment of the Court out of Executive Session under ORS 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property and transactions and 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 Court into Open Session and invited any members of the public waiting back into the meeting room.

**Motion**

Commissioner Brummer moved to approve the settlement as discussed in Executive Session. Commissioner Barney seconded the motion. The vote was 3-0, motion carried.

There being no further matters to come before the Court today, Judge Crawford adjourned the meeting.

The next regularly scheduled meeting will be held on September 20, 2017 at 9:00 a.m.

Respectfully submitted,

*Colleen Ferguson*

Colleen Ferguson  
Crook County Court Secretary