

Minutes of the Public Meeting
Of the Crook County Court
Tuesday, June 27, 2017

Persons Present: Commissioner Brian Barney; Commissioner Jerry Brummer; Bob O'Neal, County Roadmaster; Jerry Harpster, private citizen; Lacquita Stec, private citizen; Daina Vitolins, Crook County DA; Jerry Milstead, County consultant; Sheriff John Gautney; Judge Seth Crawford; Teresa Herrmann, HR Director; Eric Blaine, Assistant County Counsel.

The meeting convened at 203 NE Court Blvd, Prineville, Oregon. The media was provided notice of the meeting.

Daina Vitolins provides an update on her upcoming investiture as a circuit court judge. Her resignation as DA is effective as of the date a replacement DA is selected by the governor.

Daina Vitolins also discusses SB 505, regarding grand jury recordation. The current version of the bill would create an unfunded mandate upon the counties, and she urges the commissioners to contact Representatives Mike McLane and Dennis Linthicum to oppose the bill. It is estimated that the current version of the bill would cost Crook County \$125,000.00 per year.

Eric Blaine presents on a series of contracts that the County's department heads or its counterparties request be executed before the end of the current fiscal year:

- An IGA with Oregon State University authorizing a County employee to use their internal finance management software "Banner." This is an biennial contract. This year OSU included additional insurance terms which would have violated the County insurance carrier's trust agreement, but we have negotiated those terms out of this contract. Commissioner Brummer moves to approve. Commissioner Barney seconds. Motion carried 3-0.
- A contract with Lionel Chadwick, executive director of WEBCO, to assist with disposing of unneeded WEBCO personal property. Per the direction of Judge Crawford, this would not include any additional entity dissolution or wrap up services. Commissioner Brummer moves to approve. Commissioner Barney seconds. Motion carried 3-0.
- A contract with Enlightened for health reimbursement account voluntary employees' beneficiary association (HRA/VEBA) services. The County Counsel's office has been negotiating out disadvantageous terms, and an agreement has been reached with Enlightened. They will forward final documents to our office reflecting those changes, though they haven't arrived yet. Commissioner Barney moves to approve the HRA/VEBA agreement subject to there being no conflicts between the final documents and the drafts that have been reviewed and to sign outside of court. Commissioner Brummer seconds. Motion carried 3-0.
- A bill of sale to the City of Prineville of 5,000 tons of cinders. The cinders will be crushed in the Puett Pit and sold to the City at costs (\$10.95 per ton). The City of Prineville has asked that the County approved this bill of sale before the end of the June 30 fiscal year, since they have certain funds which must be dedicated prior to that date. Commissioner Brummer moves to approve. Commissioner Barney seconds. Motion carried 3-0.

- Five separate contracts with Imagine Freedom for: alcohol and chemical dependency treatment services; batterer's intervention treatment services; mental health treatment services; intensive woman's drug/mental health treatment services; and sex offender treatment services. These are for services provided to parolees referred by the Community Corrections department. Commissioner Brummer moves to approve the five contracts. Commissioner Barney seconds. Motion carried 3-0.
- Oregon Health Authority funding agreement # 154674 for environmental health services. This is a six year contract authorizing the County to administer a local environmental health program. Without such a contract, we'd have to rely on the State providing an environmental health program. Our office only received it in late June. Commissioner Brummer moves to approve the five contracts. Commissioner Barney seconds. Motion carried 3-0.
- The "Deemed Final" letters from DA Davidson for the issuance of the County's jail financing bonds. One letter addresses the General Obligation bonds, and the other addresses the Full Faith and Credit bonds. The letters discuss three questions that the County must answer: whether the preliminary official statement is correct and there have been no material changes in circumstances; whether the preliminary official statement can be "deemed final;" and whether DA Davidson is authorized to distribute the deemed final letters. Commissioner Barney moves to answer Yes to all three questions. Commissioner Brummer seconds. Motion carried 3-0.
- Discussion on Jacobson Betts services contract. Vance Jacobson continues to refuse to provide all of the terms of the contract to the County for review (in particular, an intellectual property agreement); refused to include the terms required by Oregon law be included in every public contract; and refused to accept other mundane contract terms. The County has been negotiating with Vance Jacobson since April 26, the majority of that time spent waiting for him to bother responding. Eric Blaine proposes canceling the RFP and selecting another vendor. Judge Crawford proposes he meet with Vance Jacobson to discuss the terms of the contract and that if the contract terms are not settled by this Friday, the County find an alternative vendor. Commissioner Barney and Commissioner Brummer agree to wait until Friday.

Discussion on the facilities plan project and how to structure the scope of work. Should the County hire Kirby Nagelhaut to examine the County's buildings' conditions to report on what problems there might be? Jerry Milstead discusses design/build contracts and whether to hire a contractor to draw up a report.

Discussion on who to send an RFP out to, whether to send it to the two firms who attended the prior RFP's walkthrough, or to everyone potentially interested.

Discussion on the RFP's terms – in general, it would ask interested bidders to design the job and then, if the design is accepted, the bidder would be guaranteed the construction work. Jerry Milstead will begin working on an RFP along these lines.

Sheriff Gautney asks about the HVAC system in the Parole and Probation office, and whether these will be repaired. Commissioner Brummer states that immediate repairs have already been made, with more to do with this project.

Jerry Milstead would like contractor to examine the project documents for the jail construction project; the contractor has suggestions on how to reduce the current project budget. Mr. Milstead would like to give the contractor a verbal thumbs up tomorrow. Commissioner Brummer moves to delegate authority to Commissioner Barney to sign construction documents in his discretion tomorrow. Judge Crawford seconds. Motion carried 3-0.

Jerry Milstead presents on alternative energy requirements for major construction. At least 1.5% of a project budget may need to be devoted to alternative energy-related expenses. He states that the law allows a public entity to determine whether this allocation is inappropriate for a certain project. He will draft a letter to the Department of Energy explaining why it would be inappropriate in this instance for the County's approval.

Eric Blaine presents a last-minute item from Community Corrections – revisions to a Criminal Justice Commissioner drug court grant application. This was sent to Regina Paul this morning with a statement that from Rhonda Belanger that it must be approved today. None of the commissioners have seen it. Sheriff Gautney states that he has reviewed it and recommends its approval. Commissioner Brummer moves to approve. Commissioner Barney seconds. Motion carried 3-0.

Bob O'Neal states that the recently order dump truck has arrived. The Road Department has an older dump truck that is now unneeded. It was offered to the City who declined, then offered to the fairgrounds, and the City has now asked whether the truck is still available. Discussion on whether to transfer ownership of the dump truck. Commissioner Brummer suggests providing the old dump truck to the fairgrounds, plus a 10-foot plow, and then put the old fairgrounds truck up for auction. This would be memorialized by an agreement stating that the road department can commandeer the truck should the need arise.

Update on chip sealing: it's going very well this year.

Update on Anderson Perry's Parrish Lane bridge designs. They've been submitted, with a total costs to a construction contractor of about \$700,000.00.

Bob and Ann Beier spoke to OAC on TSP, funding, and SDC's. Chris Doty at Deschutes County was also contacted. Bob would like to gather more information on system development charges. These charges would only apply for system improvements rather than system maintenance. SDC's would prevent the taxpayers from subsidizing the profits of developers. Judge Crawford opposes SDCs. Commissioners Brummer and Barney would like to hear more details before committing to any course of action. Judge Crawford proposes bringing in developers to future meetings so that they may state their concerns about having to pay SDC's. Bob will gather more information for a future presentation. Discussion on the meeting scheduled for tonight with the City. It involves art to be placed at the Tom McCall roundabout. ODOT wants there to be some kind of art, but does not want to pay to maintain it.

Approved August 2, 2017

Jerry Harpster asks whether there is a schedule for the clean up at the Woodgrain site. He is invited to contact the City.

Discussion on urban growth boundaries.

Lacquita Stec asks to speak about the natural resources plan and Karen Budd-Falen: Ms. Budd-Falen has a long history of peddling “custom and culture” advice with little to show for it. She says the Boundary County plan drafted by Karen Budd-Falen was invalidated by the Idaho courts. The Catron County plan was rejected by the United States Supreme Court. Ms. Stec says Ms. Budd-Falen is a leader of the “county rights” movement which says local law enforcement officers can thwart federal law. Ms. Stec asks who would pay for Ms. Budd-Falen’s services and doesn’t feel it should be the taxpayers. If the Political Action Committee’s plan is adopted, it would give the PAC standing in land use cases. Judge Crawford says that he doesn’t feel that Ms. Stec’s views are representative of a majority of residents’ views. Ms. Stec asks what “custom and culture” will be imposed on our county. Judge Crawford replies mining, lumber, grazing, and access to public lands; says it means everything.

Ms. Stec is concerned that the plan will be drafted by only some local residents. Judge Crawford states that the plan will be drafted by the three commissioners.

Commissioner Brummer wishes to create a natural resource committee to manage this project. Discussion on the committee proposal.

Commissioner Brummer would like public hearings before any document is adopted.

Meeting adjourned.

Respectfully submitted,
Eric Blaine