

BE IT REMEMBERED THAT the Crook County Court met in a Regular Session on October 5, 2016 at 9:00 in the County meeting room located at 320 NE Court Street, Prineville, Oregon. In attendance were: County Judge Mike McCabe; County Commissioner Ken Fahlgren; County Commissioner Seth Crawford; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson.

Members of the public signing the attendance log were: Pete Sharp, Prineville; Jerry Brummer, Prineville; Melanie Marlow, Prineville; Darlene Harpster, Prineville; Kathy Puckett, Prineville; Dave Scott, Prineville; Sher Eriksen, Prineville; Levi Roberts, County GIS; County Sheriff John Gautney; County HR Teresa Herrmann; County HR Sarah Bucholz; Michael Ryan, Sheriff's Office; Chris Gannon, Crooked River Watershed Council; Michael Warren, Realtor of Record for Crook County and Regina Paul, County Legal Assistant.

The media was provided notice of the meeting.

Judge McCabe called the meeting to order. The Pledge of Allegiance was recited.

Consent Agenda

- 1. Approve minutes of August 17, 2016**
- 2. Approve Order 2016-61, Amendment No. 1, regarding the Crook County Pepper Spray Use Policy for the Employee Handbook**
- 3. Approve Order 2016-73, in the matter of distribution of proceed for sale of County properties**
- 4. Approve Order 2016-74, in the matter of cancellation of delinquent personal property tax accounts**
- 5. ~~REMOVE Approve Order 2016-75 in regards to appointing a pro tem Planning Commissioner, Lawrence Weberg REMOVE~~**
- 6. Approve Environmental Health Hearings Officer contract with Stephanie Hicks, Attorney at Law**
- 7. Approve Memorandum of Understanding between Crook County and Oregon Affordable Housing Assistance Corporation**
- 8. Consider approval of ODOT project agreement for Transportation Systems Plan update**

The Court reviewed the Consent Agenda. Item number 5 was removed for further discussion at the next County Court meeting.

Motion

Commissioner Fahlgren moved to approve the Consent Agenda as presented with the change as discussed. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Presentation, Employee Years of Service

The Court presented "Years of Service" certificates and pins to five employees with years of service ranging from 5 to 10 years. Levi Roberts, Patsy Dunn, Allison Hilderbrand, and Kathy Puckett received their certificates and 5-year pins, and Brian Bottoms received his 10-year certificate and pin.

Public Hearing, Ordinance 297, Amending the County Code regarding recreation vehicles and declaring an emergency; second reading, vote and emergency clause.

County Counsel Jeff Wilson presented a brief summary of Ordinance 297, an Ordinance amending Chapter 18 of the Crook County Code relating to recreational vehicles and Declaring an Emergency. This Ordinance will delete Crook County Code Chapter 18.152 (recreational vehicle park) Section 18.152.010(1) (rules and regulations) and Chapter 18.16(conditional uses) Section 18.16-050 (14)(g). It is necessary to amend the referenced sections of the County Code to comply with state law.

Motion

Commissioner Fahlgren moved to read Ordinance 297 by title only. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Just McCabe read Ordinance 297 by title only and opened the public hearing. There were no comments received from the public hearing. Judge McCabe closed the public hearing.

Motion

Commissioner Fahlgren moved to approve Ordinance 297 on this second reading. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

The Ordinance will go into effect as of today.

Presentation, update on CCWC (Crook County Watershed Council) work in 2015 and through current in 2016; annual report for FY2015, Chris Gannon

Chris Gannon, Director of the Crook County Watershed Council, provided the 2015 annual report and summary and the summary of project and activities up to this point in 2016. He provided information on the 2015 summary that included the Rice Baldwin Diversion project, the removal of the former Stearns dam, and a lot of planning and design works, similar to 2014 and 2015. The revenue will ramp up with the pass through funds for the projects. Mr. Gannon presented information on OWEB changes in 2015 and discussed eligible projects. In 2016, they will be implementing co-partnering and funding projects.

Further discuss with the Court included the Opal Springs project, the wetland side channel habitat, possible steelhead in 5 to 15 years, introduction of Salmon and the bull trout that require cold water. The Bull Trout will probably stay below the Opal Springs where there is more cold water and will probably not be coming into the basin.

Mr. Gannon discussed wanting to come back onto the DRC Board position. He does think the board is too large with 35 members. Of the 35, around 25 are from Deschutes County. He discussed how the program may narrow, and the focus being on the Crook County area.

Consider approval of Summit View Estates Subdivision, final plat review

Assistant Planning Director Ann Beier presented information on the plat of Summit View Estates Subdivision made up of seven five-acre lots that is located on Stillman and Riggs Road. This plat has been reviewed by all departments and has been approved by the Planning Commission. The Court discussed the subdivision location and the size of the lots.

Motion

Commissioner Crawford moved to approve Summit View Estates Subdivision final plat. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Final Decision: Appeal of application 217-16-00064-PLNG for conditional use approval of a non-farm dwelling in an Exclusive Farm-Use Zone (EFU-1-Post-Paulina Area) Central Oregon LandWatch—Doug Cox

Jeff Wilson provided the staff report regarding the appeal of application of Doug Cox by Central Oregon LandWatch. This appeal was heard and public hearing conducted on September 21, 2016 at 1:30 p.m. at the County Court meeting held in Paulina, Oregon.

Each Court member has met separately with Mr. Wilson regarding the appeal after the hearing on September 21, 2016 to discuss the final decision. Based on the consensus gained from these meetings, Mr. Wilson finds that the Court members individually reject the appeal and uphold the decision of the Planning Commission, and a draft decision was prepared consistent with those discussions.

Motion

Commissioner Fahlgren moved to adopt the final decision on the appeal of application 217-16-00064-PLNG Conditional Use Permit as written by Mr. Wilson based on his meetings individually with County Court members. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Consider approval of Central Oregon Intergovernmental Council's (COIC) Amendment 2 for the Veterans shuttle service.

Mr. Wilson presented the staff report on the COIC shuttle services provided three times per week to Redmond, originally to provide medical services at the clinic in Redmond. COIC originally said this would not work due to the duration of the appointments. COIC has revised the plan to include three dedicated trips per week, transporting individuals to the dialysis facility.

Commissioner Fahlgren said with this plan, the Veterans office has learned that the three patients that would use this service have personal transportation. The agreement is not to exceed \$63,000. Discussion was held regarding how this plan would fit the needs. The original agreement was an ODOT agreement that was amended and now that agreement has expired. The County has \$30,000 to provide the service and this would be for the three dedicated trips per week.

Band of Brothers has asked for another plan and that is to have a vehicle donated and the Band of Brothers members provide volunteer drivers. They believe if the vehicle was donated, they would provide the drives and funding could cover the fuel and liability. Discussion was also held on the cost of purchasing a vehicle for the program, conversation with the clinic and the clinic willing to work with the program and scheduling. Discussion was held regarding trying this program for six months and then finding the program will not work. Longevity of the program was discussed as well as costs, possibly using the \$30,000 and expectations. Commissioner Fahlgren would like to learn more about this proposal and have it brought back before the Court.

The matter will be tabled and brought back before the Court at the next meeting, allowing for additional research and information to be gathered.

This matter has not yet come to the legal office for Mr. Wilson to review.

Consider Planning Commission recommendation of partial refund to Mr. Hogue

Mr. Wilson presented information regarding a partial reimbursement from Community Development to Mr. Hogue for costs incurred through an application for a variance on his property. The application fee was \$990.00. The Planning Commission denied the application and in that decision, recommended a partial refund of the fee. This issue has never come before the Court. It is the first time for the Court to hear this matter. The Planning Commission recommended a partial refund and provided documentation. The Planning Commission feels that due to the circumstances, this should go before the County Court.

Ms. Beier said there is a 50 percent discount of the current fee authorization in cases of hardship. Commissioner Crawford said he had met Roy Hogue at a public event and heard the story of this matter, and that is how this has come before the Court today. Mr. Hogue wants closure. Discussion was held regarding the confusion surrounding this matter, and on the fee involved with a variance. The fee covers the costs of advertising, notification of neighbors, staff time and bringing in the Planning Commission.

Mr. Wilson provided information on when a variance is requested, and if the person created the need for the variance, then that person is not eligible for the variance. Commissioner Crawford said Mr. Hogue was not advised that it was not an option to begin with.

Motion

Commissioner Fahlgren moved to refund to Mr. Hogue one half of the application fee for the variance application, \$495.00. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Order 2016-66 and Order 2016-67, civil rights complaint procedure and whistleblower protection policy.

Assistant County Counsel Eric Blaine provided information on the Civil Rights complaint procedure, the whistleblower policy and a recently passed House Bill 4867. Today's orders will reflect what is included in the state statute and are a condition of receiving grant funds under VOCA.

Mr. Blaine explained the purposes of the two orders. Order 2016-67 is in the matter of adopting procedures for investigating retaliation and discrimination complaints made against Crook County (Civil Rights complaint). Order 2016-66 is in the matter of establishing a policy incorporating the provision of ORS 659A.200 to 659A.203, and requires the public employer to describe the rights and remedies provided to employees under those laws (Whistleblower).

Mr. Blaine said the County has not received many of these complaints in the past. He recommends approval of the two orders.

Motion

Commissioner Fahlgren moved to approve order 2016-66 and Order 2016-67 as presented. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Item 17, the discussion regarding purchase of Sheriff Office vehicles was removed from today's discussion and will be rescheduled for the next County Court meeting.

Consider offer for County owned foreclosed property located on Walther Loop

Mike Warren II, County Realtor of Record, presented an offer for County owned foreclosed property located on Walther Loop. This offer was presented and the County countered at \$15,500. The offer was made back to the County as a counter of \$14,900. Mr. Warren said the value is between \$14,000 and \$17,000. An addendum to extend the response time was proposed. He also asked the earlier minutes be amended to correct the size of the parcel from 20 acres to 7 acres.

Motion

Commissioner Crawford moved to approve the counter offer, amend the minutes to correct the size of the parcel from 20 acres to 7 acres and to approve the addendum to extend the response time. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Discussion regarding award of Rock Crushing Project, Pruitt Pit

Bob O'Neal, County Roadmaster, presented the history of Pruitt Pit, the bids for crushing and the bids received. He also provided information regarding the BLM, the petroglyphs and the requirements that were placed on operation of the crushing project. There will be a need for seismic monitoring. Mr. O'Neal explained the purpose and reason for the monitoring. 4R provided the recommended bid and they can provide the monitoring equipment.

An RFP was put out for the project, and the bids were higher than expected, but most crushers are really busy at this time, and the timeline for crushing is almost up for this year. The rock is needed for April and the winter overlay when crushing is not permitted begins in November. The deadline for completion of this project is June 30, 2017. The bid from 4R is \$198,000.

Discussion was held regarding the timelines, the costs, the monitoring requirements and more information needed on BLM's requirements regarding the project.

The Court asked Mr. O'Neal to schedule a meeting with BLM. BLM has known about the petroglyphs for 20 years located on Ray Sessler's property which is adjacent to the rock pit. The permit for this site has been used for years and is good for this project until 2018. This matter is tabled to October 19, 2016.

There being no further business scheduled for this portion of the meeting, Judge McCabe adjourned the Court into Executive Session 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.

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Judge McCabe convened the Court into Executive Session, and the Court met with County Counsels to discuss the matter before them under ORS 192.660(2)(h). Following discussion, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(h), and back into Open Session.

Open Session

Judge McCabe convened the Court in back into Open Session after adjourning out of Executive Session 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, and invited all public in waiting back into the meeting room.

Motion

Commissioner Crawford moved to instruct legal counsel to pursue the discussion with CIS as discussed in Executive Session. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

There being no further business before the Court in Open Session to consider at this time, Judge McCabe adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(i) Performance Evaluation for Debra Patterson, Director, Juvenile Department.

Executive Session under ORS 192.660(2)(i) Performance Evaluation for Debra Patterson, Director, Juvenile Department.

The Court met with Ms. Patterson to conduct her performance evaluation. Following the evaluation, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(i) Performance Evaluation for Debra Patterson, Director, Juvenile Department and back into Open Session.

Open Session

Following the Executive Session under ORS 192.660(2)(i) Performance Evaluation for Debra Patterson, Director, Juvenile Department, Judge McCabe convened the Court into Open Session and invited any members of the public in waiting back into the meeting room.

The Court agreed to grant Ms. Patterson a one- step increase.

There being no further business before the Court at this time, Judge McCabe adjourned the Court. The next meeting is scheduled for October 19, 2016 at 9:00 a.m.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary