

BE IT REMEMBERED THAT the Crook County Court met in a Regular Open Session on August 3, 2016. 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: Pete Sharp, Prineville; Dave and Barbara Vieu, Prineville; John Novak, Prineville; Susanne Walters-Moore, Prineville; Darlene Harpster, Prineville; Teresa, Herrmann, Crook County HR; Sarah Bucholz HR; Jodie Fleck, Post; Melinda Kesther, Prineville; Mike and Teresa Ervin, Prineville; Cheryl Seely, County Clerk; Terra Tyger, Prineville; Nancy Borneman, Prineville; Kris Williams, Crook County Health Department; Mindy Stomner, Crook County Health Department; Vicky Ryan, Crook County Health Department; Karen Yeargain, Crook County Health Department; Holly Scholz, Central Oregonian; Scott Johnson, Powell Butte; Tish Plasterer, Crook County Sheriff's Office; Ryan Seaney, Crook County Sheriff's Office; Kev Alexanian, Crook County Weed Control; Kim Bush, DHS CW; Steve Anderson, DHS; Sarah Wannamaker, DHS CW; Tim Deboodt, Crook County Extension; John Gautney, County Sheriff; Rebekah Burkhardt, Sheriff's Office; Krimsen, CCCW; Melanie Marlow, Prineville; George Heinz, Prineville; Carol Heinz, Prineville; Michael Warren II, Prineville; Jenna App, CASA of Central Oregon and Stephen Henderson.

The media was provided public notice.

Judge McCabe opened the meeting and led the Pledge of Allegiance.

Consent Agenda

- 1. Approve June 15, June 28th, and July 12th, July 26, 2016, minutes of Special County Court Pre bond meetings; July 6, 2016 County Court minutes; July 15, 2016 Special County Court Session;**
- 2. Approve Order 2016-28, In the matter of designating Administrative Overhead Costs and a Reserve Fund with the Community Development Budget**
- 3. Approve Order 2016-59, In the matter of delegating authority to Crook County Judge McCabe to review and approve closing documents regarding the purchase of Hans' Pharmacy**
- 4. Approve Order 2016-60, calling for a measure election to submit to the electors the question of contracting general obligation bonded indebtedness for a new jail facility**
- 5. Approve George Millican Road Rehabilitation Project**
- 6. Approve Heart of Oregon Corps Lease Extension and Amendment**
- 7. Approve proposed letter to AOC, USFS and BLM**
- 8. Approve and sign, a final partition plat for Crook County**
- 9. Approve Amendment 1 to Title X Vasectomy Services agreement with St. Charles**
- 10. Approve Intergovernmental Agreement between City of Prineville and Crook County regarding records management, data sharing, and IT support services to be provided to the Crook County Sheriff's Office**
- 11. Approve IGA # 151713, enrollment assistance activities**
- 12. Approve IGA # 2016-314, Mental Health Promotion and Prevention (MHPP) w/Deschutes County.**

The Court reviewed the Consent Agenda. Item number seven was removed for further discussion, and the memo of item number five was corrected for a wrong name.

Motion

Commissioner Fahlgren moved to approve the Consent Agenda as presented with the changes as noted in the discussion. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

PROCLAMATION: Crook County Law Enforcement Appreciation Day, August 3, 2016

Daina Vitolins, Crook County District Attorney presented information regarding the Proclamation proclaiming August 3, 2016 Crook County Law Enforcement Appreciation Day and how important to Crook County and to all citizens the individuals serving in law enforcement are. They protect, they help and they are here to keep us safe. Ms. Vitolins described how it is to know the people serving in law enforcement as individuals with everyday events and problems. They are not just a uniform.

Ms. Vitolins provided a poem that she partially used in writing the proclamation regarding the duties of the law enforcement and what they deal with and work with each and every day. There are 56 dedicated law enforcement individuals serving in Crook County.

Ms. Vitolins read into the record the Proclamation that will have August 3, 2016 known as Law Enforcement Appreciation Day and August 3 for all the years to come.

PRESENTATION: Celebrating years of Service to the County. Certificate and pins awarded to 15 Employees and Elected Officials.

Members of the Court and HR presented certificates of Service to the County to 15 employees with service years from 5 years to 25 years. Each employee was congratulated and received a certificate and pin. Thank you for your service to the County.

Proposed letter to AOC, USFS and BLM

County Counsel Jeff Wilson presented a proposed letter regarding the Natural Resources Plan (Plan) to the Association of Oregon Counties (AOC), United States Forest Service (USFS) and Bureau of Land Management (BLM). He summarized the process of presentation of the Plan and request for approval up until today.

Today, the proposed letter to AOC, BLM and USFS invites them to a Special County Court Session on August 30, 2016 to discuss the Natural Resource plan. The letter at this time will allow people to have time to adjust their schedules. The proposal is to send and invite AOC and Federal Government to the table as described by the Memorandum of Understanding between AOC and federal agencies which requires that each side purposefully consult with the other in the event actions are contemplated which might impact the others' operations and functions.

Commissioner Crawford discussed sending them the letter and having them weigh in but not waiting until August 30. Mr. Wilson did not think that was enough time and Commissioner Fahlgren added that this is also fire season and they might have difficulty with scheduling at this time. Commissioner Fahlgren is happy with the letter and the timeline. Mr. Wilson discussed the timeline, and in hind sight wishing that the Plan had gone through the Planning Commission. Mr. Wilson said the process with the Planning Commission made the most sense and his recommendation of compromise in hindsight was not prudent.

Discussion was held regarding the letter, written response and meeting face to face. Also discussed was the plan and the difference between a plan and a law.

Pete Sharp presented information regarding a meeting with Stacy Forson, USFS in her office, and with Gary Ashbridge, talking about Rager Ranger Station and the GAP Project. He discussed that this is a plan not a law, and projects that the plan may have been a help with. He discussed the Collaborative work, laws and regulations, and the closing all temporary roads.

Susanne Walters Moore, Prineville addressed her conversation to Mr. Wilson regarding the plan, and the Plan not as a law but as policy, and the recommendations made to the Court by Mr. Wilson. Mr. Wilson advised Ms. Walters Moore that his position is to give the County Court appropriate advice and keep the County Court out of law suits. Commissioner Crawford said that Mr. Wilson has made it clear. It is not Mr. Wilson's job to speak to policy. It is Judge McCabe's, Commissioner Fahlgren and Commissioner Crawford's job, so Ms. Walters Moore needs to address her comments to them. Ms. Walters Moore read more of her letter to the Court members and said if the Court wants to develop a plan, then that means that our plan, the current plan, is not adequate. The Natural Forest is set aside for everyone, not just the County.

Jodie Fleck stated to the Court that government starts with we the people and we elected. The Government does not dictate from the Government down, she said. She does not want to see the Natural Resources Plan as it has been drafted "stall." She asked how many signatures would be needed to move the Plan forward, signature that represented this County that say yes, we want it.

Judge McCabe said he does not think that is necessary. Discussion was held between Ms. Fleck and Judge McCabe about the courtesy to provide a copy to USFS and BLM, the invitations on the social media that went out, and that the conversation goes both ways. Judge McCabe asked again if the plan was taken to the Forest Service and BLM to review. Ms. Fleck stated that the Forest Service and BLM were not consulted, but that the opportunity for comment was made available to anyone reading the PAC's social media. Discussion was held regarding the need to get the meeting together with everyone to review and discuss the plan, and if it is a good plan, no one should care if it is reviewed by the Federal Agencies. Judge McCabe completed the conversation assuring the public that the Court is not here to appease the Forest Service; they are here for you the public.

Motion

Commissioner Fahlgren moved to approve the proposed letter dated August 3, 2016 to AOC, BLM and the USFS as written. Judge McCabe seconded the motion. Discussion was head on starting the process. The vote was 2-1, Commissioner Crawford voted "Nay".

Mr. Wilson recommended a motion to rescind the previous tentative approval of Order 2016-54.

Motion

Commissioner Fahlgren moved to rescind the motion that approved Order 2016-54. Mr. Wilson explained further that the Court makes it clear for the record that Order 2016-54 was not approved. It was approved subject to amending the plan. Order 2016-54 is rescinded. Judge McCabe seconded the motion. The vote was 3-0.

Judge McCabe thanked everyone for attending and invited them back on August 30th for the meeting.

PRESENTATION: Update on Kids Center/ Terra Tyger

Terra Tyger on behalf of Kids Center appeared before the Court to thank the County for continued support of the organization and support of the work of the organization. She presented information regarding projects of the Center, the collaboration with the schools and the training program of Darkness to Light that trained 268 people this year and assisted 160 families. She provided information on the families and children helped through the program with 36 percent of the people coming from below the poverty range. She said she has worked with many people, and she hears difficult and shocking stories. The outcome is that people are safer and healthier.

Ms. Tyger and the program are housed with Lutheran Community Services Northwest (LCSNW).

Commissioner Fahlgren said he was so impressed with the luncheon that he attended for the program. Over 1000 people were in the room and many dollars of support.

Crook County approved support funding for the program during County budget hearings for 2016-2017.

PRESENTATION: CASA Update/ Jenna App

Jenna App appeared before the Court to present an update on the Tri-County Court Appointed Special Advocate (CASA) program. The goal and mission is for every child in the Foster system to become paired up with an advocate. Ms. App said it was great to hear the information from the Kids Center. She provided information on outcomes for children with CASA. They do better in school and they graduate. One committed adult makes a huge difference for a foster child. Right now in Crook County there are 52 children in the Foster Care System. There are at this time 14 advocates, so 52 percent of the children have an active advocate. There were 68 percent two years ago. There has been an increase in the number of children in the Foster Care System.

Ms. App expressed her appreciation of the County's support. CASA at this time is able to get 28 percent more resources from the State for Crook County. The Ford Foundation and Roundhouse Foundation have helped with funding.

Training for new CASA advocates is now available in Crook County. This will be 10 weeks of weekly training. The Prineville based CASA position will now be able to go full time. There is a new program in place, Family Find. The program has been extended to Crook County thanks to the Ford Foundation. Ms. App explained the program, and the need to find a safe placement for the children. DHS is focused on immediate safety for the child. Family Find program developed by CASA connects children to extended family members. It requires a lot of research and the ability to receive pictures or stories of family members for connections. Ms. App said it is going well in Crook County and there is the ability to grow the program in Crook County. She thanked the County again for their support.

Judge McCabe added that there are a wonderful group of people here, very special people. Commissioner Fahlgren spoke with Ms. App regarding the CASAs. She said there are 14 CASAs at this time, one from outside of Prineville and 13 from Prineville. The goal is to have a CASA with every child.

Commissioner Crawford expressed his appreciation of Ms. App's passion and pushing for Crook County. Ms. App said her job is always looking for funding and the state needs to do a better job. The state increase is just for this year, and the Ford Foundation and Roundhouse foundation is also one year.

The Court advised Ms. App that the CASA funding is now a line item in the County budget, and she can count on yearly funding.

Notice of Intent to Award contract for Purchase and Delivery of Unleaded Fuel

Mr. Wilson presented the information regarding the bids for the unleaded fuel supply for the landfill for the 2016-2017. Miller Oil was the low bid at \$1.54.58 cents per gallon. Last year they were the successful bidder at \$2.35 per gallon. This year it is a good saving and the bid received met all the requirements. Mr. Wilson recommended accepting the bid.**Motion**

Commissioner Crawford moved to award the unleaded fuel contract to Miller Oil. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Motion

Commissioner Fahlgren moved to approve and sign the contract with Miller Oil outside of Court. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Consider offer to purchase property located at 7761 SE Thompson Court for \$45,000

Mike Warren II, County Realtor of Record presented an offer to purchase County property located at 7761 SE Thompson Court for \$45,000 from Kim and Cathy Byrem. Property is currently listed at \$49,520 and the offer is \$45,000 with a condition that the County pay for the septic to be pumped, cleaned, tested and inspected. Mr. Warren prepared a counteroffer with the price of \$47,000, with the buyer to pay the septic test and pump, and the County to pay to test the water for bacteria, nitrate and arsenic as required by the State. He discussed with the Court the expense the County had in cleaning up the foreclosed property, removing the old manufactured home and cleaning up the grounds with the expenses amounting to approximately \$15,000. Commissioner Fahlgren agreed \$47,000 is a good counteroffer with the buyer's requirements regarding septic.

Motion

Commissioner Fahlgren moved to accept the sale agreement at \$47,000 to be signed outside of Court. Commissioner Crawford seconded the motion with the counteroffer at \$47,000. The vote was 3-0, motion carried.

Consider Crook County RV Park Reserve Fund letter and proposal

The Court and Counsel discussed the letter received from Crook County Parks and Recreation regarding a change in the agreement of the revenue split. The minimum of \$10,000 must be deposited in the reserve account with the balance of net revenue split equally between CCPRD and Crook County. The management agreement states that if amounts in excess of \$10,000 are going to be placed in the reserve account, both the District and Crook County must agree on the increased deposit.

For fiscal year ending 2016, the District had net revenue of \$152,508.48. The District has proposed splitting \$90,000 with Crook County, \$45,000 each, with \$60,000 being transferred into the reserve account and \$2,000 set aside for "audit adjustments."

| Mr. Wilson received an itemized budget before the decision could be made. He recommends approval.

Motion

Commissioner Crawford moved to approve \$60,000 deposit into the reserve fund as requested by Crook County Parks and Recreation. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Mr. Wilson will send a letter to Crook County Parks and Recreation informing them of the decision.

ADDITION

Trail Easement

Commissioner Crawford presented information regarding the need for an easement for the extension of the trails from the Lower 66 trail across a triangle piece of property that will require approximately \$1,000 for a survey. Mr. Wilson has done research on the easement and property.

Motion

Commissioner Crawford made a motion to move forward and hire Todd Catterson, Armstrong Surveying, to prepare a legal description for an easement across a corner piece of Pillar property. Commissioner Fahlgren seconded the motion to authorize a survey of property, and do a metes and bounds survey a triangle piece, not of an easement along the Rimrock. The vote was 3-0, motion carried.

Discussion was held regarding the question of once the easement on this property is complete, will there need to be a survey along the Rimrock. Commissioner Crawford will be in touch with Crook County Parks and Recreation Director Duane Garner to find out what he wants and on what portion of property

There being no further business before the Court in Open Session requiring action, Judge McCabe adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(h) Legal, 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

ORS 192.660(2)(h) Legal, Consulting 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 Counsel to discuss the matter called before the Court under ORS 192.660(2)(h) Legal, Consulting 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 McCabe adjourned the Court out of Executive Session and back into Open Session.

Open Session

Judge McCabe called the Court into Open Session after adjourning out of Executive Session under ORS 192.660(2)(h) Legal, 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 members of the public in waiting back into the meeting room

Motion

Commissioner Fahlgren moved to direct staff and the clerk to go forward and get more information to bring back to Court regarding the matter discussed in Executive Session. Commissioner Crawford seconded the motion.

The vote was 3-0, motion carried.

Judge McCabe adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(i) Performance Review, Bill Zelenka, Crook County Planning and Community Development Director.

Executive Session

ORS 192.660(2)(i) Performance Review, Bill Zelenka, Crook County Planning and Community Development Director.

Following the performance review, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(i) Performance Review, Bill Zelenka, Crook County Planning and Community Development Director and back into Open Session.

Open Session

Judge McCabe convened the Court into Open Session following adjournment out of Executive Session under ORS 192.660(2)(i) Performance Review, Bill Zelenka, Crook County Planning and Community Development Director and back into Open Session and invited all public in waiting back into the meeting room.

Motion

The Court moved and seconded to approve a step increase in salary for Bill Zelenka. The vote was 3-0, motion carried.

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

Respectfully submitted,

Colleen H. Ferguson

Colleen H. Ferguson
Crook County Court Secretary