

Approved April 20, 2016

**BE IT REMEMBERED THAT** the Crook County Court held a Regular Session on February 17, 2016 at 9:00 a.m. 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: Jerry Brummer; Jerry and Darlene Harpster, Prineville; Pete Sharp, Prineville; Casey Daly, Crook County Fairgrounds Manager; Melanie Barlow, Prineville; Jane and Gordon Aggers, Prineville; County Sheriff John Gautney and Mike O'Herron, Public Safety Advisory Committee.

The media was provided notice of the meeting.

Judge McCabe called the meeting to order and asked Melanie Barlow to lead the Pledge of Allegiance.

### **CONSENT AGENDA**

- 1. Approve minutes of December 2, 2015, December 16, 2015, January 6, 2016**
- 2. Approve Order 2016-02, Appropriation transfer, General Fund, Treasurer, to Library budget and Non-Departmental Contingency, to the Human Resources budget**
- 3. Approve Order 2016-04, to exempt structural repairs at the Crook County Fairgrounds Indoor Arena from Competitive bidding per Crook County Code 3.12.100 and declaring an emergency**
- 4. Approve Order 2016-16, Appropriation Transfer Ind. Grant Fund/Veterans Enhance materials and services to Ind. Grant Fund/Veterans Enhance personnel services**
- 5. Approve Order 2016-17, Increased appropriations, Health Department Grant Funds**
- 6. ~~Remove per Counsel:~~ Approve Order 2016-21, regarding repairs to landfill fence**
- 7. Approve Order 2016-20, appointment of Ron Cholin to COACT**
- 8. Approve Financing of Public Health Services—2015-17 IGA # 148006 Amendment #4**
- 9. Approve OHSET Indoor arena use agreement**
- 10. Amendment #1 to Paintcare services contract**
- 11. Approve document shredding services agreement**
- 12. Approve Amendment 1 to Agreement # 30429, Millican Road Project**
- 13. Approve 2016 PacificSource Contract**
- 14. Approve Non-binding MOU regarding air quality improvement cooperation**

The Court reviewed the Consent Agenda. Item number 6 was removed per County Counsel. Court discussed the PacificSource contract, and the LSCNW and WEBCO contracts amended to PacificSource.

### **Motion**

Commissioner Fahlgren moved to accept the Consent Agenda removing item number 6. Commissioner Crawford seconded the motion. Discussion regarding the language in the contract was held. The vote was 3-0, motion carried.

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**Public Hearing, Ordinance 290 Amendment, Legislative amendment- social gatherings**

**Motion**

Commissioner Crawford moved to read Ordinance 290 by title only on the first reading. Commissioner Fahlgren seconded the motion. Judge McCabe read Ordinance 290 by title only. The vote was 3-0, motion carried.

Assistant Planning Director Ann Beier and Assistant County Counsel Eric Blaine presented the staff report for Ordinance 290 to amend the social gathering ordinance. This ordinance addresses events with more than 100 people but less than 3000 people for more than 12 hours. The ordinance addresses fire, roads and safety. The main changes are to the fee schedule.

Commissioner Crawford asked if there were bond requirements. Ms. Beier and Mr. Blaine explained there are no bond requirements for social gatherings, but insurance is required and a cash deposit is required to use for paying additional costs such as County Sheriff Officers overtime. The application is basically the same as for mass gatherings but not as detailed.

Judge McCabe opened the public hearing.

Melanie Barlow asked questions regarding the requirements for a wedding with no more than 250. A permit would be through the County and required if the event will be over 12 hours.

There being no further comments, Judge McCabe closed the public hearing.

**Motion**

Commissioner Fahlgren moved to approve Ordinance 290 as presented. Commissioner Crawford seconded the motion. Judge McCabe read the title into the record during the motion. The vote was 3-0, motion carried.

**Motion**

Commissioner Fahlgren moved to read Ordinance 290 by title only on the second reading. Commissioner Crawford seconded the motion. Judge McCabe read Ordinance 290 by title only in to the record. The vote was 3-0, motion carried.

There was no additional staff report provided.

Judge McCabe opened the public hearing. There were no comments received. Judge McCabe closed the public hearing.

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**Motion**

Commissioner Fahlgren moved to accept and adopt Ordinance 290 on the second reading. Commissioner Crawford seconded the motion. Judge McCabe read Ordinance 290 by title only into the record. The vote was 3-0, motion carried to approve Ordinance 290.

**Public Hearing, Ordinance 291 and Intergovernmental Agreement (IGA) establishing Oregon Association of County Engineers and Surveyors (OACES), first reading, public hearing**

**Motion**

Commissioner Crawford moved to read Ordinance 291 by title only. Commissioner Fahlgren seconded the motion. Judge McCabe read Ordinance 291, establishing Oregon Association of County Engineers and Surveyors, by title only. The vote was 3-0, motion carried.

Mr. Blaine provided the staff report on Ordinance 291 and the IGA that will also be considered for approval. He explained that the County Engineers and Surveyors have been meeting for years. Ordinance 291 ratifies signing under state law. He explained the procedure and purpose of Ordinance 291 and the IGA. If approved today, the second reading will be March 2, 2016.

Judge McCabe opened the public hearing.

Darlene Harpster asked questions regarding the purpose of the ordinance.

Judge McCabe provided the purpose of Ordinance 291 and the OACES Organization. The organization has been affiliated with Association of Oregon Counties (AOC) for years, beginning the affiliate programs in 1970's. This organization has no exclusion of others. Crook County has two members: Bob O'Neal, County Roadmaster and County Surveyor Dave Armstrong. AOC takes care of the IRIS software used by the road department and the data server, and AOC lobbies for funding. Judge McCabe said the Veterans recently got the same standing; no one is left out of hiring.

There being no further comments received, Judge McCabe closed the public hearing.

**Motion**

Commissioner Crawford moved to approve Ordinance 291 on the first reading. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

The second reading of Ordinance 291 will be on March 2, 2016.

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**Consider approval of Order 2016-18, adopting updated HIPAA Compliance policy**

Mr. Blaine explained Order 2016-18, and the updated HIPAA Compliance policy. Mr. Blaine expressed his appreciation to County Health Director Muriel-Delavergne-Brown for her work on the 80 page policy. The policy applies to all departments that have any contact with health information.

**Motion**

Commissioner Fahlgren moved to approve Order 2016-18 as presented. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Once the order is signed and recorded, the new HIPAA policy will be posted on the website.

**Consider application for outdoor mass gathering, Symbiosis Inc.**

Ms. Beier presented a mass gather application. The organizer is out of California, and will celebrate in August 2017 the witnessing of the solar eclipse to be seen in Oregon. Up to 15,000 people may come. The County wants them all to have a good and safe event and to keep the neighbors safe and good as well.

This is a good organization. Information will be furnished 90 days in advance with payment 60 and 30 days prior to the event.

The organizer is requesting a waiver of bonding for hazardous waste. They are doing a 10 million dollar insurance, so are requesting the waiver for bonding. Ms. Beier said the Court can waive some requirements but not financial. This organization has a proven track record. Mr. Blaine said he echoes Ms. Beier. The organization is getting ahead of everything to do with this event, but they say they cannot get a bond, it is impossible. Mr. Blaine said that for the sake of argument, if they cannot get a bond, then perhaps no one can get one for this type of gathering. Mr. Blaine presented information on the coverage that would be needed after the event, what might need to be cleaned up. That was what the bond requirement was set for. Mr. Blaine suggested the Court could tentively approve the application subject to obtaining more information regarding the bonding matter and then research the bonding issue. If the bonding is not available, an amendment to the ordinance may be needed. All the information will be brought back to court.

Ms. Beier said that with \$10,000 cash deposit, there is some coverage for cleanup costs. This is premature for the final approval. There are public noticing requirements. This is not a land use action, but in fairness to the applicant, she would recommend a preliminary approval. The matter will come back to the Court in March.

Discussion was held on this event being held on private property, the cleanup that may be involved and the bonding that is for the event, not the roads. Also discussed was the insurance that does not always pay for cleanup, but the cash deposit would be used, and the deposit is refundable if not used. This will apply for all land owners.

There was no action taken today. The staff will bring back to Court meeting in March. This will apply for all land owners.

19. **Remove per Counsel** Consider request to reduce Brasada Ranch infrastructure bond

20. **Removed**, Road Department item will be considered on March 2, 2016

21. **Remove per Counsel**, Early Learning

### **Discussion regarding public jail advisory committee funding**

Mike O'Herron and Von Thompson presented information regarding the meetings of the 20 person Public Safety Advisory Committee. The committee has met as a full committee 10 times. They have reviewed the DLR reports, toured the jails and have been briefed by both the Sheriff's Department and the City Police. Public safety is far more complex than initially thought. They will have a written recommendation to the Court regarding the jail needs. The current jail is over 50 years old, houses 16 inmates and is past the life of the building. It is a danger to law enforcement manning this facility 24 hours per day. There is no question that the jail has outlived its usefulness. The 25 beds rented by Crook County in Jefferson County cost over \$600,000 per year. Mr. O'Herron reviewed the process followed by the committee up to this time, and the outcomes the committee hopes to recommend to the Court. The committee has employed a facilitator that will define and write the final report. Discussion was held regarding the cost of the facilitator's services.

Twenty years ago, the community realized the need for a new jail but did not pass the bond. The facility is now 20 years older and the need is greater. Mr. O'Herron said the committee has done the ground work and if there is a bond election, there will be answers to the questions that will be asked. The committee is now going forward with the facilitator's assistance and would like the City and County to split the costs of \$15,000 for the facilitator fees. The facilitator will conduct the meetings of the committee with four meetings including the City and County. Judge McCabe suggested one meeting with the City and County. Von Thompson talked about the emotions involved with this issue, and the need for the facilitator to keep the committee on focus, and keep emotions out of the process. Judge McCabe suggested one meeting with the City and County, and Commissioner Fahlgren asked that the committee continues to work toward a recommendation, but try to cut costs where they could.

Commissioner Crawford suggested approving the \$7,500 today, and asked that Mr. Thompson and Mr. O'Herron continue to work with the City of Prineville to see if they will provide part of the \$15,000. The Court will definitely work with them to complete this process.

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Further discussion was held regarding the total cost of \$15,000 needed to complete the payments for the facilitator for the committee, and the costs incurred by the County up to this point including funding most of the study for the jail facility needs costs.

Discussion was held on the City's thoughts that there could be a conflict if they provided funds.

Judge McCabe said the County will come through with \$7,500. He asked that they go back to City to ask for funding from the City.

**Motion:**

Commissioner Fahlgren moved to approve \$7,500 toward funding the facilitator for this project. Commissioner Crawford seconded the motion.

**Discussion**

Jim Waetjen asked if the County would be taking public input regarding the funding of the committee. Jim Waetjen, Crook County Citizen, commended Mr. O'Herron and Von Thompson for all their work in getting this survey and recommendation to the Court on the jail needs and costs. He read a statement as to why he is in opposition to give tax payer money to the Public Safety Committee. His information was regarding the former PMH (Pioneer Memorial Hospital) site. He provided his reasons and discussed his view point on the information provided from the committees, seeing it as a special interest group, and the possible conflicts with the Court's involvement with the group and meetings of this group by providing funding to assist with the continuing fees of the facilitator. He explained his viewpoint that this could be viewed by the tax payers that there was financial involvement by the Court by assisting with funds for the facilitator.

Judge McCabe explained that the Court worked with many committees. Commissioner Crawford said he did not agree that this was a special interest group, and Commissioner Fahlgren said that the committee has not completely ruled out the PMH facility. Mr. Waetjen said he would like to see this held off until after November elections. Judge McCabe said this is going to be money well spent. Mr. Waetjen said the final word will come from the voters.

The discussion continued on other ideas regarding presentation to the public voters, the work of the committee, and a question of ethics and legality. Mr. Waetjen spoke more on a special interest group, and legal steps to get through this. He said the group is doing a wonderful job, but he believes the working conditions can be influenced by the County providing funding. More discussion was held on this not being a special interest group, and the reasons.

Jerry Brummer discussed everyone really being on the same track with the desire to come to a good recommendation for the jail, the lack of focus of the group before the facilitator was brought on, and the need for the committee to continue and come forward with a recommendation. There is a little difference in how we see the completion and the end results. Mr. Brummer said he had been on the committee and removed himself because it was not

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coming together as quickly as he thought it should, but he had agreed that the facilitator would keep focus on the completion of the recommendation by the 20 person committee.

Pete Sharp, Prineville, came forward to speak on the matter. Judge McCabe took a moment to talk about wearing campaign buttons on the County property. Mr. Sharp referred to the "jail" committee. He had attended some of the committee meetings, and he has some concern on spending the money on experts when we have so many brains here. We've spent the money, and have put all the time and money in this, we need to get this thing finished, not down the line but getting it done now. But he understands keeping the committee on track to get the work done, completed and the recommendation to the Court and out to the people.

Sheriff Gautney spoke on the purpose of the committee to come up with the recommendation. He attended the first meeting when the facilitator was at the meeting, and the facilitator got a lot done. He agreed with Pete Sharp that this needs to go ahead and be completed. The Court will make the final decision, and the best decision for the County and the tax payers.

Judge McCabe said he appreciated all the viewpoints expressed, and would like to stay with the \$7,500, agreeing with Commissioner Crawford to not go forward with \$15,000 at this time. He thanked Mr. O'Herron and Mr. Thompson for all their time and effort. Judge McCabe said that if they run into a wall with the City, come back to the County and we will hear it again. Judge McCabe believes the City should come through with some funding.

**The final of the vote was 3-0, motion carried.**

There being no further business before the Court at this time requiring action, Judge McCabe adjourned the meeting.

Respectfully submitted,

*Colleen Ferguson*

Colleen Ferguson  
County Court Secretary  
County Administration Executive Assistant