

BE IT REMEMBERED THAT the Crook County Court held a Regular Open Session at 9:00 a.m. on December 16, 2016 in the County meeting room located at 320 NE Court Street, Prineville, Oregon. In attendance were: Judge Mike McCabe; County Commissioner Seth Crawford; County Counsel Jeff Wilson; Assistant County Counsel Eric Blaine and County Court Secretary Colleen Ferguson. Commissioner Ken Fahlgren was unavailable.

Member of the public signing the attendance log were: Chris Gannon, Crooked River Watershed Council; Casey Daly, Manager, Crook County Fair Grounds; Jerry and Darlene Harpster, Prineville; Melanie Marlow, Prineville; Kathy Gray, County Treasurer; Kim Kambak, Prineville; Ann Dill, Prineville; Amy Pettijohn, Prineville; Lexi Davis, Prineville; Hailey Singer, Prineville; DeAnna Mursch, Prineville; Nancy Wiggins Condran, Powell Butte, Jason Carr, Prineville; Rebekah Burkhardt, Sheriff's Office; John Gautney, Sheriff's Office; Jim Hensley, Crook County Sheriff; James Savage, Sheriff's Office; Tish Plasterer, Sheriff's Office; Mike Ryan, Sheriff's Office and Bill Mintiens, Jakie Spring Media.

The media was provided notice of the meeting.

Judge McCabe called the meeting to order and asked Jerry Harpster to lead the Pledge of Allegiance.

CONSENT AGENDA

1. Approve Janitorial Services at COCC Open Campus
2. Approve transfer of assignment of bank account for security purposes
3. Approve Amendment No. 6 to WEBCO Agreement
4. Approve Mainline properties, LLC, Amendment to Private Hangar Land Lease/
Declaration of Condominium Ownership for Prineville Hangar
5. Approve Order 2015-70, In the matter of naming a private road located in Crook
County, SW Dickson Rd

The Court reviewed the Consent Agenda. There were no changes made.

Motion

Commissioner Crawford moved to approve the Consent Agenda as presented. Judge McCabe seconded the motion. The vote was 2-0, motion carried.

2014 Annual Report for CRWC/ Chris Gannon

Chris Gannon, Crooked River Watershed Council, provided the 2014 annual report to the County. He provided information on OWEB funding program changes during 2014. He said they would change back into the regular program in 2015. There are over \$1,000,000 in projects on the books.

Mr. Gannon provided information on a project up McKay, the Deschutes River Conservancy Board meeting, and the possible lawsuits regarding the spotted frog in the Deschutes River Basin. Discussion was held regarding the fact that water is a big issue for all of the communities in Oregon.

Mr. Gannon provided handouts to the Court members regarding his presentation.

Request for funding for Oregon High School Equestrian Team (OHSET)/ Cover costs of Monday night riding in indoor arena, Ann Dill and Equestrian Team

Team members presented information regarding the OHSET that was established in 1993. The Crook County team began in 2004 and state wide there are 1800 riders involved. At this time there are 10 students involved in Crook County. January through April they practice two times per week, one time per week from 5:30 p.m. to 7:30 p.m. in the Crook County Fairgrounds indoor arena, and once in a private arena.

The team has served the community by serving at the Elks Club and by delivering Hospice Christmas trees. There is a lot of commitment involved with the team. Nancy Condrón explained that this is a varsity sport that can be lettered in and is a huge volunteer organization. The participants learn the driving and working cattle as well as many other experiences.

Ann Dill asked the Court to approve the waiving of fees at the Fairgrounds for the use of the arena by this non-profit organization.

Casey Daly, Manager, Crook County Fairgrounds, said that the Fair Board has waived the fees for OHSET and for Search and Rescue in previous years. Each organization uses the arena for a portion of the same day. Judge McCabe thanked the Fair Board and Fairgrounds for doing this for the team.

Ms. Dill explained that there are 10 girls in the team this year with the average from 8 to 10. The Central District meet will be held in Redmond, one in February and two in March. Ms. Condrón said a lot of kids with lower skill levels have the opportunity to take part, a good experience for all.

Request for funding, Post-Paulina Rural Fire Protection, \$4,500

Judge McCabe presented information regarding the Post- Paulina Fire Protection District and the initial responders and land owners that comprise this organization. He said the County does not do a lot for this area due to the distance for fire. The County keeps the roads in good condition, and the Sheriff's Department covers the area. Gary Bedortha of the Paulina area has approached Judge McCabe regarding assisting with the organization for insurance costs. Judge McCabe said this matter was considered at budget hearings, and \$4,500 is included in the budget for this year.

Motion

Commissioner Crawford moved to approve \$4,500 to help fund the Post-Paulina Rural Fire Protection organization. Judge McCabe seconded the motion. The vote was 2-0, motion carried.

PUBLIC HEARING: Second Reading, Ordinance 285, Updating Crook County Fire and Rescue Code Chapter 8.12, updating Ordinance 35

Assistant County Counsel Eric Blaine presented the staff report on the second reading of Ordinance 285, updating the Crook County Fire and Rescue (CCF&R) Code Chapter 8.12, updating Ordinance 35. The changes are modest with some more significant than others. The CCFR recommends the adoption of the changes. This ordinance does include an emergency clause and if approved will go into effect immediately upon adoption. It will then be sent on to Code publishing for inclusion in the Crook County Code. No one commented during the public hearing at the last meeting.

Motion

Commissioner Crawford moved to read Ordinance 285 by title only. Judge McCabe seconded the motion. Judge McCabe read Ordinance 285 by title only. The vote was 2-0, motion carried.

Judge McCabe opened the public hearing. There were no comments from the public. Judge McCabe discussed the CCF&R working with burning and with the Forest Service, BLM and FEMA.

Motion

Commissioner Crawford moved to approve and adopt Ordinance 285 as presented on the second reading with the emergency clause. Judge McCabe seconded the motion. Judge McCabe read Ordinance 285 by title only. The vote was 2-0, motion carried.

Since the meeting was running ahead of schedule, Judge McCabe asked to hear the discussion on the proposed purchase of a new vehicle by Crook County Community Development.

Consider purchase of vehicle for Crook County Community Development

Ann Beier, Assistant Planning Director, presented information on the need for a new vehicle for the Community Development Department. During the last budget hearing, the discussion on the need for two vehicles and the plan to buy them through the Forest Service Surplus was held. It has since been found that the Forest Service is holding on to its vehicles this year, so the surplus pool is not available. There is a need to replace the older dodge truck currently used by the On-Site inspector. The budgeted amount for the earlier proposed two used vehicles was \$26,000 to \$27,000. Permit fees could cover the cost of the vehicle. Ms. Beier went out for three quotes for a basic Ford Explorer; Quotes were received with the low coming from Wright Ford at \$26,868, TS&S at \$26,880. and Roberson Ford, the local bid at \$27,077.74. The difference is minimal, and the County prefers to buy local to support the community. Service would be local also. County Counsel Jeff Wilson recommends a motion to approve purchase from Roberson Ford at \$27,077.74.

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Motion

Commissioner Crawford moved to approve the purchase of a Ford Explorer from Roberson Ford at the cost \$27,077.74. Judge McCabe seconded the motion. Darlene Harpster had questions about the new vehicle. Was it to add to the vehicle pool or replace a vehicle? It is to replace an old Dodge pickup with over 200,000 miles on it. The new vehicle will be used locally and even though the inspectors are very busy, the vehicle should last a long time. The vote was 2-0, motion carried.

PUBLIC HEARING: Ordinance 287, Amending Chapter 2.08 of the Crook County Code and declaring an emergency

Counsel Jeff Wilson provided the staff report and explanation of Ordinance 287. This ordinance involves the appointment of a Court member to fill a vacancy if needed. This is the first reading and will become effective on the 2nd reading is approved. Judge McCabe asked about the need for the emergency clause.

Motion

Commissioner Crawford moved to read Ordinance 287 by title only. Judge McCabe seconded the motion. Judge McCabe read Ordinance 287 by title only amending chapter 2.08 of the County Code. The vote was 2-0, motion carried.

Judge McCabe opened the public hearing.

Darlene Harpster asked if voters would have the opportunity to nominate. Jason Carr commented on the language-shall be appointed by governor. Mr. Wilson said the word in the language is may, and he believes the County is covered with that language.

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

Motion

Commissioner Crawford moved to approve Ordinance 287 on the 1st reading. Judge McCabe seconded the motion. Judge McCabe reread the Ordinance 287 by title. The vote was 2-0, motion carried.

The second reading will be held on January 2nd, 2016.

Mr. Wilson expanded on his response to Mr. Carr. He discussed the language and state statutes involved. He has also researched other counties and states regarding this same matter.

Project Overwatch

Judge McCabe read into the record a letter received from Kim Kambak recommending the purchasing of the Pioneer Memorial Hospital site for use by the veterans.

**Congratulations to Sheriff Hensley on his 33 years of service; appointment of successor/ Thank you Jim Hensley/
Review Crook County Sheriff's Office transition/ Decision on appointment to fill the Position.**

Crook County Sheriff Jim Hensley spoke to the Court and the audience. He said this has been an emotional decision; to serve as the Crook County Sheriff has been an honor. To serve the Community for 33 years has been a great honor. He said it was humbling and a great honor to be elected to the office of Sheriff, especially this last time when no one ran against him. Sheriff Hensley had planned on

staying, but now finds he must do what the Doctor recommends. He feels he would become too much of a liability to his staff. A working Sheriff needs to be hands on and he can see his staff worry about him instead of themselves. This is a small agency and everybody deserves someone to do the whole job. Sheriff Hensley said he loves his job and staff; it's a great bunch to work with. The Sheriff talked about his time working with John Gautney from when they both started at the Sheriff's Office.

John Gautney left the Sheriff's office and went to work in the Bend PD for 16 years rising to the rank of Lieutenant. He is a fine man and has attended the National FBI Academy. Sheriff Hensley asked John Gautney if he would come to work with him if elected. The two agreed they would work together.

Sheriff Hensley has made the recommendation that Government appoint John Gautney to fill the office of Sheriff upon Sheriff Hensley's retirement until the next election. He has full and total support and respect to take over at the Sheriff's Office. At that time, John Gautney will file to run for Sheriff.

Judge McCabe said in all the years they have worked together, John has done a wonderful job with staff and office staff. Jim Hensley is leaving the County in good hands.

County District Attorney Daina Vitols said that two weeks ago at the District Attorney Conference, 33 of the 36 District Attorney's voted to recognize Bob Wolf and Jim Hensley retiring.

She provided information from a letter to the Sheriff. Sheriff Hensley began his career in the Police Department in 1983, starting at the Sheriff's Office and was one of the original four members of the drug enforcement team. He is the 27th Crook County Sheriff and dedicated to the safety of Crook County. Sincere congratulations and best wishes. Ms. Vitols said there was never a why--it has always been-- how is this going to work.

Further history was given of Sheriff Hensley's career. He is now going to spend time heading south and going on to meeting and getting to know his grandchildren that live so far away. Sheriff Hensley said he runs into friends all the time, even in jail. Treat everybody with respect—they will go a lot

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further.

Undersheriff Gautney spoke of his friendship with Sheriff Hensley and how pleased he is to have the Sheriff recommend him to the position of Crook County Sheriff.

Mr. Gautney provided a letter regarding his desire to serve in the position of Sheriff. He has lived in Crook County since 1981. He said "If appointed, I will be honored to serve this community".

Motion

Judge McCabe moved to appoint John Gautney as the Crook County Sheriff effective upon the retirement of Sheriff Jim Hensley and the execution of all required documentation. Commissioner Crawford seconded the motion. The vote was 2-0, motion carried.

Judge McCabe announced the swearing in of John Gautney to the position of Crook County Sheriff will be held on December 31, 2015 at 9:00 in Courtroom A with Judge Williams officiating.

Judge McCabe thanked everyone for coming and stated that Sheriff Hensley will be here until the 31st.

A brief discussion regarding Trent Smith and the Cattleman's Association.

There being no further business at this time before the Court, Judge McCabe adjourned the Court out of Open Session and into Executive Session under ORS **192.660(2)(h)** Legal Consultation, for the purpose of 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 Consultation, for the purpose of 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 County Counsel's to discuss the matter before them under the legal consultation Executive Session. Following this discussion, Judge McCabe adjourned the Court out of Executive Session under **ORS 192.660(2)(h)** Legal Consultation, for the purpose of 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 into Open Session.

OPEN SESSION

Judge McCabe convened the Court into Open Session after adjourning out of Executive Session under **ORS 192.660(2)(h)** Legal Consultation, for the purpose of 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 any members of the public waiting back into the meeting room.

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Motion

Judge McCabe moved to authorize staff to proceed as was discussed in Executive Session. Commissioner Crawford seconded the motion. The vote was 2-0, motion carried.

There being no further business requiring action of the Court today, Judge McCabe adjourned the meeting.

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Secretary
County Court Executive Administrative Assistant