

BE IT REMEMBERED THAT the Crook County Court held a Regular Session on September 16, 2015 beginning 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 Executive Assistant Colleen Ferguson.

Members of the public providing testimony, information and comment were: Eric King, Deputy Sheriff; Crook County Sheriff Jim Hensley; Jennifer Orozco, new employee, Administration Office; Chris Williams, Crook County Tobacco Coordinator; Ann Beier, Assistant Planning Director; Bill Zelenka, Planning Director; Darlene Harpster, 1040 NE Bitterbrush Rd., Colette Smith, WEBCO; Ralph Foster, Post and Bob O'Neal, County Roadmaster.

Judge McCabe opened the County Court meeting and asked Eric King to lead the Pledge of Allegiance.

Consent Agenda

1. **Approve minutes of July 15, 2015, July 28, 2015, and July 30, 2015**
2. **Approve Order 2015-47 temporary closure of Shotgun Road**
3. **Approve Order 2015-48, authorizing County Treasurer to forego further competitive process and directly contract with a CPA firm to perform audit services for Crook County**
4. **Approve Order 2015-XX, transfer of funds in Community Development**
5. **Approve law library patron access terminal agreement, Lexis Nexis**
6. **Approve contract with PrineTime**
7. **Approve award for plowing services contract for 2015-2017 snow seasons**
8. **Approve Amendment to IGA Services Contract #2811**
9. **Approve Crook County Community Corrections 2015-2017 M57 Supplemental Funds IGA**
10. **Approve IGA #5114 between the State of Oregon and Crook County for Community Corrections**
11. **Approve Order 2015-49, In the matter of adopting the Crook County Community Corrections Plan for the period July 1, 2015 through June 30, 2017**
12. **Approve Office copier leases with De Lage Landen, LLC**

The Court reviewed the Consent Agenda. Item number four was removed for changes as discussed.

Motion

Commissioner Fahlgren moved to accept and approve the Consent Agenda as presented with the changes as discussed, removing number four. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Swearing in ceremony, Deputy Sheriff Eric King

Crook County Sheriff Jim Hensley introduced Deputy Sheriff Eric King to the Court and the public and provided a brief background of Deputy King's Service. Deputy King served was recently discharged from the Military. Deputy King introduced his family in the audience.

Sheriff Hensley explained the purpose of the public swearing-in ceremony for the new Deputy, and he issued a challenge along with the explanation behind the challenge coin to Deputy King. The coin is issued, not given, to a new Deputy with a patch on one side and the words: Honor, Service and Justice on the other side with the word Integrity above them all. Integrity is what the Sheriff's Deputies and office stand for: above all, Integrity. If a deputy leaves the department under good circumstances, the deputy is given the coin to take with him or her. If not under good circumstances, the coin must be returned.

Sheriff Hensley issued the oath of office to Deputy King, and Deputy King repeated his oath in front of the Court and public. Sheriff Hensley explained that it takes at least six months of training to learn to be safe. He wants all his deputies to stay safe in this day and age when a lot of people are unhappy with law enforcement.

The Court congratulated Deputy King on his new position and welcomed him to the County.

Introduction of new employee

Judge McCabe introduced Jennifer Orozco. Ms. Orozco is a new full-time County employee employed in a shared job position between the County Court and Administration Office and the County Community Development Office. The Court welcomed Ms. Orozco to the County.

Approve Order 2015- 46, Equal Employment Opportunity Plan (EEOP) for 2015-2017

Assistant County Counsel Eric Blaine presented Order 2015-46. Every two years the County is required to adopt the EEOP Order in order to receive certain Federal Funds. This is to track the representation of the County hiring pool. Mr. Blaine explained the categories and bullet points of the law and the order.

Motion

Commissioner Crawford moved to approve Order 2015-46, EEOP for 2015-2017. Commissioner Fahlgren seconded the motion. The vote was 3-0, motion carried.

Approve Financial Assistance Request from OID

County Counsel Jeff Wilson explained that Mike Kasberger, Ochoco Irrigation District Manager, appeared at a recent County work session to discuss the drought and the need to look into modifying a portion of the pipe that was raised during the repair of the Ochoco Reservoir and is leaving unused water at the bottom that could be used for irrigation. Plans are being made to use the pumping system to raise and be able to use all the water. The cost is estimated at \$140,000.

OID is asking the County to contribute \$18,000 to fabricate a manifold. Mr. Kasberger has provided a formal request that Mr. Wilson is presenting today.

Judge McCabe called Mr. Kasberger to talk with him on the speaker phone. Discussion was held regarding the urgency of the situation. Mr. Kasberger said the County is going to make it through this year but the District would like to have it for next year in order to be prepared in case of another drought.

Judge McCabe suggested putting this off until after the first of the year. Mr. Wilson will bring it to the budget process or before.

Public Hearing, Ordinance 279, creating a Library tobacco-free campus, First reading and public hearing, vote

Ordinance 279 is a smoking pollution ordinance that would create a tobacco-free campus on the library property. The County leases the parcel of land that the library campus is located on, carrying a 99 year lease. This is not city property due to the lease so the no smoking is a County issue.

Chris Williams, Tobacco Coordinator with the Crook County Health Department presented the latest reports associated with tobacco use and no tobacco use on the campuses.

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

Commissioner Crawford said he does not believe the County should be telling people they cannot smoke on County areas. He discussed smoking areas.

Commissioner Fahlgren said he believes the County needs the ban due to the children and others that use the library campus.

Motion

Commissioner Fahlgren moved to accept and approve Ordinance 279. Judge McCabe seconded the motion. The vote was 2-1, Commissioner Crawford voting nay. The second reading will be on October 7, 2015.

Public Hearing, Ordinance 280, An Ordinance amending multiple chapters of Title 18 and Chapter 17.40 of the Crook County Code, and declaring an emergency: first reading, public hearing, vote

Assistant Planning Director Ann Beier has worked diligently on Ordinance 280 and has worked through the process by holding several meetings of the Planning Commission to draft the changes to Title 18 and Chapter 17.40 of the Crook County Code.

Assistant County Counsel Eric Blaine provided information on County Code 17.40 that discusses how securities are provided for subdivisions. He presented information on the options provided and the purpose of the emergency clause that would have the Ordinance go into effect 30 days after the final approval. Discussion of the proposed ordinance included bank security, cargo containers to be used for storage, other housekeeping items and the bonding and securities being the most significant changes in this ordinance.

Motion

Commissioner Fahlgren moved to read Ordinance 280 by title only. Commissioner Crawford seconded the motion. Judge McCabe read Ordinance 280 by title only. The vote was 3-0, motion carried.

Judge McCabe opened the public hearing.

Darlene Harpster, 1040 NE Bitterbrush Rd, Prineville said she had attended the Planning Commission meetings regarding Ordinance 280. Almost all were definition changes, housekeeping things and all made sense. She said the changes are very good.

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

Motion

Commissioner Fahlgren moved to accept Ordinance 280. Commissioner Crawford seconded the motion and added that the ordinance does include a 30-day emergency clause. The vote was 3-0, motion carried.

Judge McCabe added that he wanted it on the record that the Court appreciates all the time and attendance that has gone into Ordinance 280.

Consider offer for County Foreclosed property located on Almond Lane in Juniper Acres

County Counsel presented an offer received from Clyde Carnagy through the county agent of record Mike Warren II to purchase a 10-acres parcel of county owned foreclosed property located in the Juniper Acres Subdivision on Almond Lane. The offered amount is \$7,500.

The Court considered a recommendation for a counter offer of \$8,000. The Court discussed the area, the roads and the counteroffer amount.

Motion

Commissioner Crawford made a motion to respond with a counteroffer of \$8,000. Commissioner Fahlgren seconded the motion. Judge McCabe restated the motion. There was no further discussion. The vote was 3-0, motion carried.

Consider recommendation from WEBCO Board, increasing mileage reimbursement for Wellness and Early Learning Board of Central Oregon (WEBCO) employees to the IRS rate

The Court reviewed a request received from employees of WEBCO (who are paid as employees of Crook County) to increase the reimbursement to WEBCO employees from the current 25 cent rate per mile to the IRS rate of 57.5 cents per mile. The County policy is reimbursement of 25 cents per mile when an employee chooses to use their own vehicle when a County motor pool vehicle is available, and 50 cents per mile for an employee to use their own vehicle when no County motor pool vehicle is available.

Mr. Wilson discussed with the Court the reasons that WEBCO operates through Crook County was due to the lowest costs and lowest compensation used by the County, and this also could bring about a fairness issue. If WEBCO is awarded this reimbursement amount, what about other employees of the County. One county employee has already asked if all county employees would get the raised amount. The Court discussed that all other departments of the County pay into the motor pool at the 50 cents per mile policy when the motor pool cars are used. This offsets the cost of purchasing newer vehicles for the motor pool. Discussion was held regarding WEBCO using motor pool cars but this is not feasible as WEBCO is located in Redmond.

Deschutes County Commissioner Tammy Baney, WEBCO Board member, recommended that Crook County stay consistent and decrease to the highest for the County. Discussion was held that the vehicles are not available for WEBCO use due to location and the limited amount of vehicles, and there is the issue of fairness among all employees.

Colette Smith, WEBCO, feels it should be fair with all employees. When she received the request, she said she would bring it to the Court.

Commissioner Crawford clarified that the County is not paying the WEBCO staff to drive and from work. There is staff at WEBCO living in all three counties.

The County is not paying any WEBCO employee to drive back and forth to work. Reimbursement is paid from the office out to work and back to office. Mr. Wilson recommended paying the 50 cents per mile not regarding if a County vehicle is available.

Motion

Commissioner Fahlgren moved to approve the 50 cents per mile for WEBCO employees. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Discuss changing date of County Court meeting in Paulina School/ previous change made from September 16, 2015 to October 21, 2015/ School conferences are scheduled on October 21, 2015. Consider changing to October 7, 2015? Or wait till spring time.

Colleen Ferguson explained why the dates for the County Court meeting generally held in Paulina in September have changed. Principle Cheri Rasmussen contacted the Court to advise the Court that the rescheduled date of October 21, 2015 will not work for meeting at the school due to the scheduling of Parent/Teacher Conferences. The consensus of the Court was to wait until spring time to hold the meeting, probably April or May.

Emergency Road Closure

Roadmaster Bob O'Neal presented information regarding the need for an emergency road closure due to a portion, one-eighth to one-quarter mile, in the Newsome Creek and Pine Creek area. The road has fence hanging out over the river for about 200 yards, and Mr. O'Neal is worried about a big truck going over and into the river. It would cost \$300,000 to \$500,000 for construction and purchasing of a right of way. Mr. O'Neal recommended an emergency closure and then talking to the neighbors in the area about what can be done permanently to solve the problems. He recommends the closure of a section of about one-eighth mile. Jim Wood, property owner, will provide property for a turn-around on the straight stretch versus a turn-around Corner. Discussion was held on herding cattle over the area, no big equipment, and getting out talking to owners and neighbors about the concerns.

Ralph Foster, Post, discussed the turn-around needing to have the road department put rock down in the turn-around area. Judge McCabe asked Mr. Foster to let the other neighbors know that he had been to Court today and inform them of what he had heard discussed here today. Judge McCabe said the Court appreciates when folks come into Court and are part of the discussion.

Letters will be going out to all the neighbors in the closure area.. Judge McCabe said the County does not want to close down any road but has no choice. The plan is to work with the folks in the area that need access.

Judge McCabe thanked the public for attending and at this time adjourned the Court into Executive Session under ORS 192.660(2)(i), Performance Evaluation.

EXECUTIVE SESSION

ORS 192.660(2)(i) Performance Evaluations

Roadmaster Robert O'Neal

Maintenance Supervisor Greg Hinshaw

Following the two performance evaluations, Judge McCabe adjourned the Court out of Executive Session and back into Open Session

Open Session

Following the performance evaluations under ORS 192.660(2)(i) for Roadmaster Robert O'Neal and Maintenance Director Greg Hinshaw, Judge McCabe convened the Court into Open Session and invited the public back into the meeting room.

The Court approved performance evaluation step increases for Roadmaster Bob O'Neal and Maintenance Director Greg Hinshaw.

Judge McCabe adjourned the Court out of Open Session and into Executive Session under **ORS 192.660(2)(e)** To conduct deliberations with persons designated by the governing body to negotiate real property transactions pursuant to ORS and **ORS 192.660(2)(h)** To consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Executive Session

Judge McCabe convened the Court into Executive Session under **ORS 192.660(2)(e)** To conduct deliberations with persons designated by the governing body to negotiate real property transactions pursuant to ORS and **ORS 192.660(2)(h)** To consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Following discussions under the Executive Sessions called, Judge McCabe adjourned the meeting out of Executive Session and back into Open Session.

Open Session

Judge McCabe convened the Court back into Open Session after adjourning out of Executive Session under **ORS 192.660(2)(e)** To conduct deliberations with persons designated by the governing body to negotiate real property transactions pursuant to ORS and **ORS 192.660(2)(h)** To consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and invited the public back into the meeting room.

Motion

Regarding the matter discussed under ORS 192.660(2)(e), Commissioner Fahlgren moved to approve and sign the Land Option and Memorandum Agreement as discussed in Executive Session. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Motion

Regarding the second matter discussed under ORS 192.660(2)(e), Commissioner Fahlgren moved to direct staff to go forward with the instruction and direction for the County as discussed in the Executive Session. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Motion

Approved November 4, 2015

Regarding the matter discussed under ORS 192.660(2)(h), Commissioner Fahlgren moved to declare the developers of Mountain Ridge Phase 2 bond in default and to make a claim on the improvement bond. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

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

Respectfully submitted,

Colleen Ferguson

Colleen Ferguson
Crook County Court Executive Assistant