

Approved February 18, 2015

**BE IT REMEMBERED THAT** the Crook County Court met in Regular Session on February 4, 2015 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: Darlene and Jerry Harpster, Prineville; Gail Merritt, Fair Board, Prineville; Tim Ray, Fair Board, Prineville; Claire Withycombe, The Bulletin; Stanley Flynn, Fair Board; Gordon and Jane Aggers, Prineville; Katrina VanDis, COIC; Casey Daly, Crook County Fairgrounds Manager; Rebekah Burkhardt, Sheriff's Office; John Gautney, Sheriff's Office; Greg Crass, Prineville; MaryLou Bernard, Prineville and Stephanie Blind, County Human Resources Director.

The media was notified of this meeting.

Judge McCabe called the meeting to order and asked Katrina VanDis to lead the Pledge of Allegiance. Judge McCabe introduced Claire Withycombe, reported with The Bulletin newspaper. She will be reporting on the Court meetings in the area.

### **Consent Agenda**

1. **Approve minutes of December 17, 2014**
  2. **Approve Order 2015-05, In the matter of Increased Appropriations, Health Department/Water Grant/School Based Health Fund**
  3. **Approve Order 2015-06, In the matter of appropriations transfer, Health Department/ Grant Fund, Water Grant**
  4. **Approve Order 2015-07, In the matter of Increased Appropriations, Veterans Fund**
  5. **Approve Order 2015-08, Appointment to CERC, Muriel DeLaVergne-Brown**
  6. **Approve Order 2015-09, In the matter of appropriations transfer, M-57 Grant**
  7. **Approve Paint Management Services Agreement with Paintcare, Inc.**
  8. **Approve 12<sup>th</sup> Amendment to OHA 2013-2015 IGA for the Financing of Public Health Services agreement 142006**
  9. **Approve Invenergy—Memorandum of Option Agreement**
- ADDITION Approve Order 2015-10, appointment of Greg Crass to County Fair Board**

The Court reviewed the Consent Agenda with the addition of Order 2015-10, appointment of Greg Crass to the County Fair Board to serve the remainder of the term expiring December 31, 2015 of Kathy Gaillard, vacated upon her resignation.

### **Motion**

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

Darlene Harpster asked if she could tape record the meeting. The Court advised her that the meeting is recorded and put on disk for \$5.00. She does not want to pay for a disk. County Counsel said he will look into the legality of the recording, but right now he does not know of any ruling that she cannot record.

**Read Proclamations applauding Senator Ron Wyden, Senator Jeff Merkley and Congressman Greg Walden**

Judge McCabe read the Proclamation applauding Congressman Greg Walden for his bipartisan and determined effort to pass and have signed into law HR2640, the Crooked River Collaborative Water Security and Jobs Act (Public Law 113-244) and to applaud his two bills regarding water management at the US bureau of Reclamation's Arthur R. Bowman Dam; and to Congressman Walden's remarkable commitment to Central Oregon's agricultural community, and to the people who live and work in Crook and Jefferson Counties, and to enhancing the Crooked River's fish and wildlife value, and his dedication to responsible, sustainable public policy that truly benefits Oregon's economy and environment.

Commissioner Fahlgren read the Proclamation applauding Senator Ron Wyden for demonstrating clear leadership in the closing hours of the 113<sup>th</sup> session of Congress, supporting the work of Senator Jeff Merkley and Congressman Greg Walden to amend HR 2640 and to secure its unanimous passage, and to applaud his long commitment to the long-term water supply certainty of our community and the Crooked River.

Commissioner Crawford read the Proclamation applauding Senator Jeff Merkley for his bipartisan and determined effort to secure passage of HR 2640 in the Senate with Senator Merkley's amendments to strengthen NR 2640 and his display of a remarkable commitment to the Central Oregon's agricultural community, and to the people that live and work in Crook County and enhancing the Crooked River's fish and wildlife values, and for his unyielding commitment to the long-term water supply certainty of our community and dedication to responsible , sustainable public policy in Oregon.

Judge McCabe recounted the history of the process leading up to this bill being passed. The cost was about one million dollars for the Jefferson and Crook Counties, the City of Prineville and the water districts. The result of the work on this project turned out fine, and the Collaboration Water Security Act bill was actually passed on the last day that Congress was in session, December 18, 2014. The President has signed the bill.

**Presentation, Christmas in the Pines 2014 overview/ Stan Flynn**

Stan Flynn, volunteer with Christmas in the Pines and now Fair Board member presented information on the great success of the Christmas in the Pines event held at the Fairgrounds over 13 nights. This year, the event brought in 4000 people, and they brought in 2,518 pounds of food for the food bank, 800 pounds more than last year. He reported that grants from Facebook and private donations allowed the purchase of additional displays and the change of all the lights to LED, saving on the power bill. Last year, the power bill was \$1,200, this year only \$625.00. Mr. Flynn and the volunteers thanked the County for assisting the event by paying the power bill.

Mr. Flynn said new displays have been ordered for 2015 and next year the event will be even bigger and brighter. The event with the lighted displays, Santa for the children, the lighted nativity scene and the Grimes display made it an evening to remember. The Christmas in the Pines volunteers thank the people of Prineville for all the donations, and a big thank you to Casey Daly and the staff at the Fairgrounds.

Judge McCabe said it was a wonderful display.

Fair Board member Tim Ray introduced Greg Crass, appointed to the Fair Board today through Order 2015-10. Mr. Crass has been volunteering through the Chamber of Commerce acting as the photographer. Mr. Crass said he is passionate about small town fairs and festivals. He came from a small

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town in California where he volunteered for the events, and when he went to the fair here last year, he knew he wanted to be involved.

Judge McCabe thanked Mr. Crass for stepping up and volunteering for the important job. The Fairgrounds is so important to our community.

### **Pee Wee Rodeo Request/ Dave McMichael**

Dave McMichael, Pee Wee Rodeo Representative, presented a request for assistance with funding to cover the costs of use of the Fairgrounds during the 10 days of Pee Wee Rodeo activities. There are nine days of arena use for the Rodeo and one day of use of the Carey Foster Hall. Casey Daly, Fairgrounds Manager, said the total cost is \$1,500. The contestants come in on Friday night to set up and use the arena Saturday and Sunday.

Judge McCabe said the request will be considered during Budget Hearing meetings.

Mr. McMichael said he would like to thank Casey, Josh and staff at the Fairgrounds. They help with anything that is needed and the organization really appreciates them.

### **Title III project presentation and funding request/ Katrina VanDis, COIC**

Katrina VanDis, COIC, presented two Title III requests to the Court. 1) The first would continue with the Community Wildfire Protection Plan (CWPP). This plan was rewritten in 2015 and must be reviewed yearly and updated every five years. The Title III new money can be used for the CWPP or for Firewise Education. The most recent review was in 2014, and this requested funding will cover through February 2019 with the next review. The amount requested is \$32,500 and includes grant writing for additional funds for fire protection work. Ms. VanDis is working with the Oregon Department of Forestry at this time for grant work in the Johnson Creek and Mill Creek area.

Discussion was held regarding John Jackson's Title III request for funding as he works with the FEMA grants for Fire Protection and reimbursements to the Sheriff and Search and Rescue for fire work and rescue work on Federal Lands. Also discussed was the reduced amount of expected Secure Rural School's money, Title III funding, that has been announced by the Federal Government.

2) The second is to look at the firewise community funds and leverage as much support as possible. Ms. VanDis is working with Oregon State University (OSU) to work with OSU Fire Training. This would involve 35 hours of volunteer work. At this time, there are six people from the Crook County Fire District involved in the program. The Fire District would also do outreach work. They plan to republish the fire publication of Crook County Fire Ready. Ms. VanDis is working to leverage as many resources as possible to provide the Firewise information to the Community.

Commissioner Fahlgren discussed fire burning signage for updates to be posted, signs that would be posted at different locations directing the public as to burning and non-burning days, inversion weather notifications, and working with DEQ.

Ms. VanDis has been working with Russ Deboodt of the Crook County Fire District regarding public outreach. She said the Crook County Fire Ready publication meets the Firewise requirements and the cost for reprinting the brochures is \$15,000. They will be mailed out to all residents of the County. Discussion was held regarding having Ms. VanDis attend the Community Environmental Quality meeting. Mr. Deboodt is working with the DEQ and outreach and will be a good contact for Ms. VanDis.

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Ms. VanDis said the total cost for the second request, the training and the publications is \$31,860.

### **Motion**

Commissioner Fahlgren moved to go forward with the COIC Firewise CWPP project at the cost of \$32,500 through the years of February 1, 2014 to February 1, 2019. Commissioner Crawford seconded the motion. Judge McCabe restated the motion. The vote was 3-0, motion carried.

The Court asked Ms. VanDis to come back for the second proposal at a later date for consideration.

### **Review SDC Credits Agreement with the City of Prineville**

County Counsel Jeff Wilson presented the staff report on the Intergovernmental Agreement (IGA) regarding System Development Charge (SDC) credits and the easements granted by the County to the City for water delivery. In consideration for those easements, there is to be SDC credits on County land as it is sold. The amount of value to the credits is \$240,040. and is to be used on one or more County owned properties. Discussion was held on the language regarding the provision of no expiration date, and if in the future, the County grants additional exclusive easements to the City, there would be a value placed on the easement. The Court reviewed the document for the formula that would be used. Mr. Wilson and the County discussed the language of the document. If the document is agreed upon today, Mr. Wilson will then forward it on to the City of Prineville City Council. Commissioner Crawford discussed future easements and cash for the easements. Mr. Wilson said the value of the SDC price is built into the value of the property. This has always been in the documents as it has been reviewed and there have been changes several times, but not to that portion of the document. This matter was never discussed before and has always been the same. Mr. Wilson said he had represented to the City that the Court was in agreement with this portion of the document. Commissioner Fahlgren restated that the Court had wanted no expiration date and that is now included.

### **Motion**

Commissioner Fahlgren moved to approve the IGA as presented today. Commissioner Crawford seconded the motion. Judge McCabe restated the motion. The vote was 3-0, motion carried.

### **Order 2015-04, Employee Grievance Process, review for approval**

Mr. Wilson presented Order 2015-04, amending the employee grievance process and vacating Order 2014-48, signed September 3, 2014. Order 2015-04 will re-establish the process that was in place prior to Order 2014-48. Stephanie Blind, County HR Director asked that one additional paragraph be placed in Order 2015-04 regarding complaints of discrimination, harassment and workplace violence. Mr. Wilson has included that paragraph based on direction from CIS insurance that it remains as part of the process.

Commissioner Fahlgren moved to accept Order 2015-04 as presented. Commissioner Crawford seconded the motion. Judge McCabe read Order 2015-04 by title into the record. The vote was 3-0, motion carried.

### **County Clerk Office, change of job title and salary.**

Commissioner Fahlgren presented the change of job title and salary in the Clerk's Office. This process began in July in order to have an additional person trained in the office by the time Clerk Dee Berman retired. The money is in the budget, and the Court understands the purpose of this request.

**Motion**

Commissioner Fahlgren moved to go forward with the Election Deputy/Chief Deputy position and complete the process that was put in place in July 2014. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

**District Attorney Office, change of job title and salary**

County District Attorney Daina Vitolins presented the purpose of this request. She said this is fallout from the LGPI Compensation study. Legal Assistant Jennifer Snow was topped out in the LGPI study and would have no additional steps in which to move to have increases in her salary as years go by. Ms. Vitolins asked that Ms. Snow's position be changed to Paralegal-Legal Assistant II with a Grade 8 Step 1, an approximately \$500. per year increase. Ms. Snow is also qualified to do Civil work, and this has been an asset to the District Attorney office. This is a one-step increase but since it is a step up in Grade, it paves the way so this position has the opportunity to earn increases in pay and allows for advancement. Ms. Vitolins said she does not have this additional funding in her budget for personnel, but will find it.

**Motion**

Commissioner Fahlgren moved to approve the changes in the District Attorney Office staff from Legal Assistant to Paralegal /Legal Assistant II, Grade 7 to Grade 8 Step 1. Commissioner Crawford seconded the motion. The vote was 3-1, motion carried.

There being no further business before the Court in Open Session, Judge McCabe adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(i), Performance Evaluation, Casey Daly, Crook County Fairgrounds Manager.

**Executive Session**

**ORS 192.660(2)(i), Performance Evaluation, Casey Daly**

The Court met with Crook County Fairgrounds Manager Casey Daly for his performance evaluation. Following the evaluation, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(i), Performance Evaluation to convene back into Open Session.

**Open Session**

Judge McCabe convened the Court back into Open Session following the Executive Session under ORS 192.660(2)(i) Performance Evaluation and invited the public back into the room.

**Motion**

Commissioner Fahlgren moved to approve a step increase for Casey Daly. 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)(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.

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**Executive Session: 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.**

The Court discussed with Counsel the matter before them in Executive Session. Following the discussion, Judge McCabe adjourned the Court out of Executive Session under 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 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)(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 those waiting back into the meeting.

**Motion**

Commissioner Fahlgren moved to direct staff to follow through as was discussed in Executive Session. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

**Addition**

Commissioner Fahlgren discussed with the Court the problem of sight distance at the intersection of Stillman Road and Highway 126. The owners of the corner property are willing to work with the County and sell a right-of-way parcel to the County to move the fence and trees back and improve the line of sight. There has been no movement from ODOT to correct the situation. Commissioner Fahlgren said the property is being sold soon. The cost of a survey is \$1,700. There is a one-quarter acre with a \$3,500. value. The owners have gone back to their realtor to advise them, and the owners are now asking \$5,000. Commissioner Fahlgren asked if the Court wants to continue with the negotiations.

Judge McCabe said he does not see ODOT taking care of the problem right now. He asked the question of if the County would purchase the right-of-way, would ODOT have to pay the County when they started work on the deceleration lane at that intersection. Discussion was held regarding acquiring enough property so there would be no worry about more right-of-way in the future, at least 30-feet deep, cost of \$1,700 for the survey and \$1,700 to move the fence plus the price of the property. Further discussion was held regarding the intersection situation at this time being a safety issue, the cost of the property, survey and moving of the fence, the need for a title report and checking to see if the property is free and clear.

The Court agreed by consensus to go forward with the research and negotiations for the property to correct the safety issue.

There being no further matters requiring action by the Court, Judge McCabe adjourned the Court meeting at 11:40 a.m.

Respectfully submitted,

*Colleen Ferguson*

Crook County Court Secretary