

BE IT REMEMBERED THAT the Crook County Court met in Regular Session on November 12, 2014 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: Wayne Rice, Prineville; Darlene Harpster and friend, Prineville; Ron and Jeanne Jordon, Prineville; Dee Berman, Crook County Clerk; Cheryl Seely, Crook County Clerk Elect; Sher Eriksen, Prineville and Dave Scott, Prineville;

The media received public notice of the meeting.

Judge McCabe opened the meeting, welcomed the public and asked Judy from Butte, Montana and friend of Darlene Harpster, to lead the Pledge of Allegiance.

Consent Agenda

1. Approve Medical Services Contract for Jail Inmates

The Court reviewed the one item on the Consent Agenda. This Medical Services Contract for Jail Inmates includes the cost of \$500 per month to provide medical services at the jail for inmates. If an inmate is seen at the clinic, the cost is at the normal charge.

Motion

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

Public Hearing, Annexation of private property into Highland Subdivision Water District

The Court received a memo from County Counsel regarding this annexation of property owned by Ronnie and Jeannie Jordan into the Highlands Subdivision. The property owners in the subdivision and the Highlands Water Subdivision Board are all in approval of the annexation. A Public Hearing is required by the 20th day of submission for annexation and that date is today, November 12, 2014. The approved order (Order 2014-70) for annexation will be prepared by Counsel for signature outside of Court.

Judge McCabe opened the Public Hearing

Wayne Rice, Highland Subdivision Water District Secretary , provided a review of the formation of the district formed in 1987 under ORS 264 Domestic Water Supply. It has been found that the boarder of the Water District did not include all the subdivision properties. This will not affect any other district but it is important that all customers of the water district be included in order to take part in the election of the board. Mr. Rice, on behalf of the Water District Board, thanked Commissioner Crawford for working with him to initialize the process and thanked County Counsel Jeff Wilson for preparing all the needed documents.

Judge McCabe asked County Clerk Dee Berman if she had any comments regarding the annexation. She had none.

Judge McCabe thanked Ms. Berman for all her years of service to the community as County Clerk. Ms. Berman is retiring this year and will be turning over the operations of the Clerk's Office to Cheryl Seeley, County Clerk Elect.

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

Counsel Wilson advised the Court there are no Service Agreements between the County and the District.

County Planner Bill Zelenka said there were no comments from the Planning Department and are fine with the plans.

Motion

Commissioner Crawford moved to approve the annexation of property into the Highlands Subdivision Water District and to authorize signature of the order (Order 2014-70) outside of Court. Commissioner Fahlgren seconded the motion. Judge McCabe restated the motion. There was no further discussion. The vote was 3-0, motion carried.

Consider approval of Order 2014-68, formally adopting the local administration of a building inspection program

County Planning Director Bill Zelenka presented information regarding the Memorandum of Agreement between the State and the County regarding administration of the Building program and the issue regarding the indemnification.

Mr. Blaine said the County has administered the Building Inspection Program since 1971. The state statute assigns administration to the State unless the local authority assumes administration of the program. In July, the administration formally was dedicated to the local jurisdiction (Crook County), with the local jurisdiction to serve as administrator of the Building Inspection Program.

The issue is the original version from the State did not have a hold harmless reciprocal agreement. Mr. Blaine discussed the communication between the State and the County regarding an order to adopt, or an agreement that will give indemnification. Mr. Blaine has been in touch with the State several times and advised the Court that there is no legal authority in 455 for the state to require indemnification from the County, and the issue of refusing to change the name. The name issue is Crook County, and Crook County, a political entity of the State of Oregon. Mr. Blaine said the real issue is that the State does not have the authority to require the County to sign the indemnification. The language changes were addressed. The Building Code insists this agreement is signed by December 1, 2014. Mr. Blaine said that Lane, Deschutes and Jefferson have not signed this agreement and no other County known has signed.

Crook County Building Official Aaron Yuma said on the order it would show the intent of the County agreeing to run the Building Inspection Program on the State's behalf.

Discussion was held regarding the indemnity being a legal matter and the assumption that the other counties have the same concerns. Mr. Blaine said the fact that the County has been doing this administration for years, implies that the County is doing all that is required. Discussion was held regarding a state audit, and they would have been over to do one if the state thought something was done wrong. Mr. Yuma said there is no agenda where the State wants to take it back. Why it is an issue now he does not know, but does not think they will take the program back if not signed by December 1. Mr.

Yuma will let them know that discussion is going on, and that the document will not make the deadline. Mr. Yuma will assure them that the County will continue to run the program legally as it has been. Mr. Yuma and Bill Zelenka discussed bringing this matter up with all the counties during the AOC Conference this year.

Mr. Blaine said he would defer to Mr. Zelenka and Mr. Yuma. Direction was given to Mr. Blaine to go ahead, sign the document and send it off. Commissioner Fahlgren added that Mr. Blaine has done a great job with this matter.

Motion

Commissioner Fahlgren moved to approve Order 2014-68, formally adopting the local administration of a building inspection program. Commissioner Crawford seconded the motion. There was no additional discussion. The vote was 3-0, motion carried.

Mr. Zelenka will bring the matter up at AOC. Mr. Yuma will not be going to AOC as he is swamped with building inspections at this time.

Award of grazing license to successful bidder

Mr. Wilson discussed the bid opening for the public RFP on November 6, 2014 for the award of grazing license and lease for property consisting of 340 acres adjacent to the County Landfill. One proposal was received from Bill Elliott and Chad Penhollow. Mr. Wilson has been advised the Mr. Elliott will sign the license lease. Mr. Penhollow is out of town but will sign at a later date. This is a non-exclusive license and lease and can be terminated with 30-days advance notice.

There is a need for five miles of perimeter fencing. The lease is a 10-year term lease for the cost of the fencing. Discussion was held regarding the provision involving 10 percent of the actual fencing cost per year of actual time less than 10 years in the event of the County terminating the lease. The Court discussed adding language that if Mr. Elliott and Mr. Penhollow terminate, they receive no reimbursement from the County.

Motion

Commissioner Fahlgren moved to approve the Cattle Grazing License and Lease as amended to be signed outside of Court. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Personal services contract with John Jackson under 2010 FEMA Grant and Title III Contribution/ Wildland Urban Interface/ Defensible spaces/ Oregon department of Forestry, BLM and Forest Service

The Court discussed the Wildlands Interface Project and the “not to exceed” figure of \$75,000 for administration of the project by John Jackson. There is no action required today. There will be a professional services agreement prepared for Mr. Jackson to sign.

Motion

Commissioner Fahlgren moved to approve the “not to exceed” figure of \$75,000 for John Jackson’s administration work on the FEMA Grant from the 2013 or 2014 Title III funding. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Discussion regarding SDC credits and values

Commissioner Crawford said he has spoken with City of Prineville City Manager Steve Forrester regarding the SDC exchange. They discussed getting rid of the 10-year timeline and mirroring the money with the SDC values. If the City's SDC value increased that the County's value will increase as well. If the SDC value decreased the County value would decrease as well. The SDC's are only for water. Discussion was held on either a 20-year or no limit on the use of the SDC's, and stipulating that the SDC's maintain current value or more. The two methodologies were discussed. Discussion was held on valuing the land that the SDC's apply to every 5 years, and the belief that SDC' values do not change as much as land values. Discussion was held on amending the document with the City regarding the SDC credit, the values or SDC fees, and going back to the City Council with the correct language in the document to be signed.

There being no further business in Open Session before the Court, Judge McCabe adjourned the Court out of Open Session and into Executive Session under ORS 192.660(2)(b). The agenda listed Executive Session under ORS 192.660(2)(b). Counsel advised Judge McCabe to change the Executive Session and call it up under ORS 192.660 (2)(h), To consult with counsel concerning the legal rights and duties of a public body with regarding to current litigation or litigation likely to be filed. Judge McCabe called the Executive Session up under ORS 192.660(2)(h).

Executive Session

ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regarding to current litigation or litigation likely to be filed.

The Court met with Counsel and others involved in the matter for a discussion. Following the discussion, Judge McCabe adjourned the Court out of Executive Session under ORS 192.660(2)(h) and back into Open Session.

Open Session

Judge McCabe called the Court back into Open Session after adjourning out of Executive Session, ORS 192.660(2)(h), and invited any waiting public back into the meeting room. There was no one waiting to be readmitted.

Motion

Commissioner Fahlgren moved to table the matter discussed in Executive Session until December 3, 2014 and allow County Counsel to contact City County Insurance Services (CIS) for further discussion on this matter. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

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

Respectfully submitted,

Colleen Ferguson
Crook County Secretary