

BE IT REMEMBERED THAT the Crook County Court met in Regular Session on April 2, 2014 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 Secretary Colleen Ferguson.

Member of the public signing the attendance log were:

Darlene and Jerry Harpster, Prineville; Kris Williams, Crook County Health Department; Muriel DeLaVergne-Brown, Crook County Health Department; Alyssa Bruhn, Crook County Health Department; Carly Rachocki, Crook County Health Department; Keith Brown, Prineville; Cathy Bartels, Prineville; Stanley Flynn, Prineville; Trace Robison, Prineville; Jane Aggers, Prineville; Casey Daly, Manager, Crook County Fair Grounds; Brenda Comini, Director Crook County Human Services; Maggie Carson, Crook County Human Services; Julie Martinez, Crook County Victims Advocate; Traci Petersen, Crook County Victims Advocate; Katherine Krauel-Hernberg, D.A. Office; Errol LaRue, D.A. Office; Matt Reiner, D.A. Office; Daina Vitolins, Crook County District Attorney; Raun Atkinson, District Attorney Office; Jill Bonanno, Juvenile Department; Gail Merritt, Prineville; Tim Ray, Crook County Fair Board; James Young, Prineville Police Department; Priscilla Johnson, Crooked River Watershed ; Dana Millin, Powell Butte; Terra Tyger, Kids Center; Tory Kurtz, Forest Service; Jim Bates, Crook County School District; Kev Alexanian, Crook County Weed Control and Chris Gannon, Crooked River Watershed Council.

The media received notice of this meeting.

Judge McCabe called the meeting to order and asked Kris Williams to lead in the Flag Salute.

Consent Agenda

1. Approve minutes of March 19, 2014
2. Approve Order 2014-17, Increased Appropriations, Veteran's Extended Outreach
3. Approve Order 2014-19, Increased Appropriations, Health Department/ Grant Fund/ Tobacco Program
4. Approve 2014 Wolf Depredation Grant Agreement with Oregon Dept. of Agriculture
5. Approval of July 1, 2014 through June 3, 2017 Collective Bargaining Agreement between Crook County and Crook County Deputy Sheriff's Association
6. Approve Early Retirement contract/ Dar Martin
7. Approve /Partition Plat regarding C-LS (M)-123-00,MS 13-0138
- 7.A Approve /Plat Map/ Colleen Subdivision Phase I/ Keith Brown
- ADDITION** Approve Order 2014-21, appointment of Tom Kemper, Housing Works, to Mental Health Advisory Board
- ADDITION** Approve Order 2014-22, WEBCO position

The Court reviewed the Consent Agenda. There were no changes or additions.

Motion

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

At this time, the Court signed the Partition Plat and the Plat Map, making it possible for Mr. Brown to take his plat map with him as he left the meeting.

Proclamation/ April as Sexual Assault Awareness Month, 2014

Crook County District Attorney Daina Vitolins read a Proclamation proclaiming April as Sexual Assault Awareness Month for 2014. Ms. Vitolins invited everyone to join in on April 9th, 2014 at the top of View Point for the Shine a Light on Sexual Assault event.

Judge McCabe read the Court portion of the proclamation.

Proclamation/ April 7—13 as National Public Health Week 2014

Health Department Director Muriel DeLaVergne-Brown read the Proclamation proclaiming April 7 through April 13 as National Public Health Week for 2014. Judge McCabe read the Court portion of the proclamation.

Ms. DeLaVergne-Brown presented information on the walk to be held at noon on Wednesday, April 9, with those taking part to gather at the Courthouse fountain. Water bottles will be furnished for the walk.

Ms. DeLaVergne-Brown provided an update on the Public Health Accreditation that the Health Department has been working towards. There are three additional items to complete with the action plan to be submitted today. She also presented an update on the Community Health Improvement Plan that is a regional plan that she is working on with and through the Central Oregon Health Council. With those completed, the Crook County Health Department will then be accredited.

Judge McCabe and the Commissioners commended the Health Department on all their successes and the great job done by the entire staff.

Read into the record: Board of Property Tax Appeals (BOPTA) beginning and adjournment dates

Judge McCabe read the following information into the Record. The 2013-2014 Board of Property Tax Appeals (BOPTA) convened on March 4, 2014, concluded hearings on March 5, 2014 and the Board adjourned the 2013-2014 sessions March 17, 2014. [ORS 309.072 Record of board affairs. The meetings, qualification, sittings and adjournment of the board of property tax appeals shall be recorded in the journal of the county governing body.]

Order 2014-18, acknowledgment of Prineville Disposal Inc. (PDI) rate increase

Assistant County Counsel Eric Blaine presented the explanation for Order 2014-18, acknowledging PDI increase of 1.47 percent. This is an increase equal or up to the CPI index. The franchise can increase up to the CPI index with a signatures of the Court on the order to acknowledge the increase. Information was presented on the annualized rates of 2013-2012 that were used to figure this increase.

Trace Robinson appeared representing Prineville Disposal Inc. (PDI). He explained that the increase is an attempt to level out the charges. Some rates are going up; others are down to adjust the playing field and to have the customer actual paying for the services they receive. The Commissioners discussed with Mr. Robinson the different services provided such as long distances off the main roads to reach housing. Mr. Blaine said the franchisee has the right to come in and request a higher raise but without the approval of the Court can only raise up to the equal amount of the CPI increase.

Motion

Commissioner Fahlgren moved to approve Order 2014-18, acknowledging the Prineville Disposal Increase of 1.47 percent. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Pacific International update/ Request for funding of 2015 Pacific International Livestock Show (PI) Cathy Bartels

Cathy Bartels representing the Pacific International Board of Directors thanked the County Court for the continued support of the P.I. The 2013 event brought in 270 exhibitors, with 195 coming from outside the Central Oregon area. The families spend two to three days in the area, and there were 527 head of livestock brought in for the show last year. Ms. Bartels said the Board appreciated the attendance of the Court members to the P.I Barbeque. The dates for this year's P.I event are June 19 through 21, 2014 and there will be no change in the request for funding already approved for this year. Next year, the event will be held on June 18, 19 and 20, 2015 and the new building will be used at the cost of \$250 per day, adding another \$500 to the cost of using the Fairgrounds.

Fairgrounds Manager Casey Daly said that Kathy and her crew for this event are top notch. The only issue is the pens. The Fairgrounds has to borrow additional penning, and there is an expense to the transport. Future planning for the Fairgrounds includes purchasing additional pens as budget allows. Cost of shavings and possible donation of shavings was discussed. Ms. Bartels asked that if in the future there needed to be other arrangements made for covering costs, she asked that she on behalf of the P.I. be notified as early as possible to allow time to locate other funding sources.

The Court discussed that the Court is a proponent of activities and events for youth, and this event is good for the community and the local economy with use of the hotels, motels, restaurants, and gas stations.

This funding has been included in the budget previously and will be discussed during budget hearing for the year 2015.

Crooked River Riverkeepers, Education, K—5, request for Title III funding/Dana Millan,Tory Kurtz, Jim Bates

Dana Millan, Elementary School, Tory Kurtz, Forest Service and Jim Bates, Principle of Cecil Sly Elementary presented information to the Court on a new Elementary School program to this area called the Riverkeepers. This program increases the student's awareness with Natural Resources and learning more about the community and outdoors where they live. This program is historic, exciting, brings lots of history and involves people that care deeply about the area, the community and the children's knowledge.

Mr. Bates presented information regarding the request for funding to train Elementary teachers in Environmental Education at the elementary level, with the environmental education through the Storyline method. With this method, learning comes to life. The plan at this time is to have this in place when two of the three current elementary schools meld into one new elementary school. This will be one way of bringing the students together. The program will then be included in both the new Elementary School and Cecil Sly Elementary.

The funding request is for one year only. It will be used for teacher training the first year, and that training will then continue year after year utilizing teacher's with previous training, BLM and Forest Service resources.

Dana Millan, Elementary teacher, has been working with the proposal for the Crooked River River keepers. In this program, lifelike situations become real, the Forest Service and the BLM (Bureau of Land Management) will come into the schools, and kids will go on field trips, going all over the County, learning about the local areas and building for the future. The teachers will be well educated in the new program making this a great opportunity for the kids to learn by living the experience. Tory Kurtz, Forest Service, will be highly involved in the program. She thanked the Court for the opportunity to be part of such a meaningful program.

Discussion was held on the initial cost. Mr. Bates advised the Court that this is a one-time proposal. The Storyline Method training is expensive. The first year training will cost \$12,000 and will provide training for 20 people. The agreement has been for 20 people but an agreement has been made to train, no matter how many. The request from Title III funds is \$15,000 in case a extra is needed to get everything operational.

The Court will consider this request at budget time.

Jane Aggers asked the Court for an explanation of Title III funds. The Court provided the explanation regarding the funding. The oldest Title III funds allow for education in addition to other criteria to qualify. The requested funds if approved will come from the oldest Title III funding. There will be a 45-day comment period as is required.

Presentation, Kids Center, request for funding/Robin Antonson

Robin Antonson and Tara Tyger presented information regarding the Kid's Center operation for the Crook County Area. Last year the County funds supported Tara Tyger on the local prevention level. In Crook County, 60 children and families were served. Over the past year, 2013, there were an increased number of sexual abuse referrals that had not been see in the past. Discussion was held on the effects on the families. Ms. Tyger provides support, linking the families to resources, and she provides an unbiased person to help in the situation. Ms. Tyger's office is in her home, with another office for her use in the Kid's Center in Bend. Jefferson County shares Saving Grace Space with the Kid's Center.

Judge McCabe spoke on the importance of the service provided by the Kid's Center, and on the statistics from 2013 that sadden the Court.

Last year the Court provided \$8,000 in support. The Court will consider the request during budget hearings.

Ms. Antonson provided a report on the Tri County numbers. Two thirds of the reportings are sexual abuse. There is less physical abuse. The opportunity for reporting locally now could be the reason for the upswing in reported sexual abuse cases.

County District Attorney Daina Vitols shared a story from her experience in the District Attorney's Office on how a family was impacted by an incident of abuse of a child and the tragedy that followed. With the availability of Ms. Tyger to be there for the family and to provide the resources is the answer to staying in touch with the families and helping them through this time of upset for all; the children, the parents, all those connected with the family. Ms. Tyger is passionate about the Kid's Center.

The Court asked if an office for Ms. Tyger would help with her work. At this time, she is operating locally out of her home and going out to those needing her services. Ms. Tyger said it would allow the Community partners space to meet with the families and would be great.

The Court will look into possible local office spaces for Ms. Tyger.

Public Hearing: First reading, public hearing and vote; Declaring a moratorium on medical marijuana dispensaries and declaring an emergency

Assistant County Counsel Eric Blaine provided the staff report on Ordinance 269 based on the model by League of Oregon Cities (LOC) and Association of Oregon Counties (AOC). SB 1531 has been signed into law imposing a moratorium on medical marijuana dispensaries. It is an exclusive specific statutory law.

The County must pass a moratorium and have it in place by May 1, 2014. If not, it cannot rely on SB 1531. The moratorium will be in place until May 1, 2015. Mr. Blaine explained further portions of Ordinance 269 regarding OHA, temporary rules, previous rules, veto's and actions regarding the bill by AOC and LOC.

Motion

Commissioner Crawford moved to read Ordinance 269 by title only. Commissioner Fahlgren seconded the motion. Judge McCabe read Ordinance 269 by title only. The vote was 3-0, motion carried.

Judge McCabe opened the Public Hearing.

Crook County District Attorney Daina Vitolins urged the Court to support Ordinance 269 and stated the concerns of the District Attorneys regarding the medical marijuana dispensary issue. She provided a printout with examples of products that children would be drawn to that are infused with THC and spoke of unregulated packaging, marketing and labeling. Ms. Vitolins advised the Court that marijuana is the most abused drug by both children and adults, and again urged the Court to pass Ordinance 269.

County Health Director Muriel DeLavergne-Brown discussed second hand smoke and marketing to children. She agreed with Ms. Vitolin's concerns, and said this would have a huge impact on the development of the youth growing up in our community. Ms. Vitolins added that one in nine adults uses marijuana and one in six children have tried the drug. Marijuana is also considered a gateway drug. Ms. DeLaVergne-Brown said there is not a lot of data on dispensaries and the ramifications of those dispensaries. Judge McCabe commented on the Governor's conference and discussion of Colorado's experience with the drug causing a lot of unintended consequences. At the conference others were advised to slow down on legalizing the use of marijuana.

Ms. Vitolins and the Court discussed why the moratorium is set for one-year, and why officials believe the local communities should have the right to choose whether to have a medical marijuana dispensary in the community. Discussion was held on dispensing medical marijuana through pharmacies and would Pharmacists want to dispense the drug. Commissioner Crawford said 30 percent of the children say they had obtained their marijuana from a medical marijuana user. Ms. Vitolins said there are cases in the Court system now regarding these issues. Further discussion was held regarding plans for communities to decide this issue for themselves: local control, Public Health Task Forces and keeping Public Health local.

Jerry Harpster, Prineville, said he believes this drug leads to bigger drugs and discussed a new dangerous drug called crocodile.

Kris Williams, Crook County Health Department and a parent, discussed raising two daughters, and the huge concern in raising children with regards to the dispensing of items such as THC laced Truffles, not prepackaged, THC gummy worms and lollipops. There is a great concern of marketing to the youth. She encouraged the approval by the Court of Ordinance 269.

A comment from the audience was made that there should be 0 tolerance.

There being no additional comments, the Court thanked the audience for their input. Judge McCabe closed the public hearing.

Motion

Commissioner Fahlgren moved to approve Ordinance 269 on the first reading. Commissioner Crawford seconded the motion. Judge McCabe re-read Ordinance 269 by title only. The vote was 3-0, motion carried.

The second reading and public hearing of Ordinance 269 will be held on April 16, 2014.

CAFFA Grant presentation/ Brian Huber, County Assessor

County Assessor Brian Huber provided information on figures for the CAFFA Grant, the grant amount dropping from \$238,000 to \$208,000. Mr. Huber explained how the grant figures are calculated. These funds will be divided up between GIS, Assessors Office, Treasurers Office and the Clerk's Office.

If the Court agrees to accept these CAFFA figures, they will be agreeing to the tax and assessment level.

Motion

Commissioner Fahlgren moved to accept the CAFFA Grant as presented. Commissioner Crawford seconded the motion, accepting the amount of \$208,000. The vote was 3-0, motion called.

Mr. Huber reported on a property belonging to Mr. Donaldson. Mr. Donaldson has requested that his entire property be exempt. Mr. Huber said he anticipates the process previously gone through between the County and Mr. Donaldson to begin again. Mr. Blaine advised the Court members that he will provide documents to the Court members for review regarding this matter.

Update on Crook County Watershed Council/ Chris Gannon

Chris Gannon, Director of the Crook County Crooked River Watershed Council provided an update to the Court on the busy season of 2013. He provided an annual report to the Court, and a summary showing that 2013 was a good year with a plus balance at the end. Mr. Gannon said there were some large projects: the Sterns Dam removal; a video for you tube and a film festival to get the name and brand of the Watershed Counsel outside of the local community; finishing up of the fish screens and the wetland and flood plain restoration. Fifty to sixty diversion fish screens were done for Ochoco Irrigation District (OID) patrons. This involved five to six years of assisting and getting screens in place for protection. Mr. Gannon provided an explanation for future projects, eight diversions completed so far with four left to do.

He provided information on an OWEB Grant secured to look at the lower Crooked River from the bridge down to Lone Pine, looking at river flows and bank erosion. They will be looking at the water temperature for the same area.

Commissioner Fahlgren discussed the City wet land and CCWSC project. The OWEB grant and other funding will be used for the project, \$7 to 8 million dollars. He said there is a lot of value in the project and believes it will make a route with a colder area downstream. Discussion was held on how Crook River has moved over the years and the plan is to spread energy around so there will not be as much eroding of the banks of the river. Further discussion was held regarding the temperature of the river and how cold the water actually has to be before fish are put into the river.

Discussion was held regarding steps to be taken if legislation does not pass, and going back to flood control and irrigation. The expensive cost of federal legislation was discussed. Mr. Gannon and Judge McCabe discussed the costs involved with the Crooked River Concept and Basin project.

Commissioner Fahlgren said he attended a Mayor's Day event upriver on the Crooked River and commented on the great job on the Stearns dam removal. Discussion was held on the test of the river with the dam removal with the first high flows of water. Mr. Gannon said they are proactive and working with Ochoco Irrigation District (OID). Discussion was held on projects, the removal of the dam and the continuing support of the County for the Crooked River Watershed Council and projects.

Kev Alexanian and Pricilla Johnson presentation regarding weed management update and request for Title III funding

Crook County Weedmaster Kev Alexanian and Crooked River Soil and Water Conservation representative Pricilla Johnson presented information on noxious weed infestations and the request for additional Title III program funding to keep the noxious weed and education of landowners regarding noxious weed programs operational in the years of 2015-2016. Mr. Alexanian will have been working with the Knapp weed, treating and educating landowners for three years, and would like to continue for two more years. If the weed is not treated it will come back. Commissioner Fahlgren discussed with Mr. Alexanian and Ms. Johnson ways to work with landowners to become more proactive in fighting the noxious weed. Leading by example is what is done. Mr. Alexandian said the Weed program is a service to both the forests and to the citizens of the community.

The Title III funding request was for \$80,000 over two years, 2016 -2017. This would be \$20,000 per year for each weed program over two years. Further discussion was held regarding the Title III money that does cover education included in the work against fire on federal lands and that this money will not be renewed and is being used quickly. Ms. Johnson provided information on funding that is being looked into from grants for scotch thistle and other list A weeds. She is continuing to write grants.

The Court will address the request at the County budget hearings at the end of April.

Review approved decision made at STF (Special Transportation Fund) meeting held on February 20, 2014 , subject to actual notice of receipt of additional funding/ \$30,000 addition funding to Central Oregon Intergovernmental Council (COIC) for Cascades East Transportation System.

Colleen Ferguson, member of the STF Committee, presented information regarding a vote taken at the February 20,2014 STF meeting, to accept additional funds from the State that may come to the STF and approving them for use by COIC for the Cascades East Transportation System. The Court's approval will allow the funding to be accepted by the County and passed through to COIC.

Motion

Commissioner Fahlgren moved to accept the \$30,000 funding received and pass the funding through to COIC who oversees the Cascade East Transportation System. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

Consider request from volunteers of “Christmas in the Pines” event for assistance with electric bill costs associated with the operation of the event held on the Fairgrounds

Gail Merritt, Fair Board member and volunteer for the “Christmas in the Pines” event and Stanley Flynn, volunteer for the event asked the Court for funds to help with the upcoming electric bill associated with the upcoming “Christmas in the Pines” event to be held in November and December, 2014. Last year the bill was \$1,200 and this year the estimate is \$1,500. The volunteers will be improving the event, and using more LED lighting to be more energy efficient.

Discussion was held with the Court members that attended the event as a wonderful drive-through event this last year. The event was visited by 5000 people and 1700 pounds of non-perishable food was collected for the local food bank during the event.

The Court and volunteers discussed the storage for all the decorations and settings associated with putting the event on. The Fairgrounds does have a storage container that was donated for this event, and it is already full with other decorations stored in other buildings around the Fairgrounds.

Commissioner Fahlgren said he would hate to add any more containers on the Fairgrounds and discussed the acreage at the landfill that might be available for more container storage. The Court expressed their appreciation of all the fabulous volunteers that worked to make this event such a success on the first year. Mr. Flynn said they are already working on the next year, they starting working on it in January.

Consider offer from Julie Moore IRA to redeem/purchase real property from Crook County located at 16550 SE Zaltana Drive, Indian Rock Estates Subdivision

County Counsel Jeff Wilson presented a request to the Court from Fred and Julie Moore to redeem real property that has been through the four year foreclosure process and two year redemption process, and is now listed as County owned property. This parcel of property was titled in Julie Moore IRA name with Pensco as the trustee. The address for the trustee is in San Francisco California. All notification of foreclosure regarding the property and redemption went to the trustee’s address and unfortunately, Pensco did not inform the Moore’s. They learned about the foreclosure when Don McShane saw the County removing the rock from the property because it had been foreclosed upon and was going to be auctioned. It was through that contact that the Moore’s discovered the foreclosure. The Moore’s paid over \$200,000 to redeem a number of other properties that had gone into foreclosure due to the recession, and they would have paid this amount, \$4,581.31, if they had known about the foreclosure. It would have been included along with the other properties. Mr. Wilson explained to the Court that the property is scheduled for auction with a \$35,000 minimum bid. The auction is to be held on April 15, 2014. According to the ORS, the County may sell back the property to the previous owner before the auction. If not purchased at the auction, it can be offered to others. The County is listed as current owner of property. Brief discussion was held regarding the rock and gravel on the parcel and the mineral rights. Discussion was held regarding no clear case law regarding the rock, and Mr. Wilson’s belief that the rock is part of the land if redeemed.

Approved May 7, 2014

Judge McCabe discussed the amount of rock involved and the circumstances surrounding the foreclosure process. He said that since the Moore's were not informed about this particular property, he believes they should have the opportunity to redeem it. Mr. Wilson said that Julie Moore was very upset. This Pensco property IRA was her retirement. He advised that if the Court accepted the offer, the property will be pulled from the auction sale. Commissioner Fahlgren said there had been 24 loads of rock removed. Mr. Wilson said the Moore's will forego claim on the 192 yards of rock removed if the property is redeemed.

Commissioner Crawford abstained. He declared that he has a personal relationship with the Moore's.

Motion

Commissioner Fahlgren moved to accept the offer of \$4,581.31 for the tax payment on the foreclosed property. Judge McCabe seconded the motion. The vote was 2-0 with Commissioner Crawford abstaining.

County Counsel will draft the paperwork for signature for the redemption of the property. Julie Moore has already issued a check and provided to the County for \$4,581.31 in case the redemption was approved.

At this time, Judge McCabe adjourned the Court out of Open Session and convene the Court into Executive Session under ORS 192.660(2)(h) Legal Consultation.

Executive Session

ORS 192.660(2)(h) Legal Consultation

The Court discussed the matter involved under ORS 192.660(2)(h) Legal Consultation.

Judge McCabe adjourned the Court out of Executive Session under 192.660(2)(h) Legal Consultation and back into Open Session

Open Session

The Judge convened the Court back into Open Session after adjourning out of ORS 192.660(2)(h) Legal Consultation and invited any public waiting back into the Open Session.

Motion

Commissioner Fahlgren moved to direct staff to draft a written response to Mr. Kerbow stating that the Court defers to Judge Ahern's decision on conceal carry in the annex. Commissioner Crawford seconded the motion. The vote was 3-0, motion carried.

There being no further business scheduled before the Court, Judge McCabe adjourned the County Court meeting.

Respectfully submitted,

Colleen Ferguson
Crook County Court Secretary