

BE IT REMEMBERED THAT the regular session of the Crook County Court was held on October 1, 2008 at 9:00 a.m. in the Crook County Meeting room locating at 320 NE Court Street, Prineville, Oregon. In attendance were: Scott R. Cooper, County Judge; Mike McCabe, County Commissioner; Lynn Lundquist, County Commissioner; Dave Gordon, County Counsel; Brian Branch, Assistant County Counsel and Colleen Ferguson, County Court Secretary.

Members of the public signing the attendance sheet were: Ken Wilhelm, Bend; Jim Schell, Redmond; John Vaughn, Powell Butte; John Jackson, Prineville; Ken Fahlgren, Prineville; Arleen Curths, Powell Butte; County Roadmaster Penny Keller; County Sheriff Rodd Clark; Brenda Comini, CCF; Dr. Jim Middleton, COCC, Bend; County Maintenance Director Greg Hinshaw and County Landfill Manager Alan Keller. Also present were Jennifer Chaney and Joyce Garrett.

Judge Cooper called the meeting to order and welcomed the public.

Partnership to End Poverty (PEP) 2-1-1 presentation, Jim Schell, PEP and Ken Wilhelm, United Way

Ken Wilhelm of the United Way of Deschutes County and Jim Schell of Partnership to End Poverty gave a presentation on the Regional 2-1-1- System which is an FCC assigned three digit phone number to connect the public to the right resources with the right information at the right time in the states complex social service arena by channeling callers to the most appropriate services. This will provide a cost saving to agencies as well as an enhanced disaster response. The expected costs for the program are \$150,000 the first year, \$125,000 the second year and state funded by the third year. The program will offer no direct services, but will offer referrals and information.

Mr. Wilhelm and Mr. Schell presented a request for \$5,000 from the County in support of the program.

The Court discussed the program and agreed they will discuss the donation further after the budget talks scheduled today.

Consider revised underage drinking prevention plan/Brenda Comini

Commission on Children and Families Director Brenda Comini presented a handout with information regarding the updated underage drinking plan. The Court discussed with Ms. Comini the updated plan and discussed her comfort level with the information provided on which the plan is based. Judge Cooper said he met with the State Commission on Children and Families two weeks ago to explain the delay in the completion of the plan. He said they were pleased that the County and Ms. Comini were going through the extra steps to produce a plan that would be effective.

Motion

Commissioner Lundquist moved to approve the Underage Drinking Plan as presented. Commissioner McCabe seconded the motion. The vote was 3-0, and the motion passed.

Accept notification from contractor to discontinue Healthy Start program; approve RFP process for new provider/ Brenda Comini

Ms. Comini presented information regarding the Healthy Start program that has been facilitated by Pioneer Memorial Hospital (PMH). PMH has given notice that the hospital will not be renewing the contract as the provider. Ms. Comini discussed the parameters which narrows the program down to a very specific few that could offer the service. Ms. Comini and Mr. Gordon have discussed the RFP that would be published. In other counties, the service provider has been the Health Department or the ESD (Education Service District). The transition would allow the program to continue with no loss of service. Ms. Comini said the concurrence of the Court is necessary to implement the grant. If the program is not in place the money from the grant would have to be returned. Following further discussion, the Court agreed they were in concurrence with the RFP process and in support of the program.

Consider request of Deschutes County to participate in 10-year plan to end homelessness/Brenda Comini

Mr. Comini and Muriel DeLaVergne-Brown presented information regarding participation in a regional 10-year plan to end homelessness with many planning providing services behind the scenes such as the Health Department providing flu vaccine at the Project Connect event. Ms. Comini said the best idea would be to join the regionally served homelessness program because there are no resources locally to deal with the problem. St. Vincent de Paul, the Oasis and other organizations work with the homeless in the community but there is no central shelter in Crook County as there are in Deschutes and Jefferson counties. Ms. Comini will serve as the staff representative for the community on the Board with the county judge serving as the representative from the County Court.

Ms. Comini said that the “one-night” shelter count in February in the tri-county area was 248 homeless individuals. This number did not include the issue of the “functionally homeless” which is rising (functionally homeless persons technically have a home but can’t return there for some reason; victims of domestic violence being the classic example.) She said the free and reduced lunch rate numbers were inching up at the schools, and there is a long term need for assistance.

The Court directed Mr. Gordon to draft an order and resolution regarding the 10-year plan to end homelessness to be presented at the next County Court meeting.

Consider request of DHS, Health Department to enter into agreement to enforce Indoor Clean Air Act/ Muriel DeLaVergne-Brown

Health Department Director Muriel DeLaVergne-Brown presented a request of the Court to enter into an agreement with the Department of Human Services to enforce the indoor clean air act. Effective January 1, 2009, new laws will go into effect making most areas smoke free. This will include bars, taverns and clubs. Jennifer Chaney is employed as the county Tobacco Outreach coordinator, providing education to businesses as well as the community regarding the effects of smoking and of second hand smoke on others. As part of the Public Health Authority requirements, Jennifer will be helping the establishments go “smoke-free”. Ms. DeLaVergne-Brown said this law was aimed at protecting workers as well as the public in the locations now required to go smoke-free.

Judge Cooper expressed his concern as to how much actual enforcement would be required to enforce the new laws and how much, if any, liability there would be on the part of the county regarding the education and enforcement. Ms. Chaney said most establishments have been compliant and several have already contacted the Health Department regarding the process of going smoke-free before the law goes into effect. County Counsel Dave Gordon said that enforcement boils down to the County exercising its discretion, and the County will not be held liable if, for financial reasons, it does not or cannot engage in enforcement activities.

Ms. Chaney told the Court that the new law is not about smoking or not smoking but instead is about the effects of secondary smoking. Ms. Chaney spoke of the millions of dollars wasted due to the effects of secondhand smoke, these costs being the result of medical costs and work downtime for workers affected by second hand smoke.

Approval of the plan will be placed on the consent agenda of the October 15, 2008 meeting.

Consider request of Hahlen Road District

John Vaughn, board member of the Hahlen Road District, presented a request to the County for assistance in repaying a loan from the Hahlen Water District. The water district is looking for ways to clean up its financial statement. Mr. Vaughn said the Hahlen Road District is a cash flow positive district with available funds in the District’s bank account. The District could pay off the loan but wants to build on the balance of its account. Mr. Vaughan said the District has had a \$2,000 positive cash flow each month.

The Court discussed the District’s contingency for improvement and emergency maintenance. Mr. Vaughan said he was appearing at the request of the Water District to make this request. The Hahlen Road District is able to continue on as the original loan requires.

The Court discussed the monetary straits of the county at this time and that this request would be more viable if the District were having a disaster and needed money to keep the roads in acceptable condition. The Court thanked Mr. Vaughn for his appearance and asked that the District come back to Court when there is a problem with the roads.

Consider process to begin Mountain Road Vacation

Roadmaster Penny Keller presented information to the Court regarding Mountain Road in the Juniper Heights subdivision and described the portion of that road that is county maintained and the portion that goes down to Quail Canyon Road that is not maintained. The pavement stops and turns to gravel. The developer, Dave Maloney, would like to use Mountain Road as access to the new phase of Conifer Heights and there is a steep grade on that portion of unpaved Mountain Road. Ms. Keller has been in contact with the developer regarding this road. The road department wants to make sure the County will not be responsible for maintaining that portion of Mountain Road which will have a minimum of 10 percent grade and exceeds the snow plow capabilities. Ms. Keller is asking the County to vacate a portion of Mountain Road. The remaining portion will continue as a public road which will allow a grade exceeding six percent.

Ms. Keller and the Court discussed the portions of roads that could not connect due to terrain and reviewed the maps to find the portions of the roads that were impassable and would be impossible to maintain due to the terrain. The proposed vacations would pose no changes in the transportation system because the roads have never been constructed. After further discussion, the Court concurred and asked Ms. Keller and Mr. Gordon to start the process with an order to be presented at the next County Court meeting. There will be a 60-day public notice period.

Proposed Contract award process for Fuels Reduction Program/John Jackson

Dave Gordon and John Jackson presented a proposed fuels reduction contracting process which has been used in other counties. Mr. Gordon asked the Court to consider a public award process for contractors providing reduction of fuels service. A lot of people can provide this service in the current economy. Mr. Gordon presented an Request for Qualifications (RFQ) process which would provide a pool of eligible contractors to provide the reduction of fuels work. The Court discussed having a separate discussion to insert this RFQ process into County policy. Discussion was held regarding the FEMA grant (which is administered by the State Office of Emergency Management for Deschutes and Crook Counties)..

Mr. Jackson discussed the process used in the fuels reduction whereby landowners work to create defensible spaces by clearing out fuels. A contractor then picks the fuels that have been cleaned out and chips and hauls the materials to the landfill. Roadside chipping accounts for 90 percent of fuels reduction, with mowing and other needs covering the other ten percent. Mr. Jackson and the County Court discussed the Fire Ready booklet created by Mr. Jackson which was published recently and provides useful guidelines to landowners and which has received a huge response. Mr. Jackson said a lot of good work has been accomplished, and he estimates being able to double or better the cost benefit ratio next year. He wants to be able to form a pool of qualified contractors to work with the landowners through the RFQ process.

The Court agreed this has been a great program and directed Mr. Gordon and Mr. Jackson to start the process. Mr. Gordon will bring this back to the Court as a special procurement order.

Consider request of Audia-Gordon for refund of appeal fees/Jeff Wilson

Mr. Gordon presented the request of Audia-Gordon for a refund of application fees. The request is for a refund of \$2,500 application fee for a text amendment and a \$2,000 application fee for a requested destination resort overlay map change. The Court discussed the text amendment which was the vehicle by which the Planning Commission recommended to the County Court a more frequent look at the map and was a completely processed matter. The second application is on hold and there has been and will be no hearing on it. Mr. Gordon stated that it would make sense to refund the second application fee. Mr. Wilson has said the refund of the \$2,000 is acceptable to his client.

Motion

Commissioner McCabe moved to retain the \$2,500 first application fee and refund the \$2,000 for the map change fee. Commissioner Lundquist seconded the motion. The vote was 3-0, and the motion passed.

Request of Crook County Community Corrections for a \$300 donation to organization to help cover application fees for faith based 501 (c)(3) provider of treatment and life programming

Sheriff Rodd Clark presented a request on behalf of Crook County Community Corrections for a donation in the amount of \$300 for inpatient treatment for women provided by faith based programs. Brenda Comini said that licensed care is required and payment of the fee should not be an issue; if the facility is licensed, the fee is paid. The Court discussed the costs involved and methods of payment to other treatment facilities. The Court agreed this is a qualified SB1145 expense and would be paid as a bill for service.

COCC Ballot measure, 9-58, presentation by COCC President Dr. Jim Middleton

Dr. Middleton, President of Central Oregon Community College (COCC) presented information on the COCC ballot measure 9-58 levy which will provide college presence in outlying areas. The bond would include a permanent Prineville facility to be erected on land donated by Ochoco Lumber. The COCC "bridge" program to provide facilities at OSU Extension and the Crook County Fairgrounds has been considered and determined to not be sufficient for long term future use. The Court discussed the facilities that would be constructed at the main COCC campus and the timeline involved. Dr. Middleton said the first year in Crook County would begin with core courses and expand classes in the high school. At this time, there are over 800 high school students enrolled in the high school college level classes. Career programs will be provided that would make sense for the Crook County community and an additional range of non-credit classes.

Dr. Middleton said the growth of COCC has exploded with a 35.38 percent increase over the last two years. There are crushing demands in the nursing program, and this levy would allow for double the enrollment in the program. Students will be placed in all Central Oregon hospitals.

There would also be a new pharmacy tech program. This levy allows for the building of the facilities to house these new programs.

Dr. Middleton said next year the current taxing bond of 9.3 cents per thousand will be paid off. The new bond will be 12 cents per thousand, a difference between the old bond and new bond of 2.77 cents per thousand. This amount would be less than \$3.00 per year in increased taxes for most homeowners.

The Court and Dr. Middleton discussed the proposed centers and the plan for the Prineville campus. The intention is to construct the Prineville facility after construction of the Health Science Center in Bend. Dr. Middleton discussed the problem of some students being intimidated by the prospect of taking college courses and said that counseling and student support will now have to begin as early as the 5th and 6th grade to prepare young people for college education.

Judge Cooper spoke to the shortage of nurses and the absolute necessity for additional training facilities. He suggested that Dr. Middleton schedule a meeting with Rich Schultz, the recently hired Crook County School District Superintendent, to discuss the measure and proposed projects.

Joyce Garrett, COCC Board member, spoke on the remedial classes that are offered and the number of people that attend the classes after having been out of school for a few years to brush-up by taking the remedial classes.

The Court agreed to support the resolution of support for the COCC levy. Mr. Gordon will bring an order and resolution of support for approval to the October 15, 2008 meeting.

Consider revisions of FY 2008-2009 Budget

Amid worries about Wall Street and the state of the national economy, the Crook County Court addressed local fiscal reality, unanimously approving budget cuts totaling just under \$3 million from the 2008-2009 budget adopted in June. The cuts represent a 20.7 percent reduction in planned General Fund expenditures. The cuts are a direct result of revenue shortfall associated with the slowing real estate market in Central Oregon and the anemic national, state, regional and local economies.

The Court based the cuts on two months worth of financial data which show a clear downward trend in revenue from when the budget was prepared last February. The Court elected to take action now rather than hoping for things to improve in order to avoid a situation in which certain options are foreclosed.

Cuts came in five areas:

--\$1,542,600, eliminated in transfers of landfill revenues to the county road fund and elimination of additional contributions to certain reserve accounts related to landfill expansion and closure;

--\$452,144 in reductions to personnel, including four currently vacant positions and three currently filled positions, in addition to reductions in overtime and temporary help positions. The positions eliminated were in the building department, planning department, landfill, district attorney's office and sheriff's office and county administration office. Employees who will be laid off will be notified later today. All terminated employees will receive pay through the end of October and the equivalent of 90 days of medical insurance premiums.

--\$164,749 in reductions in budgeted insurance costs associated with savings negotiated earlier this year;

--\$88,084 in reductions in materials and services;

--\$1,040,000 in reductions in the county's contingency fund;

The Court also reviewed but took no action on an additional \$500,000 of additional cuts which could be undertaken if the financial situation deteriorates further.

The Court discussed with Deputy DA Diana Vitolins (Crook County District Attorney as of November 1, 2008) and Sheriff Rodd Clark the problems that could potentially occur if open positions were left unfilled. Commissioner Lundquist discussed that there would be no Animal Control officer which was cut from the budget during budget hearings. Discussions were held regarding the lagging revenue from Circuit Court, and Parole and Probation. Sheriff Clark discussed options that would allow retaining the services of Deputy Russ Wright for the Department.

Along with enacting budget reductions, the County Court decided to close the county landfill on Sundays to alleviate staffing shortages. This closure was suggested by Landfill Manager Alan Keller who stated that Sunday is the slowest day of the week and sometimes the Sunday revenue does not pay for the salary of those working. The closure will become effective on November 2, 2008.

County Treasurer Kathy Gray reported on the General Fund and Payroll. Judge Cooper complimented Ms. Gray and her employee Laura Fladung on finding additional funds by monitoring all agreements, contracts and grants, working with all budget collections and capturing all the available dollars.

The Court noted that should the fiscal outlook brighten in future months, the Court has the option to pass a supplemental budget appropriating unanticipated resources and restoring lost positions.

Motion

Commissioner Lundquist moved to adopt the cuts as planned with the addition of cutting one vacant position in the Sheriff's department. Commissioner McCabe seconded the motion, and asked if that was the position discussed earlier. Yes was the answer. The vote was 3-0, and the motion passed.

Judge Cooper said he will take care of severance checks and notifications with the lay-offs occurring in order of seniority in the affected departments.

Landfill Manager Alan Keller said he will place a news release, provide signage at the landfill and place a notice on the county web site regarding the Sunday closure.

Consider lease with Bend Broadband (placement of Routing Building) Removed

Consider request of ATT Wireless to lease county land

County Counsel Dave Gordon presented the request of ATT Wireless to place a wireless site just like the site that T-Mobile has constructed above Prineville. Mr. Gordon used a map to explain where the T-Mobile site pole and line is now located and how it comes down over the hillside. The ATT Wireless site would require another pole with transponders.

The lease between T-Mobile and the County is a 30-year lease renewable at 5-year intervals at \$250 per month, up 10 percent at the start of the second five-year interval. ATT wants the same lease. Mr. Gordon said he would like to begin with a \$275 per month lease amount and described how the T-Mobile lease originally started out as an exclusive site with a three-mile radius but was later amended to release that condition.

The proposed lease would be for county property that is now located within the city limits. The County must agree to lease the site before ATT Wireless can ask for city approval. The Court discussed this as possibly setting a precedent for later applicants.

Motion

Commissioner Lundquist moved to give permission to ATT Wireless to apply to the City for approval of a site for a pole and responders on county land located next to the T-Mobile Site and authorize Judge Cooper to sign outside of Court. Commissioner McCabe seconded the motion. The vote was 3-0, and the motion passed.

Request of Oregon Department of Fish and Wildlife (ODFW) for work session to discuss sage grouse habitat mitigation concerns related to wind energy development

Judge Cooper presented a request of ODFW to hold a work session regarding sage grouse leks located near the proposed wind energy project property located in the southwest part of Crook County. ODFW is currently requesting a three-mile buffer to protect a nearby sage grouse lek. Judge Cooper noted that BPA reportedly is placing wind projects within ¼ to 1 mile of a lek. ODFW is also requesting the clearing of 10,000 acres of surrounding Juniper trees. Following further discussion, the Court agreed to schedule an evening meeting with the Planning Commission and ODFW on October 29, 2008 at 7:00 p.m. to discuss the ODFW wildlife mitigation strategies and requests throughout the county.

Approval of County Bills

Commissioner Lundquist declared a potential conflict with any bills payable to Central Oregon Trucking. His son is an owner in the company.

Commissioner McCabe declared a potential conflict with any bills payable to Prineville Men's wear. His sister is married to the proprietor.

Judge Cooper declared a potential conflict with any bills payable to Cooper Electric. His mother and brother are owners of the company.

Motion

Commissioner McCabe moved to approve the county bills as presented. Commissioner Lundquist seconded the motion. The vote was 3-0, and the motion passed.

Ethics meeting

County Counsel Dave Gordon advised the Court that ethics advice given by him at the last meeting was in error. Commissioner McCabe had asked Counsel if a person is required to disclose a potential conflict regarding a specific matter if the conflict was disclosed at a previous meeting involving that same matter. Commissioner McCabe was advised by County Counsel that one disclosure of the matter was adequate. Mr. Gordon has since found that advice to be in error and conflicts must be disclosed each time the particular matter is heard.

There being no further business in regular session before the County Court, the meeting was adjourned into executive session.

Executive Session

192.660(2)(I) Personnel reviews
Greg Hinshaw, maintenance director
Muriel Delavergne-Brown, health director

Reconvene to Open Session

The Court reconvened to open session. Commissioner McCabe moved and Commissioner Lundquist seconded to award a one-step increase for Greg Hinshaw and Muriel DeLaVergne-Brown in consideration of good service. The motion passed unanimously.

There being no further business before the Court, the meeting was adjourned.