



# **CURRY COUNTY BOARD OF COMMISSIONERS**

## **SPECIAL MEETING**

Monday, June 27, 2016 – 3:00 P.M.

Commissioners' Hearing Room, Courthouse Annex  
94235 Moore Street, Gold Beach, Oregon

[www.co.curry.or.us](http://www.co.curry.or.us)

### **AGENDA**

*Items may be taken out of sequence to accommodate staff availability and the public.  
For public comment, a completed speaker's slip must be submitted.*

- 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**
- 2. AGENDA AMENDMENTS**
- 3. APPROVAL OF AGENDA**
- 4. ANNOUNCEMENTS**
  - a. To get notifications for these and some other county meetings, please contact the Commissioners office to be placed on the email list.
  - b. Board of Commissioners General Meeting Wednesday July 06, 2016 at 10:00 a.m.
- 5. PUBLIC COMMENTS**
- 6. ADMINISTRATIVE ACTIONS/ APPOINTMENTS**
  - a. Order Correcting Scrivener's Error in Order No. 20319 – Counsel
- 7. PROCLAMATIONS/RESOLUTIONS/ LEGISLATIVE ACTIONS**
  - a. 2015-2016 Budget Appropriations Transfers – Multiple Departments
- 8. NEW BUSINESS**
- 9. OLD BUSINESS**
- 10. PRESENTATIONS TO THE BOARD**
- 11. CONSENT CALENDAR**
- 12. COMMISSIONER UPDATES/ LIAISON & DEPARTMENT ACTIVITY REPORTS**
- 13. EXECUTIVE SESSION**
- 14. ADJOURN**

***Curry County does not discriminate against individuals with disabilities and all public meetings are held in accessible locations. Auxiliary aids will be provided upon request with 48 hours advance notification. Please call 541-247-3296 if you have questions regarding this notice.***

**CURRY COUNTY BOARD OF COMMISSIONERS**  
**AGENDA ITEM ROUTING SLIP**  
FORM 10-001.1 Rev. 03-02-2016

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)**

**AGENDA ITEM TITLE:** Order Correcting Scrivener's Error in Order No. 20319

**AGENDA DATE<sup>a</sup>:** 6-27-16 **DEPARTMENT:** Counsel **TIME NEEDED:** 2min

<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)

**CONTACT PERSON:** Huttl **PHONE/EXT:** 3218 **TODAY'S DATE:** 06-23-16

**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** This is an Order Correcting a Scrivener's Error in Order No. 20319

<sup>b</sup>Indicate if more than one copy to be signed

**FILES ATTACHED:**

**SUBMISSION TYPE:** Order

- (1)Order with Attachment
- (2)Order 20319

Are there originals in route (paper copies with pre-existing signatures) Yes  No

**QUESTIONS:**

1. Would this item be a departure from the Annual Budget if approved? Yes  No   
(If Yes, brief detail)
2. Does this agenda item impact any other County department? Yes  No   
(If Yes, brief detail)
3. If Land Transaction, filed with the clerk? Yes  No  N/A

**INSTRUCTIONS ONCE SIGNED:**

No Additional Activity Required

OR

File with County Clerk

Name:

Send Printed Copy to:

Address:

Email a Digital Copy to:

City/State/Zip:

Other Multiple parties to get copies (See Counsel)

Phone:

Due date to send:        /        /

Email:

<sup>c</sup>Note: Most signed documents are filed/recorded with the Clerk per standard process.

**PART II – COUNTY CLERK REVIEW**

**EVALUATION CRITERIA:**

**CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes  No  N/A   
(If No, brief detail)

**PART III - FINANCE DEPARTMENT REVIEW**

**EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses Yes  No   
Comment:
2. Confirmed Submitting Department's personnel-related materials Yes  No  N/A   
Comment:
3. If job description, Salary Committee reviewed: Yes  No  N/A
4. If hire order requires an UA, is it approved? Yes  No  Pending  N/A

**PART IV – COUNTY COUNSEL REVIEW**

**AGENDA ASSIGNMENT TYPE:** Adminstrative Actions

**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes  No   
(If Yes, brief detail)

**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT**

**LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**

Commissioner Susan Brown Yes  No

Commissioner Thomas Huxley Yes  No

Commissioner David Brock Smith Yes  No

Not applicable to Sheriff's Department since they do not have a liaison

**BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON**

IN THE MATTER )  
OF CONSIDERATION OF )  
DISCIPLINE OR DISCHARGE )  
OF A COUNTY EMPLOYEE )  
WHO REQUESTED AN OPEN )  
HEARING )

ORDER 20319

This matter came before the Board of Commissioners for Curry County on June 9, 2016 at 1:30pm.

The County was represented by John Huttli, Curry County Legal Counsel. Employee Todd Weeks was represented by attorneys Rob Coleman and Bill Cloran.

The notice to the employee was delivered with supporting materials on May 27, 2016.

The employee, by and through his legal counsel submitted written materials within 24 hours of the hearing. We accepted the briefing for consideration.

Ground rules for the hearing were followed and are attached.

The Board has reviewed the materials. The Board heard presentations from individual Board members, the employee, and the employee's attorneys.

**Now therefore, the Board determines that the materials in the record establish that:**

1. The Board of Commissioners is elected to oversee County functions, including being solely responsible for the supervision and evaluation of non-elected County department heads including the IT Director.
2. Weeks is an at will employee who is tasked with communicating with the Board and following Board directive.
3. Notwithstanding any description in the personnel rules of a regular annual employment review, the Board may consider employee performance and discipline as it sees fit under the circumstances.
4. Weeks's materials attempt to paint a picture of improper and secret dealing; however, instead this matter has been public, prolific and protracted.

**5. IT Director's Responsibility for GIS System:**

- a. The record in this case supports that Weeks was given and accepted responsibility for the GIS system. Under his authority, the GIS system failed to operate. The failure impacted not only the County and its users, but also two of the largest cities in the County.
- b. The GIS issue has been public and prolonged, yet Weeks' only proposed solution is to work with Keith Massie, which is a relationship that his own attorney has criticized. Weeks has not demonstrated the leadership necessary to develop a workable solution to the GIS problem, which is a central responsibility of his job.
- c. Weeks's performance in the matter has not been acceptable, and does not show signs of improving.

**6. IT Director's Responsibility to Communicate Professionally with the Board of Commissioners:**

- a. In addition to not demonstrating adequate leadership on the GIS project, Weeks refuses to take direction from, and communicate with, the Board in a professional manner. These are two of the most important skills for adequately carrying out all the job functions of the IT Director position. The communication problems have been longstanding and well-documented.
- b. In June of 2015 the Board decided that there were grounds to issue a written reprimand to Weeks for unprofessional communications, but, instead the Board agreed to use a mediator to facilitate improved communications between Weeks and the Board.. The mediation was not successful.
- c. In November of 2015, Commissioner Brown had a one-on-one meeting with Weeks. She identified communications with the Board as an issue Weeks must improve. Weeks agreed with Brown to improve in this area and have respectful communications with the Board; Weeks also agreed to have all contracts reviewed by legal counsel, and to follow Board direction.
- d. Since that time Weeks has not communicated respectfully with the Board, and has not followed Board direction.
- e. Alternative methods including mediation as well as one-on-one meetings have been attempted, yet communications and performance issues are on-going. The Board is not experiencing these issues with other Departments it supervises.

**7. Summary of Findings:**

The essential duties and skills of necessary to fulfill the duties of the County's IT Director position have been set out in the notice letter. The

record shows Weeks was notified by the Board of his deficiencies in fulfilling those duties, the Board held a hearing in June of 2015 regarding his job deficiencies, Commissioners met individually with Weeks in the fall of 2015 when Weeks again agreed to improve, but despite all that, improved leadership and job performance has not been forthcoming. Because it appears that no amount of further warnings, communications, or training will result in the job improvement needed to preserve the proper level of communications and GIS functioning that the County requires the Board finds that termination is the last and only option available in this instance.

### ORDER

Now therefore, the Board of Commissioners for Curry County determines that discipline is warranted, and that termination is appropriate. Termination shall be effective 5pm on June 10, 2016.

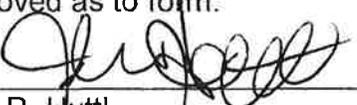
Until such time, Weeks is to prepare and provide transitional materials, including but not limited to: physical keys, cards, equipment, etc., as well as passwords, access codes, user names, and such information necessary for the continued operation of County technology services after that time and date.

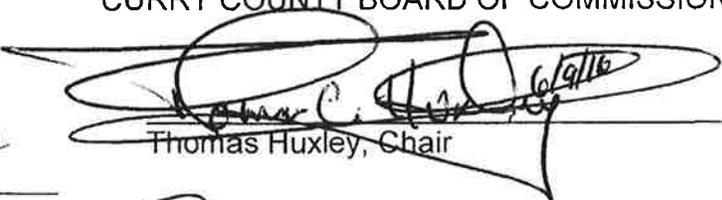
A copy of this order and the materials submitted by the Board of Commissioners is to be placed in Weeks's personnel file.

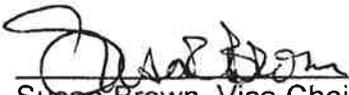
DATED this 9 day of JUNE 2016.

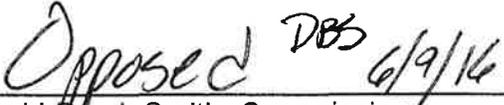
### CURRY COUNTY BOARD OF COMMISSIONERS

Approved as to form:

  
\_\_\_\_\_  
John R. Hutt  
Curry County Legal Counsel

  
\_\_\_\_\_  
Thomas Huxley, Chair

  
\_\_\_\_\_  
Susan Brown, Vice Chair

  
\_\_\_\_\_  
David Brock Smith, Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Order Correcting     )  
Scrivener's Error in Order Number     )                   ORDER NO. \_\_\_\_\_  
20319   )

**WHEREAS**, Order Number 20319 was adopted on June, 9, 2016 and filed with the County Clerk as CJ: 2016-128 on 6-13-16; and

**WHEREAS**, in Order Number 20319 in the fifth paragraph it states "Ground rules for the hearing were followed and are attached"; and

**WHEREAS**, Order Number 20319 was filed without the attachment; and

**WHEREAS**, this scrivener's error on the date of the above-referenced order needs to be corrected;

**NOW, THEREFORE IT IS HEREBY ORDERED** that Order Number 20319 be amended and corrected by adding the above referenced attachment which is attached to this order.

**DATED** this 27<sup>th</sup> day of June, 2016.

BOARD OF CURRY COUNTY COMMISSIONERS

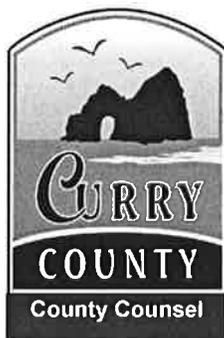
Thomas Huxley, Chair

Susan Brown, Vice Chair

David Brock Smith, Commissioner

Approved as to Form:

John Huttl  
Curry County Legal Counsel



## MEMORANDUM

FROM           John R. Huttli, Curry County Counsel

TO             Board of Commissioners; Rob Coleman

RE:            Ground Rules for Hearing June 9, 2016

DATE:         June 7, 2016

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### **Summary**

These ground rules are based on the Ground Rules that were adopted by the Board for the June 2015 open hearing when a reprimand letter of Todd Weeks was last considered by the Board. Weeks and his Counsel have had access to those rules since at least that time.

### **Rules**

- 1) The meeting will be recorded. Copies of the recording available per public records request or ORCP discovery as applicable.
- 2) The Chair of the Curry County Board of Commissioners shall preside.

- 3) The hearing will be on the documentary record with oral summarization by the Board Members and Todd Weeks and his Attorneys.
- 4) The hearing shall not follow formal rules of evidence, nor shall challenges for bias, or cross-examination be allowed, nor witnesses be called.
- 5) Written material will be accepted as per below and per personnel rules 5(C)(2).
- 6) Todd Weeks, by and through his attorneys Rob Coleman and Bill Cloran, has been provided with documentation relevant to the topic of the meeting as of May 27, 2016.
- 7) Todd Weeks, by and through his attorneys Rob Coleman and Bill Cloran, shall submit documents in support of his oral summarization no later than 24 hours before the meeting. Said documents shall be submitted to Curry County Counsel.
- 8) At the hearing, the Board will summarize its reasons for the proposed action.
- 9) Todd Weeks and his Counsel will have an opportunity to present his side of the matter.
- 10) The Board will have the ability to rebut and then consider a motion.
- 11) If a motion is made, further Board deliberation is allowed, but not required; and a vote will follow.
- 12) The Board's decision will be reduced to writing and signed by at least two Board members. If signed by two Board members, the decision is final.

**CURRY COUNTY BOARD OF COMMISSIONERS**  
**AGENDA ITEM ROUTING SLIP**  
FORM 10-001.1 Rev. 03-02-2016

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)**

**AGENDA ITEM TITLE:** 2015-16 Budget Appropriations Transfers

**AGENDA DATE<sup>a</sup>:** 6/27/16 **DEPARTMENT:** Finance **TIME NEEDED:** 5 minutes

<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)

**CONTACT PERSON:** Julie or Cena**PHONE/EXT:** 3233 **TODAY'S DATE:** 6/8/16

**BRIEF BACKGROUND OR NOTE<sup>b</sup>:**

<sup>b</sup>Indicate if more than one copy to be signed

**FILES ATTACHED:**

**SUBMISSION TYPE:** Resolution

(1)Resolution

(2)Exhibit A

Are there originals in route (paper copies with pre-existing signatures) Yes  No

**QUESTIONS:**

1. Would this item be a departure from the Annual Budget if approved? Yes  No   
(If Yes, brief detail) Reallocation of current category appropriations
2. Does this agenda item impact any other County department? Yes  No   
(If Yes, brief detail) All departments submitting supplemental budgets
3. If Land Transaction, filed with the clerk? Yes  No  N/A

**INSTRUCTIONS ONCE SIGNED:**

No Additional Activity Required

OR

File with County Clerk

Name:

Send Printed Copy to:

Address:

Email a Digital Copy to:

City/State/Zip:

Other

Phone:

Due date to send:        /        /

Email:

**\*Note: Most signed documents are filed/recorded with the Clerk per standard process.**

**PART II – COUNTY CLERK REVIEW**

**EVALUATION CRITERIA:**

**CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes  No  N/A

(If No, brief detail)

**PART III - FINANCE DEPARTMENT REVIEW**

**EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses Yes  No   
Comment:
2. Confirmed Submitting Department's personnel-related materials Yes  No  N/A   
Comment:
3. If job description, Salary Committee reviewed: Yes  No  N/A
4. If hire order requires an UA, is it approved? Yes  No  Pending  N/A

**PART IV – COUNTY COUNSEL REVIEW**

**AGENDA ASSIGNMENT TYPE:** (Select)

**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes  No

(If Yes, brief detail)

**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT**

**LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**

Commissioner Susan Brown Yes  No

Commissioner Thomas Huxley Yes  No

Commissioner David Brock Smith Yes  No

Not applicable to Sheriff's Department since they do not have a liaison

Department: Commissioners		BUDGET		
G/L ACCT NUMBER	ACCT DESCRIPTION	EXISTING BUDGET	CHANGE	NEW Budget
			+ = increase - = decrease	
<b>Revenue</b>				
-3-000-00				-
-399.01-000-00	Assigned Fund Balance			-
-399.03-000-00	Restricted Fund Balance			-
	Total Resources	-	-	-
<b>Personal Services</b>				
1.11-411.10-490.00-105-00	Sal-Elected	127,018	11,000	138,018
	<b>Total Personal Services -</b>	127,018	11,000	138,018
<b>Materials &amp; Services</b>				
1.11-411.10-490.00-345-00	Pro Svc - General	10,000	(10,000)	-
1.11-411.10-490.00-315-00	Conference Fees	-	1,500	1,500
1.11-411.10-490.00-521-00	General Liability Insurance	200	1,144	1,344
1.11-411.10-490.00-581-00	IGS-2.21 Assigned Vehicles	7,500	2,500	10,000
1.10-413.90-490.00-615-00	Other M&S	250,000	(6,144)	243,856
-490.00-				-
-490.00-				-
-490.00-600-00	Supplies - Office			-
-490.00-606-00	Event Food Supplies			-
-490.00-615-00	Other M&S			-
-490.00-				-
	<b>Total Materials &amp; Services</b>	267,700	(11,000)	256,700
<b>Debt, Capital, Transfers</b>				
-490.00-847-00	Debt Interest Payments			-
-490.00-849-00	Debt Principal Payments			-
-490.00-745-00	Capital Outlay			-
-490.00-745-00	Capital Outlay			-
-491.-.-00	Tran To			-
-491.-.-00	Tran To			-
-492.-.-00	Tran To (use 492 for Tran within a Fund)			-
	<b>Total Expenditures</b>	394,718	-	394,718
			Total Change should = 0 >> -	
Note: Total change should = 0, or Total Revenue change should match Total Expense change.				
Prepared By <i>Shelia</i>		Date <i>06-24-16</i>		
Elected Official or Department Head		Date		
Approved By		Date		
Liasion Commissioner		SUPP #2		

Supplemental Budget # FY2015-16

Fund Budget Must Balance To \$0.00

Department: <b>Event Center</b>		BUDGET		
G/L ACCT NUMBER	ACCT DESCRIPTION	EXISTING BUDGET	CHANGE	NEW Budget
			+ = increase - = decrease	
<b>Revenue</b>				
-3-000-00				-
-399.01-000-00	Assigned Fund Balance			-
-399.03-000-00	Restricted Fund Balance			-
	<b>Total Resources</b>	-	-	-
<b>Personal Services</b>				
-490.00-110-00	Sal-Regular			-
2.14-451.40-490.00-120-00	Sal-Irregular	63,045	6,467	69,512
-490.00-130-00	Sal-Overtime			-
-490.00-213-00	Ben-Health Ins			-
2.14-451.40-490.00-220-00	Ben- FICA 7.65%	4,823	495	5,318
2.14-451.40-490.00-230-00	PERS-County	3,433	2,587	6,020
2.14-451.40-490.00-260-00	Ben-Workers Comp	1,140	100	1,240
2.14-451.40-490.00-290-00	Ben-OR W/C Aseessment	149	34	183
	<b>Total Personal Services -</b>	<b>72,590</b>	<b>9,683</b>	<b>82,273</b>
<b>Materials &amp; Services</b>				
-490.00-330-00	Pro Svc - General			-
-490.00-430-00	R&M Equipment			-
-490.00-580-00	Meals & Lodging			-
2.14-451.40-490.00-431.01	R & M - Arena	60,000	(9,683)	50,317
-490.00-				-
-490.00-				-
-490.00-				-
-490.00-600-00	Supplies - Office			-
-490.00-606-00	Event Food Supplies			-
-490.00-615-00	Other M&S			-
-490.00-				-
	<b>Total Materials &amp; Services</b>	<b>60,000</b>	<b>(9,683)</b>	<b>50,317</b>
<b>Debt, Capital, Transfers</b>				
-490.00-847-00	Debt Interest Payments			-
-490.00-849-00	Debt Principal Payments			-
-490.00-745-00	Capital Outlay			-
-490.00-745-00	Capital Outlay			-
-491.-.-00	Tran To			-
-491.-.-00	Tran To			-
-492.-.-00	Tran To (use 492 for Tran within a Fund)			-
	<b>Total Expenditures</b>	<b>132,590</b>	<b>-</b>	<b>132,590</b>
Total Change should = 0 >>			-	

Note: Total change should = 0, or Total Revenue change should match Total Expense change.

Prepared By <i>Dena Crook</i>	Date <i>6/23/16</i>
Elected Official or Department Head <i>Ron Crook</i>	Date <i>6-23-16</i>
Approved By <i>[Signature]</i>	Date <i>6-23-16</i> Supp #

Supplemental Budget # FY2015-16

Fund Budget Must Balance To \$0.00

Department: *Various - Contingencies*

G/L ACCT NUMBER	ACCT DESCRIPTION	EXISTING BUDGET	BUDGET	
			CHANGE + = increase - = decrease	NEW Budget
<b>Revenue</b>				
-3-000-00				-
-399.01-000-00	Assigned Fund Balance			-
-399.03-000-00	Restricted Fund Balance			-
	Total Resources	-	-	-
<b>Personal Services</b>				
-490.00-110-00	Sal-Regular			-
-490.00-120-00	Sal-Irregular			-
-490.00-130-00	Sal-Overtime			-
-490.00-213-00	Ben-Health Ins			-
-490.00-220-00	Ben- FICA 7.65%			-
-490.00-230-00	PERS-County			-
-490.00-235-00	PERS-Employee			-
-490.00-260-00	Ben-Workers Comp			-
	<b>Total Personal Services -</b>	-	-	-
<b>Materials &amp; Services</b>				
1.27-465.20-490.00-615-00	Other M&S	930	2,931	3,861
1.30-419.98-490.00-615-00	Other M&S	450	2,570	3,020
2.20-411.10-490.00-615-00	Other M&S	230	7,420	7,650
-490.00-				-
-490.00-				-
-490.00-				-
-490.00-				-
-490.00-600-00	Supplies - Office			-
-490.00-606-00	Event Food Supplies			-
-490.00-615-00	Other M&S			-
-490.00-				-
	<b>Total Materials &amp; Services</b>	1,610	12,921	14,531
<b>Debt, Capital, Transfers</b>				
1.27-465.20-496.00-000-00	Operating Contingency	2,931	(2,931)	-
1.30-419.98-496.00-000-00	Operating Contingency	2,570	(2,570)	-
2.20-411.10-496.00-000-00	Operating Contingency	7,420	(7,420)	-
-490.00-745-00	Capital Outlay			-
-491.-.-00	Tran To			-
-491.-.-00	Tran To			-
-492.-.-00	Tran To (use 492 for Tran within a Fund)			-
	<b>Total Expenditures</b>	14,531	-	14,531
			Total Change should = 0 >> -	
Note: Total change should = 0, or Total Revenue change should match Total Expense change.				
Prepared By <i>Cena Crook</i>		Date <i>6/24/16</i>		
Elected Official or Department Head		Date		
Approved By		Date		
Liasion Commissioner		Supp #		

**BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS  
IN AND FOR THE COUNTY OF CURRY**

IN THE MATTER OF REALLOCATION OF            )  
APPROPRIATIONS BETWEEN CATEGORIES    )  
IN THE **2015-2016 FISCAL YEAR BUDGET**    )            **RESOLUTION**

**WHEREAS**, there exists a need to transfer appropriated spending authority in the Curry County budget between expenditure categories for the purpose of providing for costs beyond the amount that was anticipated in the 2015-2016 fiscal year budget: and,

WHEREAS, additional revenue must be appropriated prior to expenditure; and,

WHEREAS, such increase and reallocation of appropriation is allowed under ORS 294.471; now,

**BE IT RESOLVED** that the 2015-2016 fiscal year budget for Curry County be modified as detailed in *Exhibit A* for the specific purpose of providing appropriations to cover expenditures through June 30, 2016.

Dated this   27th   day of June 2016.

CURRY COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Thomas Huxley, Chair

\_\_\_\_\_  
Susan Brown, Vice Chair

\_\_\_\_\_  
David Brock Smith, Commissioner

Approved as to form:

\_\_\_\_\_  
John Hutt  
Curry County Counsel