



CURRY COUNTY BOARD OF COMMISSIONERS

MINUTES – WORKSHOP

Wednesday, October 14, 2015 –10:00 A.M.

Commissioners' Hearing Room, Courthouse Annex

94235 Moore St., Gold Beach, Oregon 97444

Commissioners Present: Chair Susan Brown, Vice-Chair Thomas Huxley, David Brock Smith

Staff Present: County Counsel, M. Gerard Herbage; Administrative Assistant, Shelia Megson; County Clerk, Renee Kolen; Records Manager, Becky Ross; Director of Administration and Economic Development, Julie Schmelzer

1. CALL TO ORDER

Brown called the meeting to order at 10:01a.m.

2. Workshop Discussed Topics

a. Public Records Requests

Kolen explained that most of the requests currently go through the County Clerk's office. Brown said that the discussion lately was leaning toward the individual departments handling them. Schmelzer said that she had drafted the latest proposed policy back in April. Herbage will review it. Herbage recommends a policy placement and then also training. Herbage would be available for questions since there are many exemptions in the law and it can be complicated. Question from Schmelzer was whether we should require vendors to pay up front for information. Herbage explained that the law does not look to the reason of the individual for the request so vendors wanting to obtain information would be dealt with in the same manner as citizens. Herbage also thought it important that an estimate or upfront monies be required as to not waste a lot of work. Brown had thought payment was required beforehand. She suggested an attachment to the request for an estimate of cost. It was said that even trying to give a proper estimate already uses the employee time.

Huxley had met with Kolen and Ross this week, as well as Herbage. He wants to talk to other department heads to find out the amount of traffic of requests. He referred to an existing law on page 17. The statute says we may require payment. Huxley said a pending records request is hundreds of pages long with lengthy research and that it will be picked up, but if not picked up, it could have been wasted labor. The administrative departments go through Clerk. To date 81 requests had been processed since January 2012, of which 22 were made by Huxley. Two other parties had seven each. Training is critical. He said that the Clerk should not be a clearinghouse but common sense. What is right and wrong could be figured out using the existing policy. He went over why it should be easy and doesn't think it should be logged for quicker service.

Smith wants it always easier for public and employees and deferred to Kolen's advice. His concern for going to various departments would be a huge amount of knowledge and cash boxes needed.

Kolen thanked others that actually put in the time to make a policy but she didn't like the negative comments concerning service and work quality. She said there is a lot of work to make sure that checks and balances and transparency are achieved but Huxley likes to claim tampering.

Huxley pointed out that he asked Kolen what the procedures were for the Sheriff and Juvenile departments and she didn't know and had responded that Huxley should know since he is the Liaison Commissioner. Huxley said he had done a request through the Surveyor's Office and they used to just put money in a drawer and it would not be a big deal if we have new forms and a drawer in each of the four departments. Kolen asked if he would make a committee. Brown suggested getting department heads from those affected together for the discussions and not a formal committee.

Smith likes that it goes through the Clerk and creates the income and trail of what is being requested and by whom. Renee suggests a single policy for all departments and an orientation for new hires. Smith said this topic should be brought up at the management meeting. Brown agreed.

Schmelzer asked a question of direction for what to do when someone goes directly to commissioners in order to avoid the request process and fees. She reminded them that printed material is supposed to be charged a fee. Huxley said we shouldn't charge for electronic copies of anything. Smith asked about the work done to find them, Huxley responded again that there should be no charge. He disclosed that just the other day he gave out something to a resident. Brown said that her experience is that it is usually conversation and she is not directly asked for copies of information. Both agreed that they would know when it crossed the line of information request versus friend sharing.

Kolen said all copies and research are charged a fee except for a Commissioner and cautioned as to consistency. Huxley said the public records meeting manual uses the word "discretion" and can do it or not if you want. Kolen says nothing is free. There is always a cost and it is an existing statute of a \$3.75 cost for pulling the information and a \$.25 cost per page. Huxley disagreed.

Brown asked Schmelzer to head getting the discussion going and Smith is to address it at the management meeting.

b. County Committees Policy

The application to serve on a committee is an internal document so it was not addressed.

The Board discussed the new draft policy that would require an employee to sit on a committee or task force to make sure agendas were posted and minutes filed. Brown said the only thing she would change in the order is to have the department head be the one assigning a person to the task force. Smith does not want the Director of Administration out of the loop as item three says to keep minutes on file.

Huxley said he didn't spend time on this topic except for a specific situation directly related to it because he did not know it would be addressed at this time. Brown reminded him that it was agreed upon during the last general meeting. Huxley said he couldn't find the committees online and had to ask for help.

Smith and Brown discussed some changes. Huxley said he didn't understand the first sentence of section three. Smith explained it. Huxley disagreed with using the word "shall" in the document. Smith and Brown agreed that the beginning of the document used the word "must" and sets the tone. Huxley still wanted to use "must" or "should", not "shall".

Huxley asked for clarification of the timing. Smith and Brown explained it was ten days from when the minutes are approved. Huxley said that it should be ten days from the time of the meeting and that the term "reasonable time" was too confusing. It was explained that minutes could exist in the file but were only considered to be drafts until they were approved. Huxley said that is not the spirit of the law. When asked by Smith if the Board of Commissioners Office was out of compliance Huxley responded that it was clearly out of compliance. Smith and Brown agreed to use the word "shall" and changed the existing use of "must" to "shall". Schmelzer asked they could send it to her so she could put in in policy format.

c. Referenced by Huxley during previous topic.

Smith asked about Huxley's reference earlier to a specific situation as part of his opening discussion on the previous topic. Huxley brought up the PEG task force. Smith said it was a staff person that was duly appointed trying to do their job and didn't know why Huxley was trying to keep the information from the task force. He also pointed out that the Board had not appointed Huxley to the task force.

Huxley said he didn't know this topic was going to be brought up and asked the Chair if this topic was to be addressed. Smith conceded that he had nothing more to say on the matter.

d. Huxley's Letter to the Editor.

Smith presented the topic of Huxley's letter written to and printed in the Curry Coastal Pilot that ridiculed the TLT measure on the upcoming ballot. Referring to the letter, Smith corrected the mistakes of where it can go and the name of the Event Center on the Beach. Since the letter had said that something should have been included in the measure, Smith suggested he write one. Susan corrected the point of the letter where Huxley had called it a bonanza of funds. She said the committee and laws dictate where the funds would go instead of where Huxley had insinuated.

Huxley said before he sends a letter he gets his facts straight. He then explained that if he had known this topic was coming then he would have brought the facts to this meeting. Without his file of information he could not speak on this matter.

3. ADJOURN

Brown adjourned the meeting at 11:40 a.m.

Respectfully Submitted,
Shelía M. Megson

These minutes from Wednesday, October 14, 2015 Board of Commissioners' Workshop approved this 06 day of January, 2016.

CURRY COUNTY BOARD OF COMMISSIONERS



Commissioner Susan Brown



Commissioner Thomas Huxley



Commissioner David Brock Smith