



## CURRY COUNTY BOARD OF COMMISSIONERS

MINUTES – GENERAL MEETING

Wednesday, February 17, 2016 –10:00 A.M.

Commissioners' Hearing Room, Courthouse Annex

94235 Moore St., Gold Beach, Oregon 97444

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

**Support Staff Present:** County Counsel John Huttli, Administrative Assistant Shella Megson

### 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Commissioner Huxley called the meeting to order at 10:02 a.m. The Pledge was recited by all.

### 2. AGENDA AMENDMENTS

- a. **ADDITION: Item 9.h.** Letter to Support Channel Maintenance for the Rogue River
- b. **ADDITION: Item 9.i.** Letter of Opposition to SB 1532 A Minimum Wage Increase
- c. **MOVEMENT OF ITEMS:** Items 9.c. New Hire, Survey Tech C. Coons and 9.d. New Hire, Survey Tech Q. Coons to be addressed before Item 4 Presentations to the Board.
- d. **TABLE:** Item 9.f. Re-Appointment to Curry County Budget Committee J. Spicer

Commissioner Smith commented that the advertisement for the Budget Committee had been more than standard procedures already. The re-appointment should not be delayed as many things concerning the budget will happen soon. Commissioner Brown spoke in favor of delaying the appointment.

Commissioner Brown said she was not prepared to discuss the letter about the minimum wage increase since the information had just come to her attention that morning and would like information on the possible impacts. Commissioner Smith said that the House would be voting on the topic the following day and encouraged a discussion during the Board meeting.

Motion by Commissioner Brown to approve the amendments, second by Commissioner Smith. Motion carried unanimously.

### 3. APPROVAL OF AGENDA

(No vote taken.)

### 9. ADMINISTRATIVE ACTIONS/ APPOINTMENTS

- c. **New Hire, Survey Tech C. Coons – Surveyor**
- d. **New Hire, Survey Tech Q. Coons – Surveyor**

Surveyor Smith said these positions (Item c. and d.) would be funded with the Cornerstone Fund. That is a fund set aside with the additional ten dollar charge during surveys. He would work with these employees a couple of Saturdays a month making monuments. He said that they lack experience but could help load equipment. Commissioner Smith asked about the pay for other employees in the department. Surveyor Smith explained that his administrative person made \$14/hr. He said that these brothers would make \$15, only work approximately 16 hours per month, and after they gain some experience he will probably return to have their

pay increased to \$20/hr. Smith reminded him that his liaison is vocal about positions in the County should be only \$10/hr. There is only one other survey firm in the County and is only available part time.

County Counsel Huttl said that it would be acceptable to make a single motion for both new hire items (c. and d.). Motion to approve by Brown, second by Smith. Motion carried unanimously.

#### 4. PRESENTATIONS TO THE BOARD

##### a. Opportunity to Recycle Update – Luke Pyke, Curry Transfer & Recycle

Luke Pyke wanted to have this presentation to let the Board know what had been happening with Curry Transfer and Recycling. He said that about 80% of the visitors to the transfer stations do bring in recycle materials with them. The amount of recycle materials have increased greatly over the years showing the public education has been effective. This decreases the amount of other material that needs to remain as general waste. The County goal is 30% of full recovery. In 2005 it was only 15% and in 2014 it had increased to 27%.

Glass used to be crushed and used as an aggregate but now is shipped to Portland for reuse in new bottles. Cardboard was the largest by tons commodity. Scrap metal had seen a huge increase due to the market price drop. Electronics had seen a large increase due to the change of monitor and televisions to the smaller flat screens. People disposed of the large units but as the smaller flat screens become old enough to be the waste product he predicts another dramatic decrease.

He talked about where the commodities go including Portland, Clackamas, Toledo, Eugene, and Longview, WA. Sometimes the location is dependent on the market. Sometimes some items will end up going to China. Much of the items are handpicked for sorting from a large conveyor system.

Tours are available at the center north of Brookings. They have a website and engage in many ways for public education and awareness. Smith thanked Pyke for his work and the school tours. He also thanked him for his helpful work concerning the recent Curry Blue Whale that beached which will be one of only six intact skeletons in existence.

#### 5. PUBLIC COMMENTS

**Jan Barbas** said that he had questions about the rules of order item on the agenda but would like to delay his comments until after hearing the information during the discussion.

**Carl King** said that it is less expensive for a resident to take their trash to the dump themselves and there are incentives in the form of a lower dump fee if they separate recyclable items. He wanted to speak to minimum wage. In Curry County on July 1, 2016, the minimum wage will increase 25 cents. This will result in an average worker earning \$10 per week more which equates to \$5.20 net pay to take home. He said that by the year 2022 the minimum wage will reach \$12.50. By the year 2022, a family will barely be above the poverty line assuming no increase to the cost of living. The extra earned money will be locally spent and not exported. He asked the Board to not accept a knee-jerk position that would keep people in poverty.

Commissioner Smith asked if King was aware that the minimum wage in Oregon adjusted every year with the cost of living and that Oregon was listed as second highest in Poverty. King said

that he did know and that Oregon was highest in poverty even among those working full-time. Concerning the kneejerk remark, Smith listed various opponents to the proposed increase and asked King if he thought that they were also having a kneejerk reaction. King responded affirmatively and cited an incident in Boston in which very expensive cars and limos were used by owners of fast food restaurants. He pointed out that Smith had charged the County for a one dollar tea in a drive-thru but he would happily pay \$1.25 that it might be due to a wage increase for the workers. Smith pointed out that his situation showed the inflation that would be a result. He also said that in the large percentage hospitality industry in the County, labor costs are important to control and a margin loss of 3 or 4 percent was extremely hard. Smith said that copies of the letter that he drafted had been put on the door for public access. He did not feel that this issue should have been put before the Oregon legislature during the short session and this letter asks that it be put to a vote by the people of Oregon. King said that he did not want kids going to the food pantry to say they did not have breakfast because it wasn't their turn. Smith said that he understood poverty and this was not to create more poverty. Huxley expressed a need for the participants to remain calm. King said he was doing it to push Smith's buttons. Smith said that he was not effective at pushing his buttons.

**Ron Crook** gave the Board a handout from the Oregon Fair Board in opposition to the minimum wage increase. Smith asked if the Oregon Fair Board was having a kneejerk reaction. Crook responded that he did not think so. The Fairgrounds were on a limited budget and the increase would have large and negative impacts including ticket sales. Crook said that he wanted to inform the public a big event the following week. It would be a statewide group of over 300 people coming for three days of meetings. The Friends of the Fair would be catering. Smith congratulated him and hoped that our destination would stay on the circuit.

**Lonnie Sanborn** said that he was a small business owner up to 25 employees. He said that minimum wage was not meant to be a living wage for families. It was meant to be a service industry wage while first learning the work. The laws used to address minors and 14 year old dishwashers but new laws took away the opportunity for them to work at all and steadily increased the lowest age. He said that the wage of \$15 per hour was realistically \$25 per hour in costs to the employer due to workman's comp and like expenses. Each time there is an increase in the minimum wage it brings positions such as dishwasher up to the same as the experienced cook. This in turn demands that you increase the cook's wage so that he doesn't quit. Big business may be able to absorb some of these costs and pass them along to the consumer but small businesses cannot and end up closing. Prices increase and service suffers.

## 6. NEW BUSINESS

(None.)

## 7. OLD BUSINESS

### a. Real Property Task Force Recommendations – Economic Development

Director of Administration and Economic Development Schmelzer reminded the Board of the task force and the recommendations that she had already presented to the Board at a prior meeting. The property on Edson Creek was to be used for an equipment storage and emergency operations location. Sheriff Ward thanked Schmelzer for her work on this as it resolves some long standing challenges for his department. It would be also used by the fire departments and as a training area. Commissioner Smith asked if the parcels would require deed work. Schmelzer informed that it would only require label work in the Assessor's

office as long as the intent was not to transfer ownership. The task force had recommended to only re-classify. She said that she would need direction from the Board to move forward on the properties so that budgets for the affected departments could be done with more complete information. Each set could have consensus and then a final motion and vote on the entire block of parcels. There was consensus by the Board to direct staff to move forward. Huttl said that any final action would require the item to be brought before the Board again for approval.

Schmelzer then reminded the Board concerning the seven parcels that were to go to the Parks Department. Commissioner Brown said that she was excited about this project. Juvenile and Parks Director Trost thanked Schmelzer and the task force. He said that they had walked the properties and with forward thinking recommended things of value to the citizens. Commissioner Smith asked Trost about the little redwood project idea in the southern part of the County. Trost said that he and Schmelzer visited the site and could get it running quickly. Smith shared with the Board that they had discussed this with the Forest Service. There was consensus by the Board to direct staff to move forward.

The parcels to re-classify to the Road Department were presented. Smith said that the Sixes fire chief had requested a partnership on one of them citing the need to have closer resources in times of emergency. There was consensus by the Board to direct staff to move forward.

Schmelzer presented the properties for forestry operations. With the threat of Sudden Oak Death tree disease, she suggested they explore revenue possibilities with Smith taking the lead due to his experience with the various agencies. Motion to approve the recommendation from task force as outlined by Commissioner Smith, second by Commissioner Brown. Motion carried unanimously.

## **8. PROCLAMATIONS/RESOLUTIONS/ LEGISLATIVE ACTIONS**

### **a. Ordinance Amending County Code, Article One, Division Seven, Maintenance of Order and Decorum of Board of Commissioner Meetings EMERGENCY ADOPTION**

County Counsel Huttl spoke to the use of the word Emergency. An ordinance of file had used the language and he had instructed staff to use it for consistency. Motion by Commissioner Smith to approve the ordinance with the amendment of striking Exhibit A, Rosenberg's Rules of Order, and adding Roberts' Rules of Order, second by Commissioner Brown for discussion.

Commissioner Brown said that she looked over a simplified comparison of the two sets and she thought that Rosenberg appeared to be what the Board had been doing already. Commissioner Huxley said that he had begun researching this topic seven months prior. He showed a box set of disks to the audience of each set of rules to example the difference in complexity with Rosenberg being the vastly smaller display. Smith discussed with Brown that at Commissioner College they had been taught to use Roberts Rules of Order but there was not an official school for it. Huttl said that Medford and the rest of the counties that he had looked at were using Roberts Rules of Order. He said that Rosenberg said that time limits could be imposed upon the body by the Chair but Roberts offered more clarity and specifications which is why the visual example showed it to be larger. He preferred the use of Roberts due to the answers that would be available if needed. Smith said it had been his experience with school boards, cities, etc. that Roberts had been used in all examples.

Commissioner Huxley said that he would prefer it simplified as offered by Rosenberg. He felt it reduced it down and wanted common sense to be used as the guide with some latitude for control in various situations.

A Public Comment by Jan Barbas was asked for by Commissioner Brown. Barbas said that the current code is not online and had not heard in the Board discussion why this topic was presented. Brown said that the current code addressed decorum of the audience and the public but not the Board. Barbas said that he watched a posted video of a recent Board meeting in which Commissioner Huxley attempted to cut off Commissioner Smith. He suspect this is an attempt to take a side on that issue. He was concerned that is presented as an ordinance and thought it out of the ordinary with other counties. He asked what the enforcement steps were if the rules of order were not followed. Huxley said that he thought maybe it would be a ticket or something that would impose a fine not to exceed \$2000 and possibly trespass an individual. Barbas said that Rosenberg granted a lot of power to the Chair with examples such as the sole judge of the rules and can stop any discussion. He was concerned with that power and then done as an ordinance. Huxley said that a person needs to have a final control to avoid chaos but still use common sense. Barbas said that the meetings can sometimes go long but the exchange of ideas is valuable. He asked again for the reason why the ordinance was presented. Huxley replied it was for clarity.

Smith said that he saw no problems with the current way meetings were held and disagreed that the Chair would bring this only 45 days after assuming the position. Huxley said that there were things in meetings that he did not think should have happened and they were on video but would not go into detail at that time. Smith asked Huttel if Huxley were to tell him to stop talking but he did not, would Huxley then call the authorities to give him a citation? Huttel replied that is the specified result to a violation of an ordinance. Smith asked if Huxley had talked to Chief Andrews or the Sheriff about this topic. Huxley replied no to both questions. Huxley said that he'd like to halt the question and answering and give an example. The current topic had been discussed at length. As the Chair, he would need to determine if he needed to limit time for any speaker to allow for time for others or determine that it had already been debated sufficiently. It could also be used to break for lunch. He said he can make a decision and both sets of rules of order allow the Board to appeal and vote on his decision. If both of the other Board members were to agree, the Chair could be overruled. Smith said debate can be halted with a call for the question concerning the motion already on the floor.

Huttel asked the Board if they wanted the language to say that ordinance violations for this matter should not be handled like any other ordinance. Smith replied affirmatively. Commissioner Brown said that meetings should be able to be handled as adults without all of this about rules. She withdrew her second and said that she would not vote on this matter. Commissioner Smith withdrew his motion and said that he would not vote either.

Huxley said that there was a documented history on this and nothing would change if it were to be tabled and no action taken. Commissioner Huxley proclaimed that the item died for lack of a motion.

The Board took a break at 11:55 a.m. and returned at 12:07 p.m.

**9. ADMINISTRATIVE ACTIONS/ APPOINTMENTS**

- a. The Use Of Land Division application fees as deposits for Land Division applications received between February 17, 2016 and June 30, 2016 – Community Development**  
Planning Director Johnson this was addressed by the Board during a workshop in January. It was said that fees for land division were too high in comparison to other counties. She said it is difficult to justify the cost unless you know the time spent by staff on each of the projects. This will make the process work on a deposit system. They will track staff time and use that in order to create a final fee. The applicant will deposit a set fee and will either be charged for the remainder or refunded if the balance was not used.

Johnson said that the County Accountant had told her that this could make annual budgets difficult but this does not concern the County general fund. Commissioner Brown verified that this will only be on land division applications at first. Commissioner Smith thanked Johnson and Brown as the liaison for their work on this project. Motion to approve by Brown, second by Smith. Motion carried unanimously.

- b. Fourth Amendment to OHA 2015-17 Agreement #148007 Financing of Public Health Services– Curry Community Health**

Curry Community Health (CCH) Director Dukek said that the Public Health Director Hollie Strahm will be the person coming to the Board for things such as this in the future as she is a County employee. He said that this item was a grant from the Oregon Health Authority and is focused on overdose prevention for the next two years. Commissioner Smith thanked Dukek for all the service CCH provides for the residents and said they have done very well since the separation from the County in 2013. Motion by Smith to approve with signature authority to the Chair, second by Brown. Motion carried unanimously.

Dukek offered thanks to Leann Yantis and her husband that own the Corner Drug Pharmacy. They've continuously cooperated successfully in a drug takeback program where residents can drop off unused prescriptions so that they may be disposed of properly. Smith asked that Dukek send along his thanks as well.

- e. QuitClaim Deed from Curry County to Port of Brookings-Harbor – Counsel**

Commissioner Smith explained that this is a parcel that should have been transferred over a long time ago. The parcel is located at the Port of Brookings Harbor, isn't usable or developable and needed to be cleared up so that sales of the lot would be without cloud. Motion by Smith to approve, second by Brown. Motion carried unanimously.

- f. Re-Appointment to Curry County Budget Committee J. Spicer – Commissioners (TABLED during amendments.)**

- g. Order Rescinding Previously Adopted Agenda Routing Slip Policy Amendments – Commissioners**

Commissioner Huxley said that he wanted this agenda item because people were getting confused. The timing requirement for submissions had been changed from seven to nine days. This caused an overlap of agenda routing slips. When looking over the policy he noticed an old Agenda Routing Slip and wanted a new one used. Director of Administration and Economic Development Schmelzer let him know it was part of the examples of old to new for the changes at that time.

Schmelzer said that by rescinding the entire policy then many other things would be affected than just the time component that he wished to change back. It was not as simple as just rescinding an action and would cause unintended consequences. Smith suggested letting staff go back to the old timeline requirements while Schmelzer works on a policy revision for the next meeting. Huxley and Smith agreed on directing staff to change the timelines and give the new agenda routing slip a revision date. Commissioner Brown said she was not generally in favor of the change back since her initial intent was to have the publishing done one week prior to the meetings. Smith said that until this agenda he had conformed to the nine day rules and had opposed the change when presented at the January 06, 2016 meeting. He said Mondays and Tuesdays were very hectic for all involved and to add the deadlines and publishing has been hard. Huxley said that some of the reason that they talked about the nine day rule before is because there was a time that publishing did not happen on a Friday and he added that they should always be published on Friday. Consensus reached with Smith and Huxley to move forward with Brown opposing. Huxley then said that the nine day rule would remain in effect until changed. The item was pronounced dead for lack of a motion.

**h. ADDITION: Letter to Support Channel Maintenance for the Rogue River**

Commissioner Smith said that the information for this item had come to him in an email on the previous Thursday. He made the support letter on Friday and had it put into the supplemental file for the Commissioners review. It is a letter about the needed dredging that is done by Jerry's Jets for commercial and recreational uses. With the dam gone, the aggregate from that is still coming down river and building up, yet the Army Corp of Engineers made no increase to compensate for that. Motion by Smith to approve, second by Brown. Smith thanked Brown for the second and said that permitting for the McNair's, owners of Jerry's Jets, has been getting strenuous. Motion carried unanimously.

**i. ADDITION: Letter of Opposition to SB 1532 A Minimum Wage Increase**

Commissioner Smith said that the timing of this issue would not allow him to wait until the next meeting and is currently happening in the legislature. He said that there have been many documents from various bureaus and counties concerning this matter. He addressed this while working in Salem and there were six hours of testimony or debate. He said that the increase was being pushed through a short session and absolutely should not be. This letter says that in the end it should be left to the vote of the people instead of legislators deciding something critical on a short session.

Commissioner Smith felt there were very good reasons to be against the increase besides the rushed decision. The CPI increases the State minimum wage already which is the same for determining the raise for our seniors on Social Security. This will take many beyond the qualification limits for healthcare or other benefits and negatively affect nonprofits. The inflation that happens from every increase will impact the most on the ones that are supposedly helped with the increase. The increased cost of goods will push up product prices and therefore negate any savings to the people that come here due to no sales tax. He said that the push for the increase is union backed who will then demand equitable increases in all the pays. Smith said that County Accountant Short has said that such a move could cost the County an additional \$717,000.

Commissioner Brown said it was unfortunate the way this was being pushed though. She said it does not solve poverty. The County has high percentages of poverty in every city and Oregon is one of the highest in wage rates. The County is in need of real living wage jobs and not just service industry entry positions. Motion to support the letter by Smith, second by Brown. Motion carried unanimously.

#### **10. CONSENT CALENDAR**

- a. Master Card Request J. Hensley – Sheriff**
- b. Approval Meeting Minutes 01-20-2016**
- c. Approval Meeting Minutes 01-27-2016**
- d. Approval Meeting Minutes 11-04-2015**
- e. Approval Meeting Minutes 11-24-2015**
- f. Approval Meeting Minutes 12-21-2015**

Commissioner Huxley said that on item d. the word ‘resignation’ should have been ‘retirement’. He would like the titles of the Commissioners and positions shown each time they are presented in each paragraph to show respect instead of just a key at the top. Commissioner Brown said that it would remind people. They directed Administrative Assistant Megson to make the changes. Motion by Commissioner Smith to approve, second by Brown. Motion carried unanimously.

#### **11. COMMISSIONER UPDATES/ LIAISON & STAFF REPORTS**

- a. Surveyor January Report**
- b. Community Development Activity Report**

Commissioner Brown said that are some proposed road closures through BLM lands and access for the O&C activities could be affected. She forwarded it to the Roadmaster to find out if any County owned roads would be affected as well but he had said no. She said that since they were moving into budget season, she suggested maybe having budget town halls in all three cities.

Commissioner Huxley said that he had seen an email from the Juvenile Department asking if there had been a budget direction given and asked the Board. Smith and Brown said that there had not yet been one but will be addressed at a coming meeting. He reminded the Board of his time schedule last year while participating on the Budget Committee. There was consensus to add the budget direction to the March 02, 2016 general meeting agenda.

Commissioner Brown left the meeting.

Commissioner Smith said that the proposed IP28 corporate tax is a serious concern and has some opposition. It is an additional 2% tax on any sales over \$25million. He asked that the added special meeting and requested that the date be moved so that he could attend. It was agreed to move it to Friday February 26, 2016 at 10:00 a.m. with County Counsel Huttli communicating with Commissioner Brown. He also wanted to address the scheduled joint Board of Commissioners and Planning Commission meeting that he will not be able to attend. All of his experience has taught him many times that the two should not be meeting together and could open up decisions for appeal reasons on land use issues. Huxley said that the issue of regulations concerning the marijuana industry had been added to the agenda of that meeting since it would be during the night hours and they would get more public comment. Huttli said that the cautions are legitimate, but there will be no decisions, and it is a workshop so it should be alright. Planning

Director Johnson said that she had done lots of meetings together like that. Smith reminded the Board that Oregon has strict land use rules. The Planning Commission is able to make some decisions without the Board. Huttel said it is an overall and not quasi (single applicant) discussions so he is more comfortable with the scheduled meeting.

**12. ANNOUNCEMENTS**

Commissioner Huxley read the announcements.

**13. EXECUTIVE SESSION**

(None.)

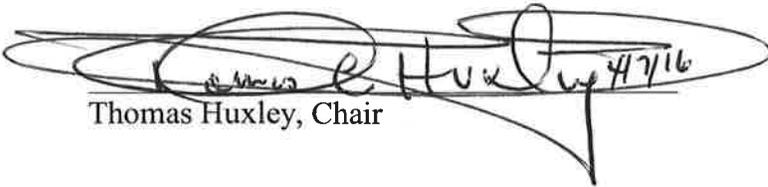
**14. ADJOURN**

Commissioner Huxley adjourned the meeting at 1:35 p.m.

Respectfully Submitted,  
Shelía M. Megson

These minutes from Wednesday, February 17, 2016 Board of Commissioners' General Meeting approved this 6 day of April, 2016.

**CURRY COUNTY BOARD OF COMMISSIONERS**



Thomas Huxley, Chair



Susan Brown, Vice Chair



David Brock Smith, Commissioner