



## CURRY COUNTY BOARD OF COMMISSIONERS

MINUTES – GENERAL MEETING

Wednesday, March 02, 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 Shelia Megson

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

Commissioner Huxley called the meeting to order at 10:00 a.m. The Pledge was recited by all.

### 2. AGENDA AMENDMENTS

- a. ADDITION: Item 9.k. **Budget Calendar Workbook**
- b. ADDITION: Item 9.l. **BLM Road Closures Letter**
- c. ADDITION: Item 7.a. **Letter from Department of Justice Clearing Commissioner Smith of Unsubstantiated Accusations of Records Tampering made by Thomas Huxley**

Motion by Commissioner Smith to approve the additions of items 2.b. and 2.c. Commissioner Huxley would like to include item 2.a. only as a handout but not for discussion. Smith said that he did hope for some discussion on item 2.a. in order to put positions and strategies in place. Smith amended motion to include item 2.a., second by Commissioner Brown. Motion carried unanimously.

### 3. APPROVAL OF AGENDA

(Commissioner Huxley declared it was approved. No motion or vote.)

### 4. PRESENTATIONS TO THE BOARD

- a. **20 Years of Service - Shelley Denney – Clerk**

County Clerk Kolen presented Clerk Denney with a certificate for 20 years of service. She said what a pleasure it had been to work with such an asset to the County. Kolen thanked Denney for choosing to work at the County and then choosing to remain during challenging times. Commissioner Smith thanked Denney for her work and helping him many times over the last decade. Kolen thanked the Board for having the recognition program.

### 5. PUBLIC COMMENTS

**County Counsel Huttli** handed out a newspaper article and said that he would like to recognize the Sheriff and some Deputies that received an award from the Coast Guard for a life-saving event during 2014. The Coast Guard awarded Terry L. Brown with the Gold Lifesaving Medal. Logan Couch, Sheriff John Ward, and Kyle Kennedy received the Silver Lifesaving Medal, Certificates of Valor, and the Meritorious Public Service Award respectively. Sheriff Ward was asked to recount the situation. He shared the chilling water conditions, attempts to use life-line ropes that were just not long enough, kayaks that would not remain upright in the rough waters, and acts of heroism by the participants that put their own lives in danger to save a boy in the ocean rip current.

There was a standing ovation by the Board and all in attendance. Commissioner Smith thanked the Sheriff and the entire department for putting service above self and risking their lives every day.

Commissioner Huxley determined after conversation to delay the other speaker slips until after Item 9.e. in the agenda.

**6. NEW BUSINESS**  
(None.)

**7. OLD BUSINESS**

**a. Letter from Department of Justice Clearing Commissioner Smith of Unsubstantiated Accusations of Records Tampering made by Thomas Huxley**

Commissioner Smith said that he would like to let the public know and show it on record that the Department of Justice (DOJ) had cleared him of accusations of records tampering that had been made by Thomas Huxley before elected as a Commissioner. Smith said that he needed to bring this to a General Meeting because the topic had been brought up numerous times by Commissioner Huxley during meetings in the past and used as a topic during Huxley's campaign. Smith read parts aloud from the letter.

Commissioner Huxley said that he had not received anything from the DOJ concerning this conclusion. He said that he called the DOJ investigator and he was unaware of the letter.

**8. PROCLAMATIONS/RESOLUTIONS/ LEGISLATIVE ACTIONS**  
(None.)

**9. ADMINISTRATIVE ACTIONS/ APPOINTMENTS**

**a. Rescinding Order 13177, Changing Title of Captain to Undersheriff – Sheriff**

Sheriff Ward said this was a housecleaning item and would change the position title back to Captain, which is how it is reflected in the budgets. Motion by Commissioner Brown to approve, second by Commissioner Smith. Motion carried unanimously.

**b. 2016 9-1-1 Jurisdiction Plan Submittal Form – Sheriff**

Sergeant Hensley explained that he continues working with County Counsel Huttl on this and it concerns the Oregon Revised Code (ORS) and changing jurisdictions. This new plan is to submit who controls funds and hopes to bring a final product before the Board at the next general meeting. Huttl said this is statutory for 911 funds and a plan is needed for handling the County areas and submitted to the State by April 01, 2016. This requirement is statewide and includes private entities. Hensley and Commissioner Smith discussed changes in how the taxes are targeted and collected from phone carriers. Commissioner Huxley said that if more time would be needed, then Hensley could bring the matter back before the Board on March 30, 2016.

**c. Update Personnel Rules , Sick Leave – Personnel**

Personnel Coordinator Swift said this would bring the sick leave rules in line with State laws required when there are more than ten employees. She explained the amount of time of leave

would be determined by the number of hours worked. This also changes the accepted definition of family member to include loco parentis which a person that had been like a parent to the employee. Motion to approve by Commissioner Brown, second by Commissioner Smith. Motion carried unanimously.

**d. 2014-2015 Audit Report delivery to Commissioners – Finance**

County Accountant Short handed each member of the Board the Audit Report for the official delivery. He explained that the report is also online and in accessible places within the County computer filing system as well. He said this is described as a clean audit. Commissioner Smith said that there had been statements from the auditors saying that there were ongoing concerns. Short agreed and said the extremely limited funding and whether an entity will survive to the next year is a reoccurring concern expressed by the auditors.

Short said that the auditors Moss Adams could be contacted for a presentation. This is the final year of a contract with the auditors but he felt that they would be willing to continue for another year. He also said that they might be of use in preparing other financial reports. Commissioner Huxley said that he had learned that the County had recently received the final payment for O&C land use. Short confirmed that they had received notification and that the deposit was already included in the existing 2015-2016 budget. The handout was recognized by the Board.

Commissioner Huxley asked for the remaining public comments. It was decided to wait until after item 9.e. on the agenda.

**e. Relocate Animal Control to Non-Departmental – Finance**

County Account Short explained that the only thing that is logged through the current accounting category is the dog license fees. The fees are no longer logged under the Sheriff department and should be moved under the non-departmental category. It would only move the two budget lines and did not need formal action by the Board. This agenda item was to inform the Board.

The Board wanted to recognize County Accountant. Commissioner Smith thanked County Accountant Short for his work and acknowledged the complexity and difficulties of the position. He said that the time that Short had spent explaining and teaching were well valued.

Commissioner Huxley said that he had inquired about Short possibly consulting the County during the upcoming budgets. He said that he had heard back through other people that an affirmative answer would be likely. There was consensus that County Counsel Hutt work with Short to bring a contract concerning the matter. Commissioner Smith pleaded with Short to consider the contract.

Commissioner Smith pointed out that the remaining public comments could be delayed until addressing item 9.g., since it was the relevant topic, or take the comments at this time and move up the item. It was agreed by all to again delay the remaining public comments.

**f. Agenda Routing Slip Policy – Administration**

Director of Administration and Economic Development Schmelzer explained that a policy had been put in place last May. A new policy had been adopted by the Board in January. The proposed new policy amendments would bring the deadline for agenda submissions back to seven days instead of nine and rescind a very old policy.

Commissioner Huxley said that he had found three different agenda routing slips which was confusing. He said that he would like a revision date on the policy, a revision date on the agenda routing slip, and a change of the wording from nine days to seven. Schmelzer explained that the Order is what dates the policy, the revisions to the routing slip would include the wording changes, and the numerous slips were to show examples of what had been used versus what will be used in the future. Huxley then asked about a section that places personnel matters on the consent calendar. Schmelzer explained that those items were in the very old policy, was not being used, and would be rescinded. Huxley then asked why there was an order number on it. Smith explained that it was the order number that adopted the old policy and would be used as reference during this cleanup.

Commissioner Huxley then said that another change that he wanted on the agenda routing slip was to have an entry field for showing how much of the meeting time they were going to take for their submission to the agenda. Commissioner Brown said that sounded like a good idea but times are always a guessing game. Commissioner Smith said we could try that but Schmelzer warned it would inhibit the ability to change the order of the agenda during the meeting.

Commissioner Brown found a typo concerning the eight days deadline if a holiday were to occur during the submission time. It was agreed to amend the new form with the discussed changes. Assessor Kolen asked for clarification of the new submission deadline times. Motion by Smith to approve as amended, second by Brown. Motion carried unanimously.

**g. (Re)Appointment to the Budget Committee – Commissioners**

The remaining public comments were taken at this time.

**County Accountant Short** urged the Board to re-appoint John Spicer to the Budget Committee citing experience with not only Curry County but other entities as well and understood the tedious workings required of the position.

**Dugie Freeman** told the Board that he favored John Spicer of the candidates for the Budget Committee. He said that Spicer was a long-term resident of the County, had been on Rotary and hospital boards for many years, and understood the many aspects to budget building.

Commissioner Huxley said that were two applicants for the one expiring position. He then asked County Counsel about the requirement that the lay member not be an employee for the municipal corporation. It was determined that Spicer had been an attorney for some municipal districts and on several boards but not an employee of the County. Motion by Commissioner Smith to re-appoint Spicer to the Curry County Budget Committee, Commissioner Brown said she would not second, second by Commissioner Huxley for discussion.

Smith reminded the Board that a long-time resident prominent business owner as well as the current County Accountant had recommended Spicer. Smith said that Huxley had directed staff to go above and beyond currently observed protocol for advertising vacant positions. He said that Spicer had applied, was the only applicant, was placed on the last general meeting agenda, and was tabled by the Chair and Vice Chair. The next day King also applied for the position. Smith said it could be a conflict for Brown to vote on the issue since King was her current campaign manager. Brown asked Huttel and he expressed that he did not think there would be a conflict. Smith said that King had been a long-time advocate for Huxley, is now working with Brown, and had admitted in a Board meeting to wanting to push Smith's 'buttons'. He said it would not bode well for the County's public perception to overlook a qualified and experienced candidate to appoint King. Brown said that she considered their experience of equal level and that in such a small community there would be connections to any candidate. She said that she would prefer to get new blood on the committee with new perspectives.

Huxley said that due to the importance of the position he had asked for the extra advertising and did not want the answer of 'we met the minimum'. He said that the public notice of the position on the County website was not clear and he had not been able to find it himself. He wanted the title of the page changed and talked to the Director of Administration about it. Huxley also said that it was a coincidence that King had submitted his application the day after he had tabled Spicer's re-appointment. He said that we should be looking for different perspectives from different people.

Sheriff Ward said that as the biggest budget user of the County, he wants experience. He said that King had been a big help for a voting measure and had been supportive of the Sheriff's office. Spicer had voted against what Ward had preferred last year. However, Spicer had the needed experience. Ward suggested that the Board consider the opinion of the other lay members of the committee. He ended saying again that he recommended that the Board appoint Spicer.

Brown said that King had approached her and asked if he could apply or if it would be a conflict of interest. She had told him that there was no conflict but did not direct him to apply.

Assessor Kolen spoke to advocate for Spicer. He said that Spicer had served with municipalities and had many years of budgeting experience. He said that Spicer's deep involvement with the communities made him the best choice for the central county position on the committee. Juvenile and Parks Director Trost said that he worked with Spicer on the Curry Community Health Board putting together budgets. Trost advised that to avoid the air of impropriety the Board should appoint Spicer. He also reminded Brown that due to the committee positions and public meetings laws, she and King would not be able to discuss the budget issues out in public. Brown said that she had never been dishonest to the public and her vote would not be swayed. Trost said that he was not making that accusation but just that the trust of the public is important. Huxley said that he had a concern with re-appointing Spicer because he had heard a rumor that Spicer might move to Hawaii.

Commissioner Huxley asked if there would be a second to the motion. He was informed that there had already been a second by him. Huxley then asked if he could support a new motion but County Counsel Huttl informed him that the motion on the floor needed to be handled first. Motion failed with Smith voting ‘aye’ and Brown and Huxley voting ‘naye’.

Brown said that she would refrain from making the new motion due to the perception of conflict. Motion by Huxley to appoint Carl King to the Budget Committee, second by Brown. Huttl said that if directed by the Board, he would do an in-depth analysis of the conflict of interest issue. Brown said that it should include Spicer’s involvement of the tax measures and Smith suggested including King’s involvement of the recent failed Charter. Brown reminded the Board that the committee will only be providing a recommendation and that it would be up to the Board to approve a final budget. She said that research could be done now so that it would be known for any future issues as well. Smith agreed. Motion by Smith to table the item and allow time for research. Brown said that there was already a new motion on the floor. Smith said the motion to table superseded. Huxley asked for a second but Smith said a motion to table did not require a second. Motion to table failed with Smith voting ‘aye’ and Brown and Huxley voting ‘naye’. Huxley asked for another motion. Smith reminded him that there was a current motion on the floor. Motion to appoint Carl King to the Budget Committee carried with Huxley and Brown voting ‘aye’ and Smith voting ‘naye’.

Commissioner Smith thanked Mr. Spicer for his two terms of service on the Budget Committee and all the things he had done for the public in his many years in the community.

- h. Gold Beach Bus Shelter-Special Transportation Fund Discretionary Program Project**  
General Manager for the Curry County Public Transportation Inc. Kathy Bernhardt informed that they had applied for a grant for a bus shelter and the City of Gold Beach had agreed to help and take on the maintenance. It is a competitive grant and the maintenance service and labor would be used as the matching requirement. Motion by Brown to approve with signature authority to Commissioner Brown, second by Commissioner Smith. Motion carried unanimously.
- i. Matching Funds-Special Transportation Fund Discretionary Program Project Application for Curry Public Transit – Commissioners**  
Commissioner Brown said this was the same item that the Board saw in the Transit District meeting and is for the required grant matching funds. Motion to approve by Commissioner Brown, second by Commissioner Smith. Motion carried unanimously.
- j. Curry Public Transit Bus Shelter Support Letter – Commissioners**  
Commissioner Brown said this is a letter of support for the previously discussed Bus Shelter in Gold Beach. Motion to approve by Commissioner Brown, second by Commissioner Smith. Motion carried unanimously.
- k. ADDED: Budget Calendar Workbook**  
Commissioner Huxley gave a printed handout of the workbook and said it had three pages of administrative rules from County Accountant Short. He talked about the schedule of the Budget Committee last year and said he wanted input from the lay members this year. The Board directed Administrative Assistant Megson to call Sam Scaffo concerning scheduling.

Megson verified that lay member Hanscam had responded with a preference of the last two weeks offered. Huxley said that there was a letter emailed out with six points from Short on February 04, 2016 and said that they had already decided to have County Counsel work with Short to see if there would be participation.

Commissioner Brown said staff wanted direction to know when to have their budgets completed. Huxley said that he would like to be firm on the dates beginning May 09, 2016 but would defer that and ask Short. Brown said that staff had already been given direction on how to build their budgets. Smith asked if it was to build status quo budgets with the assumption of using Road Department monies. All agreed.

Commissioner Huxley said that he wanted County Counsel Huttl to ask Short to perform as the Budget Officer and then tell the Board what the deadlines are. As the Budget officer, Short would prepare the budget message and then bring it to the Board. Commissioner Smith again expressed hope that Short would engage in a contract with the County.

**I. ADDED: BLM Road Closures Letter**

Commissioner Smith said that he asked to add this item since he would like to take it with him to an AOCC meeting that afternoon. He said that Commissioner Brown had spoken about the subject at the last General Meeting. Motion to approve by Smith, second by Brown. Motion carried unanimously.

**10. CONSENT CALENDAR**

- a. Workshop Minutes 12-09-2015**
- b. Special Meeting Minutes 01-26-2016**
- c. Workshop Minutes 02-02-2016**
- d. Workshop Minutes 02-03-2016**

Motion to approve by Commissioner Smith, second by Commissioner Brown. Commissioner Huxley said that he wanted to address a few things on the minutes. Smith told Huxley that a procedure had been put in place that allowed ample time for review, accessible to all persons involved, a way to suggest modifications, a way to track what changes were made, and have a finished product before presenting to the Board. He suggested that Huxley utilize that system as everyone else does, print them, take them home, and use rainbow colors on them if he so wished, instead of using time during the Board meetings. Huxley said that he had just looked over them during the weekend and there were radical fixes needed that were not caught by the others during review. Smith said that he could have suggested any needed fixes utilizing the system on the computer prior to the meeting. Huxley said that he would if he had the time, but otherwise he would continue to bring them to the Board.

Commissioner Huxley pointed out a section on the minutes that he didn't understand. He said it had claimed within the minutes that he had said that the video would be a good one hour length. In another section it had claimed that he did not like the use of the word 'reasonable'. It was determined that he had used those phrases and was remembered by the other participants. In a separate section he expressed concern that the dirt fill lost in the sinkhole had been shown as 60-65 yards of material but it should include the word 'thousands' to adequately convey the actual amount. Everyone agreed the change was needed. He liked the use of the word Commissioner and titles for participants within the text instead of being in a header key.

Commissioner Huxley asked for a motion. County Counsel Huttl suggested a friendly amendment to the existing motion. Commissioner Smith asked for clarification on the wanted change and amended his motion to include it, Commissioner Brown agreed to the change. Motion carried unanimously.

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

### **a. Notice of Grant Award-RSVP – Commissioner Brown**

Commissioner Brown informed that the grant had been awarded and her efforts will bring to the County \$40,000 per year. Commissioner Smith congratulated her and thanked her for her work on it.

Commissioner Smith said he had been working with the Juvenile Director and the Roadmaster to expand the park system. During the prior week he attended a summit in which Red Fish Rocks Marine Preserve had made a presentation and showed the benefits of the project done here in the County. A dive tank fill station has been put in place. He also attended a salmon industry meeting and they are working on the Oregon Preferred Option to advocate for local fishermen. Smith also informed the Board that he had provided an impromptu testimony concerning HBR 202 for veterans and would bring more funds to the County from lottery income.

Commissioner Huxley said that County Counsel Huttl, Personnel Coordinator Swift, and Curry Community Health Director Dukek had discussed the option of working with an outside firm to find a candidate for the open County Accountant position. The fee would be 25% of the offered salary. He asked for consensus from the Board to continue to move forward on this since they had not yet gotten and viable candidates to apply. Commissioner Brown asked if that included the candidates already interviewed as well as two new applicants. Huxley said that it did include all of the mentioned candidates except that he had not yet seen one of the recent applications. Huttl said that the agency would bring candidates for consideration matching the criteria that would be provided to them by the County.

## **12. ANNOUNCEMENTS**

Commissioner Huxley read the list of announcements after Item 13.

## **13. EXECUTIVE SESSION**

Commissioner Huxley announced to adjourn to Executive Session and read the ORS reasoning. He said it would be to consider adding another ORS reason to the upcoming already noticed Executive Session on March 09, 2016. Smith said that past procedure had been to publish the topic to be discussed in the Executive Sessions yet lately had only seen the ORS numbers given recently. Smith also expressed concern of the recent procedure of directing staff to proceed as discussed when back in open session. He felt that was too vague a description. He also pointed out that the calling of an Executive Session during this meeting had not been shown on the agenda. County Counsel Huttl explained that current procedure was within the law due to the topics concerned.

Motion by Commissioner Brown to have an Executive Session at the end of the meeting, second by Commissioner Huxley. Motion carried by Brown and Huxley voting 'aye' and Smith voting

'naye'. The Board then took a break from 12:23 p.m. to 12:45 p.m. with Commissioner Smith no longer in attendance.

The Board proceeded with the Executive Session at 12:45 p.m. The Board arose from Executive Session at 12:54 p.m. Motion by Commissioner Brown to add the already scheduled Executive Session on March 09, 2016 the item of "ORS 192.660(2)(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing", second by Commissioner Huxley. Motion carried unanimously by those present.

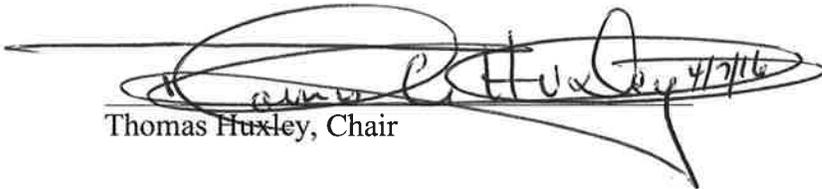
**14. ADJOURN**

Commissioner Huxley adjourned the meeting at 12:58 p.m.

Respectfully Submitted,  
Shelía M. Megson

These minutes from Wednesday, March 02, 2016 Board of Commissioners' General Meeting approved this 06 day of April, 2016.

**CURRY COUNTY BOARD OF COMMISSIONERS**



Thomas Huxley, Chair



Susan Brown, Vice Chair



David Brock Smith, Commissioner