



## CURRY COUNTY BOARD OF COMMISSIONERS

MINUTES – GENERAL MEETING

Wednesday, November 04, 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, Shellia Megson; Sheriff, John Ward; Chief Civil Deputy II, Joan Allen-Steineke; Director of Finance, Gary Short; Community Development Director, Carolyn Johnson; Personnel Coordinator, Julie Swift; District Attorney's Office Manager, Stacey DeLonge; RoadMaster, Doug Robbins; Director of Juvenile and Parks Departments, Jay Trost

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

Commissioner Brown called the meeting to order at 10:00 a.m.

### 2. AGENDA AMENDMENTS

- a. **ADDITION: Item 9.j.** - Employee Transfer M. Brace from Road Deputy I to Corrections Deputy I – Sheriff
- b. **ADDITION: Item 9.k.** - Employee Transfer M. Burdett from Corrections Deputy I to Road Deputy I – Sheriff
- c. **ADDITION: Item 10.a.** – Approval Minutes Remand Hearing of Pacific Gales Golf Course 08-31-2015
- d. **ADDITION: Item 10.b.** – Approval Minutes Continued Remand Hearing of Pacific Gales Golf Course 09-09-2015
- e. **ADDITION: Item 10.c.** – Approval Minutes Board of Commissioners General Meeting 10-06-2015
- f. **TABLED: Item 9.d.** - New Hire Deputy D.A. I, R. Hughes – District Attorney

### 3. APPROVAL OF AGENDA

Motion by Commissioner Smith to approve as amended, second by Huxley. Motion carried unanimously.

### 4. PRESENTATIONS

- a. **Years of Service Recognition for Chief Civil Deputy, Joan Allen-Steineke – Sheriff**  
Ward awarded a certificate and pin to Allen-Steineke along with accolades of her service to the County. She said thank you to the Sheriff and the Board. Smith thanked her for her good work.
- b. **Oregon Department of Environmental Quality - Curry County Total Maximum Daily Loads (TMDL) – Community Development**  
Johnson introduced Bill Meyers and Pam Blake. Meyers explained that according to the Clean Water Act, if a waterway is over the standards of pollution then a TMDL must be developed. The County's plan expired June 30<sup>th</sup> and he has been talking to Johnson about creating a new five year plan. Included in a large list of sources of pollution, home sites, riparian work, grading, road work, bridges, and anything under county jurisdiction would be required to submit an implementation plan. Blake explained that plans had been for the Rouge River but small streams north of the Sixes River down to the Winchuck River are under development. The new

plan will refer to rules, ordinances, and codes passed by the county. It will look at what other actions need to be completed and identify hurdles that keep it from happening.

Smith asked if they had been working with Road Department. Meyers said he had only worked with Johnson. Smith addressed funding and that County monies would be paying for the Planning Department to do this work but it is unavailable. Brown asked if the County was mandated to do this. Meyers said yes. Smith and Brown explained that an Article in the Oregon Constitution addresses the issue of unfunded mandates and that the County does not have resources to help.

Smith asked if there was monitoring by DEQ of the buildup of metals at the old dam that have now been allowed to flow downriver since the deconstruction of the dam as well as the amount of aggregate which is visible in Gold Beach. Meyers replied that Savage Rapids and others were field tested for sediment work and will get the documentation of it to the Board. He will connect the Board with someone that can answer the question of the amount of aggregate.

Meyers acknowledged that Curry County cannot fund this but suggests a possibility that DEQ partnered with the watersheds may pay. Brown said that she wants to preserve our lands but wanted to know what happens if counties cannot meet deadline. Meyers said that if a plan is not submitted at eighteen months the County would be in violation. If a plan is developed and there are problems implementing it, due to financial or other reasons, then there is help. Brown said there would need to be resources for enforcement and requests that his staff work on this since the circumstances are not unique to Curry County. Smith advised that he is on the AOC Public Land Use Committee and this concern will be submitted to the agenda.

Commissioner Huxley said that the prior plan was a lengthy form and that in response to seeing it, it made him chuckle and say “That’s not gonna happen”. Johnson said that she was looking at ways to make the implementation plan more efficient and still meet law. Blake said that there were some violations and that their code requires the County to make a report. Smith reminded Meyers of information wanted and asked that he email him directly. Smith said that he was appreciative of them coming here and would like to work together.

## **5. PUBLIC COMMENTS**

(None.)

## **6. NEW BUSINESS**

(None.)

## **7. OLD BUSINESS**

(None.)

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

### **a. Resolution to Support Malheur County Court's Opposition to the Creation of a National Monument within Malheur County - Commissioners**

Smith explained that this resolution is to support Malheur County in their opposition of creating a two and a half million acre monument. He said it was the top cattle producing County in the

State. The federal land, grasslands, and ranchers are important relationships for its survival and economic development. They work with local groups to have conservation and protection of those lands. Motion by Smith to approve, second by Huxley. Motion carried unanimously.

## **9. ADMINISTRATIVE ACTIONS/ APPOINTMENTS**

### **a. New Hire Maintenance and Construction Worker II, C. Gage – Roads**

Robbins informed that medical issues prevent the present employee from returning to work and therefore the Road Department has been running short on staff. He explained that there was an interview process and this candidate's experience qualified him for recommendation. Motion by Smith to approve, second by Huxley. Motion carried unanimously.

### **b. New Hire Community Service Coordinator, T. Wardle – Juvenile**

Trost informed that this is for a position that had been vacant since June. The candidate has a background in youth and parks, grew up in this area, and he recommends him for hiring. Wardle summarized his extensive work experience. Brown and Smith congratulated Wardle, thanked him for his prior service to the community, and welcomed him. Motion to approve by Smith, second by Huxley. Motion carried unanimously.

### **c. Moss Adams Fiscal Year 2015 Audit Engagement Letter – Finance**

Short explained that this is an audit requirement. There is an increase of \$2600 over last year. Motion to approve by Smith, second by Huxley. Motion carried unanimously.

### **d. TABLED: New Hire Deputy D.A. I, R. Hughes – District Attorney**

### **e. Intergovernmental Agreement Child Abuse Multidisciplinary Intervention (CAMI) Grant – District Attorney**

DeLonge explained this grant is a biannual agreement and is a primary source of funding. Motion to approve with signature authority to the District Attorney by Smith, second by Huxley. Motion carried unanimously.

### **f. Statewide Transportation Improvement Program (STIP) Grant Application for Public Transit – Commissioners**

Katherine Burnhardt informed the board that this grant would be used to replace two aging busses and a van. It will be for the timeframe of 2018-2021 but wishes to apply now. Motion to approve with signature authority to the chair by Smith, second by Huxley. Motion carried unanimously.

### **g. Connect Oregon VI Application Letter of Support for the Del Norte County Regional Airport Terminal Project – Commissioners**

Motion to approve by Smith, second by Huxley. Motion carried unanimously.

### **h. Adopt a Job Description for an Existing Position, County Legal Counsel – Commissioners**

Smith explained a proposal to move the position of County Counsel under the supervision of the District Attorney. It would not change any funding sources or move any accounts but would consolidate like departments and allow collaboration therefore cost savings. Budget discussions will prove this to be a needed change. This would put the position back to the department from which it originated. The DA is amicable to whatever is the will of Commissioners.

Brown said that consolidation would have no cost savings or personnel time and that it should remain under the Commissioners. Smith said that there were times that Counsel helped the DA's office but Brown said it had only been four or five times in the past couple of years. Smith said that the current cost savings may be small but needed due to the coming situation of implosion that would show itself in the coming budget analysis. A lack of resources will likely increase litigious acts and Counsel looks after the County as a whole. There are counties that utilize the DA as their Counsel.

Smith said that there is a level of politics involved as well. This move would allow transparency and insulation of the Counsel from the Board. Huxley said that Herbage had submitted his retirement and this suggestion is a knee-jerk reaction. He said that he had reviewed the new job description comparing it to the existing and did not see a single word of difference. Smith, Herbage and Brown explained and then showed him that the change is only where it shows supervisor at the beginning top of the document. He has other opinions and comments that he wants to submit during Commissioners comments but not at this time because he missed the cutoff for agenda items. He suggested this knee-jerk reaction so soon after the announcement of retirement would not be wise. Smith said that posting the opening of the position is a reason for expediting this so that the change would already be in place before hiring the new Counsel. Recent events bring focus to things that should have been addressed prior. Motion to approve by Smith, second by Huxley for discussion purposes. The Board then voted. Motion failed with Smith voting "aye", Brown and Huxley voting "nay".

The Board directed Swift to post the open position of County Counsel. Ways to list it were discussed.

**i. Criminal Justice Commission Justice Reinvestment Grant Program Agreement – Commissioners**

Smith explained this is for Local Public Safety Coordinating Council (LPSCC) to help fund many things and has shown an increase from last year. They worked hard through AOC and during the Safety Summits that began here in Curry County to achieve this.

Motion by Smith to approve with signature authority to Commissioner Huxley, second by Huxley. Motion carried unanimously.

**j. Employee Transfer M. Brace from Road Deputy I to Corrections Deputy I – Sheriff ADDITION**

Ward apologized and thanked the Board for allowing the late submission. He explained that the employee was best fit for the other position and brings the Corrections staff to par levels. Effective date would be 10-21-2015.

Motion by Smith to approve, second by Huxley. Motion carried unanimously.

**k. Employee Transfer M. Burdett from Corrections Deputy I to Road Deputy I – Sheriff ADDITION**

Ward explained this was part of the rearrangement to best fit employees to positions. This would bring the Patrol staff to five with two positions still to fill.

Motion by Smith to approve, second by Huxley. Motion carried unanimously.

## 10. CONSENT CALENDAR

- a. Minutes: Remand Hearing of Pacific Gales Golf Course 08-31-2015 – ADDITION
- b. Minutes: Continued Remand Hearing of Pacific Gales Golf Course 09-09-2015 – ADDITION  
Motion by Smith to group items 10.a. and 10.b together and have a vote on item 10.c. separately, second by Huxley. Motion carried unanimously.  
Motion by Smith to approve items 10.a. and 10.b., second by Brown. Motion carried with Smith and Brown voting ‘aye’ with Huxley recused.
- c. Minutes: Board of Commissioners General Meeting 10-06-2015 – ADDITION  
Huxley said that he did not look at this item until this morning and was not prepared to approve something that he had not reviewed.  
Motion by Smith to approve, second by Huxley. Motion carried with Smith and Brown voting “aye” and Huxley voting “no”.

## 11. COMMISSIONER UPDATES/ LIAISON & STAFF REPORTS

Huxley said that he had attended a luncheon at the Coos Curry Co-op on Thursday prior. At that meeting he had addressed topics such as lowering staff pay and benefits as well as making a County Administrator or Manager. He had colored and highlighted and color-coded things on the current agenda and gave a copy to each of the Board. He said that there were fifteen items that could have been handled by a County Manager and would not have had to come before the Board. It would save time from Commissioners having to approve and would save a tremendous amount of paperwork since agenda routing slips would not be made. He said that the time it takes to make the orders, get signatures, and take to the clerk is a significant significant time in order to handle correctly. With the time savings he suggests that the Board consider reducing the Commissioners to part-time. Smith expressed concern that taking items out of the general meeting would be contradictory to Huxley’s stated goal of transparency. Huxley said that many cities do not bring items such as hiring to the Board for approval. Smith agreed with the concept of a County Manager and said that the current Director of Administration Julie Schmelzer was highly qualified for the position. He looks forward to a workshop on the topic.

Smith talked about a bill currently in the Senate called Waters of the U.S. that could make any waterways that indirectly connected to navigable waters under the control of the EPA and Army Corp of Engineers. He opposes this proposed legislation. He asked the Board to move the next meeting to Tuesday November 24, 2015. Consensus was reached and staff was directed to make the needed changes. That will be retiring County Counsel Jerry Herbage’s last meeting.

Brown talked about the hospital annexation and the TLT tax ballot measures that had failed in the vote. Coos County also had a TLT proposal that failed. Smith pointed out that Coos County passed a second amendment law that forces the Sheriff to not go against the U.S. Constitution Bill of Rights. He suspects that it may cost that County monetarily but it is the will of the people. Smith and Brown expressed concern that the surveys had shown seventy-eight percent support for the TLT measure yet it had failed. Brown said she would like to figure out what the separation is there.

## 12. EXECUTIVE SESSION

(None.)

**13. ANNOUNCEMENTS**

Brown read the list of announcements.

**14. ADJOURN**

Brown adjourned the meeting at 11:13 a.m.

Respectfully Submitted,  
Shelía M. Megson

These minutes from Wednesday, November 04, 2015 Board of Commissioners General Meeting approved this 17 day of February, 2016.

**CURRY COUNTY BOARD OF COMMISSIONERS**

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Thomas Huxley, Chair

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Susan Brown, Vice Chair

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David Brock Smith, Commissioner