



CURRY COUNTY BOARD OF COMMISSIONERS

MINUTES – GENERAL MEETING

Tuesday, November 24, 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, Shellá Megson; Emergency Services Director, Don Kendall; Director of Finance, Gary Short; Finance Assistant, Cena Crook; Director of Human Resources, Julie Swift; Director of Administration and Economic Development, Julie Schmelzer; Counsel Legal Assistant, Brenda Starbird; Treasurer, Debbie Crumley; Economic Development Assistant, Summer Matteson-Kinney; Director of Veterans Affairs, Anthony Voudy; RoadMaster, Doug Robbins

1. Call to Order and Pledge of Allegiance

Commissioner Brown called the meeting to order at 10:00 a.m. Pledge was said by all.

2. Agenda Amendments

a. ADDITION: Item 4.aa.

3. Approval of Agenda

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

4. Presentations to the Board

aa. ADDITION: Herbage Resolution – Retirement of County Counsel, G.Herbage

Herbage was sat in front of the Board as a Resolution was read aloud in appreciation of his service to the County and addressing his retirement. Smith thanked staff for the idea. He expressed his appreciation for Herbage's guidance on not only for the County but personal items as well. Smith said that it was an honor to work with Herbage and that he would be missed. Brown said that while she didn't always agree with the advice of Counsel, she did appreciate where it came from. She suggested an additional "whereas" in the resolution. Huxley said that he had learned many things by spending lots of time with Herbage especially topics concerning statutes. Herbage had provided guidance along with an explanation for the suggestion so that he could understand. Herbage thanked the Commissioners, elected officials, county employees, staff, and volunteers.

Motion by Smith to approve, second by Huxley. Motion to amend the previous motion to include agreed up additional wording added to the resolution, second by Huxley. Motion to amend carried unanimously. Motion to approve carried unanimously.

a. CASA of Curry County Acknowledgement of the Boards support

Mona Chandler, director of CASA Curry County for 7 years, read a letter from CASA Curry and Douglas counties of thanks and their successes. She said that they could not have done any of this without the help and guidance of the Commissioners. She presented plaques to each Commissioner. She gave them copies of the letters to be placed in previously supplied frames.

5. Public Comments

(None.)

6. New Business

a. Discussion of Possible Tree Removal on Merrill Lane, Harbor, Oregon – Counsel

Robbins and Herbage explained this is for a lane in the Harbor area that is going through a County owned piece of property but is not a County road. There is a tree overhanging a dwelling and there are concerns about possible damage that could occur. Robbins got two quotes for tree removal. This is not a County road so any expenses would come from the general fund and not from the road fund. If the Board decided to not have the work done they would still have legal protection using discretionary. Another option would be to sell the property. Robbins said that there had been past small damages and owners now complain of issues due to the shaded environment.

Schmelzer informed that the Real Property Task Force looked at this road along with others. Their recommendation would be to vacate the property. If the County took the trees down it would set a precedent. There was a discussion of possibly selling the property and what parties may be interested in purchasing them. Robbins showed pictures to the Board and said that the property is roughly 30 feet by 120 feet and mostly covered in asphalt. It is the only access road for some residences. According to old paperwork the value had shown to be only a couple thousand dollars. Huxley said that he does not know how tree damage is handled or by what property owner.

Brown asked Robbins to talk to the neighbors in the area to see if there was any interest in buying the lot. Smith suggested that CIS be consulted so that actions would be covered under that insurance.

b. Approval of the Coos-Curry Family Law Plan - Counsel

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

7. Old Business

(None.)

8. Proclamations/Resolutions/Legislative Actions

a. Resolution Adopting an Excessive Force Policy – Counsel

Brown explained that this and the next agenda item were for the CBDG Head Start grant. Motion to approve by Smith, Second by Huxley. Motion carried unanimously.

b. Resolution Regarding Fair Housing - Counsel

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

9. Administrative Actions/Appointments

a. Homeland Security Grant, OpsCenter program purchase - Emergency Services

Kendall explained that this is to approve certain expenses but will be fully repaid by Homeland Security. This program would help run EOC, get statuses, allow instant reporting, sharing information, make checklists, and utilize preloadable data. It will cut the need of extra staff hours in EOC significantly. It is made by the same company that makes another program that is used through various similar departments. Huxley asked how long

it would be until the County received repayment. Kendall said it would be as soon as we show Homeland Security that the expense had been paid. The cost is around \$33,000. Motion to approve by Smith, Second by Huxley. Motion carried unanimously.

b. Second Amendment to OHA 2015-2017 Agreement for the funding of Public Health Services – Curry Community Health

Herbage said that he had looked at this and saw some small funding changes and he noticed language differences but had no problem with it.

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

c. Public Records Policy – Administration

Schmelzer explained that this was one of the original goals discussed in the workshops early in the year and was again addressed at recent workshops. This was a draft based on the information from those workshops and the few comments given to her when she polled the departments. This policy has every department handling their own requests therefore making it uniform. The current process is cumbersome, wasteful of staff time and burdensome to the County Clerk office. The fee schedule given would not be included.

Huxley had thought that there would be another workshop on this topic. He has talked to other departments and he still had questions. He also said that there was no use in having a policy if the fee schedule isn't included. Schmelzer explained that it because fees are to be addressed separately by the Board. Huxley then spoke about current costs of fees and what he would like to see different in them. He said that this was confusing when he had requested various records because the list of custodians did not have telephone or email contact information. Schmelzer explained that requests had to be in writing and signed but agreed that phone numbers could be included. Huxley informed everyone that he had a new topic of PEG materials that he wanted to present at the next workshop but would like this policy addressed at the following scheduled workshop.

Smith said that he would prefer the County Clerk to be the clearinghouse for records request. The proposed policy adds work to the departments and does not allow for sufficient tracking. Huxley agreed. Huxley added that the Planning Department, the Surveyor, Mental Health, the DA's office, and Nancy all have different systems without using a policy and it works just fine. Schmelzer clarified that some departments are exempt by law. She says we do need a policy and all should have a cash box due to other charges that are supposed to be collected and then turned in to the Treasurer at least monthly. She reminded the Board that this topic has been going on for a year and needs to be finalized. Smith thanked Schmelzer for her work.

Motion to table to a workshop by Huxley, second by Smith. Motion Carried unanimously.

d. Coast Community Health Center Partner Sublease Agreement - Veterans

Voudy explained that this sublease was in partnership with Coast Community Health. They are willing to provide space, electricity, and wifi at no cost to the County at the Port Orford location. There are many departments and agencies at the same location making it easier for citizen access. Herbage and Smith thanked Voudy for working on acquiring such a valuable asset at no cost to the residents.

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

e. **Resignation from the Safety Committee J. Herbage – Counsel**
Motion to accept by Smith, second by Huxley. Motion carried unanimously.

f. **Appointment to the Safety Committee C. Johnson – Counsel**
Motion to appoint by Smith, second by Huxley. Motion carried unanimously.

10. Consent Calendar

a. **MasterCard Request B. Starbird, County Counsel Legal Assistant**
Motion to approve by Smith, second by Huxley. Motion carried unanimously.

11. Commissioner Updates , Liaison and Staff Reports

a. Community Development Activity Report

Brown thanked Johnson in absentia for submitting this report and remarked on her surprise concerning the data. She said that polls indicate positive public opinion and interaction and would like more departmental reports.

Smith requested a change of a general meeting date in December. He is scheduled at that time for a sustainable forest meeting which is of high value to the County. He also added that the general meeting would need to include an Executive Session to discuss potential litigation and there would be an attorney present. There was consensus to move the meeting to the following day after Community Development's public hearing.

Smith said that he has been working with Curry Citizens for Public Land Access. They have worked on grading, clearing, and have their own equipment. They have an MOA with various federal agencies like BLM and US Forest and Ag services. According to RS2477, any roads prior to 1905 in the federal system cannot be 'closed' now. He would like to bring this matter to the Board by 17th or first of the year for coordination to make sure roads are not closed by federal agencies. He sent a letter to them yesterday and to Rob McWarder.

Smith talked about the concept of sister counties that help each other in times of need. He suggested that they consider sistering with Klamath. It is far enough inland that if the Cascadia event does happen they should be okay and that they have road reserves. He will get information for the partnerships.

Smith thanked the Board for passing the Malheur County support letter in opposition of the proposed National Monument. Another issue had come up and the State Representatives and Senators were looking for funding streams for it.

Huxley said that he did not make the deadline for submitting agenda items so he wanted to address a topic during Commissioner Updates. He read from what he called a memo that he had written to the Board and gave copies to the Board. He said the letter subject was "Request that the Curry County Board of Commissioners direct Todd Weeks to coordinate with and provide the State of Oregon Geospatial Enterprise Office (GEO) staff remote access to all software effecting or related to GIS currymap.org so that they may see where the web app currently stands." He said that things during the last two months make the county dependent on one individual. He said Weeks was directed to remove all access from Keith Massie and anyone from Lane Council from the GIS system and no other changes were to be done. He said that Weeks had responded unprofessionally but did as he was directed. Immediately afterwards, the entire system was offline. He had advised that he had received various letters from the cities concerning GIS and

that they did not have access or correct passwords. He talked of various attempts that he had coordinated for access to the system were unsuccessful due to a firewall block. He talked about the workshop concerning GIS in September. GEO officials have been given information during this time. Cy Smith, the senior officer from GEO, said that he would be willing to help without cost to the County. Huxley said that he recently created what he called a Final GIS information packet.

Smith asked that directions from the Board to a department head be given without derogatory comments during the delivery. Smith asked where the current statuses of the contract with Massie as well as the letter that was sent to him requesting a response. Brown said there were no contracts. Smith said that there had been a contract for service and that is what he is addressing. Huxley said he had a zip file with correspondence between Brown and Massie. Smith said that an Executive Session had happened concerning this topic and that the result had been to send the letter to Massie. Herbage said that Assistant Counsel had informed him that a response had not yet been received but that the given period of thirty days had not expired. Smith said that he appreciated Huxley getting consultations and asked if he consulted with the County IT Director. Huxley replied that he had not. Based upon the correspondence that had gone between IT and Brown, he felt that communication with him would cause a confrontation.

Smith said that a firewall being present to block outside access would be normal to protect our systems. He said that the IT department doesn't do anything to the program, does not use the program, does not code the program, and only housed in inside the server machines in the basement. IT did not have the expertise to manipulate the GIS at all so he suggested moving it to another department that has people that do use it. Rob Schafer in the Roads Department is such an individual and was requested access by Huxley. Motion by Smith to give the GIS to the Road Department. Motion died for lack of a second.

Huxley said the motion was a knee-jerk reaction. He said that his concern was that things had happened that showed there were indeed changes such as exemplified by Lucas with screenshots of the site at different times. If the GIS were to move then it would further open access permissions and he'd want to figure out if this was sabotage first. Smith said that the person that would have access is one that they had already tried to give access, Rob Schafer. Huxley said that the motion was not prudent at this time.

Brown said that she would like the state to look into the situation and take things slow. Smith asked Huxley who he wanted to have access. Huxley replied naming Cy Smith and his staff as well as Schafer from the County Road Department.

Smith asked if Weeks would have a problem with any of those individuals having access. Weeks said that he just gotten wind about this discussion and had not been notified to it. He explained that he knew Cy Smith and has a high opinion of him. He said that Cy had actually worked with Massie to put in place things used by the County. Weeks explained that he had received a request from a subordinate in another department to access a system under his department. This was a direct security issue and had not gone through proper channels. He suggested they should have gone to their manager to handle this issue. Weeks said that he would be happy to work with Cy Smith on this issue and security of the County system will continue at a high standard.

Commissioner Smith left the meeting.

After Smith had left the room, Huxley began his concerns again. Huxley brought up that in a past meeting Smith had claimed that he said the phrase “knee jerk” six or seven times. He watched the video of the entire meeting and recorded that he said it only three times. He also addressed a set of minutes that had been done for 10-06-2015 quickly due to a need for them concerning another matter. The consent calendar showed them as being approved unanimously but since the minutes on it were from 2014 he had recused himself of approving them.

During a conversation concerning finding a replacement for retiring County Counsel, Brown said that there are three or four counties that outsource their legal services. They resolved to try to do interviews on December 02 or 17. Brown spoke about a housing proposal by AllCare, participation in OHP, and helping those with low income. She also spoke of the need for additional warming shelters due to the coming cold snap in the weather. She expressed concern and opposition of a proposed State Constitutional Amendment called the Two Dollar Bill. She is concerned that voters in other parts of the State will restrict County Commissioner decisions for lower taxes. She said all other commissioners at AOC were in support of this bill.

12. Executive Session

(None.)

13. Announcements

14. Adjourn

Brown adjourned the meeting at 11:58 a.m.

Respectfully Submitted,
Shelía M. Megson

These minutes from Tuesday, November 24, 2015 Board of Commissioners’ General Meeting approved this 17 day of February, 2016.

CURRY COUNTY BOARD OF COMMISSIONERS

Thomas Huxley, Chair

Susan Brown, Vice Chair

David Brock Smith, Commissioner