



## CURRY COUNTY BOARD OF COMMISSIONERS

MINUTES – GENERAL MEETING

Wednesday, March 16, 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 via telephone

**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 10:02 a.m. The Pledge was recited by all. Commissioner Smith had not yet been able to connect due to technical issues.

### 2. AGENDA AMENDMENTS

(None.)

### 3. APPROVAL OF AGENDA

Motion by Commissioner Brown to approve the agenda, second by Commissioner Huxley. Motion carried unanimously. IT Department continued to try to fix the technical issues so that Commissioner Smith could join the meeting via telephone.

### 4. PRESENTATIONS TO THE BOARD

#### a. Homeless Resources Forum by League of Women Voters – Connie Hunter

Brookings resident Connie Hunter from the League of Women Voters wanted to let the Board and public know about the forums for Homeless Resources. She gave out a large packet of printed information on the topic. She wanted to address something called the Counterintuitive Truth which says that it could cost more to fix the solution than it costs to allow people to continue to live homeless. When calculating all the costs and resources that are used due to people being homeless, permanent support of housing actually saves the taxpayers money contrary to the previously stated belief. She said that the County not only had a housing shortage but a crisis. There are not enough houses to go around for the demand.

Commissioner Brown said that an overall plan was needed to address the problem. She said this included funding as well as education. Putting someone in a home does not fix the problem, education on food, healthcare, accessible support programs such as addiction issues, and various other life skills are vital for the people to be successful long term. She said that she had been meeting with other agencies and working with Coos County to create a cooperative project.

Hunter said that the recent Economic Development forums held by Director of Administration and Economic Development Schmelzer had shown that housing was a necessity for growth. Hunter said that current studies show that there were 69 homeless in Gold Beach and 59 in Brookings in K-12 school children. The homelessness in veterans is a huge problem as many had lost homes due to serving their country. When returning to the private sector they find a lack of affordable housing and no opportunities for living wage employment. Curry County has more

veterans per capita than any other in Oregon. She said that there were grants available from the federal government and urged utilizing that resource. She said that there were examples of successful programs in other locations and also encouraged learning from them. She announced an upcoming Homeless Forum to be held in the County Annex Building.

Commissioner Smith joined the meeting via telephone at 10:18 a.m. and thanked the IT Department for fixing the situation quickly.

## **5. PUBLIC COMMENTS**

Resident David Barnes said that he was new to the area and would like to understand the civics better. He asked if decisions by the Board also carried down into the cities such as restrictions or taxes. Commissioner Brown said that the Board regulates the unincorporated areas only. Barnes asked about the recent discussions concerning regulations on the marijuana industry and wanted to know what “time, place, and manner” meant. County Counsel Huttl explained that they are restrictions that if put into place would restrict the business hours, location, and things such as noise of retail sales venues.

## **6. NEW BUSINESS**

### **a. Working Out of Class in Finance Department - Commissioner**

Personnel Coordinator Swift reminded the Board that now retired County Accountant Short had sent an email to the Board before he left. The email had suggestions as to how to cover certain tasks and continue workflow in his absence. She gave examples and said she and Senior Accounting Clerk Crook were already familiar with many of the tasks. The letter from Short had said that the division of these tasks would have the employees working out of class.

Swift said that the vacant position of County Accountant had been listed many places but they had not been getting a good response. She said County Counsel Huttl had talked to the recruiter company and a sample contract was being sent. The cost would be 25 % of the person’s wage if a candidate was hired but would require board approval. There was consensus by all to continue working with the recruiting company. Commissioner Smith said that Curry Community Health had an interim person working while they were looking for a finance director. He suggested finding out if that person were working part time and would be interested in working with the County as well. This might require an intergovernmental agreement.

Commissioner Huxley asked Swift’s opinion of a website he had seen for outsourcing finance duties. Swift replied that outsourcing was not a viable option for the County and costs more than an employee but perhaps could be used for specific tasks. Swift said that another county had been trying to fill a similar position for a long time and paid more than Curry could offer. She explained that Moss Adams had offered some services. Huttl said that he had reached out to places that do two year budgets in hopes of finding someone during the off-year to help with the coming budget.

## 7. OLD BUSINESS

### a. **Recreational Marijuana Land Use Regulation Alternatives - Community Development**

Planning Director Johnson explained that there had been three workshops on the topic and have included the Planning Commission. The State has already set a series of regulations but do continue to change. The Board needed to make a decision concerning implementing additional restrictions on land use or time, place, and manner. The Planning Commission had recommended that the Board not add anymore regulations. She agreed with the Planning Commission and recommended their stance as well. Commissioner Huxley asked if Johnson wanted a resolution or an order. Johnson replied yes. County Counsel Huttl said that if the choice were to take no action then an order would not be needed as there was no change. The meeting minutes with consensus would show the decision. Huttl said that there were standing regulations on the sale of medical marijuana and perhaps they should be repealed to place everyone on even ground.

Director of Administration and Economic Development Schmelzer said that the economic development is part of the comprehensive plan. It is predicted that 40% of the local black market will make the switch to visiting legal shops. Additional regulations would decrease that percentage even more. The County would like to encourage sales through the legal process and would benefit from the tax revenue. It should be looked at in the same light as alcohol sales. There had been recent publicity on this topic about our area including High Times Magazine and on the Ellen show so the County is in a good position for tourism from the industry. Huttl asked for public comment but there were none. Huxley asked if there was consensus. Commissioner Brown said that she thought that they should stay with the State regulations only. Commissioner Smith said that he would go ahead with the consensus in light of the Planning Commission and Economic Development recommendations. He said that the existing restrictions on time, place, and manner on medical shops should be revised or repealed. There was consensus to not place additional restrictions on marijuana sales and to have a repeal of the existing restrictions on medical shops brought to the Board at a later meeting.

## 8. PROCLAMATIONS/RESOLUTIONS/ LEGISLATIVE ACTIONS

### a. **Resolution to Set Hearing Date for Mass Gathering (Cape Blanco Country Music Festival) – Economic Development**

Director of Administration and Economic Development Schmelzer explained that this is the third year that Boots and Beaches, LLC had applied for a mass gathering permit. This would need a public hearing and could be set during the agenda of the Board general meeting on April 20, 2016 at 10:30 a.m. The application had been already submitted to all the required departments and gathered all needed items. Motion by Commissioner Brown to set the hearing, second by Commissioner Smith. Motion carried unanimously.

### b. **Curry County Multi-Jurisdictional Natural Hazards Mitigation Plan Adoption – Emergency Services**

Emergency Services Coordinator Kendall said that he had put the resolution together and it would adopt the Natural Hazards Mitigation Plan. It has two sections that address the issues and direction and the second with hopeful fixes. They are two year plans and there will be submissions to the Board later to meet some goals. Commissioner Smith thanked Kendall and the partners for their work on this. Motion by Commissioner Brown to accept, second by Smith. Motion carried unanimously.

## 9. ADMINISTRATIVE ACTIONS/ APPOINTMENTS

### a. **Environmental Health Contract Amendment #1 – Curry Community Health**

Commissioner Brown explained that this is a contract with the State to make sure health conditions are checked and reported correctly. Motion to approve by Commissioner Smith with signature authority to the Chair, second by Brown. Motion carried unanimously.

### b. **New Hire Deputy District Attorney J Spansail – District Attorney**

District Attorney appeared with Spansail and said that the position had been open for a long time. He pointed out the wrong salary had been put on the order, but would correct it to a level that would be \$4618 per month. Spansail has a law degree from the University of Oregon, had worked as a Lane County legal aide, a clerk for the rising judge of Clackamas County, and with UPS five years. He recommended the hire. Motion to approve as amended by Commissioner Brown, second by Commissioner Smith. Motion carried unanimously.

### c. **Proposed Personnel Rules Changes – Personnel**

Personnel Coordinator Swift said that the suggested changes were discussed at the management meeting. The first had to do with appointments to positions in section 13. It would allow the departments to do their own hiring provided it was already within their budgets. Swift would handle contracts, union items, drug testing, and other various needed items. Commissioner Huxley commented about the use of the words “shall” versus “may.” The change would also encompass promotions and transfers.

After the hiring or other action was done, it could be submitted to the Board’s consent calendar in general meetings so that they were made aware. Sheriff Ward said that he agreed with the appointments change and that just the paperwork would need then sent to the Board. County Counsel Huttl said that these items should be placed under the presentations part of the agenda since they did not require an action of approval from the Board.

Swift said that the second proposed change was language in the rules that had to deal with conduct and bullying. If directed to move forward, she would bring the final to the Board for approval. Commissioner Brown asked about the definition of the word “agent” and Swift explained that it would include anyone subject to the personnel rules. Huttl said that the word “agent” is broader and would therefore include contractors or volunteers while in actions concerning the County and could provide a stance for termination if violated. There was Consensus to move forward with the proposed personnel changes.

### d. **Renewal of Insurance Agent Services Contract with CAL/OR**

County Counsel Huttl said that this is the third renewal in allowable four in the existing contract. He will procure a new contract next year. Commissioner Huxley verified that there had been no dissatisfaction with the services. Motion to accept by Commissioner Brown, second by Commissioner Smith. Motion carried unanimously

### e. **Scrivener Errors – Administration**

Administrative Assistant Megson explained that due to a saving error, reference numbers had been duplicated on some items filed with the Clerk for the Commissioners Journal. These resolutions and order would change them to unique reference numbers. County Counsel Huttl said that all of them could be done with a single motion. Motion by Commissioner Brown to approve, second by Commissioner Smith. Motion carried unanimously.

**f. 2016 9-1-1 Jurisdiction Plan – Sheriff**

Sergeant Hensley said this concerned the jail and dispatch. A confidential document was submitted to the board outside of the packet for security reasons. If approved then it would be submitted that day. Motion by Commissioner Smith to approve with signature authority to the Sheriff's designee, second by Commissioner Brown. Motion carried unanimously.

**10. CONSENT CALENDAR**

**a. Minutes 02-10-2016 Workshop**

**b. Minutes 02-10-2016 Special Meeting**

**c. Minutes 02-12-2016 Special Meeting**

**d. Minutes 02-26-2016 Special Meeting**

Commissioner Smith reminded the Board that he had been absent during some of the meetings covered by the minutes in the consent calendar but could approve them because he had reviewed the recordings, except for the Special Meeting on 02-10-2016, and would need to abstain from that vote. Motion to remove item 10.b. from the consent calendar by Smith, second by Commissioner Brown. Motion carried unanimously. Motion to approve the consent calendar by Brown, second by Smith. Motion carried unanimously. Motion to approve item 10.b. by Brown, second by Commissioner Huxley. Motion carried with Brown and Huxley voting "aye" and Smith abstaining.

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

**a. Staff Reports – Community Development and Surveyor**

Commissioner Huxley asked if a motion was needed and Commissioner Brown said it would not be needed and was just an observational item. Brown said the Coos Curry Housing Authority was in need of two more members and remarked about the need for housing in the area and getting agencies and opportunities together.

Commissioner Huxley handed out copies of the recent Association of Oregon Counties invoice for membership. He said that if the County took all the options available it would be \$18,000 for the year. In comparing only taking the three options that the County had selected the previous year, there was an 11% increase in the fee. He also talked about suggestions to restrict additions to the agenda but then gave a handout of his suggestions. The handout included with a letter from a resident that was not pleased with Commissioner Smith for an addition that had been made during the last meeting. The addition had been a letter that needed to be approved for a meeting that Smith was attending later that day.

Commissioner Brown talked about doing budget town halls in the three cities and wanted to look at schedules. Huxley remarked that there was not a budget officer. County Counsel Huttel asked what was meant by the town halls and what would be covered and by who so that he could determine the legal notices that might be required. It was revealed that it would be only informational to the residents with no decisions made. Huxley said that they should be in the evening so that working people would be able to attend and Brown agreed. Brown said that this should be discussed at a workshop to determine the material and presentation that would be offered. The Board directed Administrative Assistant Megson to include it at the next workshop.

## **12. ANNOUNCEMENTS**

## **13. EXECUTIVE SESSION**

Executive Session ORS 192.660(2)(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed and ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection.

Commissioner Huxley read the ORS reason for the Executive Session and then called at break at 11:40 a.m. The Board went back into session at 11:54 a.m. and Huxley gave the admonishment to the press. The Board entered Executive Session at 11:55 a.m.

The Board arose into open session at 12:36 p.m. Motion by Commissioner Brown to direct Counsel to proceed as directed and request the documents discussed during the Executive Session, second by Commissioner Smith. Motion carried with Brown and Huxley voting “aye” and Smith voting “nay.”

## **14. ADJOURN**

Commissioner Huxley adjourned the meeting at 12:37 p.m.

Respectfully Submitted,  
Shelía M. Megson

These minutes from Wednesday, March 16, 2016 Board of Commissioners’ General Meeting approved this 1 day of June, 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