



CURRY COUNTY LAW ENFORCEMENT BLUE RIBBON COMMITTEE

Meeting Minutes

Wednesday, March 4, 2009

Commissioner's Hearing Room, County Annex, 94235 Moore St., Gold Beach, OR 97444

Cy Vandermeer
Chair

Christine Nichols
Vice Chair

M. John Spicer
Secretary

Dan Brattain
Business Owner

Jeff Davis
School Superintendent

Deborah Krambeal
Insurance Agent

Gary Milliman
City Manager

Rory Smith
CPA

Christopher Wallace
Police Chief

David Smith
City Councilor

Russell Merkley
At-Large

Les Cohen
South County Rep.

John Hewitt
North County Rep.

TV Skinner
Central County Rep.

Thomas Brand
At-Large

John Bishop
Sheriff/LEBRC Liaison

Everett Dial
District Attorney

Kenneth Dukek
Juvenile Director

1. **Introductions/Opening:** Meeting was called to order at 3:00 p.m. by Cy Vandermeer. Members present: M. John Spicer, Russell Merkley, Les Cohen, John Hewitt, Jeff Davis, Rory Smith, Gary Milliman, Chris Nichols, Cy Vandermeer, and Tom Brand. Others present: Ken Dukek, Everett Dial, John Bishop, and Bob Rector.
2. **Approval of Minutes:** The minutes for 2/18/09 meeting were reviewed and, upon motion made by Chris Nichols, seconded by Les Cohen and all in favor, minutes were approved as written. Ken Dukek then pointed out a couple of typos/errors on the minutes from the 2/4/09 meeting to be changed for posting on the website.
3. **Old Business:**
 - A. **Website Development** – Several members had checked out the website and were pleased with how the information was presented that was on the website. It was suggested that a list of the members of the Committee be put up on the website and that upcoming agendas also be posted on the website. Ken Dukek said he would let the IT person know.
 - B. **Sheriff's Report:**
 - 1) Someone from the City of Gold Beach "complained" about not having a representative from the City as a member of the Committee. Various members pointed out that the meetings were open to the public and anyone could attend. They also expressed concern about someone being an official member of the Committee and not attending regularly. A motion was made and seconded that an invitation would be extended to the City of Gold Beach to send a representative (including either the mayor or a council member) to the meetings with the thought that if they are willing to attend regularly, then they can be added as a member of the Committee. All were in favor, therefore the motion passed.
 - 2) The contract with the consultants was taken to the Board of Commissioners in a workshop. The Sheriff has been asked to return on Friday with a plan on how to pay for it. The plan he is going to take to the Commissioners is as follows:
 - a) The \$30,000 due at signing will be paid from the monies previously set aside by the Commissioners;
 - b) The remaining \$65,000 (\$30,00 due August 1 and \$35,000 due upon delivery of report) will be paid out as follows:
 - \$40,000 out of Sheriff's Department budget
 - \$12,500 out of District Attorney's budget
 - \$12,500 out of Juvenile Department's budget
 - 3) Consultants are going to conduct "town hall" meeting(s) over and above the contracted work. Quite a bit of discussion was had regarding the importance of each community having a meeting, that each community was different and input was needed from each community early on in the proceedings. It was not known if the consultants were willing to have more than one meeting but the Committee felt it was critical that there be a meeting held in each community. Sheriff Bishop said he would ask them about committing to three meetings.

C. **Legal Opinion from A.G.** -- The legal opinion from the Attorney General's office was obtained by Everett Dial. The Attorney General's office stated that specific wording needed to be put into the measure indicating that the cities would be given the choice of having the sheriff's department do patrols in their city or could contract with the sheriff's department to provide their own police to patrol the cities. This would allow the cities to maintain their own police departments and be reimbursed by the tax district for doing work the tax district was created to pay for. Everett stated that he had not yet gotten this opinion in writing but would be contacting the A.G.'s office to do so.

D. **City Resolutions** – Ken Dukek pointed out that resolutions needed to be obtained from each of the cities indicating their support of the Committee moving forward with creating the tax district. Comments were made regarding how specific the wording needed to be, whether or not there could be two resolutions –the first one generally supporting the law enforcement tax district and the second one specifically setting forth the support of the measure itself. After open discussion, it was decided that a general resolution should be obtained from each community indicating its support of the law enforcement district with the idea that a more specific resolution would need to be obtained from the cities consenting to the measure itself once the report had been delivered by the consultants and specifics could be laid out.

E. **District Attorney's Report :**

- 1) The District Attorney office handles approximately 1200 cases per year. Up until January 2007, there were three attorneys working in the office. When Everett became D.A., his position as Deputy D.A. was not filled. As a result, the two attorneys in the office both handle a heavy caseload and Everett is unable to handle administrative matters hardly at all. A comparison of other comparable counties shows that Crook County has a population of about 24,000. There are 5 attorneys in their D.A.'s office. Averaging 8 different counties with similar populations, Everett came up with the D.A.'s office having 3.5 to 3.75 attorneys working in the D.A.'s office. The D.A.'s office is the only criminal attorney for all the cities, the OSP and the sheriff's department. The D.A.'s office also does all the juvenile trials, dependency hearings and mental commitment hearings.
- 2) The budget when there were three attorneys was about \$370,000. It is now down to \$280,000. And there is about \$60,000 for line items. Line items are for various case-by-case expenses. For example, the last murder case involved quite a few witnesses from California. Before California would serve those subpoenas on the witnesses, the D.A.'s office had to guarantee that the witnesses would have their lodging, transportation and meals paid for. Expert witness fees also come out of the line item budget. Each case is different; therefore, the line item budget is not set in stone from year to year.
- 3) The salary for a deputy D.A. is quite low compared to what private practice attorneys make. The current deputy D.A.'s beginning salary was only \$36,000. The only way the D.A.'s office has kept him from leaving is by providing him with additional monies from a grant provided by the Department of Human Services. As a result of that, the deputy D.A. is now spending a tremendous amount of time working with DHS on dependency cases, juvenile delinquency cases, and other matters relating to the DHS. This cuts down on the time he has available for other criminal cases.
- 4) There is an office manager and a secretary working for the D.A.'s office – not certified paralegals. Prior to January 2007, there were three staff people. There is also a victim's advocate and, due to grant money being obtained, a part-time victim's advocate. The victim's advocate is responsible for contacting all the victims regarding every hearing that is scheduled in a case, gathering information regarding restitution, generally dealing with the complexities of who paid for the services rendered and how they can be paid back, and making sure information is collected and given in an efficient manner. Much of what the victim's advocate does is mandated by the State.
- 5) Barbara Palicky does all the child abuse interviews. She is the coordinator for the multi-disciplinary team which meets and discusses child and elder abuse every month. She is also in charge of the Citizens Review Board. Most of her work is mandated by the State.

4. **New Business**

A. "Why It Failed" presentation by Gary Milliman. Gary reported on the ballot measure which failed in the City of Brookings this past year. This measure was placed on the ballot by the city council to authorize them to enact a property tax levy for the purpose of increasing the number of police officers to provide a minimum coverage of two officers on duty 24/7, and to increase some police officer compensation by 5% in an effort to cut down on the high turnover with city had been experiencing. Pelican Bay State Prison just

south of the California State line pays very well. The City of Brookings and the sheriff's department both have lost one officer in the last six months to the prison. The city council felt it was important to have two officers per shift. So the measure was finally approved to be put on the ballot. It took quite a bit of time for the city attorney to draft the measure. However, once it was written, it was too late to put together any kind of education program or campaign. There simply was no campaign, no workshops, no surveys, no polling. Even though the city council approved it, they did nothing individually to promote it. Even though it would have improved the working conditions for the police officers, their union did nothing to promote it. It was put on the November ballot and the property tax invoices came out right about the time the voting was to occur. Very bad timing.

- B. Why It Passed" presentation by Gary Milliman covered the ballot measure that he was involved in with a community he lived in prior to moving to Brookings. That measure passed 70 to 30. Key points for it passing were as follows: It was held on a special election, the only thing on the ballot, no council election, no presidential election, no other topic being discussed or covered by the media. The campaign was organized by the city council using their existing campaign organizations. The law enforcement union was very involved in promoting the measure. The pre-measure polling found specific issues which concerned the populace. Those specific issues were incorporated into the measure and the campaign to promote the measure pushed those issues heavily. The populace was involved in giving input and the input was received and acted on. The measure passed resoundingly as a result.

Open Discussion: Scare tactics may seem to work but there is a lot of research out there indicating threatening language does not encourage people to vote. The campaign to educate the people as to the seriousness of the situation here in Curry County must be thoughtfully worked out. Involving each community, getting each community's input, acting on that input, and explaining how the passage or non-passage of the measure will directly impact each community is critical.

- C. "Managing Local Campaigns" book. Several members of the Committee had looked for this book online and the author was not the one given. Sheriff Bishop said he would ask the consultants to check their information and get back to the Committee with an update and the author and/or title of the book.

- D. Hiring of Data Analyst. Ken Dukek and Sheriff Bishop both said that there was no need to hire a data analyst at this time, that their departments were equipped with computer programs that were capable to turning out the information the consultants said the data analyst needed to do. Therefore, the idea of hiring a data analyst by the Committee was tabled.

5. **Good of the Order.** None

6. **Next Meeting Date and Time** – Next meeting is scheduled for March 18, 2009, at 3:00 p.m.

7. **Meeting adjourned at 4:45 p.m.**