#### **MEMO**

December 13, 2017

From: Commissioner Huxley

To: Commissioners Boice and Gold Administrator Hitt; County Counsel Huttl

Subject: Use of Road Fund Reserves as they relate to HB 3435; Workshop Nov. 8, 2017 (HB 3435); Commissioner Boice Forum 11/29/2017 "County must unite behind legislative decisions (HB 3435)

Road Fund Reserves should not be loaned to tax districts without the voter's approval of an Ordinance regulating the requirements for any loan including compliance with all current law governing approved investments of funds of political subdivisions.

The criteria for any such loan must be explicitly defined and incorporated into the Ordinance. There is no place for 'subjective' personal opinions.

For example; the above subject letter 11/29/2017 includes statements such as:

- "The Bill (HB 3435) extends a means for our communities to solve health care, and a variety of local problems."
- "As most know, our County has 42 different taxing districts. Often they need better financial terms to fund needed projects."
- "...this bill could present better investment options."
- "...it is absolutely imperative that Curry Health Network (CHN) get the South County emergency room open and robust and as soon as possible."
- Commissioner Boice has "...watched very closely and can report that Curry General and our Curry Health Network are very well-managed and simply need citizen support and market share. If that happens, they'll thrive..."
- "It is also (Commissioner Boice's) opinion South County citizens do not need to pay or join any present or future health care taxing district."

Chapter 294 of the Oregon Revised Statutes (ORS) provides specific direction for County and Municipal Financial Administration for investing public funds. Curry County is required by law to have an Investment Policy in place. The policy may be found in Order 13463 dated March 31, 2011.

The Jackson County Finance Director/Treasurer along with a representative from one of the investment firms Jackson County works with provided a forty minute Workshop presentation for Curry County Commissioners May 31, 2017. The presentation included a Portfolio Example typical of Oregon municipality investments. All but two of the twenty investments were rated Aa/AA (Standard & Poor's) or better. The presentation and Workshop video are on the county website. The Jackson County Treasurer offered that it had taken many years of investing public funds to finally establish a business rapport with a few select investment firms such as the one with the Treasurer that day.

Page 8 of the presentation emphasized how critical 'Liquidity' is in a public fund portfolio.

Page 9 was titled "Yield" and continued: "Yield is the last priority of any investment portfolio. Investment Officer should <u>never</u> chase yield #1 Objective after legality is SAFETY"

ORS 294.035 Investment of funds of political subdivisions; approved investments: This section goes into great detail on the minimum requirements for authorized investments including Moody's Investors Service and Standard & Poor's minimum acceptable ratings.

ORS 294.135 Investment maturity dates: This section covers many of the investments under ORS 294.035 that may not exceed a maturity date of 18 months or the date of anticipated use of the funds by the county, municipality, school district or other political subdivision to which the funds belong, whichever period is <u>shorter</u>.

#### Workshop November 8, 2017

A Commissioner Workshop on HB 3435 was held November 8, 2017. Commissioner Boice remained adamant on his support of loaning Road Funds to tax districts. Below are some of his comments during the Workshop related to the Curry Health District (CHD) facilities on 5<sup>th</sup> street in Brookings.

- "I'm a proponent of this Bill."
- "I wouldn't want to go anything more (loan length) than ten years."
- "I don't mean to be a dog with a bone but it (Brookings 5<sup>th</sup> Street facilities) is available, it is ready, it just needs maybe a million maybe two (million) maximum out of a \$33 million dollar project that is well secured."
- "I don't think we know the inside baseball on exactly where they (CHD) are financially. If we're looking for absolutely no risk that's not how life, business, public entities work."

As for Commissioner Boice not knowing the 'inside baseball,' all one need do is go to the Curry Health Network website and under 'About Us' choose 'Board Agendas, Packets, Minutes.' The most recent information listed is for the November 29, 2017 board meeting and in addition to providing October 2017 Financials also includes External Audited Financials for the Fiscal Year ended June 30, 2017 (89 pages).

Their financial position is quite clear as noted on page 7 (Significant Financial Conditions), page 27 (Long-term Debt) and the Long-term Debt to Net Position graph on page 76 of 89 pages.

Financial stability aside; Curry County is not a financial institution or a securities company. County commissioners are not accredited financial officers. Any taxing district meeting the minimum financial qualifications required for an Oregon municipality to invest under ORS 294.035 should have no trouble obtaining funding from a reputable financial company or for larger amounts, a securities company specializing in Oregon Municipal Bonds or similar type of finance vehicle.

#### To reiterate:

Road Fund Reserves should not be loaned to tax districts without voter's approval of an Ordinance regulating the requirements for any loan including compliance with all current law governing approved investments of funds of political subdivisions.

# County must unite behind legislative decisions

By Court Boice, Curry County commissioner

http://www.currypilot.com/opinion/letters/5795001-151/county-must-unite-behind-legislative-decisions

We're all often less informed than we should be — citizens are interested in the future of our county, I ask all to take the time to read the referenced bill.

If governed by responsible commissioners, it simply allows our county the potential for sound business options. It is not "Boice's plan." It is, however, a precise new and helpful law sponsored by state Rep. David Brock Smith. I worked with him to design it for Curry County. During the 2017 legislative session, his HB 3435 passed both the Oregon House and Senate with unanimous and strong bipartisan support, then was quickly signed by the governor.

The bill extends a means for our communities to solve health care, economic, infrastructure and a variety of local problems.

As most know, our county has 42 different taxing districts. Often they need better financial terms to fund needed projects.

HB 3435 allows the Curry County Board of Commissioners to specifically loan to any taxing district, i.e., libraries, rural fire departments, cities and, yes, possibly the hospital district. It could also be helpful for restructuring a taxing district debt. Generally lower interest rates of between 2 to 4 percent can be incentives to assist our district's. Any loan from the road fund reserves would come with rigid guidelines within this new law and are secured through that district's (borrower) annual taxing revenues.

Further, the \$33 million in the Curry Road Fund Reserves are, of course, receiving generally less than a 1 percent return. It's essentially been that rate for years, and this bill could present better investment options.

As commissioner, my attitude and responsibility is to fiercely protect those road funds, however I recognize that under this new law, there will likely be projects and proposals that will come before our commission board. If the need is justified and demonstrates a reasonably low risk, then I will take a serious but careful look at those in consultation with fellow board members.

Please keep in mind, that in the event of a major natural disaster, the Federal Emergency Management Association (FEMA) would step in to aid our county. Most will recall that happened following the Harbor sinkhole.

That positive conclusion was also primarily due to the persistent efforts of Smith, who made certain the federal government followed through with its responsibility and they did. Very little county road reserves were expended for that disaster.

As a commissioner, I think one of my main focuses should be on the primary health-care issue facing our county. I believe it is absolutely imperative that Curry Health Network (CHN) get the South County emergency room open and robust and as soon as possible. It's one of the main reasons I decided to run for commissioner, as 60 percent of our population, for the most part, is without close emergency medical services and that's beyond unacceptable. This would not be a matter of Curry Health Network — or any taxing district — tapping into the Curry Road Fund Reserves.

Incidentally, no representative from any taxing district has, as of this date, approached me. However, it does present future options for the commissioners to make legitimate lower-interest loans for the long-term benefit of, and for better serving, our citizens.

Curry County has a new multi-million dollar-hospital that is state of the art and the envy of many in Western Oregon. Is it perfect? No, but show me a hospital anywhere that is.

I have watched very closely and can report that Curry General and our Curry Health Network are very well-managed and simply need citizen support and market share. If that happens, they'll thrive and we'll all receive long-term benefits.

It is also my opinion South County citizens do not need to pay or join any present or future health care taxing district. Think for a moment of those citizens with the burden of traveling 25 miles in either direction to Sutter Coast Hospital in Crescent City or Curry General for their medical emergencies and other needs. I believe they should not have to bear the additional cost of paying into a health district — that's fair.

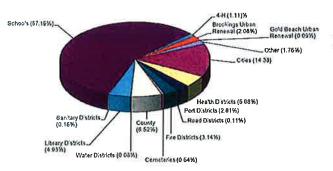
Gold Beach does pay into the CHN district, however residents there don't travel — that's also fair. Port Orford citizens pay into the district and also have to go 25 miles — that's not fair. Maybe our North County friends should receive some sort of discount when they travel to Curry General for their medical needs. Wouldn't that be fair?

Do you sense some logic, rationale and a chance for our county to come together? I hope that's your vision and is, I believe, how we'll ultimately overcome through serious problems. In my view, segregating our communities by Zip code is a disaster in the making.

Again, I ask all Curry Citizens to help unite our county.

#### **CURRY COUNTY 2017-18 TAX ROLL SUMMARY BY TAXING DISTRICTS**

TAXING DISTRICTS	BILL RATE	M6 REAL MARKET VALUE	ASSESSED VALUE	TAXES IMPOSED
COUNTY GENERAL	0.5996	3,660,613,980	2,951,590,432	1,769,795.46
CUR SOILWATER CO	0,0000	3,660,613,980	2,951,590,432	0,00
CC 4-H & EXTENSION	0.1021	3,660,613,980	2,951,590,432	301,396.36
SCHOOL DISTRICTS				
ESD	0.4432	3,660,613,980	2,951,590,432	1,306,989.36
SWOCC	0.7017	3,660,613,980	2,951,590,432	2,069,331.21
SCHOOL 2CJ	3,9596	473,456,196	372,856,757	1,471,352.29
SCHOOL 17-C	4.0149	2,212,218,072	1,788,914,413	7,182,389,32
SCHOOL CC 1	3.9171	974,939,712	769,819,262	3,088,407.10
SCHOOL CC 1 BOND	0.4593	974,939,712	793,212,371	364,321.42
CITIES				
CITY-PORT ORFORD	4.1688	157,652,763	125,255,372	522,164.94
CITY-GOLD BEACH	2,3360	290,264,475	244,644,602	671,603,39
CITY-GB LOCAL OPTION	0.2418	290,264,475	248,037,611	59,975.76
CITY-BROOKINGS	3,7630	939,459,926	719,065,505	2,705,887,03
PORT DISTRICTS				
PORT-PORT ORFORD	0.8347	345,585,236	271,623,806	228,724.58
PORT-GOLD BEACH	0.4132	883,115,289	721,689,806	298,215.84
PORT-BROOKINGS	0.1316	2,219,025,063	1,793,541,483	236,068.02
CEMETERY DISTRICTS				
CEMLANGLOIS	0.0847	128,268,530	101,269,031	8,577.60
CEMPORT ORFORD	0,0451	345,585,238	271,623,806	12,250.30
CEMROGUE RIVER	0.0772	841,220,659	692,518,586	53,476.74
CEMPISTOL RIVER	0.1254	81,074,389	59,667,059	7,484.82
CEMSOUTH CURRY	0.0388	2,219,025,063	1,793,541,483	60,068,58
FIRE DISTRICTS				
FIRE-G B WEDD	1.2609	168,704,700	137,720,875	173,652.38
FIRE-CDR VL-N BANK	0,6312	45,479,286	37,393,838	23,602.93
FIRE-CAPE FERRELO	0.4811	197,472,358	163,025,788	78,431.93
FIRE-WINCHUCK	0,8971	54,011,075	43,483,285	38,990.88
FIRE-UPPER CHETCO	0.7126	35,884,102	24,591,555	17,523,96
FIRE-HARBOR	0.2332	600,718,612	525,603,352	122,671.09
FIRE-BROOKINGS RFPD	0.3345	200,341,700	174,065,870	58,224.91
FIRE-OPHIR	0,6868	132,181,533	108,705,938	74,659.25
FIRE-LANGLOIS	1.5974	64,720,718	52,586,353	84,001.42
FIRE-PORT ORFORD	1.3202	98,816,795	78,644,859	103,827.05
FIRE-SIXES	1.8900	32,262,288	27,485,095	51,947.02
FIRE-PISTOL RIVER	0.9873	54,288,190	42,359,550	41,821.59
FIRE-AGNESS-ILLAHE RFPD	0.0000	27,080,453	19,527,357	0.00
SANITARY DISTRICTS	0.000	21,000,400	10,027,007	
SAN-WEDDERBURN	0.6701	93,482,859	75,427,109	50,543.62
SANHARBOR	0.0000	344,469,096	299,252,406	0.00
SANCAM. PARK	0.0000	9,305,760	8,498,110	0.00
WATER DISTRICTS	0.0000	0,000,100	0,400,710	3**
WATER-NB/OPHIR	0.0000	108,665,006	86,206,524	0.00
WATER-HARBOR	0.0000	603,645,679	627,800,469	0,00
WATER-LANGLOIS	1,4414	19,527,821	16,062,431	21,711.02
HEALTH DISTRICTS	1.4414	18,021,021	10,002,751	#111 1 COM
HEALTH-CURRY	0.7425	1,257,933,114	1,014,302,948	753,134.63
	0.5895	1,257,933,114	1,017,696,057	599,931.91
HEALTH-CURRY BOND	0,5693	1,231,833,114	1,017,090,037	000,001.01
LIBRARY DISTRICTS	0.6634	40,300,023	29,435,857	19,527.73
LIBAGNESS				77,717.67
LIBLANGLOIS	0.7707	127,794,447	100,840,448 271,623,806	135,132.87
LIBPORT ORFORD	0.4975	345,585,238		444,789.54
LIBCURRY	0.6609	817,535,449	672,990,246	600,006,13
LIBCHETCO	0.3345	2,219,025,063	1,793,541,483	500,006.13
ROAD DISTRICTS		Salar de Salar	00 100 512	20,000.00
ROAD-MOUNTAIN DR	1.4700	25,546,560	20,409,510	30,002.02
URBAN RENEWAL			50.004.05	EDE 445 74
BROOKINGS URBAN RENEWAL	0.7651	939,459,926	58,801,064	595,145.71
GOLD BEACH URBAN RENWAL	0.1361	290,264,475	3,393,109	33,758.19
			TAXES SUBTOTAL	28,653,033.87



Assessor's Office: (541) 247-3294 Tax Collectors Office: (541) 247-3305 
 TAXES SUBTOTAL
 26,653,033.67

 OTHER
 1

 LATE FILING PENALTIES
 12,123.14

 FIRE PATROL SURCHARGE
 162,143.38

 MFG COMMUNITY RSRC FEE
 16,036.60

 SANITARY DIST S A
 7,804.46

 FIRE PATROL
 244,207.32

 OTHER ASSESSMENTS
 8,368.84

 GRAND TOTAL TAXES
 27,003,717.41

I, Jim Kolen, Assessor for Curry County Oregon, do hereby certify that this summary is correct according to the records in my office.

Dated: October 10, 2017

Jim Kolen Curry County Assessor Society of Professional Journalists

# CSD DE OF ETHICS

#### **PREAMBLE**

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy.

Ethical journalism strives to ensure the free exchange of information that is accurate, fair and thorough. An ethical journalist acts with integrity.

The Society declares these four principles as the foundation of ethical journalism and encourages their use in its practice by all people in all media.

#### SEEK TRUTH AND REPORT IT

Ethical journalism should be accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information.

#### Journalists should:

- ► Take responsibility for the accuracy of their work. Verify information before releasing it. Use original sources whenever possible.
- ▶ Remember that neither speed nor format excuses inaccuracy.
- ► Provide context. Take special care not to misrepresent or oversimplify in promoting, previewing or summarizing a story.
- ► Gather, update and correct information throughout the life of a news story.
- ▶ Be cautious when making promises, but keep the promises they make.
- ▶ Identify sources clearly. The public is entitled to as much information as possible to judge the reliability and motivations of sources.
- Consider sources' motives before promising anonymity. Reserve anonymity for sources who may face danger, retribution or other harm, and have information that cannot be obtained elsewhere. Explain why anonymity was granted.
- ▶ Diligently seek subjects of news coverage to allow them to respond to criticism or allegations of wrongdoing.
- Avoid undercover or other surreptitious methods of gathering information unless traditional, open methods will not yield information vital to the public.
- Be vigilant and courageous about holding those with power accountable.
   Give voice to the voiceless,
- ▶ Support the open and civil exchange of views, even views they find repugnant.
- ▶ Recognize a special obligation to serve as watchdogs over public affairs and government. Seek to ensure that the public's business is conducted in the open, and that public records are open to all.
- ▶ Provide access to source material when it is relevant and appropriate.
- ▶ Boldly tell the story of the diversity and magnitude of the human experience. Seek sources whose voices we seldom hear.
- Avoid stereotyping. Journalists should examine the ways their values and experiences may shape their reporting.
- ► Label advocacy and commentary.
- Never deliberately distort facts or context, including visual information. Clearly label illustrations and re-enactments.
- Never plagiarize. Always attribute.

#### MINIMIZE HARM

Ethical journalism treats sources, subjects, colleagues and members of the public as human beings deserving of respect.

#### Tournalists should:

▶ Balance the public's need for information against potential harm or discomfort, Pursuit of the news is not a license for arrogance or undue intrusiveness.

- ➤ Show compassion for those who may be affected by news coverage. Use heightened sensitivity when dealing with juveniles, victims of sex crimes, and sources or subjects who are inexperienced or unable to give consent. Consider cultural differences in approach and treatment,
- Recognize that legal access to information differs from an ethical justification to publish or broadcast.
- Realize that private people have a greater right to control information about themselves than public figures and others who seek power, influence or attention. Weigh the consequences of publishing or broadcasting personal information.
- ▶ Avoid pandering to lurid curiosity, even if others do.
- Balance a suspect's right to a fair trial with the public's right to know. Consider the implications of identifying criminal suspects before they face legal charges.
- Consider the long-term implications of the extended reach and permanence of publication, Provide updated and more complete information as appropriate.

### **ACT INDEPENDENTLY**

The highest and primary obligation of ethical journalism is to serve the public.

#### Journalists should:

- ▶ Avoid conflicts of interest, real or perceived. Disclose unavoidable conflicts.
- ➤ Refuse gifts, favors, fees, free travel and special treatment, and avoid political and other outside activities that may compromise integrity or impartiality, or may damage credibility.
- Be wary of sources offering information for favors or money; do not pay for access to news. Identify content provided by outside sources, whether paid or not.
- Deny favored treatment to advertisers, donors or any other special interests, and resist internal and external pressure to influence coverage.
- ▶ Distinguish news from advertising and shun hybrids that blur the lines between the two, Prominently label sponsored content,

#### BE ACCOUNTABLE AND TRANSPARENT

Ethical journalism means taking responsibility for one's work and explaining one's decisions to the public.

#### Journalists should:

- Explain ethical choices and processes to audiences. Encourage a civil dialogue with the public about journalistic practices, coverage and news content.
- ▶ Respond quickly to questions about accuracy, clarity and fairness.
- Acknowledge mistakes and correct them promptly and prominently. Explain corrections and clarifications carefully and clearly.
- ► Expose unethical conduct in journalism, including within their organizations.
- ► Abide by the same high standards they expect of others.

The SPJ Code of Ethics is a statement of abiding principles supported by additional explanations and position papers (at spj.org) that address changing journalistic practices. It is not a set of rules, rather a guide that encourages all who engage in journalism to take responsibility for the information they provide, regardless of medium. The code should be read as a whole; individual principles should not be taken out of context. It is not, nor can it be under the First Amendment, legally enforceable.

# Suggestions to DRAFT Public Records Policy – December 4, 2015

Submitted by: Tom Huxley - Curry County Commissioner

- 1) Policy Statement: Remove "... and the workload of the County Department."
- 2) Consider designating one person to coordinate responses to public records requests. This will ensure consistent and, general, more timely responses. Source: Appendix B-9 Public Records and Meetings Manual, November 2014
- 3) Designate the office of county counsel large percent of records requests ultimately go there for review
- 4) Purpose: Add (4) County Clerk to this list. The \$3.75 charge is associated with this office (statewide) and applicable statutes regarding property (deeds) records.
- 5) Definitions Fee Reduction or Wavier: Add reference to Oregon Revised Statute 192.440(5) (6)
- 6) Definitions Litigation: Add reference to Oregon Revised Statute 192.420(2)
- 7) Records Request Procedure: (1) reword to include Persons requesting Public Records are encouraged but not required to use the Public Records Request Form (see existing policy). Remove second sentence.
- 8) Records Request Procedure: (2) remove the word "must"
- 9) Records Request Procedure: (3) Fees and Deposits rewrite: A public body may require prepayment of its estimated charges before taking further action on a request. Of course, if the actual charges are less than the prepayment, any overpayment should be refunded promptly. Public bodies may charge for search time even if they fail to locate any records responsive to the request or even if the records located are subsequently determined to be exempt from disclosure. Source: Public Records and Meetings Manual, November 2014. Page 17 Fees
- 10) Records Request Procedure: (4) Fee Estimation rewrite: The public body may not establish a fee greater than \$25 under this section unless the public body first provides the requestor with a written notification of the estimated amount of the fee and the requestor confirms that the requestor wants the public body to proceed with making the public record available. ORS 192.440(4) (c)
- 11) Records Request Procedure: (5) Fee Reduction or Waiver rewrite: ORS 192.440(5) and (6) allow a waiver or reduction of fees and provide a process for petitioning from unreasonable denials of fee waivers or reductions:
- (5) The custodian of any public record may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.
- (6) A person who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505.

- 12) Records Custodian: Add phone numbers and email addresses to contact information. Link shown should be the direct link to the contact information and not the county home page.
- 13) County Response to Records Request: (1) this paragraph is not necessary.
- 14) County Response to Records Request: (3) change "will not create" to "is not required" (see Appendix A-1 Public Records and Meetings Manual, November 2014
- 15) County Response to Records Request: (4) (e) Do not understand; is this paragraph necessary?
- 16) Security and Record Inspection: (3) reword "The public may not make any notes," to No one may make any notes,"
- 17) Security and Record Inspection: (4) reword see "Proper and Reasonable Opportunity to Inspect" Page 12 Public Records and Meetings Manual, November 2014
- 18) Exempt Records Procedure: (1) reword "The Public Records Law is primarily a disclosure law, not a confidentiality law. Exemptions in ORS 192.501 and 192.502 are limited in their nature and scope of application because the general policy of the law favors public access to government records." Source: Page 26 Public Records and Meetings Manual, November 2014. The Records Custodian shall forward all Records Requests that involve records they believe are fully or partially exempt from disclosure to Legal Counsel.
- 19) Litigation Request Procedure: (2) reword Any Records Custodian who recognizes that a Public Records Request relates to Litigation should forward the request to Legal Counsel.
- 20) Public Records Form: Change "This form must be submitted..." to this form is suggested but not required.
- 21) Submission of Public Records Form: Change "The Curry County Public Records Form must be sent to the County Department that possesses the record you wish to acquire." To: To avoid delays, the Public Records request should be sent to the County Department listed below that you believe has the record(s) you want.
- 22) Submission of Public Records Form: Delete the two paragraphs directly above "Curry County Record Custodians"
- 23) Curry County Record Custodians: Add phone number and email address to each listed custodian. All mailing information should be included under each record custodian. Use layout similar to Exhibit C in the existing 2012 Public Records Policy.
- 24) Response to Records Request: "State or federal law(s) prohibits..." See 15) above same question
- 25) Curry County Public Records Fee Schedule:

Eliminate the \$3.75 charge. It is specific to the Clerk's office.

No charge for the first fifteen minutes of time.

Change \$39.50 to \$40.00; change \$9.88 to \$10.00

Change \$57.00 to \$60.00

Add charge for two sided black & white photo copy – also \$.25

Add charge for color photocopies

Add charge for black & white 11 x 17 photocopies

Add charge for color 11 x 17 photocopies

## Miscellaneous Suggestions to DRAFT Public Records Policy - December 4, 2015

- 26) Add Section: Petition for District Attorney's Review of a denied Public Record Request. ORS 192.460
- 27) Consider using existing 2012 Summary and Purpose language in Section I. They are succinct and well written.
- 28) Consider using existing 2012 Written Requests language in Section IV, page 2; last paragraph
- 29) Consider using existing 2012 Processing the Request Preliminary Records Search language in Section V, page 2 as it relates to the "preferably" using the county Public Records Request Form.
- 30) Add Section: Destruction of Records use existing 2012 language in Section VI, page 4.
- 31) Add Section: Resources use existing 2012 language in Section VI, E. for Attorney General's Public Records and Meeting Manual ... with current version and website link. Add website link on Oregon Department of Justice where a printed copy of the Manual may be purchased.
- 32) Add Section: Resources Commissioners' Journal with current website link. Note: After discussions with Helion software design staff and the owner, Helion is in the process of significantly revising and improving the search capabilities of the current Commissioners' Journal. Estimated completion is the first quarter of 2016.