



CURRY COUNTY BOARD OF COMMISSIONERS

GENERAL MEETING

Wednesday April 18, 2018 – 10:00 AM

Commissioners' Hearing Room, Courthouse Annex

94235 Moore Street, Gold Beach, Oregon

www.co.curry.or.us

MEETING MINUTES

PRESENT: Sue Gold, Chair; Thomas Huxley, Vice Chair; Court Boice, Commissioner John Hitt, Interim County Administrator; John Huttl, County Counsel; Brenda Starbird, Legal Assistant

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Gold called the meeting to order at 10:00A.M. She called for the pledge of allegiance and introduced staff present.

2. ADOPTION/AMENDMENT OF THE AGENDA

Boice – asked about the Governor's letter suggesting Board of Commissioners use Road Funds for Patrol, received over a month ago, had been removed off county website. Boice requested this become agenda item 9b. Gold said that would be ok to discuss. Boice indicated he wanted the wild horse fire abatement topic put back on the agenda for discussion. Gold said wasn't willing. Huxley didn't agree to add the agenda item either. During the ensuing discussion, Gold used the gavel to end persistent disagreement from Boice.

Huxley – commented re the consent calendar and rather than pull out agenda item 5F (Resolution to Support Letter to Oregon Attorney General in Support of Coastal County Recommendations on Territorial Sea Plan and asked if counsel would give a little more overview on the item. Gold said she wanted it pulled off the consent calendar and move to place it after public comments, as agenda item 5F. Counsel said he wanted it moved under old business as 8B. Gold said no problem. Huxley said he wanted 8A agenda item pulled from agenda for the following reason: Under the county contracting rules presented to the Board on December 6, 2017, the issue had been addressed at that time re dollar amount threshold limit and this had the exact same language. Hitt said there were some differences in language and would suggest the same dollar amount, but if board decided today to change the amount the rules could then be amended. Huttl said if the idea was to continue the item, there could just be a motion at that time, without amending the agenda. Gold was willing to keep the agenda item the same and amend if needed. Huxley said the amount needed to be at maximum of 10K for the same reasons pointed out four months ago, stating the Board needed to be involved, and not keeping information from the public. He said his position remained. Hitt said he didn't agree with his point of view on this, but noting it wasn't the appropriate time to get into it. He said if the majority of Board agreed, then simply proceed and the change could be done, put in the minutes and signed. Boice said this involved significant staff time and wanted to vote on today, to not continue or table the item. Gold said to leave on agenda and discuss at that time. It was decided to remove item 10E, under announcement, as there wouldn't be a general meeting on Wednesday, May 16th. Item 11E – discussion commissioner fund draft supplemental budget – Huxley said this item had been addressed on April 4th of what was to occur and hadn't occurred as of yet. He quotes Hitt stating he would correct, and that policy needed to be followed. Huttl said he put together the agenda in Hitt's absence and said this item was put on for discussion as in the last meeting he believed Huxley had entered docs into the record and asked for Mr. Hitt to follow-up, noting this was continuation of that rather just for discussion with no adoption. Huttl

further stated he is hearing Huxley say he wanted further discussion on topic with board direction and saying pulling it would not give further Board direction. Boice said Huxley already started the process and he wanted to address the public. Gold said it was on the agenda and would be discussed at that time. Boice said he would make additional comments during commissioner updates.

Huttl said he wanted to add other agenda items to 13, under Executive Session. Real Property – Head Start, 192.660(2)(e), and matters exempt from public disclosure for legal advice; attorney-client information (travel policy and repercussions), 192.660(2)(f) thus moving 8b and 11e to 14 under Executive session. Huxley motioned to approve the agenda as amended. Gold seconded the motion. Motion passed 2-1. Boice opposed.

3. PRESENTATIONS

A. Recognition of Curry County SAR (Search and Rescue)

Hitt complemented the Sheriff and SAR Team referencing the Press release from April 8th at 10:00P.M. re the missing person announced found. Congratulations to Sheriff and Team.

B. Virginia Razo CEO (Chief Executive Officer) Curry Health Network

Razo, CEO Curry Health Network, briefed the Board on an issue impacting critical access hospitals across the country and stating there was a press release forthcoming re the status and updates on Curry Health Network.

4. PUBLIC COMMENTS (3 minutes per person; 30 minute limit for all public comment)

Catherine Wiley – declined

Jan Barbas – interested in the Head Start project stating he supports that project, appreciates Huxley’s research, feels project very worthwhile, noting worth some risks. Will take time, but county entered into agreement and wants to see county honor that. Encourages Board to continue moving forward.

B. Freely – wished to speak to consent agenda 5b) re letter to support funding for Rowdy Creek Fish Hatchery. He gave history and background and asked for Board’s consideration and support for that agenda item. He said the hatchery contributed to Curry County as well as Del Norte Co. that the Chetco and Smith Rivers benefited. He said the fundraiser Derby was in February every year.

S. Faas – 143rd productions. Invites Board to the burn timber rally May 5th in Brookings, participation encouraged. Wild horse abatement – again, when horses in prairies, fires were gone. Appreciates Mr. Hitt being here, sad he wasn’t considered for the job. Rally moved up to 2020 instead of 2021 as of last week. Will work with Huttl.

Connie Hunter – wished to talk about the budget, particularly VSO budget keep it or grow it. Also public safety, #, SAR department in the state, and apologies to Sheriff she hasn’t done more. Grateful hired a CA, focus on funding to public safety. If do nothing with wildfires, will be liable. Turn out to May 5th and get more involved.

Christopher Paasch – waived.

5. CONSENT CALENDAR (Items in the Consent Calendar may be removed for separate discussion and/or action at the request of any Commissioner) (5 minutes) (Packet Page 5 to 34)

A. OHA (Oregon Health Authority) Amendment – Financing of Public Health Services

B. Letter to Support Funding for Rowdy Creek Fish Hatchery

C. Order Amending Extending Buffalo Engineering Contract - Port Orford Landfill monitoring

D. Order Amending ODOT (Oregon Department of Transportation) Agreement # 31363 New Bus Shelter

E. Order Approving Transfer of Lease - Brookings Airport Hangar # 2C

- F. ~~Resolution to Support Letter to Oregon Attorney General in Support of Coastal County Recommendations on Territorial Sea Plan~~ (moved to 8B)

Huxley motioned to approve with the exception of moving 5F to 8B. Boice seconded. Motion passed 3-0.

6. ADMINISTRATIVE ACTIONS/APPOINTMENTS (5 minutes)

- A. *Order Re-Appointing Curry County Members to CCD (Coos Curry Douglas) Board of Directors*
Hitt explained the Order before the Board was reappointing members to the Board – with the exception of Mr. Johnson who was a new member. Huxley motioned to approved reappointments to CCD Board of directors as recommended. Boice seconded the motion. Motioned passed 3-0.
- B. *Order to Appoint Member to Curry County Compensation Board*
Gold said she knows Mr. Raleigh felt he would do a good job. Hitt also said Mr. Raleigh was the only one who had applied, and with prodding on Golds part to have him apply. Boice motioned to approve. Huxley seconded. Motion passed 3-0.
- C. *Resolution to Purchase Truck for Emergency Services*
L. Kallstrom presented before the Board to ask for appropriation for vehicle for emergency services, noting was coming from savings in this years' budget, savings due to new staff assignment. Gold said there were quite a few county cars, and couldn't one be used rather than buying a new one. J. Dumire spoke on the topic saying a car can't be used to tow. He said the old truck was being auctioned off and the money was being used toward the purchase of the vehicle. Huxley motioned to approve as recommended. Boice seconded. Motion passed 3-0.

7. PUBLIC HEARING

None

8. OLD BUSINESS/PENDING ACTIONS

- A. *Order Amending Order # 12053 - County Contracting Rules*
Hitt reviewed the proposed changes, which primarily included the language for the County Administrator (CA). There was back and forth discussion relating to the County Administrator's ability to have at his/her disposal the ability to sign contracts up to \$50K, which currently stands at \$10K. Hitt asked for \$50K, Huxley wanted the old language left at \$10K. Following discussion, Boice motioned to include CA language, but keep the dollar amount at 10K. Huxley seconded. Hitt reiterated under section 4a 1, to strike \$50K, substitute 10k, and everything else would remain the same. Motion passed 3-0.
- B. *Resolution to Support Letter to Oregon Attorney General in Support of Coastal County Recommendations on Territorial Sea Plan (moved from 5f)*
Huttl gave the Board a brief background and current update re the resolution supporting Lincoln co. Letter to the AG of Oregon. Gold said she feels it is important and supports it. Huxley, not a lot of knowledge of this. Gold remembers from serving on the Port, it was a big upheaval. Huttl, having faith in previous Boards and Counties on this item, no reason at this time to change. Last action was in 2014 to support the Amicus Brief at the Court of appeals. Huxley motioned to support the letter submitted from Lincoln Co. Boice seconded. Motion passed 3-0.
- C. ~~Consider Termination Brookings Head Start Grant – John Huttl, County Counsel (15 min) (Packet Page 78)~~ (moved to Executive Session)

D. Minutes

i. Minutes of April 26, 2017 Special Meeting

Gold – four sets of minutes to approve. Take out separately or approve all at once? See discussion below.

Huxley expressed the need for more review time of minutes, prior to being placed on the agenda, not just for review, but if any updates/corrections needed to be made, they could be done prior to putting on the agenda. Boice disagreed. Huxley motioned to allow up to two weeks for review time on minutes, prior to being placed on the agenda, pulling all the minutes under this section 8(D) from the agenda and bringing back on May 2, 2018. Gold seconded the motion. Motion passed 2-1, Boice opposed.

- ii. Minutes of April 28, 2017 Workshop
- iii. Minutes of July 5, 2017 General Meeting
- iv. Minutes of March 21, 2018 General Meeting

9. DISCUSSION/BOARD DIRECTION/DECISION

Order Directing Administrator To Notify and Investigate Alleged Nuisance Violations, John Huttel, County Counsel - Lucas Lane.

Huttel notes staff complaints on this property, dating back several years, as many as perhaps half a dozen. He said prior to now the County didn't have a budget nor staff for enforcement, but since last fall hired a CA, and this was one of their duties. Huttel said the staffing for code enforcement position not filled, but personnel money could be transferred to remediate. Huttel said this was the County's third in last six months. He publically apologized to Mr. Grasham whom lives on Hamilton Lane, for not getting back to him re updates on the Hamilton Lane nuisance complaint, noting these procedures were very taxing on staff. He said the first step in this process would be for the Board to approve the order. Huxley motioned to approve the order and schedule the hearing for June 20th at 11:30A.M. during the general meeting. Boice seconded the motion. Motion passed 3-0.

9b) Added as an agenda item 9b by Boice as an addition to discuss Governor's Letter re Road Money being utilized for Sheriff's Department and fact it was posted on the County web site and then removed.

Boice asked why the Governor's letter, asking the county to use road funds to support Sheriff Patrol, had been removed from the County Web site. He had specifically asked it be put on that site. It had since been removed and not sure why. He was asking Commissioners Gold and Huxley. Gold recalled the letter recommending rural funding be used for law enforcement. Huxley recalled it was taken down, had read the letter and felt it was bias, and wanted to respond to the Governor, and didn't feel it should be on the website. He also said he didn't feel each county should be told what to do. Gold said she felt this should go to the budget committee. Boice again asked who decided to take it off the website. Gold said no joint decisions had been made. Boice requested it be put back on the website. Gold asked how he could arbitrarily decide to put it on, and accuse them of arbitrarily taking it off. Hitt said those decisions were made at the Administrative level, and remembered Boice suggesting it be on the website, noting he himself was already thinking along those lines. Hitt said it was his decision to have Mr. Jezuit remove it from the site. Boice said he had no problem following through and giving it to the budget committee members. Consensus by the entire Board for Boice to do that.

10. ANNOUNCEMENTS/MEETING SCHEDULE - Gold made the following announcements.

A. April 25, 2018 Commissioners' Hearing Room

- i. Workshop 10:00A
- ii. Special Meeting 1:30P CAFFA Grant
- B. May 2, 2018 General Meeting 10:00AM – Commissioners’ Hearing Room
- C. May 7, 2018 Budget Committee Meeting 10:00AM – Commissioners’ Hearing Room
- D. May 14 – 17, 2018 Budget Committee Meetings 10:00AM – Commissioners’ Hearing Room
- E. May 16, 2018 General Meeting 10:00AM – Commissioners’ Hearing Room - meeting in question, recommendation by Hitt would be May 23 or 30th, slight preference for 30th. Huxley Following discussion, there was consensus to have the regularly scheduled Board of Commissioners Meeting on May 30th. Huxley encouraged someone to interface with Brandt Media for scheduling purposes of the above schedule.

11. INTERIM COUNTY ADMINISTRATOR ORAL REPORT (John Hitt, Interim County Administrator) Noon time - lunch break. Meeting was recessed by Gold. Meeting was resumed at 1:00P.M.

- A. Congressional Investigation Letter and Commissioner Signatures (discussion)
Hitt said this agenda item approved had been approved at a previous meeting. He said Gold and Huxley afterwards stated they weren’t comfortable signing the letter. Huxley says Mr. Hitt is not correct on his perception. Huxley later felt data was incorrect after receiving a letter from Mr. Palmer. Huxley submitted a letter in for the Record (from Mr. Palmer). It was discovered the information in Mr. Palmer’s letter, was not in the actual Investigation letter. Huxley said he asked John Jezuit if the letter had gone out, and when Jezuit said it hadn’t, Mr. Huxley said he would like to rescind his earlier signature, and then Gold verified information she felt was incorrect, and refused to sign the letter. Gold indicated she wanted the investigation, but wanted the facts correct. Boice offered an amended letter. Gold said she would support that. Boice did indicate he greatly disputed Mr. Palmer’s letter. Following back and forth debate re stats, Gold tabled until the next meeting.
- B. Brookings Airport
Hitt said Huttel was taking the lead, continue working with the City of Brookings and legal counsel to get a drafted agreement, and if approved by both parties, waiting final FAA approval.
- C. Community Development Dept. Monthly Report – March 2018
- D. Surveyor Monthly Report – March 2018
- E. ~~Discussion Commissioner Fund – Draft Supplemental Budget (Packet Page 139)~~
~~Handout of report expenditures at 78.7% of budget, should be at 75% or less, particularly unassigned vehicles through the end of March. Had conversation with Kallstrom about submitting a supplemental budget proposing a transfer. Kallstrom moved to agenda item 14. (moved under Executive Session)~~
- F. *Miscellaneous*
Hitt said there had been a competitive market analysis done on the Pine St. property. He said the price range was approximately between \$99,000 and \$139,000 and the recommended listing price was at \$120,000. Hitt suggested listing with a Realtor at \$135,000, noting significant issues with the property, etc.
Hitt referred to an Email re the Curry County Road Crew – positive feedback.
Hitt reviewed the 2018 best practices insurance results – graded in a variety of areas. Hitt reviewed the grades. Thanks staff and CIS. Huxley asked if the results were a public record and Hitt said they were.

12. COMMISSIONER UPDATES

- A. Commissioner Boice
Wild horse fire abatement – interest and movement in the BLM to realize horses do have effectiveness in ground fuel abatement. Simpson sends information almost weekly, reliable data,

evidence keeps building, a real potential for Curry County. He said if county had this in place several months ago, horses would already be in the forests. He spoke re Wallowa County bringing Grizzly Bears back into their county. He said he learns what his fellow Commissioners are working on reinforcing why he attends meetings in Salem. He expressed his concerns re the process of hiring the County Administrator. He said he would like to have evening meetings for greater public participation, once a month or bimonthly to encourage people to become better involved. He asked if there was any interest in that. (no response given)

Boice said he was still working on the Citizen's Park Advisory Committee, noting the USFS has several properties he would like to see passed on to the County Park's Department. He is interested in having this go before the Park's Advisory Committee once formed. He noted the next fire safety meeting, that being May 22nd. He referenced the 2008 Wildfire protection plan – trying to find funds to update the plan. (hand out to fellow commissioners)

B. Commissioner Gold

Health care costs – high, and particularly in the state of Oregon.

C. Commissioner Huxley

Entered into the record: Document on the status of road fund loan draft ordinance. Hitt Said this had been a committed project, but hadn't happened and it had been three months now.

Huxley said he had questions from the Meet and Greet held for the prospective County Administrator applicants. He said his questions were communicated mostly to Adm. Hitt via email. He said the questions were re the public meeting notice. Questions re the public records not online yet from the Meet and Greet from April 6th. (Handout). Cataloguing of written testimony – bringing up again, approximately 75 documents or pubic records have not been uploaded from the 3-21-18 meeting, noting the items submitted had not been accounted for.

Huttl – 1:38P.M. This had been slated to go on Executive Session: Huttl updated the Board re staff report and head start project. He said the Board was at the acquisition stage, the point of no return, if decided to move forward with the project. He discussed the appraisal coming in over the approved amount allocated in the grant. Following Huttl's review, it was his recommendation to terminate the project and return the grant. He emphasized Head Start may not continue if grant was terminated. Huttl suggesting going into executive session just for this topic and then come back out (only to discuss the head start). Huttl said the Board could forego the ES if they chose to. Mr. Lehman, Representative from ORCCA, said he had sent a financial document to Huttl and requested account numbers not to be disclosed, but that the rest of the material was ok. The documents showed ORCCA has the financial wherewithal for the project. Back and forth discussions over funding, whether to continue with, or abandon the project before committing the County ensued. Huxley motioned to terminate the grant. The motion died for a lack of a second. Boice said the Board has had this discussion with many times and after hearing testimony today would support moving forward. Gold said she had reservations re administrative time but favored the value it would bring to the community, and favored moving forward with the project. Lehman said he would commit staff time to make this project work. Huxley motioned to appoint Counsel Huttl as project manager. Boice seconded the motion. Motion passed 3-0.

13. EXECUTIVE SESSION

2:28P.M. Gold directed Board to move into Executive Session (ES), citing

ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent, and ORS 192.660(2)(f) (added), matters exempt from public disclosure (travel policy and repercussions).

~~Consider Termination Brookings Head Start Grant — John Huttli, County Counsel (15 min) (Packet Page 78) (moved) (moved again to agenda item 12, above)~~

~~D. Discussion Commissioner Fund — Draft Supplemental Budget (Packet Page 139)
Handout of report expenditures at 78.7% of budget, should be at 75% or less, particularly unassigned vehicles through the end of March. Had conversation with Kallstrom about submitting a supplemental budget proposing a transfer. Kallstrom moved to agenda item 1 (moved)~~

3:18 P.M. Back out of Executive Session re ORS 192.660(2)(f). Huxley motioned to direct Adm. Hitt and L. Kallstrom to proceed on Travel Policy discussions for overage of commissioner's budget as discussed in ES. Gold Seconded. Motion passed 3-0. (5 hours 19 minutes into video)

There was consensus to extend the meeting until 4:00 P.M. Meeting was recessed for a short break until 3:30 P.M. Then Board would go back into ES.

3:30 P.M. Meeting was reconvened. Huxley motioned to extend the meeting time until 4:00 P.M. Boice seconded the motion. Motion passed.

3:30 P.M. Meeting was directed back into ES, under ORS 192.660(2)(a).

14. DECISIONS AFTER EXECUTIVE SESSION

Decision on County Administrator

Huxley motioned to accept the termination of Prothman and accept John Hitt's last day of May 3, 2018. Gold seconded. Motion passed 2-1. Boice opposed.

3:50 Huxley motioned to accept the contract with Clark Schroeder to begin June 4, 2018. Gold seconded the motion. Motion passed 2-1. Boice Opposed. Contract terms with Schroeder (handout by Huttli) (Order approving this motion was later circulated by Counsel to have the Board sign).

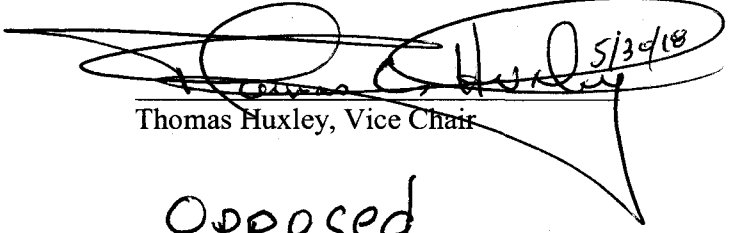
15. ADJOURN


Gold adjourned the meeting at 3:51 P.M.

Dated this 30th day of May, 2018.

Curry County Board of Commissioners


Sue Gold, Chair


Thomas Huxley, Vice Chair


Court Boice, Commissioner