



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

Curry County does not discriminate against individuals with disabilities and all public meetings are held in accessible locations. Auxiliary aids will be provided upon request with 48 hours advance notification. Please call 541.247.3296 if you have questions regarding this notice.

AGENDA

*Items may be taken out of sequence to accommodate staff availability and the public.
For public comment, a completed speaker's slip must be submitted prior to start of the meeting.*

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE**
2. **ADOPTION/AMENDMENT OF THE AGENDA** (12 minutes)
3. **PRESENTATIONS**
 - A. Recognition of Curry County SAR (Search and Rescue) (2 min) (Packet Page 3)
 - B. Virginia Razo CEO (Chief Executive Officer) Curry Health Network (12 min) (Packet Page 4)
4. **PUBLIC COMMENTS** (3 minutes per person; 30 minute limit for all public comment)
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
6. **ADMINISTRATIVE ACTIONS/APPOINTMENTS** (5 minutes)
 - A. Order Re-Appointing Curry County Members to CCD (Coos Curry Douglas) Board of Directors (5 min) (Packet Page 35)
 - B. Order to Appoint Member to Curry County Compensation Board (5 min) (Packet Page 38)
 - C. Resolution to Purchase Truck for Emergency Services – Louise Kallstrom, County Accountant (10 min) (Packet Page 41)
7. **PUBLIC HEARING**

None

8. OLD BUSINESS/PENDING ACTIONS

- A. Order Amending Order # 12053 - County Contracting Rules, John Hitt, Interim County Administrator (20 minutes (Packet Page 44)
- B. Consider Termination Brookings Head Start Grant – John HuttI, County Counsel (15 min) (Packet Page 78)
- C. Minutes (18 min) (Packet Page 80)
 - i. Minutes of April 26, 2017 Special Meeting
 - 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 HuttI, County Counsel - Lucas Lane (5 min) (Packet Page 105)

10. ANNOUNCEMENTS/MEETING SCHEDULE (5 minutes)

- 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

11. INTERIM COUNTY ADMINISTRATOR ORAL REPORT (John Hitt, Interim County Administrator) (20 minutes)

- A. Congressional Investigation Letter and Commissioner Signatures
- B. Brookings Airport
- C. Community Development Dept. Monthly Report – March 2018 (Packet Page 133)
- D. Surveyor Monthly Report – March 2018 (Packet Page 136)
- E. Discussion Commissioner Fund – Draft Supplemental Budget (Packet Page 139)
- F. Miscellaneous

12. COMMISSIONER UPDATES (20 minutes)

- A. Commissioner Boice
- B. Commissioner Gold
- C. Commissioner Huxley

13. EXECUTIVE SESSION (15 minutes) (Packet Page 141)

ORS 192.660(2)(a)

To consider the employment of a public officer, employee, staff member or individual agent

14. DECISIONS AFTER EXECUTIVE SESSION

Decision on County Administrator

15. ADJOURN

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Recognition of SAR (Search and Rescue)

TIMELY FILED Yes No Item added to agenda on 4/12/18; however, AGRS not submitted until 4/13/18.

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 4/18/18 **DEPARTMENT:** Admin **TIME NEEDED:** 2 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** PRESENTATION

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: **PHONE/EXT:** **TODAY'S DATE:** 4/13/18

BRIEF BACKGROUND OR NOTE: (If no memo attached) Curry County SAR volunteers found 70 year woman reported missing on Sunday, 4/8/18, at 10P.

FILES ATTACHED:

- (1)
- (2)
- (3)

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING Not Approved for BOC Agenda because

ASSIGNED TO: PRESENTATION

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: PRESENTATION – Virginia Razo, CEO Curry Health Network

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/18 **DEPARTMENT:** Administration **TIME NEEDED:** 12 min
(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** CONSENT

MEMO ATTACHED Yes No If no memo, explain: **No information provided by presenter**

CONTACT PERSON: John Hitt **PHONE/EXT:** 3287 **TODAY'S DATE:** 04/12/18

BRIEF BACKGROUND OR NOTE: (If no memo attached) Curry Health Network contacted us via email requesting that Ms. Razo be put on our agenda for a presentation.

FILES ATTACHED:

- (1) None
- (2)

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR 04/18/18 **BOC MEETING** **Not Approved for BOC Agenda because**

ASSIGNED TO: PRESENTATION

CURRY COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM ROUTING SLIP
FORM 10-001.1 Rev. 11-21-2017

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: OHA 2017-2019 IGA –Financing of Public Health Services

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/18 **DEPARTMENT:** PH **TIME NEEDED:** 5 mintues

(^aSubmit by seven days prior to the next General Meeting (eight days if a holiday falls within that seven day period))

MEMO ATTACHED Yes No If no memo, explain: Amendment to the existing PH IGA, allows for carryover of unspent money on PE 01, 13, and 42.

CONTACT PERSON: Ben Cannon **PHONE/EXT:** 373-7011 **TODAY’S DATE:** 12/13/17

BRIEF BACKGROUND OR NOTE: (If no memo attached) The original IGA funded Public Health Services for 6 months (7/17-12/17). This amendment allows for unspent money from the 6 month period to be carried over into the new period ending June 30, 2018.

FILES ATTACHED:

(1) 154108-3 dap.pdf

QUESTIONS:

1. Would this item be a departure from the Annual Budget if approved? Yes No
(If Yes, brief detail)
2. Does this agenda item impact any other County department? Yes No
(If Yes, brief detail)
3. Does Agenda Item impact County personnel resources? Yes No
(If Yes, brief detail)

INSTRUCTIONS ONCE SIGNED:

No Additional Activity Required

OR

File with County Clerk

Name:

Send Printed Copy to:

Address:

Email a Digital Copy to: **cannonb@currych.org** City/State/Zip:

Other

Phone:

^aNote: Most signed documents are filed/recorded with the Clerk per standard process.

PART III - FINANCE DEPARTMENT REVIEW

EVALUATION CRITERIA 1-4:

1. Confirmed Submitting Department’s finance-related responses Yes No N/A
Comment:
2. Confirmed Submitting Department’s personnel-related materials Yes No N/A
Comment:
3. If job description, Salary Committee reviewed: Yes No N/A
4. If hire order requires a Personnel Action Form (PAF)? Pending N/A No HR

PART IV – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR 04/18/18 **BOC MEETING** **Not Approved for BOC Agenda**
because

LEGAL ASSESSMENT: Does this agenda item have a legal impact? Yes No
(If Yes, brief detail)

ASSIGNED TO: CONSENT

PART V – BOARD OF COMMISSIONERS AGENDA APPROVAL

COMMISSIONERS’ REQUEST TO ADD TO AGENDA:

Commissioner Thomas Huxley Yes No
Commissioner Sue Gold Yes No
Commissioner Court Boice Yes No

Agreement #154108



**THIRD AMENDMENT TO OREGON HEALTH AUTHORITY
2017-2019 INTERGOVERNMENTAL AGREEMENT FOR THE
FINANCING OF PUBLIC HEALTH SERVICES**

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@state.or.us or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

This Third Amendment to Oregon Health Authority 2017-2019 Intergovernmental Agreement for the Financing of Public Health Services, effective July 1, 2017 (as amended the "Agreement"), is between the State of Oregon acting by and through its Oregon Health Authority ("OHA") and Curry County ("LPHA"), the entity designated, pursuant to ORS 431.003, as the Local Public Health Authority for Curry County.

RECITALS

WHEREAS, OHA and LPHA wish to modify the Financial Assistance Award set forth in Exhibit C of the Agreement.

WHEREAS, OHA and LPHA wish to modify the Exhibit J information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200;

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows

AGREEMENT

1. Section 1 of Exhibit C entitled "Financial Assistance Award" of the Agreement is hereby superseded and replaced in its entirety by Attachment A attached hereto and incorporated herein by this reference. Attachment A must be read in conjunction with Section 3 of Exhibit C, entitled "Explanation of Financial Assistance Award" of the Agreement.
2. Exhibit J "Information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200" is amended to add to the federal award information datasheet as set forth in Attachment B, attached hereto and incorporated herein by this reference.
3. LPHA represents and warrants to OHA that the representations and warranties of LPHA set forth in Section 2 of Exhibit E of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.
4. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.
5. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
6. The parties expressly ratify the Agreement as herein amended.
7. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.
8. This Amendment becomes effective on the date of the last signature below.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below their respective signatures.

9. Signatures.

By: _____
Name: /for/ Lillian Shirley, BSN, MPH, MPA
Title: Public Health Director
Date: _____

CURRY COUNTY LOCAL PUBLIC HEALTH AUTHORITY

By: _____
Name: _____
Title: _____
Date: _____

DEPARTMENT OF JUSTICE – APPROVED FOR LEGAL SUFFICIENCY

Agreement form group-approved by D. Kevin Carlson, Assistant Attorney General, Tax and Finance Section, General Counsel Division, Oregon Department of Justice by email on July 25, 2017, copy of email approval in Agreement file.

REVIEWED BY OHA PUBLIC HEALTH ADMINISTRATION

By: _____
Name: Mai Quach (or designee)
Title: Program Support Manager
Date: _____

**Attachment A
Financial Assistance Award**

State of Oregon Oregon Health Authority Public Health Division			Page 1 of 2
1) Grantee Name: Curry County Street: 94235 Moore St. City: Gold Beach State: OR Zip Code: 97444	2) Issue Date March 16, 2018	This Action AMENDMENT FY2018	
		3) Award Period From January 1, 2018 to June 30, 2018	
4) OHA Public Health Funds Approved			
Program	Previous Award	Increase/ (Decrease)	Grant Award
PE 01 State Support for Public Health	13,531	791	14,322
PE 12 Public Health Emergency Preparedness	34,977	0	34,977
PE 13 Tobacco Prevention & Education	29,031	17,497	46,528
PE 40 Women, Infants and Children FAMILY HEALTH SERVICES	46,354	0	46,354 (a)
PE 41 Reproductive Health Program FAMILY HEALTH SERVICES	5,248	0	5,248
PE 42 MCH/Child & Adolescent Health -- General Fund FAMILY HEALTH SERVICES	1,802	1,802	3,604 (b)
PE 42 MCH-TitleV -- Child & Adolescent Health FAMILY HEALTH SERVICES	2,813	0	2,813 (b)
PE 42 MCH-TitleV -- Flexible Funds FAMILY HEALTH SERVICES	6,564	0	6,564 (b)
PE 42 MCH/Perinatal Health -- General Fund FAMILY HEALTH SERVICES	960	961	1,921 (b)
PE 43 Immunization Special Payments	4,370	0	4,370
PE 44 School Based Health Centers FAMILY HEALTH SERVICES	30,000	0	30,000
PE 44 School Based Health Centers - Mental Health Expansion FAMILY HEALTH SERVICES	35,000	0	35,000
5) FOOTNOTES:			
a) The January-June FY2018 portion is \$46,654 ;\$9,271 must be expended for Nutrition Education. Breastfeeding Promotion. \$2,320 must be expended for Breastfeeding Promotion. b) Funds will not be shifted between categories or fund types. The same program may be funded by more than one fund type, however, federal funds may not be used as match for other federal funds (such as Medicaid). c) Funds provided under this Agreement are intended to enable Local Public Health Authorities to assume primary responsibility for the quality and safety of drinking water provided by most of the public water systems located within the Local public Health Authority's jurisdiction, and may only be used in accordance with and subject to the requirements and limitations set forth below, to deliver the Safe Drinking Water services described in the Program Element Description.			
6) Capital Outlay Requested in This Action:			
Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of \$5,000 and a life expectancy greater than one year.			
PROGRAM	ITEM DESCRIPTION	COST	PROG. APPROV

State of Oregon Oregon Health Authority Public Health Division		Page 2 of 2	
1) Grantee Name: Curry County Street: 94235 Moore St. City: Gold Beach State: OR Zip Code: 97444		2) Issue Date March 16, 2018	This Action AMENDMENT FY2018
		3) Award Period From January 1, 2018 to June 30, 2018	
4) OHA Public Health Funds Approved			
Program	Previous Award	Increase/ (Decrease)	Grant Award
PE 50 Safe Drinking Water Program	11,221	0	11,221 (c)
TOTAL	221,871	21,051	242,922
5) FOOTNOTES: 			
6) Capital Outlay Requested in This Action: Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of \$5,000 and a life expectancy greater than one year.			
PROGRAM	ITEM DESCRIPTION	COST	PROG. APPROV

Attachment B
Information required by CFR Subtitle B with guidance at 2 CFR Part 200

PE 13: HPCDP TPEP & SPArC				
Federal Award Identification Number(FAIN):		6NU58DP005986-03-1	Other Funds (OF)	
Federal Award Date:		TBD		
Performance Period:		3/29/17-3/28/18		
Federal Awarding Agency:		CDC		
CFDA Number:		93.305		
CFDA Name:		National State Based Tobacco Programs		
Total Federal Award:		TBD		
Project Description:		Tobacco CDC		
Awarding Official:		TBD		
Indirect Cost Rate:		16.41%		
Research And Development(Y/N):		N		
Agency/Contractors Name	DUNS	Award Amount	Award Amount	Total Award
CURRY	042631270	\$ 133	\$ 46,395	\$ 46,528

PE 42 Maternal And Child Health Programs - CAH GF & Title XIX				
Federal Award Identification Number(FAIN):		General Funds	05-0305OR5048	
Federal Award Date:			10/1/2018	
Performance Period:			10/1/17-9/30/18	
Federal Awarding Agency:			Title XIX Medicaid Admin	
CFDA Number:			93.778	
CFDA Name:			Medical Assistance Program	
Total Federal Award:				
Project Description:			Medicaid Administration	
Awarding Official:				
Indirect Cost Rate:				
Research And Development(Y/N):			N	
Agency/Contractors Name	DUNS	Award Amount	Award Amount	Total Award
CURRY	042631270	\$ 1,802	\$ 1,802	\$ 3,604

OHA - 2017-2019 INTERGOVERNMENTAL AGREEMENT - FOR THE FINANCING OF PUBLIC HEALTH SERVICES

PE 42 Maternal And Child Health Programs - Perinatal GF & Title XIX				
Federal Award Identification Number(FAIN):		General Fund (GF)	05-0305OR5048	
Federal Award Date:			10/1/2018	
Performance Period:			10/1/17-9/30/18	
Federal Awarding Agency:			Title XIX Medicaid Admin	
	CFDA Number:		93.778	
	CFDA Name:		Medical Assistance Program	
Total Federal Award:				
Project Description:			Medicaid Administration	
	Awarding Official:			
	Indirect Cost Rate:			
Research And Development(Y/N):			N	
Agency/Contractors Name	DUNS	Award Amount	Award Amount	Total Award
CURRY	042631270	\$ 961	\$ 961	\$ 1,921

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Letter to endorse funding for Rowdy Creek fish hatchery

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 4/18/18 **DEPARTMENT:** BOC **TIME NEEDED:** 5 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** ADMIN POLICY

MEMO ATTACHED Yes No If no memo, explain: Letter is self-explanatory

CONTACT PERSON: Commissioner Gold **PHONE/EXT:** 3260 **TODAY'S DATE:** 4/11/18

BRIEF BACKGROUND OR NOTE: (If no memo attached) Letter to Senators Wyden and Merkley and Representative DeFazio supporting federal funding for operations at the Rowdy Creek Fish Hatchery.

FILES ATTACHED:

(1) Letter

(2)

INSTRUCTIONS ONCE SIGNED:

No Additional Activity Required OR

File with County Clerk Name:

Send Printed Copy to: Address:

Email a Digital Copy to: City/State/Zip:

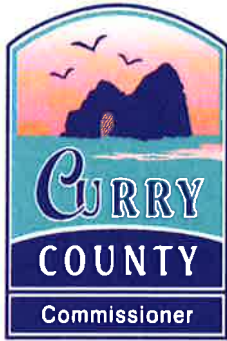
Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING Not Approved for BOC Agenda
because

ASSIGNED TO: ADMIN POLICY



**Curry County
Board of Commissioners**

Sue Gold, *Chair*
Thomas Huxley, *Vice Chair*
Court Boice, *Commissioner*

94235 Moore Street/Suite #122

Gold Beach, OR 97444

541-247-3296, 541-247-2718 Fax

April 9, 2018

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Jeff Merkley
United States Senate
313 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Peter DeFazio
U.S. House of Representatives
2314 Rayburn House Office Building
Washington, D.C. 20515

Dear Senators Wyden and Merkley, and Congressman DeFazio:

We are writing on behalf of Curry County, Oregon to ask you to support federal funding for operations at the Rowdy Creek Fish Hatchery. The Tolowa Dee-ni' Nation owns the hatchery and currently raise Chinook salmon and steelhead for the benefit of the people in Oregon and California. Historically, the hatchery has also raised Coho salmon (a federally and state-listed threatened species).

Rowdy Creed is an important tributary of the Smith River (one of only two undammed rivers in California and a "salmon stronghold"). The tribe has made extensive facility improvements after acquiring the hatchery. As a result, the existing facility can produce 200,000 Chinook salmon and 100,000 steelhead every year and could produce substantially more (up to 4,000,000 Chinook salmon per year) with further improvements. The hatchery will have to have increased operating funds to meet these numbers.

As you know, commercial and sport fishing are a vital part of the economy in Curry County. With increased numbers of fish being produced at the hatchery, hopefully the length of fishing seasons and the number of fish that can be caught will increase and this in turn will be a big boon to our economy.

While the Tribe has received federal grant funding from the Bureau of Indian Affairs (BIA), the use of this funding is restricted to maintenance activities. The real need is for operations funding. Currently, the Tolowa fully support operations of the hatchery

through fundraising activities and by using the fund that was established when the Tribe purchased the facilities. Unfortunately, money for operations is running low, and BIA funding for operations activities is currently limited to a small group of “legacy” tribes.

The Tolowa Dee-ni’ Tribe is focused on management and restoration of the fishery, and is committed to water shed protection, water quality, battling invasive species and habitat restoration. The hatchery will only be successful with sufficient operating funds. It is our hope that you will support federal funding for the Rowdy Creek Fish Hatchery.

Sincerely,

Curry County Commissioners

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Amendment Extending for 3 years Buffalo Engineering Contract to Monitor and Report on Port Orford Landfill

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/2011 **DEPARTMENT:** Counsel **TIME NEEDED:** 5 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** **CONSENT**

MEMO ATTACHED Yes No If no memo, explain: See below

CONTACT PERSON: JHuttI **PHONE/EXT:** x3218 **TODAY'S DATE:** 04/06/2018

BRIEF BACKGROUND OR NOTE: (If no memo attached) Buffalo Engineering's contract to perform monitoring and reporting on the Port Orford Landfill expires end of this month. It allows a three year extension. Staff recommends extending for an additional 3 years. All other terms and conditions of the agreement to remain the same.

FILES ATTACHED:

- (1) Extension agreement
- (2)

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name: Buffalo Engineering
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ **BOC MEETING** **Not Approved for BOC Agenda**
because

ASSIGNED TO:

PROFESSIONAL SERVICES AGREEMENT

EXTENSION

Between

Curry County and Buffalo Geological Consulting

It is hereby agreed to by and between Curry County, a Political Subdivision of the State of Oregon, and Bob Mansfield, Authorized Representative of Buffalo Geological Consulting that the contract between them executed on February 24, 2015 with a term of May 1, 2015 through April 30, 2018 recorded as CJ: 2015-47, a copy of which is attached, be extended pursuant to Section (1) of the contract until April 30, 2021, under the same terms and conditions.

Section 8 (Notice, Bills and Payments) is corrected to read Curry County Contact: c/o John Huttli, Curry County Legal Counsel thus removing c/o M. Gerard Herbage, Curry County Legal Counsel.

Curry County Board of Commissioners


Sue Gold, Chair

Thomas Huxley, Vice Chair

Approved as to Form:

John Huttli
Curry County Legal Counsel

Court Boice, Commissioner

 _____ 4/6/2018
Authorized Signature Authority Date
Bob Mansfield

BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Order)
Approving a Professional)
Services Agreement Extension)
with Buffalo Geological)
Consulting)

ORDER NO. _____

WHEREAS, Curry County has a Professional Services Agreement with Buffalo Geological Consulting to provide Port Orford Landfill monitoring of the site, collecting and sampling of ground water, and fulfilling obligations under the Solid Waste Permit; and

WHEREAS, the term of that agreement is from February 24, 2015 through April 30, 2018, contract #4891, filed in Commissioner's Journal as CJ:2015-47; and

WHEREAS, Bob Mansfield, Authorized Representative of Buffalo Geological Consulting has expressed interest in renewing the Agreement for another three year period; and

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDERS that it is authorized to enter into a Professional Services Agreement Extension between Curry County and Buffalo Geological Consulting with a three year term, expiring April 30, 2021.

DATED this 18th day of April, 2018.

CURRY COUNTY BOARD OF COMMISSIONERS

Approved as to form:

Sue Gold, Chair

John Hutt
Curry County Legal Counsel

Thomas Huxley, Vice Chair

Court Boice, Commissioner

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Amendment adding a second bus stop to scope of grant

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/2018 **DEPARTMENT:** Counsel **TIME NEEDED:** 5 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY CONSENT**

MEMO ATTACHED Yes No If no memo, explain: See below

CONTACT PERSON: JHuttl **PHONE/EXT:** x3218 **TODAY'S DATE:** 04/06/2018

BRIEF BACKGROUND OR NOTE: (If no memo attached) Original 2016 grant authorized funding for a bus shelter in Gold Beach. Costs came in low and grant funds allow a second shelter to be built in Port Orford. This amends grant to allow second shelter. No additional funds or expense. Already signed but needs ratification.

FILES ATTACHED:

- (1) Grant Amendment
- (2)

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name: Kathy Bernhardt, Curry Transit
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING Not Approved for BOC Agenda because

ASSIGNED TO: CONSENT

AMENDMENT NUMBER 1
ODOT GRANT AGREEMENT NO. 31363
Curry County

The **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as **State**, and **Curry County**, hereinafter referred to as **Recipient**, entered into an Agreement on **July 20, 2016**. Said Agreement is to secure financial assistance to complete the activities described in Exhibit A.

It has now been determined by State and Recipient that the Agreement referenced above, although remaining in full force and effect, shall be amended to revise the statement of work.

Exhibit A shall be deleted in its entirety and replaced with the attached Revised Exhibit A. All references to "Exhibit A" shall hereinafter be referred to as "Revised Exhibit A."

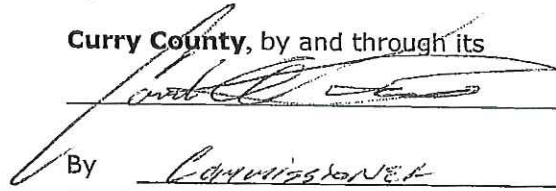
This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

SIGNATURE PAGE TO FOLLOW

Curry County/State of Oregon
Agreement No. 31363

Curry County, by and through its


By _____
(Legally designated representative)

Name Court Boice
(printed)

Date March 23, 2018

By _____

Name _____
(printed)

Date _____


APPROVED AS TO LEGAL SUFFICIENCY

(If required in local process)

By _____
Recipient's Legal Counsel

Date _____

State of Oregon, by and through its
Department of Transportation

By 
H. A. (Hal) Gard
Rail and Public Transit Division Administrator

Date 28 March 2018

APPROVAL RECOMMENDED

By _____ Jennifer Boardman

Date _____ 03/22/2018

APPROVED AS TO LEGAL SUFFICIENCY

(For funding over \$150,000)

N/A

Recipient Contact:

Court Boice
94235 Moore St., Suite 122
Gold Beach, OR 97444-0746
1 (541) 247-3229
boicec@co.curry.or.us

State Contact:

Jennifer Boardman
555 13th St. NE
Salem, OR 97301-4179
1 (541) 774-6371
Jennifer.Boardman@odot.state.or.us

RECEIVED
MAY 2 2018

Revised Exhibit A
Project Description and Budget

Project Description/Statement of Work

Project Title: STF Discretionary Curry County 31363 Bus Shelters <i>Bus Shelters</i>				
Item #1: Capital				
	Total	Grant Amount	Local Match	Match Type(s)
	\$11,300.00	\$11,300.00	\$0.00	
Sub Total	\$11,300.00	\$11,300.00	\$0.00	
Project Title: STF Discretionary Curry County 31363 Vehicle Match <i>Vehicle Match</i>				
Item #1: Capital				
	Total	Grant Amount	Local Match	Match Type(s)
	\$44,250.00	\$44,250.00	\$0.00	
Sub Total	\$44,250.00	\$44,250.00	\$0.00	
Grand Total	\$55,550.00	\$55,550.00	\$0.00	

• 1. PROJECT DESCRIPTION

Provide financial support for special transportation services benefiting seniors and individuals with disabilities. This project provides for purchase and installation of one bus passenger shelter in Gold Beach plus the purchase of an additional shelter to be installed at a later date. The shelter will provide protection from weather to passengers and also posting of map and transit schedule information for Coastal Express and the services it connects to, including Coos County Area Transit and Pacific Crest Bus Lines (service to Eugene).

This project also provides funding for match on three federally funded vehicle replacements.

2. PROJECT DELIVERABLES and SCHEDULE

Recipient will purchase and install a shelter for Gold Beach and affix a laminated Coastal Express schedule and map to the inside of the shelter such that passengers and passers-by can easily understand how to use the Coastal Express and the transit services to which it connects.

Recipient will purchase an additional shelter that will be installed at a later date. When installed recipient will affix a laminated Coastal Express schedule and map to the inside of the shelter such that passengers and passers-by can easily understand how to use the Coastal Express and the transit services to which it connects.

Recipient will update and repair this informational display as needed. Recipient will submit photo of completed shelter with its informational display prior to final payment, along with certification attesting to any applicable permits, inspections or other state or local requirements.

Recipient must follow Oregon procurement requirements, which can be found on the Special Transportation Fund page of the Rail and Public Transit Division website. All purchases, match activity, installations, and construction must be completed prior to the expiration date of this Agreement. If an extension for time is required, a request must be received by State at least 45 days prior to the expiration date.

Expected shelter project start date: May 1, 2018

Expected shelter project completion date: June 30, 2018

Expected start date (order date) for vehicle match: December 15, 2017

Expected completion date for vehicle match: June 30, 2018

3. PROJECT ACCOUNTING and SPENDING PLAN

Recipient retains authority over costs and a/locations of STF funds within the guidelines established by Oregon Revised Statutes (ORS) 391.800 through 391.830 and Oregon Administrative Rules (OAR) Chapter 732.

Recipient may not count the same costs twice if they have multiple agreements for which these costs may be eligible. This project requires no match.

Eligible expenses are: vehicle match; the shelter units; associated services, permits, permissions, and equipment needed to put the passenger shelter into service; costs incurred from the procurement process; delivery charges; and post-delivery inspections. Architecture, Design, Engineering, Planning, and Preparation services and permits, clearly needed to proceed with the project, are eligible reimbursable expenses.

Recipient must ensure that ODOT Rail and Public Transit at 555 13th St NE, Salem OR, 97301, is listed as first security interest holder on the titles of vehicles purchased even in part with these funds. Recipient must report quarterly on vehicle condition, and on vehicle mileage during the fourth and eighth quarters. Vehicles must be maintained in accordance with the vehicles' preventive maintenance schedule. ADA accessible vehicles must have yearly lift inspections performed by a certificated technician. State's vehicle useful life schedule requirements will be applied to STF discretionary vehicles.

4. REPORTING and INVOICING REQUIREMENTS

Recipient will report quarterly on progress made on this grant agreement. Recipient will report as prescribed by State on the capital purchases made under this Agreement as long as they remain in use for public transportation service.

Copies of invoices for vendor charges must be submitted with reimbursement requests. In addition, Recipient must submit a cover letter or summary of the total expenses for work performed.

Expenses incurred will not be reimbursed if the project's scope is changed or altered without the necessary approval and amendment.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Order)
Amending ODOT Grant)
Agreement No. 31363 between)
State of Oregon and Curry)
County)

ORDER NO. _____

WHEREAS, the State of Oregon has submitted Amendment No. 1 to Agreement No. 31363, between the State of Oregon and Curry County entered into on July 20, 2016; and

WHEREAS, the term of that agreement is to remain in full force and effect, but is being amended to revise the statement of work; and

WHEREAS, the previously submitted Exhibit A is hereby deleted and the Amendment No. 1 contains the new "Revised Exhibit A" and

WHEREAS, the new "Revised Exhibit A" describes the description/statement of work for ODOT Special Transportation Fund (STF) Discretionary Curry County 31363 Bus Shelters and STF Discretionary Curry County 31363 Vehicle Match projects; and

WHEREAS, the original 2016 grant authorized funding for a bus shelter in Gold Beach and because costs came in low and the grant funding allowed a second shelter, the amendment allows one to be built in Port Orford; and

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDERS that it is authorized to enter into Amendment No. 1 to ODOT Grant Agreement No. 31363 between the State of Oregon and Curry County.

DATED this 18th day of April, 2018.

CURRY COUNTY BOARD OF COMMISSIONERS

Approved as to form:

Sue Gold, Chair

John Hutt
Curry County Legal Counsel

Thomas Huxley, Vice Chair

Court Boice, Commissioner

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Brookings Airport Lease Transfer Hangar 2C from Mankey to Colee

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04-18-18 **DEPARTMENT:** Counsel **TIME NEEDED:** 2 min
(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** CONSENT

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: HuttI **PHONE/EXT:** 3218 **TODAY'S DATE:** 04-09-18

BRIEF BACKGROUND OR NOTE: (if no memo attached) Mankey sold hangar to Colee

FILES ATTACHED:

- (1) Order
- (2) Lease Transfer

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- | | | |
|--|-----------------|----------------------|
| <input checked="" type="checkbox"/> File with County Clerk | Name: | James M. Colee |
| <input checked="" type="checkbox"/> Send Printed Copy to: | Address: | 96424 Shorewood Ter |
| <input type="checkbox"/> Email a Digital Copy to: | City/State/Zip: | Brookings, OR. 97415 |
| <input type="checkbox"/> Other Phone: | | |

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING Not Approved for BOC Agenda because

ASSIGNED TO:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Order)
Authorizing the Transfer of)
Brookings Airport Hangar 2C) ORDER NO. _____
From Vicki Lyn Mankey to James)
Michael Colee under same terms)
and Conditions)

WHEREAS, James Michael Colee has purchased Hangar 2C at the Brookings Airport from Vicki Lyn Mankey; and

WHEREAS, the hangar is available for such purposes; and

WHEREAS, the lease is for a term from July 1, 2014 to June 30, 2019;
and

WHEREAS, Mr. Colee asks for a lease transfer for the remainder of the lease term, filed in CJ: 2014-239, Instrument No. 2014-03224; and

WHEREAS, the transfer lease form is acceptable to the Board of Curry County Commissioners; and

WHEREAS, pursuant to ORS 271.310 and ORS 271.360, the Board finds that the public interest will be furthered by the lease;

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY ORDERS that it is authorized to execute a lease transfer for Hangar 2C at the Brookings Airport between with Vicki Lyn Mankey and James Michael Colee.

DATED this 18th day of April, 2018.

BOARD OF CURRY COUNTY COMMISSIONERS

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

Approved as to Form:

John Huttli, County Counsel

AFTER RECORDING RETURN TO:

James Michael Colee
96424 Shorewood Terrace
Brookings, Oregon 97415

SEND TAX STATEMENTS TO:

James Michael Colee
96424 Shorewood Terrace
Brookings, Oregon 97415

TRANSFER OF LEASE

IT IS HEREBY AGREED by and among Curry County, a Political Subdivision of the State of Oregon, 94235 Moore Street, Suite 122, Gold Beach, Oregon 97444, Vicki Lyn Mankey, 407 Linden Lane, Brookings, Oregon 97415, and James Michael Colee, 96424 Shorewood Terrace, Brookings Oregon 97415 as follows:

The Brookings Airport Noncommercial Hangar Site Lease for Hangar Site #2-C, Document Number CJ:2014-239 and Instrument Number 2014-03224, is transferred effective April 18, 2018, from Vicki Lyn Mankey to James Michael Colee, under the same terms and conditions as found in the original lease.

IN WITNESS WHEREOF, the parties have affixed their signatures the day and year written below.

CURRY COUNTY, OREGON

CURRY COUNTY BOARD OF COMMISSIONERS

Sue Gold, Chair

Date

Thomas Huxley, Vice-chair

Date

Court Boice, Commissioner

Date

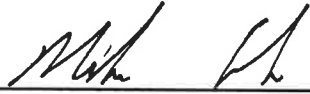
State of Oregon)
) ss
County of Curry)

Acknowledged before me this _____ day of _____, 2018, by _____

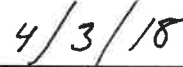
Notary Public of Oregon
My Commission Expires: _____

Vicki Lyn Mankey

Date



James Michael Colee



Date

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Authorize Letter to Oregon Attorney General in Support of Coastal County Recommendations on Territorial Sea Plan

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/2018 **DEPARTMENT:** BOC **TIME NEEDED:** 5 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** CONSENT

MEMO ATTACHED Yes No If no memo, explain: See Breif Background below

CONTACT PERSON: JHuttI **PHONE/EXT:** 3218 **TODAY'S DATE:** 04/12/2018

BRIEF BACKGROUND OR NOTE: (If no memo attached) Years ago all coastal counties submitted a unified recommendation on the Territorial Sea Plan. Those recommendations were not adopted. All coastal counties agreed to participate in a brief to the Court of Appeals (Or App). In March 2018, the Or App decided in our favor. But the Attorney General (AG) has a different opinion of what the Or App decision means. Lincoln County is the lead for the coastal counties, and has drafted a letter to the AG. All other coastal counties have supported the letter. Seek approval of resolution in support.

FILES ATTACHED:

- (1) Newspaper Article Newport Oregon Paper
- (2) Draft Lincoln County Letter to Oregon DLCDC through Attorney General
- (3) Resolution in Support of Letter

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ **BOC MEETING** **Not Approved for BOC Agenda because**

ASSIGNED TO: CONSENT

DOLLAR GENERAL

Rural town wooing corporate business

BY JOAN BROWN
Of the News-Times

SILETZ — The fire department and the city council are working together to bring corporate America into its rural boundaries.

"I wanted to see if the city and the fire district would be interested in coming together and maybe co-sponsoring a letter, like a recruitment letter, to try and sway one of the new, upcoming businesses in the area," said RC Mock, chief of Siletz Valley Fire District, at the March 12 city council meeting. He means Dollar General, and stated that stores are popping up in several small towns on the west side of Highway 101.

Suggesting they could build on the vacant lot between the library and the fire department, he said, "We can jump ahead of the game and woo them, so to speak. Let them know there might be some obstacles and hurdles, but let's give them all the good."

Sheryl Simmons, city recorder, said, "Actually they did call here and I did talk to them. I let them know that this land over here by the library is declared surplus, it was done years ago and we'd probably have to renew that, but there is an issue with a sewer line that goes right through the middle. They'd have to address that. They never did call back or show any more interest."

In favor of sending a letter, Patti Skaug, council member said, "It's worth a try."

Ron Hervey, council member encouraged investigating the possibility.

"That would be something we could lease?" asked John Robinson, mayor, referring to the land.

"We'd end up having to sell it to them," said Ron Hervey, council member.

"I don't know, do they lease it or do they buy?" asked Simmons.

"We'd have to find out," said Skaug.

"I know in Yachats they actually tore down an existing building. In Sutherlin they took a grass lot just like that and brought in a ton of asphalt and paved," Mock said. "In Philomath, they took an area that was just trees, didn't look like anything, and all of a sudden it was a really nice big building."

Robinson asked how a Dollar General would affect the city's other businesses, which commenced a discussion about Noel's Market.

"It looked to me like the base of the products were slightly different than Noel's. To me it looks a lot like a cheaper Walgreens," Mock said.

Robinson pointed out that it's a free market. Almost in unison Skaug and Hervey said the town needed to grow.

The result of the discussion was that Simmons would draft a letter to Dollar General for Robinson to sign.

Contact reporter Joan Brown at 541-265-8571 ext. 211 or jbrown@newportnews-times.com



The sun sets over the St. John's Episcopal Church in Toledo around 7:30 p.m. on Tuesday, March 20, the first day of spring. The days are now officially longer than the nights, and the sun will go down later and later until June 21, the longest day of the year. (Photo by Nathan Howard)

Easter Dining Guide 2018



Agate Beach Inn

Due to our renovations still in progress, we will not have our usual Easter Buffet

We will be offering some great plated brunch specials 10am-3pm

Dinner will be served 3am-8pm

Specials and regular menu

Watch for the opening of our new Bistro & Lounge



3019 N Coast Hwy • Newport
For Reservations Call 541-265-9411

OCEAN POLICY

Court rules in sea plan appeal

State commission failed to follow protocol, judge says

BY STEVE CARD
Of the News-Times

NEWPORT — It has been a long time coming, but the Oregon Court of Appeals has issued its opinion in an appeal involving the Territorial Sea Plan (TSP).

The TSP governs the use of ocean waters from the shoreline to three miles out to sea. In 2013, the Oregon Land Conservation and Development Commission (LCDC) adopted an amendment to the plan regarding where offshore renewable energy facilities, such as wave energy, could be located. The appeal filed with the court regarding this amendment alleges that LCDC failed to comply with state statute when it did not adhere to the recommendations made by the Ocean Policy Advisory Council.

Newport attorney David Allen represented the petitioners in this claim — Charles Ciekko and David Yamamoto, of Tillamook County. The Court of Appeals, in its opinion issued on March 7, sided with the petitioners, and Allen appeared before the Lincoln County Board of Commissioners at their meeting on Wednesday, March 21, to give an update on the matter.

Lincoln County Counsel Wayne Belmont said Lincoln County and other coastal communities sided with the petitioners because they have a vested interest in this issue. "We sought the permission from all the coastal counties ... to file a friend of the court

brief, an amicus brief, to support the position that David took, and also to explain why it was important to us as coastal communities," Belmont said. "The end result was a decision invalidating the rule and the process that was used by the state."

Allen said it has been a very lengthy process. "We filed the petition for judicial review in January of 2014. It took a year to put together the agency record — 1,250 pages. The record was settled in May of 2015, (and) we filed our briefs later that year. The end of briefing occurred in May of 2016, they scheduled oral argument in November of 2016, and we waited a year and roughly four months for the decision."

Allen said the court found that the Oregon Policy Advisory Council (OPAC), whose members are appointed by the governor, plays a critical role in ocean planning. He added, "The court further states, 'OPAC remains the primary means by which a large number of interest groups, as well as the local coastal communities, participate in the planning process.' So the Ocean Policy Advisory Council, as the court noted, is the group that really should be at the center of how ocean planning is undertaken by the state of Oregon, including the state agencies (and) the governor's office."

County Commissioner Terry Thompson, who has served as a member of the policy advisory council along with Allen, said, "I think OPAC was intended to be the highest committee to discuss ocean issues, to help the agencies and the governor's office make decisions, and that was the purpose behind it."

Allen agreed, saying that was the opinion of the court, as well. "The agency (Department of Land Conservation and Development) probably thought that OPAC assisted the agency ... but the court said no, OPAC doesn't assist you, you assist OPAC. And that language is critical," Allen said.

The Court of Appeals' opinion is not yet final, added Allen. "When a Court of Appeals decision comes down, the party that was on the losing side of the opinion can petition the Supreme Court for review, and they have 35 days to do that." He said that review is discretionary, meaning the Supreme Court doesn't have to take the case.

"That 35-day timeline is going to be put on hold for awhile because I've filed a petition with the court to get a couple of issues clarified," Allen said. "So even though it's a final opinion, it won't be truly final until something happens with respect to a petition begin filed and denied, or the parties who have the ability to file the petition for review decide not to do so."

Allen said there is no reason why the OPAC recommendation can't be adopted by the Land Conservation and Development Commission at this point because all the required findings have been made by the court.

"I think we should send a letter to LCDC, on behalf of the petitioners and all the coastal county commissioners, indicating what we would like to see done as the next step," said Allen. "So we kind of step in there and let them know that we won the legal challenge, but we're not going away — make sure to hold them accountable."

Computer setup, repair, debugging, networking, more. .
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10+ years serving Lincoln County

James A. Burt
Computer Technician
541-961-0387





Office of Lincoln County Legal Counsel

225 West Olive Street, Room 110
Newport, Oregon 97365
(541) 265-4108
Fax: (541) 265-4176
www.co.lincoln.or.us/counsel/

Wayne Belmont
County Counsel
Kristin Yuille
Assistant County Counsel
Jerry Herbage
Assistant County Counsel
Janet Harrison
Paralegal

_____, 2018

DRAFT

Steven Shipsey, AAG
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201

Re: *Ciecko v. DLCD*, 290 Or App 655 (2018)
Court of Appeals, A156130
March 7, 2018 Opinion

Dear Steve,

On behalf of petitioners Charles Ciecko and David Yamamoto, and the seven coastal counties (Clatsop, Coos, Curry, Douglas, Lane, Lincoln, and Tillamook) that supported, via *amicus* brief, the petition for judicial review filed by petitioners in the above matter, we are writing you on this date in your capacity as legal counsel for the Dept. of Land Conservation and Development (DLCD) and the Land Conservation and Development Commission (commission).

First, we look forward to working with DLCD and the commission on ocean planning efforts that encompass state waters off the Oregon coast.

Second, now that the court has invalidated the rule known as amended Part Five of the Territorial Sea Plan (TSP), we would like to offer our assistance since the agency must now address the next steps as a result of this outcome.

The record on judicial review in the above matter, which is over 1,250 pages spanning from March 2008 to Oct. 2013, demonstrates the comprehensive nature of the planning effort for TSP Part Five. The agency made the required findings under ORS 196.471 with respect to the Ocean Policy Advisory Council (OPAC) recommended amendments, but, as the court held at note 2 of the opinion (pages 663-64), did not follow procedures under the statute in effect when the commission acted in January 2013 and later that year when the rule was filed.

So, in our view there is no reason for the commission not to adopt the OPAC recommendation; in other words, first and foremost would be for the commission to take that next step under the statute.

But if the commission, on further review, determines certain language in the OPAC recommendation must be revised for reasons beyond the required findings under ORS 196.471, there is a procedure in ORS 196.471 to return such language to OPAC for revision.

Finally, we would like to emphasize, as the court recognized on page 665 of the opinion, that OPAC “plays a critical role” in ocean planning and “remains the primary means by which a large number of interest groups, as well as the local coastal communities, participate in the planning process.”

Please feel free to share this letter with DLCD and the commission at your earliest convenience, and do not hesitate to contact us if you would like to discuss further.

Thank you for your consideration in this matter.

Sincerely,

Wayne Belmont
Lincoln County Counsel

David N. Allen
Attorney for and on behalf of Petitioners

Cc: Board of Commissioners,
Clatsop, Coos, Curry, Douglas, Lane,
Lincoln, and Tillamook Counties
(List *amicus* industry groups)
Jena Carter, OPAC chair
Walter Chuck, OPAC vice-chair
Jason Miner, Governor’s office
Sen. Betsy Johnson, Coastal Caucus chair

**IN THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON**

In the Matter of a Resolution)
Supporting a Letter from Lincoln)
County Counsel to Oregon Attorney) RESOLUTION NO. _____
General Regarding Territorial Sea Plan)

WHEREAS, the Ocean Policy Advisory Council with the input from Oregon Coastal Counties, made recommendations to the Oregon Land Conservation Development Commission (LCDC) for an amendment to the Territorial Sea Plan (TSP) regarding where offshore renewable energy facilities, such as wave energy could be located; and

WHEREAS, in 2013, LCDC adopted an amendment to the TSP that did not adopt the recommendations from the Ocean Policy Advisory Council; and

WHEREAS, in 2015, when an appeal was filed from the LCDC decision, Curry County supported Lincoln County’s efforts to file an amicus (friend of the court) brief alleging that LCDC failed to comply with state statute when it did not adhere to the recommendations made by the Ocean Policy Advisory Council; and

WHEREAS, in March 2018, the Court of Appeals sided with the petitioners and the counties and invalidated DLCD’s decision; and

WHEREAS, Lincoln County has drafted a letter to the Attorney General recommending DLCD adopt the OPAC recommendation in their next steps following remand; and

WHEREAS, Lincoln County is asking for support of the letter from the seven coastal counties who supported filing the amicus brief; and

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY RESOLVES to support the letter from Lincoln County to the Oregon Department of Justice regarding next steps in the matter of the Territorial Sea Plan.

Dated this 18th day of April, 2018.

BOARD OF CURRY COUNTY COMMISSIONERS

Sue Gold, Chair

Thomas Huxley, Vice Chair

Approved as to Form:

John HuttI
Curry County Legal Counsel

Court Boice, Commissioner

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: CCD Board of Directors Annual
Appointments/Reappointments

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 4/18/18 **DEPARTMENT:** Admin **TIME NEEDED:** 5 min
(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** APPOINTMENT

MEMO ATTACHED Yes No If no memo, explain: **consent item**

CONTACT PERSON: **PHONE/EXT:** **TODAY'S DATE:**

BRIEF BACKGROUND OR NOTE: (If no memo attached)

FILES ATTACHED:

- (1)
- (2)

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR 04/18/18 **BOC MEETING** **Not Approved for BOC**
Agenda because

ASSIGNED TO: APPOINTMENT

BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of Re-Appointments)
To the CCD Business Development)
Corporation Board of Directors) ORDER NO _____

WHEREAS; the Coos Curry Douglas (CCD) Board of Directors requires an annual appointment Order to their Board; and

WHEREAS, in an email dated April 4, 2018, from a CCD Business Development Corp Representative, requested the Board of Commissioner’s re-appoint members to this Board; and

WHEREAS, the below members have agreed to serve on the CCD Business Development Corporation Board of Directors, and are fully qualified to serve on the Board; and

NOW, THEREFORE, IT IS HEREBY ORDERED THAT Court Boice, Jodi Fritts, Roger Meader, Bret Cutis, Steve Courtier, Randy Mason, and David Johnson are hereby re-appointed to the CCD Board of Directors effective the date of this order.

DATED this 18th day of April, 2018.

BOARD OF CURRY COUNTY COMMISSIONERS

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

Approved as to Form:

John Huttl
Curry County Legal Counsel

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Appointment to the Curry County Compensation Committee

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18 **DEPARTMENT:** Administration **TIME NEEDED:** 5 min
(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** APPOINTMENT

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: John Hltt **PHONE/EXT:** 3287 **TODAY'S DATE:** April 11, 2018

BRIEF BACKGROUND OR NOTE: (If no memo attached) As of the date of this AGRS, the only application we have received is Mr. Bruce Raleigh, application attached.

FILES ATTACHED:

- (1) Application of Mr. Bruce Raleigh
- (2)

INSTRUCTIONS ONCE SIGNED:

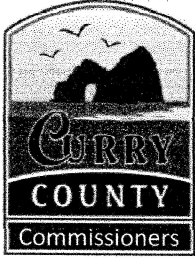
- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR 04/18/18 **BOC MEETING** **Not Approved for BOC Agenda because**

ASSIGNED TO: APPOINTMENT



Application for Volunteer Boards, Commissions, Councils, Committees or Task Forces

Board of Curry County Commissioners
 94235 Moore Street, Suite 122
 Gold Beach, OR 97444
 Phone: 541-247-3296 Fax: 541-247-2718 Email: BOC_Office@co.curry.or.us

Please complete both pages of this form. Information submitted as part of this application is available and shall be considered public information as it pertains to Oregon Public Records.

NOTE: A separate application may be required for each Board, Commission, Council, Committee or Task Force for which you are applying.

Please print or type clearly

Name: Bruce W. Raleigh Date: 4/11/2018

Please indicate which Board, Commission, Council, Committee or Task Force on which you are interested in serving.

<input type="checkbox"/> Ambulance Service Area Advisory Committee	<input type="checkbox"/> Coos Curry Housing Authority
<input type="checkbox"/> Board of Property Tax Appeals	<input type="checkbox"/> Fair Board
<input type="checkbox"/> Brookings Airport Advisory Committee	<input type="checkbox"/> Farm Board of Review
<input type="checkbox"/> Budget Committee	<input type="checkbox"/> Local Public Safety Coordinating Council
<input type="checkbox"/> Building Codes Appeal Board	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> CCD Business Development Corporation	<input type="checkbox"/> RSVP Advisory Board
<input type="checkbox"/> Citizen Involvement Committee	<input type="checkbox"/> Solid Waste Advisory Committee
<input checked="" type="checkbox"/> Compensation Board	<input type="checkbox"/> Veteran's Advisory Council
<input type="checkbox"/> Other	

Are you currently serving on a Board, Commission, Council, Committee or Task Force for Curry County?

Yes No If Yes, list which committee(s):

What experience, training or qualifications do you have for this particular Board, Commission, Council, Committee or Task Force? Knowledgeable in Finance, self-employed and have

run several small businesses over the past 30+ yrs., 5 yr
member of Brookings-Harbor School board, Detail oriented.

What community topics concern you that relate to this Board, Commission, Council, Committee or Task Force?

Lack of adequate county funding, Need for stability
in county positions

Describe your previous experience in this appointed position or a similar position: In 2011-12 I

served on a county citizens committee tasked with providing recommendation to balance the county budget

Other volunteer activities: Brookings - Harbor School District Board (5 yrs)
South Coast Early Learning Hub Committee Member (3 months)
Leader/Trainer with The Boy Scouts of America

Does your schedule allow you to attend daytime meetings? Yes No

Does your schedule allow you to attend evening meetings? Yes No

Does your schedule limit the days you could attend meetings? Yes No

If Yes, please explain _____

Have you ever been convicted of a crime? Yes No

If Yes, please explain _____

(b) (1) (A)

Signature

Date

4/11/2018

My signature above indicates my desire to serve Curry County in a voluntary capacity as a member of one of its Boards, Commissions, Councils, Committees or Task Forces. I understand that there is no financial compensation for serving.

Thank you for your application.

Please return your completed application to the Curry County Commissioners' Office at the address or email listed on page one of this form or you may submit your application on the county's website at www.co.curry.or.us.

Per ORS 192.502(3), the following can only be disclosed to the public following a public record request that shows clear and convincing evidence that the public interest requires disclosure.

Your mailing address: _____

Best phone number to call you: _____

E-Mail address: _____

(b) (1) (A)

(b) (1) (A)

(b) (1) (A)

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Appointment)
To the Curry County Compensation)
Board)

ORDER NO. _____

WHEREAS, Curry County has a Compensation Board pursuant to ORS 204.112 to ORS 204.126;
and

WHEREAS, position Two (2) on the Compensation Board is currently vacant due to an expiration
as of December 21, 2017; and

WHEREAS, Bruce Raleigh has expressed interest in and has applied to serve on the
Compensation Board; and

NOW, THEREFORE, IT IS HEREBY ORDERED THAT Bruce Raleigh is appointed to Position Two (2)
of the Curry County Compensation Board with said term January 1, 2018 through December 31, 2020.

Board of Curry County Commissioners

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

Approved as to Form:

John R. Hutt
Curry County Counsel

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Purchase of truck for Emergency Services.

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/18 **DEPARTMENT:** Finance **TIME NEEDED:** 10 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** ADMIN POLICY

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: Louise Kallstrom **PHONE/EXT:** 3232 **TODAY'S DATE:** 04/12/18

BRIEF BACKGROUND OR NOTE: (If no memo attached) Purchase of truck for Emergency Services. Change of personnel allows transfer of payroll budget to material & supplies budget.

FILES ATTACHED:

- (1) Resolution
- (2) Supplemental Budget (Exhibit A)

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING Not Approved for BOC Agenda because

ASSIGNED TO: ADMIN POLICY

**BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY**

IN THE MATTER OF REALLOCATION OF)
APPROPRIATIONS BETWEEN CATEGORIES) **RESOLUTION**
IN THE 2017-2018 FISCAL YEAR BUDGET)

WHEREAS, there exists a need to transfer appropriated spending authority in the Curry County budget between expenditure categories for the purpose of providing for costs beyond the amount that was anticipated in the 2017-2018 fiscal year budget: and,

WHEREAS, such increase and reallocation of appropriation is allowed under ORS 294.471; now,

BE IT RESOLVED that the 2017-2018 fiscal year budget for Curry County be modified as detailed in *Exhibit A* for the specific purpose of providing appropriations to cover expenditures through June 30, 2018.

Dated this _____ day of April, 2018.

CURRY COUNTY BOARD OF COMMISSIONERS

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

Approved as to form:

John Huttl
Curry County Counsel

Supplemental Budget # FY2017-18

Fund Budget Must Balance To \$0.00

Department: **EMERGENCY SERVICES**

G/L ACCT NUMBER	ACCT DESCRIPTION	EXISTING BUDGET	BUDGET CHANGE	NEW Budget
			+ = increase - = decrease	
Revenue				
-334.00-000-00		-	-	-
-399.03-000-00	Assigned Fund Balance			-
-399.03-000-00	Restricted Fund Balance	-	-	-
	Total Resources	-	-	-
Personal Services				
1.10-429.10-490.00-110-00	Sal-Regular	43,713	(8,500)	35,213
-490.00-120-00	Sal-Irregular	9,900	(8,100)	1,800
1.10-429.10-490.00-130-00	Sal-Overtime	12,000	(4,000)	8,000
1.10-429.10-490.00-213-00	Ben-Health Ins	-	-	-
-490.00-214-00	Ben-Life Ins	-	-	-
1.10-429.10-490.00-220-00	Ben- FICA 7.65%	4,101	(500)	3,601
1.10-429.10-490.00-230-00	PERS-County	7,101	(3,065)	4,036
-490.00-260-00	Ben-Workers Comp	-	-	-
-490.00-290-00	Ben-OR W/Comp Assessment	-	-	-
	IGS - 3.10 Unemp Self Ins Reserve	-	-	-
	Total Personal Services -	76,815	(24,165)	52,650
Materials & Services				
-490.00-310-00	Pro Services-Training	-	-	-
-490.00-416-00	Util-Cell Phone	-	-	-
1.10-429.10-490.00-588-00	IGS-2.22 Vehicle Replacement	-	24,165	24,165
-490.00-600-00	Supplies-Office	-	-	-
-490.00-602-00	Supplies-Uniforms	-	-	-
-490.00-610-00	Supplies-Non-Capital	-	-	-
-490.00-615-00	Other Mat & Supplies	-	-	-
-490.00-650-00	Dues & Memberships	-	-	-
-490.00-824-00	IGS - 2.20 Occupancy	-	-	-
	Total Materials & Services	-	24,165	24,165
Debt, Capital, Transfers				
-490.00-847-00	Debt Interest Payments			-
-490.00-849-00	Debt Principal Payments			-
-490.00-849-00	Capital Outlay - Motor Vehicle	-		-
-490.00-849-00	Capital Outlay			-
-491. - -00	Tran To	-		-
-491. - -00	Tran To			-
-492. - -00	Tran To (use 492 for Tran within a Fund)			-
	Total Expenditures	76,815	-	76,815
	Total Change should = 0 >>			-
Note: Total change should = 0, or Total Revenue change should match Total Expense change.				
Prepared By	Louise Kallstrom	Date	4/12/2018	
Approved by Elected Official or Department Head or County Administrator	Date			
	<i>John R. 12/11</i>		<i>04/12/18</i>	

Supp #7

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Order Amending Local Contract Review Rules

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/18

DEPARTMENT: Administration **TIME NEEDED:** 20

min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY ORDER**

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: John Hitt **PHONE/EXT:** 3287 **TODAY'S DATE:** 04/11/18

BRIEF BACKGROUND OR NOTE: (If no memo attached)

FILES ATTACHED:

- (1) Memo
- (2) Proposed Board Order Amending Order #12053
- (3) Amended Exhibit A or Board Order #12053
- (4) Board Order #12053

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR 04/18/18 **BOC MEETING** **Not Approved for BOC Agenda because**

ASSIGNED TO: ORDER

PROPOSED AMENDMENT OF CONTRACTING RULES

TO: BOARD OF COMMISSIONERS

FROM: INTERIM COUNTY ADMINISTRATOR

SUBJECT: AMENDING COUNTY CONTRACTING RULES/POLICY

DATE: APRIL 11, 2018

BACKGROUND: Curry County Code Section 1.17.060 assigns to the County Administrator the responsibility of “executing, enforcing and administering all contracts...” Thus, it seems appropriate and even necessary to grant the County Administrator the specific authority to approve county contracts for projects or services that have been fully funded in the budget and are under \$50,000. The attached orders and proposed amending language do just that. It is appropriate to take action in this area as a new, regular (non-interim) County Administrator will likely begin work in a few weeks.

RELEVANT FACTS: 1. The County Administrator needs the authority and flexibility to negotiate and approve contracts for budgeted services or projects (within certain limits, conditions, and notification requirements) without having to obtain prior BOC approval 2. Requiring that every contract come before the BOC only reduces the Administrator’s negotiating authority, slows the process, and requires that all negotiations be conducted in public which can limit options. 3. The current authority granted to the County Administrator is ineffective without amending the current contracting rules. 4. The current rules include a role for the ‘County Liaison’ which role is no longer included in county policies

OPTIONS: 1. Take no action. 2. Approve the Board Order and Exhibit ‘A’ with or without amendment.

RECOMMENDATION(S): Option #2.

IN THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY

In the Matter of an Amendment)
To the Curry County’s Local)
Contract Review Board Rules) ORDER NO. _____
Regarding Sections 2, 4, and 25)

WHEREAS, Curry County has created the office and position of County Administrator; and

WHEREAS, the County Administrator (alone) “. . . shall be responsible to the Board of Commissioners for the administration and management of the County and shall have control and supervision of all County departments, Divisions, and Offices, except County Sheriff, County Counsel, and District Attorney . . .”(Curry County Code Section 1.17.060); and

WHEREAS, the County Administrator shall be responsible for “Executing, enforcing and administering all contracts and grants as per Board Order or Ordinance (Curry County Code Section 1.17.060,(2)(n)); and

WHEREAS, through Order No. 12053 Curry County adopted new Local Contract Review Board Rules (and repealed the old ones) on February 25, 2005; and

WHEREAS, in Order No. 12281 the Board of Curry County Commissioners readopted the Local Contract Review Board Rules on January 30, 2006; and

WHEREAS, the Curry County Local Contract Review Board Rules, Section 2 (Definitions) m. “Public Contracting Officer” states “the County Accountant and his or her designee approved by the Board are the Public Contracting Officers of Curry County” should be stricken and replaced with “the County Administrator and/or County Accountant or his or her designee so appointed in writing by the County Administrator” and;

WHEREAS, the Curry County Local Contract Review Board Rules, Section 4 (General Delegation of Authority) a “Authority to Execute Contracts without Prior Board Approval”, subsection i. states “the contract has a total value of ten thousand dollars (\$10,000) or less” should be stricken and replaced with “the contract has a total value of fifty thousand dollars (\$50,000) or less; and

WHEREAS, the Curry County Local Contract Review Board Rules, Section 4 a “Authority to Execute Contracts without Prior Board Approval”, subsection ii. states “the contract does not exceed a twelve month contract period” should be stricken and replaced with “the contract does not exceed an eighteen month contract period”; and

NOW, THEREFORE, the Board of Curry County Commissioners (BOC) hereby Amends and adopts:

1) Order No. 12053, as attached as Exhibit "A".

Dated this ___th day of _____, 2018.

CURRY COUNTY BOARD OF COMMISSIONERS

Approved as to form:

Thomas Huxley, Chair

John HuttI
Curry County Legal Counsel

Sue Gold, Vice Chair

Court Boice, Commissioner

Exhibit "A"

CURRY COUNTY, OREGON
LOCAL CONTRACT REVIEW BOARD RULES

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**CURRY COUNTY, OREGON
LOCAL CONTRACT
REVIEW BOARD RULES**

SECTION 1. INTRODUCTION

- a. Purpose. These Rules are promulgated by the Curry County Local Contract Review Board under authority granted by ORS 279A.025 and 279C.335, 279A.050, 279A.055, 279A.060 and 279A.065, to establish a procedure to assure that each contract to which the county is a party has met state and county competitive bidding and other purchasing requirements.
- b. Authority. Pursuant to ORS 279A.065, the Board elects to establish its own rules of procedure for public contracts. Consequently, the model rules adopted by the Attorney General shall not apply to Curry County.
- c. Federal Law. Except as otherwise expressly provided in ORS 279C.800 through ORS 279C.870, and notwithstanding ORS chapters 279A, 279B, and ORS 279C.005 through 279C.670, applicable federal statutes or regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of ORS chapters 279A, 279B, and ORS 279C.005 through 279C.670 or these rules, or require additional conditions in Public Contracts not authorized by ORS chapters 279A, 279B, and ORS 279C.005 through 279C.670 or these rules.
- d. Concession Agreements. Concession agreements are not subject to these rules.

SECTION 2. DEFINITIONS.

Except as provided below, the words and phrases set forth in ORS 279A.010 are incorporated herein and set forth in Appendix A.

- a. "Agency." Curry County.
- b. "Alternative Contracting Methods." Contracting methods such as Construction Manager/General Contractor, Design Build, Energy Savings or Guaranteed Maximum Price used in place of the traditional design-build bid contracting method.
- c. "Board." The Local Contract Review Board for Curry County, which is comprised of the Board of Commissioners of Curry County.
- d. "Competitive Bidding." The solicitation of competitive offers which follow the formal process for advertising, bid and bid opening required by the Public Contract Code or applicable rules of the Board.
- e. "Competitive Quotes." Offers from competing vendors. Solicitation may be by advertisement or by request to vendors to make an offer. Solicitation of the offer may be in writing or oral.

- f. "Concession Agreement." A concession agreement is a contract that authorizes and requires a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from a site within a building or upon lands owned by County and under which the concessionaire makes payments to the County based, at least in part, on concessionaire's revenues from sales. The term "concession agreement" does not include an agreement which is merely a flat-fee or per-foot rental, lease, license, permit or other arrangements for the use public property.
- g. "County Counsel." Curry County Counsel.
- h. "Department." A department of the Agency.
- i. "Department Head." A person who manages an agency department whether the person is elected or appointed.
- j. "Offer." A bid or proposal response.
- k. "Offeror." A person or entity submitting a bid or proposal response.
- l. "Personal Service Contract." A contract that calls for specialized skills, knowledge and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.
- m. "Public Contracting Officer." ~~The County Accountant and his or her designee approved by the Board are the Public Contracting Officers of Curry County.~~ The County Administrator or a designee so appointed in writing by the County Administrator.
- n. "Public Contract." The definition in ORS 279A.010(1)(x) is not adopted. "Public contract" includes any purchase, lease, or sale of personal property, public improvements, or services other than agreements which are exclusively for personal services.
- o. "Public Improvement." Projects for construction, reconstruction or major renovation on real property by or for a public agency. It does not include emergency work, minor alteration, ordinary repair or maintenance necessary in order to preserve a public improvement.
- p. "Public Works." Includes, but is not limited to, roads, highways, buildings, structures and improvements of all types, the construction, reconstruction, major renovation or painting of which is carried on or contracted for by any public agency to serve the public interest.
- q. "Responsible Bidder or Responsible Proposer (as applicable)." A supplier that submits an offer and meets the standards set forth in these rules and the solicitation document.
- r. "Responsive Bid or Responsive Proposal." An offer that substantially complies with the solicitation document, and any applicable rules and other laws.
- s. "Special Procurement." As used in ORS 279B.085, a contracting procedure that differs from procedures set forth in ORS 279B.055, 060, 065 and 070.

SECTION 3. CONTRACTING PROCEDURES; APPROVAL BY BOARD REQUIRED.

Unless otherwise expressly authorized by these Rules or by ordinance or order of the Board, all contracts must be approved by the Board before they can be executed. The Board may also execute contracts itself.

SECTION 4. GENERAL DELEGATION OF AUTHORITY.

a. Authority to Execute Contracts without Prior Board Approval. The Public Contracting Officer may execute without prior Board approval contracts that satisfy all of the following:

- i. ~~The contract has a total value of ten thousand dollars (\$10,000) or less;~~ The contract has a total value of fifty thousand dollars (\$50,000) or less, and is for a service, supplies, equipment or public works project(s) previously approved by the Board of Commissioners and is incorporated into that fiscal year budget; and
- ii. ~~The contract does not exceed a twelve month contract period;~~ The contract does not exceed an eighteen month contract period;
- iii. ~~The contract provides that the contract may be terminated by the County for convenience sixty (60) or fewer days following delivery of written notice to the contractor; (previously repealed by Order 12853).~~
- iv. Funds are budgeted for the purpose of the contract;
- v. The contract has been approved as to form by County Counsel or is otherwise exempt; and,
- vi. All other requirements for Competitive Bidding and/or Competitive Quotes have been satisfied, and
- vii. The Public Contracting Officer notifies the Board of Commissioners, within 30 days of all contracts approved or amended by him/her including providing a copy of the approved contract and/or contract amendments

b. Delegation of Authority. The Board may, by order, delegate authority to the Public Contracting Officer to execute any other contract upon the following conditions:

- i. The contract has been approved by County Counsel, or is otherwise exempt.
- ii. If an amendment or change order, the total aggregate cost change does not exceed 25% of the original contract amount.

c. Delegation to Contract in Emergency. Pursuant to ORS 279B.080, the Public Contracting Officer is granted authority to make procurements of goods and services in an emergency pursuant to the procedure set forth in ORS 279B.080 and Section 7 herein.

d. Delegation of Authority to County Roadmaster. The County Roadmaster may execute the following contracts without Board approval provided the requirements of Section 4(a) (iv-vi) above are satisfied:

- i. Purchasing and leasing of motor vehicles off of state bids; and
- ii. Road Department contracts in an amount not to exceed \$10,000 for services to the County for engineering, survey, building repairs, equipment repairs, road repair and similar projects.

e. Other Delegations of Authority. By order or resolution, the Board can delegate other or additional contracting authority.

f. Obligations When Contract Authority is Delegated. When authority to execute contracts is delegated to any person(s) other than the Board, that person(s) shall see that the contract is filed with the Curry County Clerk, a copy is provided to the County Counsel for his/her records, and a summary is provided to the Board of Commissioners.

g. Delegation to Declare Sole Source Procurements. The Public Contracting Officer is granted authority to determine that the goods or services, or class of goods or services, are available only from one source in accordance with Section 6.a.iv.(8), below, and ORS 279B.075.

h. Delegation of Authority in Contracts Awarded Following Requests for Bids and Requests for Proposals.

i. Except as provided below, following a formal bid or proposal solicitation, and the award by the Board of Curry County Commissioners, the ~~liaison Commissioner for the affected department, and in his/her absence, the Chair of the Board~~ County Administrator or a designee so appointed in writing by County Administrator, is delegated authority to sign the contract documents and to oversee the contract for purposes of executing needed change orders and other administration.

ii. Following a formal bid or proposal solicitation, and the award of a contract, nothing herein shall prevent the Board from delegating specific signature and contract oversight authority to another individual, in which case that delegation shall stand.

i. County Financial Assistance Administrator. The County's resolution dated September 2, 2003, regarding the County Financial Assistance Administrator shall remain in effect until further order or resolution of the Board.

SECTION 5. REVIEW OF CONTRACTS BY COUNTY COUNSEL

a. Review of Contracts by County Counsel. Except as otherwise provided, all public contracts must be reviewed by County Counsel.

b. Exceptions to Requirement of Review of Contracts by County Counsel. County Counsel review is not required for change orders to public improvement contracts, membership agreements for professional associations, purchase orders, and as otherwise provided for by the Board.

SECTION 6. COMPETITIVE BIDS; WHEN NOT REQUIRED.

a. When Competitive Bids Not Required. All Public Contracts shall be based upon Competitive Bidding except for the following:

i. A contract or class of contracts exempt under 279A.025 and 279C.335, or other statute, administrative rule, other applicable law or judicial action, unless otherwise limited by these local contract review board rules.

ii. A contract or class of contracts made exempt by the Board under 279A.025 and 279C.335;

iii. An emergency contract made exempt under these Rules. If the matter is a Public Improvement, and the Board declares an emergency exists, any contract awarded under this subsection must be awarded within 60 days following declaration of the emergency, unless the Board grants an extension; or

iv. A contract or class of contracts, and amendments to contracts specified in subparagraphs (1) through (27), below, provided the department head or department head's designee (with approval of the Public Contracting Officer) identifies the basis for the exemption. In circumstances where the basis for the exemption is not readily apparent, the department head or designee shall consult with County Counsel. Where appropriate, alternative contracting and purchasing practices that take account of market realities and modern or innovative contracting and purchasing methods which are consistent with the public policy of encouraging competition, shall be used.

(1) Contracts made with other public agencies or the federal government, or with professional associations representing public agencies or the federal government, including but not limited to the Association of Oregon Counties and the National Association of Counties.

(2) Contracts for the purchase of goods and services where competitive bids for the same materials have been obtained by other public agencies or the federal government, or with professional associations representing public agencies or the federal government, including but not limited to the Association of Oregon Counties and the National Association of Counties, and the contract is to be awarded to the party to whom the original contract was awarded. Exemptions under this subsection shall comply with ORS 279A.180, or ORS 279A.200-279A.225, as applicable.

(3) Contracts which are exclusively for personal services. Such contracts may include incidental materials such as written reports or opinions, architectural or engineering renderings and other supplemental materials required for providing the services.

(4) Contracts for the purchase of goods and materials where the rate or price for the goods or services being purchased is established by federal, state or local regulatory authority. If the contract is for the procurement of goods from federal agencies under 10 USC 381 or other similar federal purchasing programs, these Rules shall govern the procedure to purchase them.

(5) Contracts for the purpose of investment of public funds, the borrowing of funds, or for banking services.

(6) Contracts for licenses and maintenance of computer hardware, computer software, and telecommunications products (including cable, video and television products). Purchases are to be cleared with the Computer Services Department.

(7) Contracts for purchase or acquisition of computer hardware, computer software, and telecommunications products and services (including cable, video and television products and services). Purchases are to be cleared with the Computer Services Department.

(8) Contracts for purchase where there is only one seller or price of a product of the quality required available within a reasonable purchase area. The Public Contracting Officer shall determine in writing, in accordance with rules adopted under ORS 279A065, that the goods or services, or class of goods or services, are available from only one source. To the extent reasonably practical, the Public Contracting Officer shall negotiate with the sole source to obtain contract terms advantageous to the contracting agency. The determination of a sole source must be based on written findings that may include:

(a) That the efficient utilization of existing goods requires the acquisition of compatible goods or services;

(b) That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;

(c) That the goods or services are for use in a pilot or an experimental project; or

(d) Other findings that support the conclusion that the goods or services are available from only one source.

(9) Contracts for the purchase of services, equipment or supplies for the maintenance, repair or conversion of existing equipment are exempt if required for the efficient utilization of the equipment. Where practicable in the judgment of the department head, competitive quotes shall be obtained.

(10) Contracts for the purchase of food or food supplies.

(11) Contracts for the purchase of goods or services made exempt for state agencies under OAR Chapter 125 unless otherwise limited by these local contract review board rules.

(12) Purchase of items or services of an artistic nature.

(13) Contracts for periodicals, including journals, magazines, and similar publications.

(14) Contracts for the purchase or lease of ballots, ballot pages and ballot cards or equipment necessary to conduct elections.

(15) Contracts for the purchase of gasoline, diesel fuel, and lubricants.

(16) Contracts for removal, cleanup or transport of hazardous materials. As used in this Subsection, "hazardous materials" include any material or substance which may pose a

present or future threat to human health or the environment, including Hazardous Waste as that term is used in the Resources Conservation and Recovery Act (42 USC 6901 et seq.). Quotes shall be obtained where practicable.

(17) Contracts for employee benefits.

(18) Contracts for purchase or lease of office photocopiers. Before purchase or lease, the affected department shall make a comparison of products and prices.

(19) Contracts for purchase of used motor vehicles, including but not limited to used heavy construction equipment. Quotes shall be obtained where practicable.

(20) Contracts for the purchase of copyrighted materials.

(21) Contracts for the purchase of advertising, including legal advertising intended for the purpose of giving public notice.

(22) Contracts for insurance.

(23) Contracts for the purchase of all utilities including, but not limited to electric power, gas, water, sewage, internet, telephone and cable T.V.

(24) Contracts for purchase of asphaltic concrete or rock where the material is to be used for maintenance. Where practicable, competitive quotes shall be obtained.

(25) Special Procurements [ORS 279B.085] and Alternative Contracts [ORS 279C.335] which are approved by the Board through the process set forth in Section 9 of these Rules.

(26) Procurement Contracts:

(a) Contracts that do not exceed \$5,000 in value in accordance with ORS 279B.065.

(b) Contracts which exceed \$5,000 but do not exceed \$150,000 for the purchase of goods or services per ORS 279B.070 if the awarding of the contract will result in cost savings and the following conditions are met:

(i) The procurement is not artificially divided or fragmented so as to constitute an intermediate procurement under this section.

(ii) The department seeks at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The department shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the department shall make a written record of the effort made to obtain the quotes or proposals.

(iii) The required goods, materials, supplies and services are unavailable from a Qualified Rehabilitation Facility as provided in ORS 279.850; and

(iv) The department has encouraged Minority, Women- Owned and Emerging Small business to participate in its purchasing processes, where applicable, pursuant to ORS 200.090, ORS 279A.100 and 279A.105.

(c) If a contract is awarded, the agency shall award the contract to the offeror whose quote or proposal will best serve the interests of the County taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility under ORS 279B.110.

(d) If more than one supplier may be available and the total purchase is estimated to exceed \$150,000, the agency shall select a contractor through the competitive bidding process.

(e) An amendment to or extension of the above-described procurement contracts may be made without Competitive Bidding provided the procedures prescribed in these Rules are followed and either (a) the amendment or extension does not cause the contract amount to exceed the amounts stated herein by more than 25% in the aggregate of the original contract amount, or (b) the conditions, including cost, of renewal or extension were included in the original solicitation.

(27) Public Improvement Contracts. Provided the following criteria are satisfied, the Public Improvement Contracts as identified in ORS 279C.335 and set forth in subsection (b), below, are exempt from competitive bidding:

(a) Criteria:

(i) The procurement is not artificially divided or fragmented so as to qualify for the dollar limit.

(ii) The department seeks at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The department shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the department shall make a written record of the effort made to obtain the quotes or proposals.

(iii) If a contract is awarded, the agency shall award the contract to the offeror whose quote or proposal will best serve the interests of the County taking into account price as well as considerations including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility pursuant to Sec. 133 of chapter 794, Oregon Laws 2003 following ORS 279C.410. If an award is not made to the offeror offering the lowest price, the agency shall make a written record of the basis for the award.

(iv) The required goods, materials, supplies and services are unavailable from a Qualified Rehabilitation Facility as provided in ORS 279.850; and

(v) The department has encouraged Minority, Women- Owned and Emerging Small business to participate in its purchasing processes, where applicable pursuant to ORS 200.090, ORS 279A.100 and 279A.105.

(vi) An evaluation of the Public Improvement Project is made following completion in accordance with ORS 279C.355.

(b) List of Exemptions:

(i) Contracts made with qualified nonprofit agencies providing employment opportunities for disabled individuals under ORS 279.835 to 279.855.

(ii) A public improvement contract exempted under Section 9 of these Rules.

(iii) A contract for goods or services if the value of the contract is less than \$5,000.

(iv) A contract not to exceed \$100,000, or not to exceed \$50,000 in the case of a contract for a highway, bridge or other transportation project, made under procedures for competitive quotes in sections 132 and 133, chapter 794, Oregon Laws 2003.

(c) Any Public Improvement Contract amendment including change orders, extra work, or other change in the original specifications which changes the original contract price or alters the work to be performed, may be made with the contractor without Competitive Bidding subject to the following conditions:

(i) The original contract imposes a binding obligation on the parties covering the terms and conditions regarding the changes in the work;

(ii) The amended contract does not substantially alter the character of the project;

(iii) The amount of the aggregate cost change resulting from all amendments creating such new obligations shall not exceed 25% of the initial contract and the delegated authority finds there were unanticipated changes arising after the contract commenced causing an increase in the cost of the Public Improvement Contract; and

(iv) The contract amendment, change order, extra work, or other change in the original specifications which changes the original contract price or alters the work to be performed, shall be in writing and shall be executed by the contractor and the delegated authority.

(d) Additional Requirements for Exemption: Any contract exempted under this section shall additionally satisfy these criteria:

(i) The performance bond requirements of ORS 279C.375 and 279C.380, unless an emergency exists as described in Section 7, below.

(ii) The construction and landscape contractor registration and requirements of ORS Chapter 671.630 et seq. and Chapter 701;

(iii) Any other law applicable to such a contract; and,

(iv) If the contract price exceeds \$25,000 the agency and the contractor shall comply with the prevailing wage provisions of ORS 279C.800 - 279C.870, formerly ORS 279.348 to 279.380, when applicable.

SECTION 7. EMERGENCY CONTRACTS [ORS 279B.080]

a. General Rule. A contract may also be exempted from Competitive Bidding and notice of intent to award requirements set forth in ORS 279B.135 and ORS 279C.410(7), if the Board, by a majority vote of members present, determines that emergency conditions require prompt execution of the contract. A determination of such an emergency shall be entered into the record of the meeting at which the determination is made as well as the method used for the selection of the particular contractor. The determination shall be made before any contract exempted hereunder is executed.

b. Emergency Exemption by Public Contracting Officer. A contract under \$50,000 may also be exempted from Competitive Bidding and notice of intent to award requirements set forth in ORS 279B.135 and ORS 279C.410(7) if the Public Contracting Officer determines that emergency conditions require prompt execution of the contract. A determination of such an emergency shall be entered into the record of the acquisition of the materials or services purchased as well as the method used for the selection of the particular contractor. The determination shall be made before any contract exempted hereunder is executed. Pursuant to ORS 279C.380 and 390, the Public Contracting Officer may exempt the contract awarded in an emergency basis from the bid security and payment and performance bond requirements.

c. "Emergency" Defined. As defined in ORS 279A.010, and for purposes of this Section 7, an "emergency" consists of circumstances creating a substantial risk of loss, damage, interruption of services or threat to public health, safety, welfare or property that could not have been reasonably foreseen and requires prompt execution of a contract to remedy the condition.

SECTION 8. PERSONAL SERVICES CONTRACTS [ORS 279A.055(2)]

a. Definition of Personal Services Contract. Personal services contracts, as defined in ORS 279A.055, may include, but are not limited to the following:

i. Contracts for services performed as an independent contractor in a professional capacity, including, but not limited to, the services of an accountant, auditor, attorney, architect, real property fee appraiser, engineer, land use planner, physician or dentist, commercial pilot, aerial photographer, data processing consultant, timber cruiser, financial advisor, or investigator;

ii. Contracts for services as an artist in the performing or fine arts including, but not limited to, any person identified as a photographer, film maker, painter, weaver, or sculptor;

iii. Contracts for services that are specialized, creative and research-oriented; and

iv. Contracts for educational services.

b. Exclusions. Personal services contracts do not include:

- i. Contracts, even though in a professional capacity, if primarily for a product, e.g. a contract with a data processing consultant to develop a new computer system design is a contract for personal services, but a contract to design a computer system and supply all the hardware is primarily for a tangible product;
 - ii. Contracts with a temporary service or personnel agency to supply labor, which is of a type that can generally be done by any competent worker, e.g. data entry, janitorial, security guard, crop spraying, laundry, and landscape maintenance services contracts;
 - iii. Contracts for trade-related activities considered to be labor and material contracts; and
 - iv. Contracts for services of a trade-related activity to accomplish routine, continuing and necessary functions, even though a specific license is required to engage in the activity. Examples include, but are not limited to, repair and/or maintenance of all types of equipment or structures.
- c. Criteria. The agency may enter into a personal services contract with an independent contractor when:
- i. The work to be performed requires specialized skills, knowledge and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgment;
 - ii. The County will not control the means or manner of the contractor's performance, but must rely on the contractor's specialized skills, knowledge and expertise to accomplish the work;
 - iii. The contractor will be selected primarily on the basis of qualifications rather than price; and
 - iv. The contractor will indemnify Curry County for all claims related to the contract and includes Curry County as an additional insured on all applicable insurance policies for the duration of the contract, unless the Board finds good cause to exempt the contractor from this provision.
- d. Procedure for Screening and Contracting for Personal Services [ORS 279A.070].
- i. Candidate(s) for personal service contracts shall be screened and reviewed by the affected department head (or his or her designee) or the Board of Curry County Commissioners, as appropriate. The screening shall ensure that the quality of service offered by the personal services contractor is sufficient for the County's particular needs under the circumstances, and that the cost to the County is fair and reasonable under the circumstances.
 - ii. No personal service contract adopted after the effective date of these rules shall exceed a five-year period, inclusive of amendments. Nothing herein shall apply to franchise agreements.
 - iii. The delegation rules of Section 4 above shall apply to personal service contracts.

SECTION 9. SPECIAL PROCUREMENTS/ALTERNATE CONTRACTING METHODS.

The Board may approve of special procurement or alternative contracting methods pursuant to this Section 9.

a. Special Procurements: [279B.085]

i. To seek approval of a special procurement, a department shall submit a written request to the Board that describes the proposed contracting procedure, the goods or services or the class of goods or services to be acquired through the special procurement and the circumstances that justify the use of a special procurement under the standards set forth in subsection ii of this section.

ii. The Board may approve a special procurement if it finds that a written request submitted under subsection i of this section demonstrates that the use of a special procurement as described in the request, or an alternative procedure prescribed by the director or board, will:

(1) Be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and

(2) Result in substantial cost savings to the contracting agency or to the public; or

(3) Otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder.

iii. Public notice of the approval process for a proposed special procurement must be given in the same manner as provided in ORS 279B.055 (4)(b).

iv. If a contract is awarded through a special procurement, the department shall award the contract to the offeror whose offer the department determines in writing to be the most advantageous to the contracting agency.

v. When the Board approves a class special procurement, as defined in ORS 279B.085, under this section, the department may award contracts to acquire goods or services within the class of goods or services in accordance with the terms of the Board's approval without making a subsequent request for a special procurement.

b. Alternative Contracts [279C.335]. The department shall submit a written request to the Board that describes the proposed contracting procedure, the services to be acquired through the alternative contract and the circumstances that justify the use of it under the standards set forth in subsection i - iii, below. The Board shall make the following findings to approve of an Alternative Contract:

i. It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; and

ii. The awarding of public improvement contracts under the exemption will result in substantial cost savings to the contracting agency or, if the contracts are for public improvements described in ORS 279A.050(3)(b), to the County or the public. In making the finding, the Board may consider the type, cost and amount of the contract, the number of persons available to bid and such other factors as may be deemed appropriate.

iii. In granting exemptions under subsection b of this section, the Board shall:

- (1) When appropriate, direct the use of alternate contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition.
- (2) Require and approve or disapprove written findings by the contracting agency that support the awarding of a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirement of subsection (1) of this section. The findings must show that the exemption of a contract or class of contracts complies with the requirements of subsection (2) of this section.
- (3) Before final adoption of the findings required by this section exempting a public improvement contract or a class of public improvement contracts from the requirement of competitive bidding, the Board shall hold a public hearing.
- (4) Notification of the public hearing shall be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the hearing.
- (5) The notice shall state that the public hearing is for the purpose of taking comments on the Board's draft findings for an exemption from the competitive bidding requirement. At the time of the notice, copies of the draft findings shall be made available to the public. At the option of the Board the notice may describe the process by which the findings are finally adopted and may indicate the opportunity for any further public comment.
- (6) At the public hearing, the Board shall offer an opportunity for any interested party to appear and present comment.
- (7) If the Board is required to act promptly due to circumstances beyond the Board's control that do not constitute an emergency, notification of the public hearing may be published simultaneously with the Board's solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the meeting and approval of the findings.

SECTION 10. REQUESTS FOR PROPOSALS

Unless a different process is provided in the Board's order, RFPs shall be used by a department anytime the Board authorizes a Special Procurement or Alternative Contracting Method exempt from Competitive Bidding.

- a. General Rules
 - i. Procedures for Utilizing RFPs. The following procedures are to be employed when using an RFP, whether for Procurement or Public Improvement Contracts:
 - (1) A cover page identifying Curry County as the contracting agency. The cover page will also have the date the proposal was distributed and the due date.
 - (2) The proposal is advertised and a written solicitation document is issued that invites the submission of sealed offers in accordance with ORS 279B.060 and 279B.055(4) (procurements) or ORS 279C.400 and 279C.405 (improvements).
 - (3) Contractual requirements are clearly stated in the solicitation documents.
 - (4) Evaluation criteria to be applied in awarding the contract and the rule of an evaluation committee are stated clearly in the solicitation document. Criteria used to identify the proposal that best meets the county's needs may include but

are not limited to cost, quality, service, compatibility, product reliability, operating efficient and expansion potential;

(5) The solicitation document clearly states all complaint processes and remedies available;

(6) The solicitation document states the provision for proposers to comment on any specification they feel limit competition.

(7) The department shall prepare a proposal setting forth the minimum eligibility requirements and known criteria of selection such as experience, accreditation and cost.

(8) The department shall forward the completed proposal to County Counsel for review.

(9) The department shall, depending upon the availability of qualified contractors, submit the proposal to at least three contractors.

(10) The department shall review all proposals submitted for consistency with the request, relative costs, and other relevant criteria of selection set forth on the proposal.

(11) Recommendation of contract awards will be prepared by the department and forwarded to the County Counsel's Office for review.

(12) Selection of a contractor shall be made on a 'best value' basis. Factors to be considered may include, but are not limited to, cost, quality, quantity, time and performance.

b. Procurements: The RFP shall be conducted in accordance with ORS 279B.060.

i. Required information:

(1) A procurement description;

(2) A time, date and place that prequalification applications, if any, must be filed and the classes of work, if any, for which proposers must be prequalified in accordance with ORS 279B.120;

(3) A statement that the department may cancel the procurement or reject any or all proposals in accordance with ORS 279B.100;

(4) A statement that "Contractors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document."

(5) A statement that requires the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710; and

(6) All contractual terms and conditions applicable to the procurement, including the length of the contract period, termination provisions and applicable forms, including a proposed contract.

ii. Notice and Selection Procedures:

(1) Public notice of the request for proposal shall be given in the same manner as provided for public notice of invitations to bid in ORS 279B.055 (4).

(2) Notwithstanding ORS 192.410 to 192.505, proposals may be opened in a manner to avoid disclosure of contents to competing proposers during, when applicable, the process of negotiation, but the department shall record and make available the identity of all proposers as part of the department's public records from and after the opening of the proposals. Notwithstanding ORS 192.410 to 192.505, proposals are not required to be open for public inspection until after the notice of intent to award a contract is issued. The fact that proposals are

opened at a meeting, as defined in ORS 192.610, does not make their contents subject to disclosure, regardless of whether the public body opening the proposals fails to give notice of or provide for an executive session for the purpose of opening proposals.

(3) Notwithstanding any requirement to make proposals open to public inspection after the department's issuance of notice of intent to award a contract, a department may withhold from disclosure to the public materials included in a proposal that are exempt or conditionally exempt from disclosure under ORS 192.501 or 192.502 or other applicable law.

c. Public Improvements: The Request for Proposal shall be conducted in accordance with ORS 279C.365 and 279C.405.

i. Required information:

- (1) The public improvement project;
- (2) The office where the specifications for the project may be reviewed;
- (3) The date that prequalification applications must be filed under ORS 279C.430 and the class or classes of work for which bidders must be prequalified if prequalification is a requirement;
- (4) The date and time after which bids will not be received, which must be at least five days after the date of the last publication of the advertisement;
- (5) The name and title of the person designated for receipt of bids;
- (6) The date, time and place that the County will publicly open the bids;
- (7) A statement that, if the contract is for a public works subject to ORS 279C.800 to 279C.870 or the Davis-Bacon Act (40 U.S.C. 276a), no bid will be received or considered by the department unless the bid contains a statement by the bidder that ORS 279C.840 or 40 U.S.C. 276a will be complied with;
- (8) A statement that each bid must identify whether the bidder is a resident bidder, as defined in ORS 279A.120;
- (9) A statement that the department may reject any bid not in compliance with all prescribed public contracting procedures and requirements and may reject for good cause all bids upon a finding of the Board that it is in the public interest to do so;
- (10) Information addressing whether a contractor or subcontractor must be licensed under ORS 468A.720;
- (11) A statement that a bid for a public improvement contract may not be received or considered by the County unless the bidder is licensed by the Construction Contractors Board or the State Landscape Contractors Board.
- (12) All required contractual terms and conditions including the length of the contract period, termination provisions and applicable forms, including a proposed contract.
- (13) The method of contractor selection, which may include but is not limited to award without negotiation, negotiation with the highest ranked proposer, competitive negotiations, multiple-tiered competition designed either to identify a class of proposers that fall within a competitive range or to otherwise eliminate from consideration a class of lower ranked proposers, or any combination of methods, as authorized or prescribed by rules adopted under ORS 279A.065.
- (14) All evaluation factors that will be considered by the department when

evaluating the proposals, including the relative importance of price and any other evaluation factors.

ii. Format. [279C.365(2)]. All proposals made to the County under ORS 279C.335 or 279C.400 must be:

- (1) In writing;
- (2) Filed with the person designated for receipt of bids by the department; and
- (3) Opened publicly by the County immediately after the deadline for submission of bids.
- (4) After having been opened, the bidder(s) and total bid amount(s) will be announced to the public.
- (5) A surety bond, irrevocable letter of credit issued by an insured institution as defined in ORS 706.008, cashier's check or certified check of each bidder shall be attached to all bids as bid security unless the contract for which a bid is submitted has been exempted from this requirement under ORS 279C.390. The security may not exceed 10 percent of the amount bid for the contract.

SECTION 11. PREQUALIFICATION [ORS 279C.430].

The type and nature of contracts to which a prequalification application can be made includes only Public Improvement Contracts and Public Works Contracts, as defined in Section 2, above.

- a. Process. Persons desiring to bid for contracts to perform public improvements where prequalification is determined "mandatory" by the Public Contracting Officer shall submit a completed State of Oregon, Department of Administrative Services, Contractor's Prequalification Application to the Public Contracting Officer. The prequalification application shall be submitted, when required, at least ten days prior to the opening of bids of any contract for which the person desires to be considered.
- b. Applications. Applications for prequalification must be submitted on a standard form prescribed per ORS 279A.050.
- c. Determination; Validity. The Public Contracting Officer shall, within thirty days, if practical, of the receipt of the prequalification application submitted pursuant to this Section, notify the prospective bidder as to whether bidder is qualified, the nature and types of contracts that s/he is qualified to bid on, and the time period for which the prequalification is valid. Pre-qualifications under this Section shall be valid only until the end of the calendar year within which they are issued. The Public Contracting Officer will consider only the applicable standards of responsibility listed in ORS 279C.375(2)(b).
- d. Qualification Statement. Upon establishment of the applicant's prequalification, the Public Contracting Officer shall issue a qualification statement. The statement shall inform the applicant of any conditions which may be imposed on the qualification and advise the applicant to notify the County promptly if there has been any substantial change of conditions or circumstances which would make any statement contained in the prequalification application (a) no longer applicable, or (b) untrue. If the applicant desires to appeal the conditions of the prequalification, written notice must be given to the Public Contracting Officer within three business days after receipt of the notice.
- e. Adverse Determination. If the Public Contracting Officer does not qualify an applicant, written notice will be given to the applicant stating the reasons that prequalification has been denied. If the applicant desires to appeal the denial, written notice must be given to the Public Contracting Officer in accordance with subsection d, above.(ORS 279C.445].

f. **Revocation of Prequalification.** If a Public Contracting Officer has reasonable cause to believe there is a substantial change in the conditions of a prequalified person, the Public Contracting Officer may revoke, revise or reissue the prequalification upon notice to the prospective bidder; provided, however, that such action shall be invalid as to any contract for which an advertisement for bids has already been made under ORS 279C.430. The notice shall state the reasons found under ORS 279C.375(2)(b) for revocation or revision of the prequalification of the person and inform the person of the right to a hearing as set forth in ORS 279C.445 and ORS 279C.450.

SECTION 12. ADVERTISING REQUIREMENTS FOR COMPETITIVE SEALED BIDDING AND NOTICE OF INTENT TO AWARD [ORS 279B.055(4), 279C.360].

a. The department shall give public notice of an invitation to bid issued under this section. Public notice is intended to foster competition among prospective bidders. The department shall make invitations to bid available to prospective Bidders.

b. A public notice must be published at least once in at least one newspaper of general circulation in the area where the contract is to be performed and in as many additional issues and publications as the department may determine. If the contract is for a public improvement estimated to cost in excess of \$125,000, the advertisement must be published in at least one trade newspaper or general statewide circulation.

c. The Board may, by rule or order, authorize public notice of bids or proposals to be published electronically instead of in a newspaper of general circulation if the Board determines that electronically providing public notice of bids or proposals is likely to be cost-effective.

d. In addition to the modes of publication authorized by paragraphs (b) and (c) of this subsection, the department may use any other medium reasonably calculated to reach prospective bidders or proposers.

SECTION 13. BIDS OR PROPOSALS ARE OFFERS.

a. **Offer and Acceptance.** The Bid or Proposal is the Bidder's or Proposer's offer to enter into a contract. The County's award of the contract constitutes acceptance of the offer and binds the supplier to the contract.

b. **Responsive Offer.** The County will award the contract only to a Responsible Bidder or Proposer with a Responsive Offer (see Definitions).

c. **Contingent Offers.** A Bidder or Proposer shall not make its Offer contingent upon the County's acceptance of Specifications or Contract terms other than those contained or requested in the Solicitation Document.

d. **Bidder's/Proposer's Acknowledgement.** By signing and returning the Offer, the Bidder or Proposer acknowledges it has read and understands the terms and conditions applicable to a Solicitation Document and that it accepts and agrees to be bound by the terms and conditions of the Contract. If the Request for Proposals authorizes proposal of alternative terms, the Proposer agrees to be bound by the non-negotiable terms and conditions of the Contract and any proposed terms and conditions offered for negotiation upon the County's written acceptance of the proposed terms and conditions.

SECTION 14. PROTESTS OF PROCUREMENT PROCESS, SOLICITATION DOCUMENT AND AWARD [279B.400, 279B.405, 279B.410]

- a. Time for Submission of Protest. Protests of the procurement process, bid specifications or awards shall be presented to the Public Contracting Officer in the following time and manner:
- i. Protests as to the process or specification shall be received at the Public Contracting Officer's office no later than five (5) calendar days prior to bid closing.
 - ii. Protests as to the process or specification shall be in writing and contain:
 - (1) Sufficient information to identify the nature of the protest and bid to which the protest relates.
 - (2) Grounds demonstrating how the procurement process is contrary to law or how the bid document is unnecessarily restrictive, is legally flawed or improperly specifies a brand name.
 - (3) Evidence or supporting documentation that supports the grounds on which the protest is based;
 - (4) The relief sought.
 - iii. Protests as to the bid award shall contain and follow the requirements set forth in ORS 279B.410 and be received at the Public Contracting Officer's office within three business days from the date of the award of the public contract or the date of the notice of intent to award a public contract, whichever occurs first.
- b. Untimely submission: Protests which are not in writing, do not contain the necessary information listed above or are filed after the deadline shall not be considered.
- c. Extension of Bid Closing. If a procurement process or bid specification protest is timely presented, the bid opening date may be extended if necessary to allow consideration of the protest and issuance of any addendum.

SECTION 15. ADDENDA.

- a. Requirement A solicitation document may be changed only by a written addendum issued by Curry County. When an addendum is required, it shall be issued to all prospective bidders or proposers on the list maintained for the procurement in question by Curry County.
- b. Acknowledgement Required. A bidder or proposer must timely acknowledge in writing receipt of all addenda issued by Curry County. Failure to acknowledge receipt of an addendum may cause a bid to be rejected as nonresponsive, and may cause a proposal to be considered outside the competitive range or to be determined after evaluation to be inferior to other proposals that included acknowledgment of receipt of the addendum. Acknowledgment of receipt of an addendum most often will be part of the bid or proposal, but may be separate from the bid or proposal, and need not be sealed. Curry County shall accept a written acknowledgment of receipt of an addendum by any commercially reasonable means, including but not limited to fax and email. Acknowledgment of receipt of an addendum to an invitation for bids is timely only if it is received in a manner and at a time that would make it timely if it were a bid.
- c. Distribution. Addenda may be distributed by U.S. mail, fax, hand delivery, or other commercially reasonable means. Curry County in its' sole discretion, may extend a bid opening to allow a bidder time to acknowledge receipt of the addendum.

SECTION 16. CORRECTION AND WITHDRAWAL OF BIDS [ORS 279B.055(7)].

The Attorney General Model Rules shall provide for and regulate the correction and withdrawal of bids before and after bid opening and the cancellation of awards or contracts based on bid mistakes. After bid

opening, changes in bids prejudicial to the interests of the public or fair competition are not permitted. All decisions to permit the correction or withdrawal of bids, or to cancel an award or a contract based on bid mistakes, shall be supported by a written determination by the contracting agency that states the reasons for the action taken.

SECTION 17. TIME FOR COUNTY ACCEPTANCE AND EXTENSION OF OFFER.

- a. An offer is irrevocable, valid and binding on the Bidder or Proposer for not less than sixty (60) days from closing unless otherwise specified in the Solicitation Document.
- b. The County may request, orally or in writing, that suppliers extend, in writing, the time during which the County may accept their offer(s). If a Bidder or Proposer agrees to such extension, the Offer shall be irrevocable, valid and binding for the agreed upon extension.

SECTION 18. TIED BIDS OR OFFERS.

- a. Definition. Tie Offers are low tie Responsive Bids from Responsible Bidders or high tie Responsive Proposals from Responsible Proposers that are identical in price, fitness, availability and quality.
- b. Award. If awarded, the County shall award the contract based on the following order of precedence:
 - i. Goods or services that have been manufactured or produced in this state pursuant to ORS 279A120.
 - ii. The Offer of the Bidder or Proposer whose principal offices or headquarters are located in Oregon.
 - iii. If a tie Offer remains after subsections b(i) and (b)(ii), then by drawing Jots among any tied Bidders or Proposers. Such Bidders or Proposers shall be given notice and an opportunity to be present when the lots are drawn.

SECTION 19. REJECTION OF INDIVIDUAL BIDS OR PROPOSALS.

- a. General. In accordance with ORS 279B.100 and 279C.395, the County may reject any Offer not in compliance with all prescribed solicitation procedures and requirements, and may reject for good cause any Offer upon a written finding of the County that it is in the public interest to do so.
- b. Additional Basis Rejection. The County may reject an Offer upon the County's finding that:
 - i. The Contract is for a Public Work and the Commissioner of the Bureau of Labor and Industries has declared the Bidder ineligible under ORS 279C.860; or
 - ii. The supplier is not responsible. A supplier is not responsible if the County finds:
 - (1) The Bidder or Proposer does not have available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the Bidder or Proposer to meet all contractual responsibilities;
 - (2) The Bidder or Proposer does not have satisfactory record of performance. The County shall document the record of performance of the

Bidder or Proposer if the County finds the Bidder or Proposer not responsible under this paragraph;

(3) The Bidder or Proposer does not have a satisfactory record of integrity. The County shall document the record of integrity of the Bidder or Proposer if the County finds the Bidder or Proposer not to be a Responsible Bidder or Proposer under this paragraph;

(4) The Bidder or Proposer is not qualified legally to contract with the County; and

(5) The Bidder or Proposer has not supplied all necessary information in connection with the inquiry concerning responsibility. If the Bidder or Proposer fails to promptly supply information requested by the County concerning responsibility, the County shall base the determination of responsibility upon any available information, or may find the Bidder or Proposer not responsible;

iii. The Contract is for a Public Improvement and the Construction Contractor's Board lists the Bidder as not qualified;

iv. The Bidder or Proposer has not met the requirements of ORS 279A.105(1) or (2) if required by the Solicitation Document;

v. Other circumstances relevant to the Offer, or Bidder or Proposer, indicate that acceptance of the Offer may impair the integrity of the selection process;

vi. The Offer is contingent upon the County's acceptance of terms and conditions (including Specifications) that differ from the Solicitation documents;

vii. The Offer takes exception to some of the terms and conditions in the Solicitation documents;

viii. The Offer offers goods or services that fail to meet the Specifications of the Solicitation Document;

ix. The Offer is late;

x. The Offer is not in substantial compliance with the Solicitation Document or these public procurement Rules; or

xi. The Offer has not submitted properly executed Bid or Proposal security as required by the Solicitation Document.

SECTION 20. REJECTION OF ALL OFFERS.

a. Rejection. The County may reject all Offers for good cause upon a Written finding it is in the public interest to do so. The County will notify all Bidders or Proposers of the rejection of all Offers, along with the good cause justification and finding.

b. Criteria. The County may reject all Offers upon a Written finding that:

i. The content of or an error in the Solicitation Documents, or the solicitation process unnecessarily restricted competition for the Contract;

ii. The price, quality or performance presented by the Bidders or Proposers is too costly or of insufficient quality to justify acceptance of the Offer;

iii. Misconduct, error, or ambiguous or misleading provisions in the Solicitation Document threaten the fairness and integrity of the competitive process;

iv. Causes other than legitimate market forces threaten the integrity of the competitive procurement process. These causes include, but are not limited to, those that tend to limit competition such as restrictions on competition, collusion, corruption, unlawful anti-competitive conduct, and inadvertent or unintentional errors in the Solicitation Document;

iv. Any other circumstance indicating completion of the solicitation would not be in the public interest.

SECTION 21. NEGOTIATION WHEN BIDS EXCEED BUDGET [ORS 279C.340].

The Public Contracting Officer may negotiate with the lowest responsive, responsible bidder when all responsive bids from responsible bidders exceed the County's cost estimate in accordance with ORS 279C.340. The Public Contracting Officer shall negotiate to obtain the best possible value for the County. In the event the Public Contracting Officer cannot, in his or her discretion, obtain the best possible value, the Public Improvement Project shall be competitively re-bid or abandoned.

SECTION 22. NOTICE OF INTENT TO AWARD.

Unless otherwise provided in the Solicitation Document, the County shall provide notice of its intent to Award to all Bidders and Proposers pursuant to ORS 279B.135 and ORS 279C.410(7) at least seven (7) days before the award of a contract, unless the County determines that circumstances require the prompt execution of the contract, in which case the County may provide a shorter notice period. This section does not apply to contracts awarded as a small procurement (ORS 279B.065), an intermediate procurement (ORS 279B.070), sole source procurement (ORS 279B.075), an emergency procurement (ORS 279B.080), or a special procurement (ORS 279B.085).

SECTION 23. RECORD KEEPING.

To facilitate contract file record keeping and reduce accounting and auditing difficulties in having dispersed contract files, each department will maintain a complete file on all contracts executed on behalf of that department. Information to be included in the file shall include, at a minimum, any and all invitation for bids or requests for proposals, bid or proposal advertisements, recordings of minutes of contract selection meetings and other meetings, original signed contract, and any approved Local Contract Review Board waivers.

SECTION 24. RECEIVING PROCEDURES.

When a delivery is made of materials, supplies, furniture, equipment, etc., the person signing for the delivery shall check the container. If the container is damaged in any way, the container shall be opened and the contents inspected prior to signing for the delivery. Any damage should be noted on the freight or delivery slip. Likewise, if items are delivered and assembled, a full inspection should be performed prior to signing any freight or delivery slip.

SECTION 25. TRANSFER. SALE OR DISPOSAL OF PERSONAL PROPERTY [279A.185].

Any personal property that becomes surplus shall be disposed of in the manner set forth in Curry County Order No. 11499 adopted November 4, 2002. 12931 adopted October 6, 2008, per Order No. 12932, adopted October 6, 2008.

APPENDIX A - DEFINITIONS

279A.010 Definitions for Public Contracting Code. (1) As used in the Public Contracting Code, unless the context or a specifically applicable definition requires otherwise:

1. (a) "Bidder" means a person that submits a bid in response to an invitation to bid.
- (b) "Contracting agency" means a public body authorized by law to conduct a procurement "Contracting agency" includes, but is not limited to, the Director of the Oregon Department of Administrative Services and any person authorized by a contracting agency to conduct procurement on the contracting agency's behalf. "Contracting agency" does not include the judicial department or the legislative department.
- (c) "Days" means calendar days.
- (d) "Department" means the Oregon Department of Administrative Services.
- (e) "Director" means the Director of the Oregon Department of Administrative Services or a person designated by the director to carry out the authority of the director under the Public Contracting Code.
- (f) "Emergency" means circumstances that:
 - (A) Could not have been reasonably foreseen;
 - (B) Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
 - (C) Require prompt execution of a contract to remedy the condition.
- (g) "Energy savings performance contract" means a public contract between a contracting agency and a qualified energy service company for the identification, evaluation, recommendation, design and construction of energy conservation measures, including a design-build contract, that guarantee energy savings or performance.
- (h) "Executive department" has the meaning given that term in ORS 174.112.
- (i) (A) "Grant" means:
 - (i) An agreement under which a contracting agency receives moneys, property or other assistance, including but not limited to federal assistance that is characterized as a grant by federal law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets, from a grantor for the purpose of supporting or stimulating a program or activity of the contracting agency and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions; or
 - (ii) An agreement under which a contracting agency provides moneys, property or other assistance, including but not limited to federal assistance that is characterized as a grant by federal law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests,

commodities or other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the contracting agency is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions.

(B) "Grant" does not include a public contract for a public improvement, for public works, as defined in ORS 279C.800, or for emergency work, minor alterations or ordinary repair or maintenance necessary to preserve a public improvement, when under the public contract a contracting agency pays, in consideration for contract performance intended to realize or to support the realization of the purposes for which grant funds were provided to the contracting agency, moneys that the contracting agency has received under a grant.

j) "Industrial oil" means any compressor, turbine or bearing oil, hydraulic oil, metal-working oil or refrigeration oil.

(k) "Judicial department" has the meaning given that term in ORS 174.113.

(L) "Legislative department" has the meaning given that term in ORS 174.114.

(m) "Local contract review board" means a local contract review board described in ORS 279A.060.

(n) "Local contracting agency" means a local government or special government body authorized by law to conduct procurement. "Local contracting agency" includes any person authorized by a local contracting agency to conduct procurement on behalf of the local contracting agency.

(o) "Local government" has the meaning given that term in ORS 174.116.

(p) "Lowest responsible bidder" means the lowest bidder who:
(A) Has substantially complied with all prescribed public contracting procedures and requirements;
(B) Has met the standards of responsibility set forth in ORS 279B.110 or 279C.375;
(C) Has not been debarred or disqualified by the contracting agency under ORS 279B.130 or 279C.440; and
(D) If the advertised contract is a public improvement contract, is not on the list created by the Construction Contractors Board under ORS 701.227.

(q) "Lubricating oil" means any oil intended for use in an internal combustion crankcase, transmission, gearbox or differential or an automobile, bus, truck, vessel, plane, train, heavy equipment or machinery powered by an internal combustion engine.

(r) "Person" means a natural person capable of being legally bound, a sole proprietorship, a corporation, a partnership, a limited liability company or partnership, a limited partnership, a for-profit or nonprofit unincorporated association, a business trust, two or more persons having a joint or common economic interest, any other person with legal capacity to contract or a public body.

(s) "Post-consumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item. "Post-consumer waste" does not include manufacturing waste.

(t) "Price agreement" means a public contract for the procurement of goods or services at a set price with:

(A) No guarantee of a minimum or maximum purchase; or

- (B) An initial order or minimum purchase combined with a continuing contractor obligation to provide goods or services in which the contracting agency does not guarantee a minimum or maximum additional purchase.
- (u) "Procurement" means the act of purchasing, leasing, renting or otherwise acquiring goods or services. "Procurement" includes each function and procedure undertaken or required to be undertaken by a contracting agency to enter into a public contract, administer a public contract and obtain the performance of a public contract under the Public Contracting Code.
- (v) "Proposer" means a person that submits a proposal in response to a request for proposals.
- (w) "Public body" has the meaning given that term in ORS 174.109.
- (x) "Public contract" means a sale or other disposal, or a purchase, lease, rental or other acquisition, by a contracting agency of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement. "Public contract" does not include grants.
- (y) "Public contracting" means procurement activities described in the Public Contracting Code relating to obtaining, modifying or administering public contracts or price agreements.
- (z) "Public Contracting Code" or "code" means ORS chapters 279A, 279B and 279C.
- (aa) "Public improvement" means a project for construction, reconstruction or major renovation on real property by or for a contracting agency. "Public improvement" does not include:
- (A) Projects for which no funds of a contracting agency are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
 - (B) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.
- (bb) "Public improvement contract" means a public contract for a public improvement. "Public improvement contract" does not include a public contract for emergency work, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement.
- (cc) "Recycled material" means any material that would otherwise be a useless, unwanted or discarded material except for the fact that the material still has useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled.
- (dd) "Recycled oil" means used oil that has been prepared for reuse as a petroleum product by refining, redefining, reclaiming, reprocessing or other means, provided that the preparation or use is operationally safe, environmentally sound and complies with all laws and regulations.
- (ee) "Recycled paper" means a paper product with not less than:
- (A) Fifty percent of its fiber weight consisting of secondary waste materials; or
 - (B) Twenty-five percent of its fiber weight consisting of post-consumer waste.
- (ff) "Recycled PETE" means post-consumer polyethylene terephthalate material.
- (gg) "Recycled product" means all materials, goods and supplies, not less than 50 percent of the total weight of which consists of secondary and post-consumer waste with not less than 10 percent of its total weight consisting of post-consumer waste. "Recycled product" includes any product that could have been disposed of as solid waste, having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of the product's form.

(hh) "Secondary waste materials" means fragments of products or finished products of a manufacturing process that has converted a virgin resource into a commodity of real economic value. "Secondary waste materials" includes post-consumer waste. "Secondary waste materials" does not include excess virgin resources of the manufacturing process. For paper, "secondary waste materials" does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls, mill broke, wood slabs, chips, sawdust or other wood residue from a manufacturing process.

(ii) "Special government body" has the meaning given that term in ORS 174.117.

(jj) "State agency" means the executive department, except the Secretary of State and the State Treasurer in the performance of the duties of their constitutional offices.

(kk) "State contracting agency" means an executive department entity authorized by law to conduct procurement.

(ll) "State government" has the meaning given that term in ORS 174.111.

(mm) "Used oil" has the meaning given that term in ORS 459A.555.

(nn) "Virgin oil" means oil that has been refined from crude oil and that has not been used or contaminated with impurities.

(2) Other definitions appearing in the Public Contracting Code and the sections in which they appear are:

"Adequate" ORS 279C.305

"Administering contracting agency" ORS 279A.200 "Affirmative action" ORS 279A.100

"Architect" ORS 279C.100 "Architectural, engineering and land surveying services" ORS 279C.100 "Bid documents" ORS 279C.400 "Bidder" ORS 279B.415

"Bids" ORS 279C.400

"Brand name" ORS 279B.405

"Brand name or equal specification" ORS 279b.200 "Brand name specification" ORS 279B.200

"Class special procurement" ORS 279B.085 "Consultant" ORS 279C.115

"Contract-specific special procurement" ORS 279B.085 "Cooperative procurement" ORS 279A.200

"Cooperative procurement group" ORS 279A.200 "Donee" ORS 279A.250

"Engineer" ORS 279C.100

"Established catalog price" ORS 279B.005 "Findings" ORS 279C.330

"Fire protection equipment" ORS 279A.190 "Flagger" ORS 279C.810

"Fringe benefits" ORS 279C.800

"Funds of a public agency" ORS 279C.810

"Good cause" ORS 279C.585 "Good faith dispute" ORS 279C.580 "Goods" ORS 279B.115

"Goods and services" or
"goods or services" ORS 279B.005
"Interstate cooperative procurement" ORS 279A.200
"Invitation to bid" ORS 279B.005 and 279C.400
"Joint cooperative procurement" ORS 279A.200
"Labor dispute" ORS 279C.650 "Land surveyor" ORS 279C.100 "Legally flawed" ORS 279B.405
"Locality" ORS 279C.800
"Nonprofit organization" ORS 279C.810
"Nonresident bidder" ORS 279A.120
"Not-for-profit organization" ORS 279A.250
"Original contract" ORS 279A.200
"Permissive cooperative procurement" ORS 279A.200
"Person" ORS 279C.500
and 279C.815
"Personal services" ORS 279C.100 "Prevailing rate of wage" ORS 279C.800 "Procurement description"
ORS 279B.005 "Property" ORS 279A.250
"Public agency" ORS 279C.800
"Public contract" ORS 279A.190
"Public contract for goods or services" ORS 279B.005
"Public works" ORS 279C.800
"Purchasing contracting agency" ORS 279A.200 "Regularly organized fire department" ORS 279A.190
"Related services" ORS 279C.100
"Request for proposals" ORS 279B.005 "Resident bidder" ORS 279A.120
"Responsible bidder" ORS 279A.105 and 279B.005
"Responsible proposer" ORS 279B.005 "Responsive bid" ORS 279B.005 "Responsive proposal" ORS
279B.005 "Retainage" ORS 279C.550
"Special procurement" ORS 279B.085 "Specification" ORS 279B.200
"State agency" ORS 279A.250 "Substantial completion" ORS 279C.465 "Surplus property" ORS
279A.250 "Unnecessarily restrictive" ORS 279B.405

BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Order)
Readopting the County's) ORDER NO. 12281
Local Contract Review)
Board Rules and Opting)
Out of the AG Model Rules)

WHEREAS, ORS 279A.065(5)(a) specifically allows a contracting agency such as a county to adopt its own rules for public contracting in lieu of the model rules adopted by the Attorney General; and

WHEREAS, on February 25, 2005, the Board of Curry County Commissioners adopted new local contract review board rules (instead of adopting the model rules) and repealed its old rules in response to changes in the law by the 2003 Oregon Legislature; and

WHEREAS, ORS 279A.065(5)(b) provides that "a contracting agency that adopts rules under this section shall review the rules each time the Attorney General modifies the model rules under this section to determine whether the contracting agency should modify its rules to ensure compliance with statutory changes"; and

WHEREAS, the 2005 Oregon Legislature made some changes to the public contracting law, and the Attorney General amended its model rules effective January 1, 2006; and

WHEREAS, the County has reviewed the new model rules, and finds that it is appropriate to readopt the County's local rules at this time; and

WHEREAS, the County reserves the right to amend its local contract review board rules in the future as deemed necessary by the Board of Curry County Commissioners;

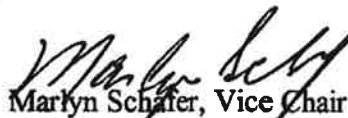
**NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS
HEREBY ORDERS AS FOLLOWS:**

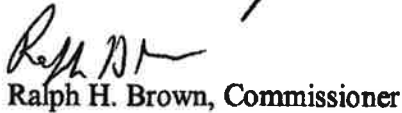
- 1) The County local contract review board rules as found in Order No. 12053 are readopted in their entirety.
- 2) Curry County expressly opts out of the new model rules adopted by the Attorney General.
- 3) This order shall be effective upon its passage.

DATED this 30th day of January, 2006.

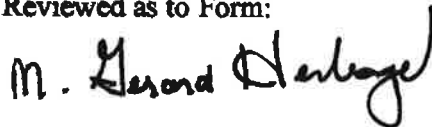
BOARD OF CURRY COUNTY COMMISSIONERS


Lucie La Bonté, Chair


Marlyn Schäfer, Vice Chair


Ralph H. Brown, Commissioner

Reviewed as to Form:



M. Gerard Herbage
Curry County Legal Counsel

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Consider Acquisition Step, Brookings Head Start Grant

TIMELY FILED Yes No State desires answer before April 30, 2018.

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/2018 **DEPARTMENT:** **TIME NEEDED:** 15 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY OLD BUSINESS, ETC**

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: JHuttl **PHONE/EXT:** 3218 **TODAY'S DATE:** 04/12/2018

BRIEF BACKGROUND OR NOTE: (If no memo attached) Property appraised value is \$370,000. Budget for purchase is \$304,000; thus \$66,000 unfunded. College would donate approximately \$20,000 leaving estimated \$46,000 un-funded. If we purchase, we may or may not recuperate unfunded amount from other grant line-items or from ORCCA. Both are uncertain. Unknown exposure to county, plus time and expense. Recommend terminating grant. ORCCA may yet still lease from college for continued operations.

FILES ATTACHED:

(1) None at time of publication; possible financial documents from ORCCA by meeting

(2)

(3)

INSTRUCTIONS ONCE SIGNED:

No Additional Activity Required OR

File with County Clerk Name:

Send Printed Copy to: Address:

Email a Digital Copy to: City/State/Zip:

Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR April 18, 2018 **BOC MEETING** **Not Approved for BOC Agenda because** State needs an answer before April 30, 2018; we have no other meetings

ASSIGNED TO: OLD BUSINESS, ETC

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF CURRY

In the Matter of a Community)
Development Block Grant through) ORDER
State of Oregon Infrastructure Finance) Terminating Grant Agreement
Authority dba BizOregon to acquire, construct,) as a Planning Grant
and transfer property to ORCCA for)
Brookings Head Start program)
_____)

WHEREAS, Curry County has been under a Grant Agreement (Agreement) with State of Oregon Infrastructure Finance Authority (IFA) agreement state contract number C14014, Curry County CJ-2015-287; and

WHEREAS, for the duration of the Agreement the execution of the Agreement has been beset by delays and cost overruns; and

WHEREAS, it is additional delays and cost overruns are anticipated based on past experience; and

WHEREAS, continuing with this Agreement would irrevocably commit the County to expenses anticipated to be not covered by grant funding; and

WHEREAS, the state IFA has allowed the County to terminate this grant prior to the acquisition stage as a Planning Grant, thus not subjecting the County; and

WHEREAS, the Curry County Board of Commissioners determines that terminating the Agreement as a Planning Grant is in the best interest of the Public;

NOW THEREFORE THE BOARD OF COMMISSIONERS FOR CURRY COUNTY ORDERS:

Curry County's Participation in and Obligations under the Community Development Block Grant through the IFA as a Planning Grant is hereby TERMINATED.

DATED this 18th day of April 2018

Sue Gold, Chair

Approved as to Form:

Tom Huxley, Vice Chair

John Huttli, County Counsel

Court Boice, Commissioner

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Approval of Minutes

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/18 **DEPARTMENT:** Administration **TIME NEEDED:** 18 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY CONSENT**

MEMO ATTACHED Yes No If no memo, explain: **Consent Item**

CONTACT PERSON: John Hitt **PHONE/EXT:** 3287 **TODAY'S DATE:** 04/12/18

BRIEF BACKGROUND OR NOTE: (If no memo attached)

FILES ATTACHED:

- (1) 03/21/18 Minutes
- (2) 04/28/17 Minutes
- (3) 04/26/17 Minutes
- (4) 07/05/18 Minutes

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR 04/18/18 **BOC MEETING** **Not Approved for BOC Agenda because**

ASSIGNED TO: CONSENT



MEETING MINUTES

CURRY COUNTY BOARD OF COMMISSIONERS

SPECIAL MEETING

Wednesday, April 26, 2017 – 10:00 A.M.
Commissioners' Hearing Room, Courthouse Annex
94235 Moore Street, Gold Beach, Oregon
www.co.curry.or.us

Meeting minutes

(for more details, refer to video)

Present: Thomas Huxley, Chair; Sue Gold, Vice Chair; Court Boice, Commissioner; John Hutt, County Counsel; John Jezuit, Admin Assistant

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Commissioner Huxley called for the pledge of allegiance. Following the pledge of allegiance, Huxley introduced the Board Staff.

2. AGENDA AMENDMENTS {10:01}

There were no substantive changes to the agenda. Huxley had two comments as written.

- A. Two pages of supplemental material were given to replace page 7 and page 9 of the packet.
- B. An additional item, (2)(d), was added to section 14 of the executive session.

3. APPROVAL OF AGENDA {10:02}

Commissioner Gold moved to approve the agenda as written and as amended. Commissioner Boice seconded. Motion passed unanimously.

4. ANNOUNCEMENTS {10:04}

Huxley announced there would be a meeting with the Community Development Director on Friday, April 28th at 10:00am.

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

There was no public comment.

6. CONSENT CALENDAR

None

7. ADMINISTRATIVE ACTIONS/APPOINTMENT

None

8. PUBLIC HEARING

None

9. PROCLAMATIONS/RESOLUTIONS/LEGISLATIVE ACTIONS {10:05}

County Assessment Function Funding Assistance (CAFFA) Annual Grant

Commissioner Huxley started the discussion presenting six questions concerning the CAFFA grant and for the County Assessor, Jim Kolen, to publicly answer. Below are some of Huxley's questions as written and the County Assessor's replies.

1. Brief history of the CAFFA program as it applies to Curry County over the last fifteen years.

- a. County Assessor Kolen stated the program began in 1990 and it provides assistance to help offset the cost for assessment taxation in the different counties of Oregon. The program works in the form of a money pot that averages around \$200,000 a year based on a \$10 per recording of document fee and from interest collected on unpaid property taxes. In the past, the Program covered approx. 30-35% of assessment taxation costs, but currently covers approx. 18%. The drop in coverage is based on higher assessment taxation costs around the state and a lower CAFFA amount. Since 1990, Curry County has received almost 6.2 million dollars from the CAFFA grant. Expenditure levels over the last three years were \$852,000 for 2014-15 with \$149,500 in CAFFA shares, \$872,107 for 2015-16 with \$149,163 in CAFFA shares, and \$929,687 for 2016-17 with \$157,122 in CAFFA support

2. Typical ‘Work Plan’ requirements and reporting of deliverables required for participation in the CAFFA Grant Program for any given year. {10:14}

Assessor Kolen explains the ‘Work Plan’ requirements from the CAFFA grant application.

- a. **Form 1:** Essentially gives the department of revenue an idea of where personnel resources are expended for assessment taxation purposes.
- b. **Form 2 & 3:** Narrates any changes between this year and last year detailing explanation of staffing issues and general comments.
- c. **Form 4:** Assessor Kolen shared the appraisal resources including the types of accounts and the number of FTEs’ employed in the different activities. In section 2, Assessor Kolen pointed out that 200-250 people come in during the year wanting to discuss appealing their property values, but in the end only seven of them actually appealed. During section 3, there was discussion between Assessor Kolen and Chair Huxley detailing the subtotal of appraisals, both physical and recalculation only, which equaled around 20-21,000 taxable accounts out of the total 23,000 property accounts in the county.
- d. **Form 5:** {10:24} Assessor Kolen highlighted on line 11 & 12 which details how many second and third trimester notices were sent out. The numbers show of the 21,000 taxable accounts, all but about 3,000 are paid in the first trimester.
- e. **Form 6:** Details new accounts, consolidations of accounts, or tax district boundary changes. Assessor Kolen explained last year 2,087 deeds (properties) changed hands.
- f. **Form 7:** {10:27} Breaks the cost for assessment taxation into various categories and gives a total of expenditures for CAFFA consideration equaling \$825,996.
- g. **Form 8, 9, & 10:** Form 8 details the Grant Application Resolution, form 9 is the Racial and Ethnic Impact Statement, and form 10 is the Assessor’s Office- Organizational Chart.

3. Historical reappraisal cycles (in years) achieved over the last fifteen years in Curry County {10:20}

- a. Assessor Kolen explained that over the last five years the physical reappraisal is usually made in a 19 year cycle.

4. Current estimated Curry County reappraisal cycle in years.

- a. Assessor Kolen shared that if they keep the current trained staff, they should be able to do the reappraisal in a 15 year cycle. He stated that there are quite a few counties who have comparable cycles as Curry County’s. Later in the meeting {10:30}, Assessor Kolen

explained that the cycle could drop from a 15 year cycle to a 7 year cycle if they were able to higher another appraiser. There was discussion between the Board of Commissioners and Assessor Kolen about outside appraisers and what type of efforts could be or have been made to help this position be paid for.

Motion

Boice motioned to approve the CAFFA grant application subject to the two figures on form 8 in the amount of \$825,996. Gold seconded the motion. Motion passed unanimously.

10. NEW BUSINESS

None

11. OLD BUSINESS

None

12. PRESENTATIONS TO THE BOARD

None

13. COMMISSIONER UPDATES/LIAISON & DEPARTMENT ACTIVITY REPORTS

Commissioner Boice: {10:47}

- Boice reported on topics focused primarily on public safety and law enforcement. He attended a Wasco County College session that gave insight on the pressures that County Sheriffs go through as the only elected law enforcement individuals as well as reviewing circuit court and the responsibility of public officials concerning public safety. While in Wasco County he toured North County Jail that is administered and used by four different counties. Boice continued with how beneficial the effort from the state has been concerning the local Public Safety Coordinating Council. Also, Boice met individually with the three Jackson County Commissioners and found they are very well managed.
- At {10:53} He discussed an advisory question on regulating commercial recreational marijuana production. The concern behind the question is focused on rural residential zones and property values.
- At {10:56} He discussed meeting with former County Administrator Julie Schmelzer who has basically offered to volunteer her time to help with grant-writing. He then discussed meeting with the Road Master about the aging communication towers and the potential problems down the road. Lastly, Boice touched on the topic about consequences of balancing the budget through cuts in the Sheriff's office.

Commissioner Gold: {11:05}

- Gold reported attending the South Coast Business Employments Corporation meeting in Coos Bay. She reported the corporation has three main purposes to take care of senior services including meals on wheels and home care. She stated, "They service both Coos and Curry County which is interesting." Another feature of the program is dial-a-ride, bus routes in Coos County and helping with workforce development.
- At {11:06} she opens up the topic about a manager position and possibly an interim manager position to get things ready for a permanent manager. Commissioner Huxley commented about having the subject put on the agenda for the next general meeting.

Commissioner Huxley: {11:15}

- Huxley discussed changes during the week of the budget meetings. He asked that the general meeting be moved from the 17th (the middle of the week during the budget meetings) to the following week. The purpose of the change was to "Not have such a major distraction in the middle of the budget meetings" The schedule change was agreed upon unanimously.

14. EXECUTIVE SESSION {11:20}

Executive session ORS 192.660 (2)(F);(2)(H) & (2D)

- (f) To consider information or records that are exempt by law from public inspection.
- (h) To consult with counsel concerning the legal rights and duties of a public with regard to current litigation or litigation likely to be filed.
- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations. Per County Counsel Huttel to discuss SEIU negotiations

At 1:22P.M., the Board came out of executive session. Huxley stated, “We are going to proceed as discussed and request that County Council Huttel do so as discussed during executive session.” Boice motioned to proceed as discussed. Gold Seconded. Motion passed unanimously.

15. ADJOURN

Huxley adjourned the meeting at 1:23P.M.

Dated this _____ day of _____, 2018.

Curry County Board of Commissioners

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

Transcribed by: J. Allen on March 30, 2018



MEETING MINUTES

CURRY COUNTY BOARD OF COMMISSIONERS WORKSHOP MEETING

Wednesday, April 28, 2017 – 10:00 A.M.
Commissioners' Hearing Room, Courthouse Annex
94235 Moore Street, Gold Beach, Oregon
www.co.curry.or.us

Meeting minutes

(for more details, refer to video)

Present: Thomas Huxley, Chair; Sue Gold, Vice Chair; Court Boice, Commissioner; John Huttel, County Counsel; John Jezuit, Admin Assistant

Others Present: Community Development Director Carolyn Johnson and South Coast Development Council Interim Director John Hitt.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Commissioner Huxley called for the pledge of allegiance.

2. INTRODUCTION OF THE MEETING {10:01}

Huxley presented the purpose of the meeting as a workshop to discuss economic development work information and that there would be three main topics. Huxley then turned the meeting over to Community Development Director Carolyn Johnson.

Director Johnson started by introducing Interim Director, John Hitt, with the South Coast Development Council (SCDC). She explained that when SCDC started helping the County last year, they went through a time of staffing transition and now that things have started to settle they plan to be more deliberate with projects down the road. She discussed that she is looking at SCDC as a kind of quasi-staffer for the planned projects in the budget year. Johnson stated she was looking to the Board of Commissioners (BOC) for their thoughts on the planned projects she would be discussing.

3. County Property Development/Programs/Sales to Raise Revenue {10:04}

Johnson explained that they would be looking at County revenues relative to County property.

A. Johnson spoke about the task force that was put together in 2016 for assessing a wide variety of County properties and their recommendations to the Board of Commissioners (BOC). She explained how the Board then decided to put many of those said properties up for sale and that, so far, only one property has sold. Johnson stated, "We have not aggressively found a way yet to market those properties and get them off the books." She asked the Board about their thoughts on whether she should make it a mission this year to undertake the task of finding a way to market and sell the surplus County properties. Commissioner Gold stated she did feel like it was a worthy task because ultimately, if private owners come in and purchase the properties, then there would be more tax base for the county. Huxley and Boice both agreed that the task should be focused on.

B. At {10:09} Johnson discussed the possibility of a County Forest Program. She stated that to create the program a legislation framework would need to be established as well as assessing the eligible properties for the program. Johnson asked Interim Executive Director, John Hitt to discuss Coos County's already established Forest Program. Hitt explained that Coos County's Forest program staffs a forester who manages the extensive properties for potential timber sales,

recreational uses, or to sell outright. He detailed the benefits of sharing Coos County's already established Forest Management Plan. Hitt discussed the details of the ORS including the Board having to take a formal action and designating specific parcels for a County Forest Program. Hitt stated the process to achieve the program could be done in under a year and that it wouldn't be particularly challenging or expensive. Gold asked about Coos County revenue off the Forest Program in which Hitt stated, "It's now in the range of close to half a million dollars per year." At {10:14} Johnson detailed the advantage of already having the properties inventoried by the task force and stated if the properties were sold through the County Forest Program there wouldn't be a loss of revenue to the taxing districts that you otherwise would have. The Board of Commissioners unanimously gave their consensus that it would be good to further look into a County Forest Program.

- C. At {10:16} Johnson briefly discussed a program where agencies buy carbon credits. She stated, "If you have a forest and you decide you're not going to log it, they will pay you." Johnson detailed how the city of Astoria took part in the program with their city forest and they garnered a tidy sum. Hitt and Gold commented on how this program would correlate with the possible County Forest Program. At {10:19} Boice commented about the western USA movement to gain local control over BLM lands which could be an additional basis for a County Forest Program.
- D. At {10:23} Johnson discussed the properties set aside by the Board of Commissioners (BOC) for possible future park use. She stated to look at these properties for park use they will need to be further analyzed and to do so will require some funding. Johnson also spoke about the need for updating the Recreation and Economic Development Plan and suggested to the BOC that by marrying the two tasks they almost would have a parks master plan. She stated, "It could be a dual purpose function. I would use the Planning Commission to do the analysis plus the evaluation." At 10:25 Hitt commented how Travel Oregon significantly expanded tourism promotion throughout Oregon, but especially in the coastal area. Hitt stated Travel Oregon found tourists spend shorter periods of time and spend less money on the south coast than the rest of Oregon. Hitt detailed the importance of looking into the possible park opportunities while promotion efforts are currently being made by the State and the Oregon Coast Visitor Association. Gold asked if there are grants being made available to help with development of parks. Hitt stated this year's grants are relatively small, but with the new funding Travel Oregon has received, next fiscal year there will be the ability to obtain up to \$100,000 or more to help with development. Boice stated Oregon state parks are an incredible source of pride and hopefully a parks committee could be established to help. The Board of Commissioners unanimously gave their consensus to pursue the properties for possible park use.
- E. At {10:31} Johnson discussed how Curry County doesn't have a Film Commission and the possible revenue benefits of a film crew staying in the County while filming. She stated both Del Norte County and Lane County have something going which we could possibly get on their coattails or pursue starting our own Film Commission. Hitt noted that the timing to pursue a Film Commission is really good because OSU Extension received one of the Oregon Visitors Association grants to photograph both Coos and Curry County which would help develop a categorized inventory of potential filming sites. The BOC were in unanimous agreement to pursue a Film Commission.
- F. At {10:37} Johnson discussed the task of keeping up with the Travel Curry website and suggested entering into an Intergovernmental Agreement (IGA) with the Gold Beach Visitor Center (GBVC) to handle the task. She discussed the qualifications that make the GBVC a good

fit. She stated Community Development doesn't have the staff or resources to keep up with all the events that need tending to. Gold asked if the updating task would be done by volunteers. Johnson stated no and that with the IGA it would be an addition to her budget which would be discussed with the Board of Commissioners (BOC) at budget time. Boice discussed his concern about cities doing their own promotion and stated he'd prefer over time to see the county take the lead. Huxley discussed using the resources available now in support of an IGA to get the website current instead of waiting 3-6months to make a decision. He also noted once the process of updating started it could be evaluated in about six months. Johnson agreed with the evaluation period and stated it could be wrapped into the agreement. The Board was all in consensus of pursuing an IGA.

G. At {10:45} Hitt briefly discussed Travel Oregon Coast Studios and the Southern Oregon Coast Steering Committee. He gave a brief description and encouraged the Board to be represented in the process. No decisions were made.

H. At {10:52} Johnson discussed revisiting the Cape Blanco airport 2016 discussion. She stated, hopefully this next year we could begin to work with them to see how the status of the airport could be elevated. Johnson noted the many possibilities between the airport and the tourism efforts. She discussed the possibility of a charter plane system and stated the resources are here. Huxley and Boice commented with some of the hurdles that would need to be taken care of to pursue the charter system including the removal of dense brush and additional security.

4. Private Property Development {10:57}

A. Johnson discussed identifying an inventory of all the commercial and industrial property in the county and then ultimately offering the services of SCDC to the property owners to help map out what their potential uses could be. She stated that it would be a preliminary service to private owners and would take some time and funding on the County's part. Gold stated, "It could reap great rewards in the future."

B. At {10:59} the next topic discussed was to locate and engage with economic development entities, services, and partnerships. Johnson stated she wants to begin to reach out to the other agencies, foundations, and groups that have a lot to offer. She believes the county has begun that effort by engaging with SCDC. Johnson stated she also wanted the Board to be aware that the current Travel Curry Coast website has different links concerning the different aspects of economic development and is a little cumbersome. She stated, "What we'd like to do is create two websites. One would be just for tourism and the other one would be focused on economic development."

C. At {11:01} Johnson discussed continuing the land use and zoning process to enhance economic development opportunities. She noted this is done by keeping communication open with the public and continuing to work on the zoning code update. This summer she plans on getting the residential zoning codes to the Planning Commission to start their review. She discussed expanding those residential zones to include accessory dwellings which would create the opportunity for more housing and also the need to expand the commercial zones to allow mixed-use projects.

5. Utilize South Coast Development Council (SCDC) to Represent Curry County {11:04}

Johnson discussed the need to utilize SCDC as a sub-committee in part of the Sudden Oak Death (SOD) related to Economic Development and Workforce Impact. Boice noted that he has participated on this committee and will also be attending the SOD meetings as part of the task force. He noted that the

objective right now is to receive \$4,000,000 from the Federal Government and about \$300,000 from the state to manage the growth of SOD.

6. Other Topics

- A. At {11:10} Johnson discussed the Flores Lake Forest lands workshop that took place on April 27, 2017 in Langloise. She stated it was a very productive workshop with a great amount of information/feedback and over 100 people attending. She stated she will be coming back to the Board with a more formal report in the next 30 days. Boice commented that he would be coming to the Board to ask for an appraisal on the land. Discussion about using the forestland for carbon credits took place between Gold and Johnson.

- B. At {11:14} Boice stated, “You mentioned industrial properties. Where are we on the Agnew property at the Old Champion Mill site?” Johnson stated it’s for sale and Hitt noted it’s on the SCDC website. Hitt noted that for industrial development, the property faces significant challenges including utility access particularly water/sewer. He stated there are probably more recreational opportunities with the property. Johnson noted the information Hitt is providing from SCDC would be helpful with preliminary assessments. At {11:16} Boice inquired about the amount of lottery funds and Johnson stated last year it was \$88,000.

- C. At {11:17} Huxley commented he wanted to inform the commissioners about being contacted by the elections manager with a budget estimate between \$1,600-3,200 for updating the voter precinct maps. He discussed the Geographic Information System (GIS) system for the elections department and the Intergovernmental agreement (IGA) between Lane County and Curry County. He noted the budget for the IGA was not to exceed \$4,800 with a \$20,000 budget for GIS in the future. The Board of Commissioners and Counsel Huttel further discussed GIS systems.

9. ADJOURN

Huxley adjourned the meeting at 11:28 AM

Dated this _____ day of _____, 2018.

Curry County Board of Commissioners

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

Transcribed by J. Allen on April 6, 2018.



**CURRY COUNTY BOARD OF COMMISSIONERS
GENERAL MEETING**

Wednesday, July 5, 2017 – 10:00 A.M.
Commissioners' Hearing Room, Courthouse Annex
94235 Moore Street, Gold Beach, Oregon
www.co.curry.or.us

AGENDA

*Items may be taken out of sequence to accommodate staff availability and the public.
For public comment, a completed speaker's slip must be submitted prior to start of the meeting.*

Present: Chair Tom Huxley, Vice Chair Sue Gold, Commissioner Court Boice, County Counsel John Hutt, and Minute Clerk John T. Jezuit

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE 10:00AM Huxley

2. AGENDA AMENDMENTS (5 min) 10:03A

A. Old Business Retain Prothman to Recruit County Accountant (10 min)

Huxley questioned **Payroll and Personnel Coordinator Julie Swift** about the number of viable candidates and if she had spoken to the Auditor.

Swift replied there are potentially viable candidates and had spoken with **Amanda McCleary-Moore Moss-Adams** on Friday, 6/30.

Motion by **Gold** Second by **Boice** to put on today's agenda **Carried Unanimously**

B. Executive Session ORS 192.660 (2) (d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations 10:06 Hutt

Motion by **Gold** Second by **Boice** to put on today's agenda **Carried Unanimously**

C. Administrative Actions Title III SRS Public Notice -- Request for Project Applications (5 min) 10:06
Boice expressed concern about the availability of Federal funds as there is a deadline.

Motion by **Boice** Second by **Gold** to put on today's agenda **Carried Unanimously**

Move Item 2A to Item 11; Item 2B to Item 13, with Adjourn Item 14; and Item 2C to Item 10C

1011 **Huxley** Wants to pull Item 6C from Consent Calendar for discussion.

1012 **Boice** Make it item 7A as we have officers here.

3. APPROVAL OF AGENDA

Motion by **Gold** Second by **Boice** to approve agenda as amended **Carried Unanimously**

4. ANNOUNCEMENTS (5 min) 10:13 Huxley

A. July 19, 2017 Board of Commissioners’ Meeting at 10AM – Commissioners’ Hearing Room

5. PUBLIC COMMENTS 10:14

Huxley We have 3 bicyclists and 1 other.

Huttli Met these young Americans on July 4, 2017. **Grace Pfeffer, Sara Belmer, and Savannah Lovelace**

Grace Pfeffer – Just graduated from college. Decided they want to do something about human trafficking.

Want to do something to cause world to ask why there’s human trafficking. 48 girls will be housed in

Texas. Create time to get girls to have a life after they have gone through this. The goal is to reach

\$3,000,000

<https://www.pedalthePacific.com/donate/> for contributions.

Dave Barnes Spoke about dangers of hiring wrong administrator and encouraged the County to hire a good administrator as the County deserves it.

6. CONSENT CALENDAR Item Boice 7 C

A. Agreement - Curry County Sheriff's Dept. and Teamsters Local Union No. 223 (10 min)

B. Order Correcting Scrivener's Error in Order No. 20416 (5 min)

C. Coos County Patrol & Probation Intergovernmental Agreement (IGA) (10 min) **MOVED TO ITEM 10C, THEN MOVED TO 7A**

Motion by **Gold** Second by **Boice** to approve consent calendar items 6A and 6B **Carried Unanimously**

7. ADMININSTRATIVE ACTIONS/ACTIONS/APPOINTMENTS 10:25A Huxley

Captain Espinoza discussed the IGA and explained

- The IGA will allow Coos County to house 3 offenders.
- Is from July 5, 2017 to June 30, 2018.
- The rate \$99.37 per bed per day.
- Takes in account transportation.
- Offenders are seen as a minimal risk to the Curry County facility.

The Commissioners discussed the IGA - -

Gold

- questioned the number of beds available,
- the possibility of Curry County incurring medical charges and
- early release of inmates.

Huxley expressed significant concerns about the agreement, specifically,

- how many beds are available at the Coos County jail,
- what will revenue be used for,
- IGA does not grant Curry County immunity if a Curry inmate needs to be released due to this IGA, and
- reasonable ADA accommodations.

Huttl stated

- the IGA has a mechanism in it to reduce risk to Curry County,
- ADA requirements are not any different than current requirements,
- early release and medical issues are better addressed under this IGA,
- we can terminate the IGA in 90 days, and
- the one thing we could include is standard risk language.

Boice stated

- the rate is the standard rate,
- agreed with **Huttl**, and
- he is very satisfied with the IGA.

Captain Espinoza responded

- Additional revenues would be used to modernize locks and upgrade surveillance system as monitoring systems are one of our biggest management issues. These items haven't been brought to the budget committee because we are running a bare bones budget.
- The early release mechanism was approved by BOC 3 years ago, and it is generally limited to those inmates who have no criminal history, committed a nuisance crime.
- Inmates are medically screened. If an inmate is unfit will be transported back or not transported at all.

1109 Move by **Boice** second by **Gold** to accept this agreement as presented. , **Boice Y; Gold, Y; Huxley, N** carried 2-1

Health Insurance

A. Subscription Agreement for Bargaining Unit from Oregon Teamster Employers Trust (OTET)
(5 min) 11:11

Gold observed the county is wasting money for people who do have own insurance and do not want this insurance and asked if we have this insurance until June 30, 2018?

Huttl responded the timing of contract is from July 1, 2017 to June 30, 2018. Wendy Abel-Hatzel, Abel Insurance, is looking for rates, which come out in January, 2018.

Boice stated the State legislature is looking at this issue

Huxley will be voting no due to issue with Oregon teamsters.

11:13 Move by **Boice** second by **Gold** to accept this agreement as presented. **Boice Y; Gold, Y; Huxley, N** carried 2-1

Health Insurance

B. Subscription Agreement for Non-Represented Employees from OTET (5 min) 11:16

Swift stated this is the same program covering non- union represented employees

1116 Move by **Boice** second by **Gold** to accept this agreement as presented. , **Boice Y; Gold, Y; Huxley, N** carried 2-1

C. Second Reading Ordinance Adopting the revision of the Road Standards (Curry County Code Article 3 – Roads) (5 min)

Huttl This is a 2nd reading and began reading the ordinance. (Ordinance number 17-02.)

Motion by **Gold** second by **Huxley** to read ordinance title only. **Gold, Y; Huxley, Y; Boice, N Carried 2-1**

Gold supports this ordinance as some roads are not accessible to fire trucks.

Boice stated he has not had enough time to read all that’s involved here, has concerns about fire trucks and developers, and still needs time to review.

1120 Move by **Gold** second by **Huxley** to approve Ordinance 17-02. , **Boice N; Gold, Y; Huxley, Y Carried 2-1**

8. PRESENTATIONS

None

9. PROCLAMATIONS/RESOLUTIONS/LEGISLATIVE ACTIONS

None

10. NEW BUSINESS

A. Recruit and Hire an Interim County Administrator (10 min) 11:24A

The Commissioners and Counsel discussed the issue.

Huxley stated he is scheduled to talk to Prothman this, July 5, 2018, afternoon

Gold

- related her experience on the school board where the interim superintendent helped smooth the transition to the permanent superintendent,
- stated she does not think we need to spend a lot of money recruiting an Interim County Administrator,
- hopes to open applications by end of July 2018,
- feels it could take up to a year to hire a viable permanent administrator,
- is looking for a vote today on hiring an interim county administrator and
- will come up with a job description later

Boice stated he does not see urgency and will support this with a job description

Huttl

- offered to contact Association of Oregon Counties (AOC) and LOCO, specifically, Mike McArthur and Dan Bartlett to learn if those organizations could offer assistance with the recruiting process
- wanted to know if Prothman is hired, will county be able to continue their own recruitment process as well, and
- will bring this back next time with clear parameters for what Board will be discussing.

B. Adoption of an Existing Position Description - Emergency Management Coordinator (5 min)

The Commissioners, Counsel, and **Swift** discussed the issue.

Swift stated the job description was written by **Don Kendall, Emergency Management Coordinator** who is retiring, the job description does name the Sheriff or the County Manager as supervisor, and the position is budgeted in the General Fund.

Huxley stated position was previously supervised by the Board

Huttl asked where was the position budgeted, stated the key question here is who supervises the position

Boice suggested Mike Murphy, a Langlois resident, the Emergency Management Coordinator here in the 2000's, may be able to help Curry County

Gold wants to be pragmatic, agrees with Boice about a workshop, looking into an IGA with Coos County and continuing the discussion

Boice will take responsibility to get this on a future agenda.

11. OLD BUSINESS 12:01P

Item 2A Retain Prothman to Recruit County Accountant

Huxley do we want to pursue Prothman?

Gold Not really ready to do it yet.

12:02P Motion by **Boice**. Second by **Huxley** to allocate these funds for Prothman **Huxley, Aye; Boice, Aye; Gold, Nay Carried 2-1**

12. COMMISSIONER UPDATES/LIAISON & DEPARTMENT ACTIVITY REPORTS 12:05P

A. July 12, 2017 Board of Commissioners' Workshop at 10AM – Commissioners' Hearing Room

Huxley No workshop

Gold Solid Waste committee can then move to 10A in the hearing room

B. July 26, 2017 Board of Commissioner's Workshop at 10AM – Commissioners' Hearing Room

12:07 **Huttl** Emergency Management Coordinator & Wild Rivers Coast

Commissioner Comments 12:09P to 12:23P

Boice

- Stated there is a fire prevention and awareness meeting at Gold Beach City Hall on Friday, July 7, 2017. It is just a general awareness of fire season. Would like to encourage public to come.
- Asked if anyone have time to write Governor Brown about predator control, especially around the airport, as there are diminishing state funds -- which will put a strain on rural counties
- **Senators Merkley and Wyden and Representative DeFazio** were able to get an additional \$2,000,000 for ports in Oregon for dredging. \$800,000 for Rogue River port.
- **Representative David Brock Smith** bill for Affordable work force housing legislation for constructing multifamily unit rental housing. Also Bill 3435 for road fund reserves loans that we could offer to our taxing districts.
- **Douglas County Commissioner Tim Freeman** flew to Washington DC to help pass legislation to create much needed jobs in rural forested counties. There are 2,500,000

acres of Bureau of Land Management (BLM) forest lands -- most is in rural western Oregon where federal lands are off limits to active forest management.

Gold Membership for Oregon and California (O&C) counties. We have \$30,000 budgeted for both Association of Counties (AOC) & O&C counties for 2017-0218 Fiscal Year (FY).

Huxley

- A governing body can loan road funds to taxing districts?
- Point of info in talking to **Johnson** about workshop of April 28, 2018. Working with interested parties on some of the parcels on the list. Every single piece of property has to go through quite an elaborate process. No one can agree on their own to sell a piece of county property. We will need assistance of county counsel on this process for these agreements. Trying to really get things moving on disposing of surplus County properties.
- Brandt Media is working on cable flickering. And they are working with Dan Springer on the Vaddio. Also working on getting county speaker here that can accommodate 3 lines.

Huttl

- We're looking at an Executive Session. It will make sense to adjourn for lunch hour.
- Suggested using GoToMeetings and asking AOC if GoToMeeting will accommodate multiple call ins.

12:25P **Huxley** Lunch break come back at 1:30P, then Executive Session.

Gold not able to attend this afternoon due to personal matters.

1:31P **Huxley** back from Lunch

Huxley Motion to extend meeting by 1 hour **Boice** second. Carried 2-0

13. Executive Session at 1:32P

14. Huxley Announced no decisions made during Executive Session

15. ADJOURN 2:19P

Dated this ___th day of _____, 2018.

CURRY COUNTY BOARD OF COMMISSIONERS

Sue Gold, Chair

Approved as to form:

John Huttl
Curry County Legal Counsel

Thomas Huxley, Vice Chair

Court Boice, Commissioner



CURRY COUNTY BOARD OF COMMISSIONERS

GENERAL MEETING

Wednesday, March 21, 2018 – 10:00 AM
Commissioners' Hearing Room, Courthouse Annex
94235 Moore Street, Gold Beach, Oregon

www.co.curry.or.us

Meeting minutes

(times listed are only estimates, and may be out of sequence due to flow of meeting)

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Gold called for the pledge of allegiance. Following the pledge of allegiance, Chair Gold introduced Board staff – present above.

2. ADOPTION/AMENDMENT OF THE AGENDA {10:02A.M.}

Huxley requested two items be added under Executive Session under ORS 192.660 (2) (a) to consider the employment of a public officer, employee, staff member or individual agent; and (2) (d) conduct deliberations with persons designated by the governing body to carry on labor negotiations. Gold Agreed to add. Huxley said he believed agenda items 9e (possible amendments to zoning ordinance); and 6c (planning applications and appointments to the planning board) should be addressed at the same time, with 9e first. Huxley stated the number of members on the Committee would need to be decided prior to appointment of members. Huxley felt agenda item 9g (Health Ins. benefit discussion for non-represented employees) was premature as we were currently beginning the collective bargaining process. Hitt explained this was for the non-represented employees. Huxley said he preferred to save this topic for the budget hearing. Hitt further explained this was for the remainder of this fiscal year, not next budget cycle. Huxley would, nevertheless like it pulled from the agenda. Gold said she would have to agree, and felt she had a conflict. Huttli explained because of her decision making position, there wouldn't be a conflict. Gold and Huxley concurred to remove agenda item 9g. Huxley said he wished to remove item 4d (minutes) from the consent calendar portion of the agenda for further discussion at a later time. Gold concurred. Huxley also expressed the desire to pull agenda item 9a (Boice's letter to consider extending interim County Administrator John Hitt), indicating he believed this would come up under the Executive Session, added above. Gold said she was of the same opinion. She said the decision to move forward hiring an administrator had been made. Boice indicated there was public input to be discussed around this agenda item, and that he was surprised at the decision to pull it, and indicated he felt the public had the right to public comment. Boice also indicated he didn't want to pull the minutes from the agenda. Huxley stated there is a standing policy any item can be pulled from the consent calendar for further discussion. He would like to bring the minutes back at the next meeting. All Commissioners agreed. Huttli indicated there would be an opportunity for the public to speak re the selection of a County Administrator. Boice replied that the County is spending thousands of dollars getting two County Administrator candidates here for interviews and stressed Interim County Administrator John Hitt was doing a wonderful job. Gold reiterated that Hitt had indicated he didn't want to be a full time County Administrator. 9a was pulled from the agenda.

MEETING MINUTES

Boice indicated he had agenda items to add. He wished to recognize the number of fallen officers with a moment of silence (23 lost police officers). Boice indicated he would like two previous resolutions, one approved in August and one as recent as February re the Chetco Bar Fire, added for discussion. Gold said if they had been submitted on time, she would support that. Commissioner Boice stated he had a congressional investigation letter to add. This was added under discussion as 9h.

Gold requested the Wild Horse Brigade agenda item 8 be pulled from agenda. Huxley concurred. Agenda item 8 was pulled.

Huxley motioned to approve the agenda as amended. Gold seconded the motion. Motion passed 2-1. Boice voted “No”.

(Agenda Item 5b – taken out of order) {10:15A.M.}

Presentations of award – Sheriff Ward acknowledged Lena Rupe for 5 years of service (she was not present at the meeting). He also acknowledged and introduced James Turner, Corrections Deputy for 20 years of service. Mr. Turner spoke briefly.

3. PUBLIC COMMENTS {10:20A.M.}

The following individuals spoke before the Curry County Board of Commissioners:

Spring Sheffel – Cert (Curry Emergency Response Team) Program – PSA Everbridge sign up March 24th. Emergency messages alert (sign up) at libraries all county sites. 541 247 3208 Emergency Services for more information.

Chair Gold reiterated that during all public comments there would be no personal attacks or individuals would be asked to sit down. Counsel Huttli clarified only if personal attacks become a disruption shall the individual be asked to sit down (referring to the rules of decorum).

Vikki Pruden – 97599 Lucas Lane Harbor “blight” situation at this location. SW Nuisance Complaint.

Cecelia Worlton – Suppose you leave for a few days and return home to hear you’ve lost everything. It can happen to you. No assistance was provided to her. Please do what is necessary to get a State investigation started. Please help. Fire season is only 3 months away.

Larry Ismert – Item 6b item. Boice wants his discussion to be under his 20 minutes presentation.

Scott Faas- DBA Wild Rivers Entertainment Group. Chamber of Commerce, advantageous for all three county sites to work together. Re horses on wildfires, he indicated he supported horses for wildfire management, indicating he grew up here.

David Barnes – Passed on comment opportunity.

Cam Lynn or Lee Riddle – Riddle asked Cam to read letter. He indicated he was in support of increased salvage logging from the Chetco Bar fire.

Cam Lynn – Supports a Federal Coordination Policy. Believes policy will enable CC BOC to fulfill their roles as outlined in the constitution.

Jim Kolen – Kolen handed out a letter from the Elected Official’s endorsing current Interim County Administrator John Hitt and retaining his services through the end of the calendar year. The other topic

MEETING MINUTES

was re the agenda item re non-represented County contribution for employee insurance payments. Kolen needed clarification for who is qualified for county paying more of the insurance premium, as he was unsure. He stated every other employee classification had an adjustment to their cost from the county side. He didn't believe non-represented employees should be treated unfairly, and should get the same consideration. He said employees are losing take home pay as time goes by as they have to pay more and more for health insurance. He said if employees were not compensated fairly, it was stealing. Chair Gold indicated if the Elected Officials were taken out of the equation, she might consider the proposal.

Guy McMann – Part of Boice's presentation- will present later.

Jim Rogers – lives up Elk River Rd. in Port Orford, a consulting Forester since 1965. Seen a lot of salvage done. Dragging logs through burned areas disturbs the burned ground area. Forest Service (FS) wants to provide logs to the public, doesn't want ground disturbed.

Connie Hunter – from South County before Board re housing issues. Thanked Boice for commitment to wildfire issues. Re staffing issues – Administrator Hitt, maybe will stay a little longer, “good fit” for Curry County. Tiny houses and the housing crisis - Requests a Multi Jurisdiction Committee be established.

Catherine Wiley – speaking on agenda item 6d - supports letter re cost issues at Sutter Coast Hospital.

Steve Beyerlin – requests Forest Service increase harvest timber from burned areas.

Tim Palmer – Here regarding Boice's proposed letter re salvage logging. As proposed, letter should not be approved. He recommends Board get facts straight first, noting Watershed issues, logging and landslides. He also recommended the Board hear from the Forest Service re their plan. He urged the Board to do their job but not support the letter (agenda 6b). Would not argue against “thinning” along road breaks, strategically along communities and homes. Debate ensued between Boice and T. Palmer. S. Beyerlin asked why Mr. Palmer got so much time to speak, which exceeded the 3 minute time limit.

Jeri Lynn Thompson - Resident Upper Chetco Brookings. Coordination policy – County did adopt such a policy. She stated she had worked in other counties on this, with other agencies. She requested the Board Ask for a “General Accounting” GAO report on Chetco Bar Fire to see for “ourselves”. She noted she had spoken to former Forest Service Employee Mr. Took re Chetco Bar Fire. He had indicated to her that the fire prediction for 2018 would be significantly worse than 2017. She was requesting assistance from the Board.

4. CONSENT CALENDAR {11:30A.M.}

- A. Surveyor Monthly Report February, 2018
- B. Final Plat Approval Application S-1701 For The Seascape Subdivision
- C. Brookings Airport Hangars A-0 & 2B Leases With Lee Garvin
- D. ~~Minutes July 5, 2017 General Meeting, October 18, 2017 General Meeting~~
(Removed from agenda)

Boice motioned to approve the amended consent calendar. Huxley seconded the motion.
Motion passed, 3-0.

5. PRESENTATIONS {11:32A.M.}

A. South Coast Development Council (SCDC) Community Development Oral Report. - Sam Baugh, SCDC and Community Development Director, Carolyn Johnson (10 minutes)
 Sam Baugh presented before the Board reporting on Economic Development. He reported on various topics updating the Board. Huxley asked about the monthly reports the Board used to receive. Baugh said he would work on getting those out again, as well as address the Board of Commissioners once a month.

B. ~~Service Award – Deputies Turner and Cpl Rupe. Sheriff Ward (3 minutes)~~ (Moved to 2 above)

6. ADMINISTRATIVE ACTIONS/APPOINTMENTS {11:40 P.M.}

A. Proposed Order Rescinding Budget Committee Appointment And Making A Reappointment. - Court Boice, Commissioner (15 minutes)

Boice stated the Board should be aware that the prior appointment to the Budget Committee was not from Port Orford. Boice explained his preference be to appoint a Port Orford individual. Huxley explained when the Order was first adopted it was noted that it had been difficult getting applicants to apply, and once there were applications submitted, he hadn't based his decision on anything other than applicant qualifications. Huxley said he reviewed the GIS system to see where Mr. Stowsky resided and determined it was in the Ophir area. Huxley stated he'd like to keep the appointment as ordered. Gold stated she felt Mr. Stowsky was the most qualified applicant, and after reviewing the map presented, wished to keep the appointment. Boice moved to approve the proposed Board order. The motion died for a lack of a second.

B. Proposed Letter To Supervisor Of Rogue-Siskiyou National Forest Re: Timber Salvage. – Court Boice, Commissioner (20 minutes) {11:44A.M.}

Guy McMahan – owns a home in Brookings. He gave the Board a presentation on harvesting issues noting he “now lives in the Mega fire scar” (review of maps) presentation. He said the vast majority of burn areas are within the Forest Service, noting someone needed to press them re safety of community and citizens.

Larry Ismert – Retired Registered Forester residing in the Pistol River area. He was before the Board speaking on the Chetco Bar Fire Timber Salvage Letter (read). Refer to letter. He urged the Board to seek level of salvage as described in the letter.

Boice acknowledged everyone's hard work in this. Huxley commented that this topic went from a one page letter, to multiple pages, asking if the Forest Service knew about the proposed letter. Hitt said the Forest Service did know about the draft letter. A Forest Service Representative, Russel Winstead, present at the meeting and he did say the Forest Service knows about the letter and they were following policy, etc...and didn't have a lot more to say. Gold said the Board would hold their vote until after lunch.

{12:19P.M.} Community Development Director C. Johnson interjected before the Board recessed for lunch stating she would like to introduce Mr. Kevin McHugh who was applying for reappointment to the Planning Commission. Mr. McHugh came before Board to ask if there were any questions of him as he needed to leave the meeting ahead of the agenda item appointing members. No questions asked and no motions made.

Chair Gold recessed the meeting at 12:25P.M. She indicated the meeting would reconvene at 1:30 at which time the Board was scheduled for a Public Hearing (**SEE SECTON 7 BELOW**)

C. Review/Interview of Planning Commission Applications and Appointment By Board Order. – Community Development Director, Carolyn Johnson (30 minutes)

Carolyn suggested this agenda item be deferred until item below is determined.

(9e added prior to 6c) **Possible Amendments to Zoning Ordinance) {1:52P.M.}**

Director Johnson said the Planning Commission is currently at members of 9. Could become a Commissioner of 7 or 5 as well and if the number of members changed, it would require amending the Zoning Code.

Hitt said the Planning Commission members needed to be established, and decide what the quorum was. Huxley said from everything he had read, there was no definite ruling as to a definition of quorum. Gold said they needed to decide how many members were to be on the Planning Commission. Huxley said he would like to see the number reduced from nine to five, one rep from each county area with two at large members.

Carolyn Johnson, Community Development Director said the Planning Commission met and unanimously recommended to keep members at nine.

Bob Morrow, Chair of the Planning Commission, addressed the Board noting he was at the meeting Carolyn was referencing and the committee had significant discussion on the topic. They determined nine members worked best, giving equal representation from all three areas of the County. He also said there were applicants who were reapplying for new terms. Gold said she had concerns for equal representation from all areas of the County. Boice said rural areas have to fight for representation and that the Board already broke tradition on budget appointment earlier today. Boice stated he wanted to keep nine planning commissioners. Huttel stated that a quorum is a simple majority of the members and there is a decision before them to decide a number – five, seven, or 9 planning committee members. Hitt said with all due respect to existing members on the Planning Commission, he did support Commissioner Huxley's recommendation for five members, noting from a staff management perspective it was easier with fewer members. Huxley motioned to reduce committee members to five. Motion died for a lack of a second. Chair Gold said to keep it at nine for now. Huxley stated he would like to make another motion to make the committee number seven. Chair Gold seconded the motion. Motion passed 3-0.

D. Letter of Concern to Sutter Coast Hospital. Approve By Motion. – Sue Gold, Commissioner {2:59P.M.}

Gold said she had additional documents as support for the letter she proposed at a previous meeting. She also referenced an article in the Curry Coastal Pilot that came out in the newspaper on this date.

Huxley interjected saying because the meeting had already exceeded the maximum time allowed, he felt the Board should extend by a motion for another hour. Gold asked for a motion to continue meeting one more hour. Boice motioned to continue meeting until 4:10P.M. (one hour) Huxley seconded the motion. Motion passed 3-0.

Gold continued her presentation stating Curry County Insurance costs had increased and so had supplemental insurance costs. Huxley expressed concerns that every time this came before the Board, there was more information; noting approximately thirty additional pages had been

submitted. Huxley said he was not prepared to move forward at this time. Gold said this could be postponed for two weeks and she would send information (included in the record) out for review. Boice said he didn't want to spend any more time on this and that he was in favor of sending letter out as soon as possible. Gold reiterated she would like to postpone until the next meeting and allow Huxley time for review. She also stated she would like everyone to sign off on the letter, so it would be unanimous. Hitt indicated he would keep same letter on agenda for next time for the Board to Vote. Gold confirmed.

End: 3:21P.M.

7. PUBLIC HEARING 1:30PM Benham Lane (*began out of order due to timeline*) {1:30P.M.} Hearing and Proposed Order To Abate Public Nuisance – 97904 W. Benham Lane. – John Hitt, Interim County Administrator

Hitt presented before the Board for their consideration as to whether a nuisance existed or not, and the remedy if one existed. Hitt reviewed County Code. He also explained he inspected the property himself. He gave a presentation, showing pictures and explaining the property. He noted the proposed Board Order before the Board for their consideration would follow public comment. Gold questioned more properties coming up in the future and suggested working with Public Health. Hitt stated part of the Agreement with Public Health would be the County would take the Environmental Health portion on and receive some funding from the State of Oregon. He did state he agreed with Gold. Hitt said he would pursue that option, noting if abatements did fall on the County, it would be expensive. Boice noted there were a couple more nuisance properties in progress. Hitt said Curry County hadn't addressed these issues for some time, and it appeared there were a lot of these properties.

Public Comment: David Lee suggested the Board direct legal counsel to explore responsibility of lenders to take care of property during foreclosure process. Huttel said the county already had a law on this. No other comment. Huxley motioned to approve the order to begin the abatement process and direct Huttel to commence litigation if necessary. Boice seconded the motion. Huttel explained a title history was needed to be done on this property as well as the Hamilton Lane property. Huxley said all costs were recoverable once sold, just a lag in time, critical to not back off at all. Motion passed 3-0.

After motion passed, it became apparent Julie Raiter was in the Hearing Room. She explained to the Board that she thought the property had been foreclosed on and wasn't aware she was still on the title. End {1:52P.M.}

Discussion 6B – continued discussion - Proposed Letter to Supervisor of Rogue-Siskiyou National Forest by Boice re timber salvage. {3:21P.M.}

Boice explained there was a proposed draft letter to Scott Russell, Supervisor of the Rogue-Siskiyou National Forest. Huxley complained there had been an explosion of docs, going from a one page document submitted to now a multitude of other docs handed out. He said he would not sign the letter. Gold said she found the letter rather general, and would like to learn more about the particulars that were in Larry Ismert's letter. She also stated she would like to put this off for a bit and get more specifics. Boice said they were running out of time. Gold asked for two more weeks. Boice asked the Board to again read and review, directing Board to get this done – for the safety of the county and citizens, reforestation, etc. Hitt proposed an alternative: to keep current proposed draft letter intact but reference in the letter the supporting documents as well as attach the documents, noting this would speed up the process. Huxley stressed the need for more conversations with the different parties. Boice said 4 to 5 people had been working solid on this, noting his concern. He said they were already six months into this with fire season was now only three months away. Trees are currently deteriorating noting some are

only on a one-year harvest schedule and half of that was gone already. He further stated he understood the need for more dialogue but the USFS was not coming to the table. Huttel reviewed the letter, page 74 of the packet saying the letter was general enough, lacking specifics, and felt the letter was acceptable.

Scott Faas, audience member, introduced himself as a licensed timber operator saying two weeks waiting on merchantable timber could be two weeks too long.

Cecelia Worlton, member in the audience, expressed the need for a congressional investigation. Chair Gold said that would be coming up for discussion on the agenda later.

Boice motioned to approve the letter in its' current form but with updates if needed, and/or attachment of documents with Hitt's and/or Huttel's assistance. Gold seconded the motion providing there would be proper documentation. Motion passed 2-1, Huxley was opposed.

8. OLD BUSINESS/PENDING ACTIONS

~~Motion To Reconsider Wild Horse Fire Brigade Resolution.—Court Boice, Commissioner (From Dec 6, 2017) (5 minutes) (removed from agenda)~~

9. DISCUSSION/BOARD DIRECTION/DECISION

~~A. Discussion Only — Letter To Consider Extending Interim Curry County Administrator John Hitt.—Court Boice, Commissioner (15 minutes) (removed from Agenda)~~

B. Discussion Only - - Set/Recommend Proposed Meeting Date For State Senator Appointment.- - John Hitt, Interim County Administrator {3:28P.M.}

Hitt announced an upcoming meeting, with neighboring counties for the purpose of appointing a State Senator, with that meeting set for April 9 at 1:00P.M. in Roseburg (conference call permitted) to discuss the Appointment. Hitt said he would keep the Board informed on any updates.

C. Discussion Only – Support For Proposed Mass Event Permit, Scott Faas, 143rd Productions. - Court Boice, Commissioner (10 minutes)
This agenda item is deferred until the next Board Meeting.

D. Discussion Only – Review Of Ordinance 13-03 “Federal Coordination Policy.” – Court Boice, Commissioner {3:30P.M.}

Boice said this agenda item was about letting Federal Agencies know the County would have some authority in the wildfire process and policy, and that Hitt could take care of this. He said the policy is already established and county needs to follow our own policy. Consensus was for staff action and required no motion. Huttel said our own policy says to revisit every 5 years and the Board should schedule a future work session to do that.

Discussion began (agenda item taken out of order) {2:23P.M.}(See under 6C above)

E. Discussion Only – Possible Amendments To Zoning Ordinance (ZOA) Section 1.071. – Community Development Director, Carolyn Johnson (20 minutes) See 6 C combined agenda items POSTPONED AT CAROLYN JOHNSON'S REQUEST

F. Discussion Only – Request To Correct Certain Legal Descriptions of Pistol River Road. – John Huttl, County Counsel {3:30P.M.}

Huttl said he was looking to the Board for direction on moving forward with the paperwork before them, signed by Bill Crook. Huttl suggested he get direction from the Board to spend perhaps up to 20 hours or so of his time on this. Huttl said without further research, he could not recommend moving on this at this time. He further explained the Surveyor anticipated a great length of time to be spent on this. Huxley commented on time and cost involved from past discussions. He asked Huttl if this was a County responsibility to do this. Huttl said Mr. Crook proposed the Board change the record, per his representations, because the road doesn't actually follow the record. Huttl told Mr. Crook he would work with him on this matter.

G. Discussion Only—Health Insurance Benefit For Non-Represented Employees.—John Hitt, Interim County Administrator—(12 minutes)
(removed from agenda)

H. Added: Congressional Investigation into the Chetco Bar Fire. Letter by Boice on Board Letterhead - Justification for investigation. {3:43P.M.}

Boice introduced his letter. Gold suggested Boice have John Jezuit scan the document for the record. Boice said two Senator's requested and were anticipating receiving this. Gold said she would like more documents and have this brought back to next meeting, and discuss what is to go with the letter for support. Huxley would like to see the docs that would be sent. Boice reiterated again this was an urgent matter. Gold offered support, but wanted to see this brought back before the Board.

{3:47P.M.} Audience member Mike McArther, Executive Director from Association of Oregon Counties (AOC) was present in the audience. He spoke before the Board saying he was present to observe and also visit if time allowed. He said there would be forthcoming a written report from the legislature, noting SRS and Self Determination Act would be funding a 2-year extension – Federal year 2018, at 95% of previous levels. He said a check would be coming, and money would be in next budget cycle. He suggested Rocky McVay as a contact for more information. He said during Legislation, a grant program passed which would filter through the criminal justice commission, and would flow through law enforcement and DA. He suggested formulating a Pilot program (City/County/Sheriff). He said rules were being written now, and it would be expected to be complete in the next six months. He thanked Boice for his participation at the AOC meetings.

10. ANNOUNCEMENTS/MEETING SCHEDULE—(Section 10 Eliminated)

- ~~A. Notify Me on new Website is available for select topics~~
- ~~B. March 28, 2018 Workshop 10:00AM—Commissioners' Hearing Room—18-19 FY Budget~~
- ~~C. April 4, 2018 General Meeting 10:00AM—Commissioners' Hearing Room~~
- ~~D. April 6, 2018 Budget Officer Distributes Budget Worksheets to Department Heads~~
- ~~E. April 6, 2018 County Administrator

 - ~~i. Interviews 10:00AM—Commissioners' Hearing Room~~
 - ~~ii. Meet and Greet 4:00PM to 6:00PM Fairgrounds—Showcase Building~~~~
- ~~F. April 7, 2018 Tentative Special Meeting Executive Session 10:00AM—Commissioners' Hearing Room~~
- ~~G. April 11, 2018 Commissioners' Hearing Room

 - ~~i. Workshop 10:00AM~~~~

ii. Special Meeting 2:00PM

11. ~~INTERIM COUNTY ADMINISTRATOR ORAL REPORT~~ (John Hitt, Interim County Administrator)-(Section 11 – Eliminated)

- ~~A. County Administrator Recruitment~~
- ~~B. Gold Beach Main Street Proposal~~
- ~~C. BOC Meeting Times~~
- ~~D. Miscellaneous~~

12. ~~COMMISSIONER UPDATES~~ (Section 12 – Eliminated)

- ~~A. Commissioner Gold~~
- ~~B. Commissioner Huxley~~
- ~~C. Commissioner Boice~~
- ~~D.~~

ADDED (under 2 above): EXECUTIVE SESSIONS; ORS 192.660(2)(a) and (2)(d) {3:55P.M.)

The Board reconvened out of Executive Session at approximately 4:20P.M. No decisions were made.

13. ADJOURN

Gold adjourned the meeting at 4:22P.M.

(For a full transcript of this meeting, please refer to the video).

DATED this _____ day of _____, 2018

CURRY COUNTY BOARD OF COMMISSIONERS

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Order Directing Administrator to Investigate Alleged Nuisance at Lucas Lane; setting Hearing and providing notice

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/2018 **DEPARTMENT:** BOC **TIME NEEDED:** 5 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** CONSENT

MEMO ATTACHED Yes No If no memo, explain: See Brief Background Below

CONTACT PERSON: JHuttI **PHONE/EXT:** 3296 **TODAY'S DATE:** 04/13/2018

BRIEF BACKGROUND OR NOTE: (If no memo attached) Curry County Code Article 6.01.050 authorizes the Board to direct staff to issue a notice of hearing once complaints of a prohibited nuisance are received. The Board has received complaints of a nuisance under Code Articles 6.01.020 and 6.01.030. This order directs the County Administrator to investigate the nuisance and issue notice of a hearing on the complaints to the owner and occupier of the property. Hearing date to be set by BOC.

FILES ATTACHED:

- (1) Order Directing County Administrator to Investigate and Give Notice; Setting Hearing
- (2) Exhibits A & B
- (3)

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR 04/18/2018 **BOC MEETING** **Not Approved for BOC Agenda because**

ASSIGNED TO: CONSENT

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF CURRY

CURRY COUNTY, a General)	
Law County Political Subdivision)	ORDER
State of Oregon)	To Investigate Nuisance
)	To Issue Show Cause
v.)	
)	Bonita Rae Triplett
Bonita Rae Triplett)	Does I - X
and Does I – X)	
_____)	Curry Code Article 6.01.020

WHEREAS, Curry County Ordinance Article 6.01.20 and Article 6.01.030 state that hazardous solid wastes, and solid wastes visible from public right of way are nuisances.

WHEREAS, on March 21, 2018 a citizen submitted documents at a public meeting which described circumstances at 97959 Lucas Lane, Brookings, Oregon 97415 (Harbor) that a nuisance is being committed in violation of Curry Code Article 6.01.020 and Article 6.01.030, (Exhibit “A”); and

WHEREAS, the facts showed dilapidated buildings, open sewage, abandoned vehicles, and debris; and

WHEREAS, there is evidence this alleged nuisance dates back to 2015 (Exhibit “B”); and

WHEREAS, on April 18, 2018, the Curry County Board of Commissioners determined that Lucas Lane is in unincorporated Curry County in the census area of Harbor, Oregon and is under the jurisdiction of the Board of Commissioners with respect to violations of the Curry County Code; and

WHEREAS, the Board of Commissioners for Curry County determines that for the good of the public health, safety and welfare of the Citizens of Curry County further process is needed to determine with more certainty whether a nuisance exists and if so to order its abatement; and

NOW THEREFORE THE BOARD OF COMMISSIONERS FOR CURRY COUNTY ORDERS:

1. The County Administrator or designee shall investigate the conditions at 97959 Lucas Lane, Brookings, Oregon 97415 (Harbor) to determine whether Curry County Ordinance 6.01.020 and 6.01.030 are being violated.

2. The county Administrator or designee shall issue notice of an Order to Appear and Show Cause why a nuisance does not exist, by regular and certified US mail to Bonita Rae Triplett and Does I-X, and by posting on the property at 97959 Lucas Lane, Brookings, Oregon. The date and time of the Hearing to Show Cause shall be _____, 2018 at _____ P.M. at the Curry County Office Building, 94235 Moore Street, Gold Beach, OR 97444.

DATED this 18th day of April, 2018.

Curry County Board of Commissioners

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

Approved as to Form:

John R. HuttI, Curry County Counsel

3/21/18



CURRY COUNTY COMMUNITY DEVELOPMENT

94235 MOORE STREET, SUITE 113
GOLD BEACH, OREGON 97444

Carolyn Johnson
Planning Director

Phone (541) 247-3304
FAX (541) 247-4579

current address → 96349 Duley Creek Rd.
Brookings, OR

FILE # _____
DATE _____

REQUEST FOR VIOLATION INVESTIGATION

Bonita Triplett

OWNER OF PROPERTY TO BE INVESTIGATED: Bonita Raiter/

LOCATION OF ALLEGED VIOLATION: 97959 Lucas Lane Harbor

ASSESSOR MAP AND TAX LOT: Lucas Estates "4600"

ADDRESS: 97959 Lucas Lane

PHONE: _____

NATURE OF ALLEGED VIOLATION (please be specific): _____

Article Six - Environment and Health
6.01.020, 6.01.030 1a, 1b, 1f, 1g
6.01.030 2a, 2b, 2c, 2d

PERSON REQUESTING INVESTIGATION: Vikki Pruden

ADDRESS: 97961 Lucas Lane Harbor

(mailing - PO Box 604 Brookings, OR

HOME PHONE: 541-469-5633 BUSINESS PHONE: 541-761-7319

SIGNATURE: Vikki Pruden

Would you be willing to testify as to the existence of this violation if the need arises?
 Yes No

Do you know of any other person(s) who have knowledge of this violation and would they be willing to assist in the investigation?

NAME: _____ PHONE: _____

ADDRESS: _____

lives w/ daughter Julie Raiter

My name is Vikki Pruden. I am writing in regards to the blight that I live next to at 97959 Lucas Lane, Harbor, OR. I have lived at 97961 Lucas Lane for 20 years. During that time, my family and I have been verbally berated, threatened with physical harm, chased by rats and raccoons, infested by ants and fleas, and have had our health deteriorate because of the rank and infectious odors emanating from the garbage inside the garages and in the yard next door.

While I could expound on the numerous problems associated with this property, I am choosing to focus this complaint on the health issues that my family has endured and continue to endure as a result of living next door to this dilapidated, smelly mess.

The stench from the mold and bacteria growing inside the buildings, the rotten and decaying wood, the sewage and the animal urine and feces make the air quality around our home deplorable preventing us from even opening our windows. With each passing year, our health problems worsen.

When I first bought my home, huge pools of standing sewage smelling water would appear in my yard after each rain. I had a French drain dug and this took care of the standing pools but not the sewage smell. During the 8+ years 97959 was vacant, the smell slowly went away and the ground dried up. When the occupants moved back in, in 2015, the sewage smell returned. A picture taken in 2016, show the human fecal matter, urine, and toilet paper on the ground under the trailer. The picture also shows where the insulation was purposely torn to allow human excrement to contaminate the soil.

Our daughter, my husband and I all suffer from upper respiratory problems including coughing, sneezing, runny noses, and sore throats. Other symptoms include sinus congestion, difficulty breathing, shortness of breath and skin rashes. Our daughter suffers 24 hours a day and is forced to take medications for congestion, runny nose, watery eyes and coughing. These medications do not relief her symptoms. Doctors are now advising surgery to provide some relief. She also suffers from learning disabilities related to not being able to breathe. There are no building setbacks at 97959.

My husband and I are very worried about the long-term effects that continued exposure to the toxins and molds are having on our daughter's health. I feel as though I am condemning my daughter to a lifetime of illnesses that if we lived somewhere else, she would be able to live drug free. We are prisoners in our own home, unable to go outside because of the toxins next door.

My husband and I suffer from headaches, migraines, coughing spells and wheezing. I also suffer from skin rashes and itchy skin. Exposure to the toxins and bacteria next door has weakened my immune system making me more susceptible to viruses. I have been diagnosed twice in the last year with pneumonia directly related to a weakened immune system.

Besides the sewage, mold and other toxins at 97959, there is also the animal feces and urine in our backyard. Our backyard has become the litterbox for all the rodents and animals living and hunting next door. They defecate all over the backyard and near the intake to our heating system making the whole house reek especially after a rain.

The diseases associated with the fecal matter make our backyard uninhabitable. The cats and raccoons crawl up on our porch at night and urinate on our front deck. The raccoons and rats are also very aggressive. They attack instead of retreat when startled. My husband and I have both been chased numerous times.

We are prisoners in our own home, unable to enjoy our home. In accordance with Oregon law, we can not even sell our home without disclosing the health problems associated with the residence next door. My neighbor next to us took an \$80,000 loss when he sold his home because of health problems associated with 97959. My family and I are asking for relief from our reoccurring health problems caused by the dilapidated condition of the property next door to our home.

ARTICLE SIX - ENVIRONMENT AND HEALTH

DIVISION ONE

SOLID WASTE NUISANCE

SECTION 6.01.010

RESERVED

SECTION 6.01.020

PROHIBITION

The deposit, accumulation, storage, collection, maintenance or display on private property outside the limits of cities of waste or solid waste that is hazardous to the health and safety of the public, or which creates offensive odors or a condition of unsightliness, is hereby prohibited as a public nuisance.

SECTION 6.01.030

DEFINITIONS

(1) The following conditions shall be deemed solid wastes that are hazardous to health and safety or a condition which creates offensive odors:

(a) Putrescible wastes not stored in fly-tight and rodent-proof containers and not removed from the premises at least every seven days.

(b) Accumulation of solid waste material conducive to rodent propagation.

(c) Where permitted, a burning barrel not receiving regular maintenance which has rusted and deteriorated to the extent that the contents are allowed to leak out.

(d) Accumulation of solid waste material conducive to mosquito production.

(e) An abandoned, unattended or discarded ice box, refrigerator, or other container which has an airtight door or lid, snaplock or other locking device which may not be opened from the inside when said door or lid, snaplock or other locking device has not been removed.

(f) Solid waste that may, by itself, or in combination with other solid wastes, be infectious, explosive, poisonous, caustic, toxic or otherwise dangerous or injurious to human, plant, or animal life.

(g) Buildings or structures in such a condition that they have become useless or dangerous for the purpose of habitation, shelter, storage or any other purpose.

(2) When exposed to view from public street or public highway the following shall be deemed solid wastes, creating a condition of unsightliness:

(a) Discarded, useless, abandoned or inoperable household appliances such as washers, dryers, refrigerators, dishwashers, water heaters, stoves and

similar items.

(b) Abandoned, discarded, useless household furniture such as sofas, beds, chairs, mattresses, tables and similar items.

(c) Abandoned, discarded, useless, or inoperable motor vehicles or parts thereof such as automobiles, trucks, farm machinery, motors, tires, chassis and similar items. For purposes of this subsection, the definition of "motor vehicle" as found in ORS 801.360 applies.

(d) Accumulation of rubble or used building material such as lumber, wire, plumbing fixtures, lighting fixtures, used stone or brick and similar items.

(3) The prohibition does not include:

Materials used for fertilizer or for other productive purposes or which are salvageable when such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

SECTION 6.01.040 INVESTIGATIONS

To determine whether there is reasonable cause to believe that a public nuisance exists on private property outside the limits of any city, the Board, or whomever it designates, may conduct an investigation for that purpose. In conducting such an investigation, the Board, or whomever it designates, may administer oaths, subpoenas and require the attendance of witnesses at public hearings, require the production of relevant documents, and take the testimony of any person.

SECTION 6.01.050 NOTICE

(1) Whenever it appears that there is reasonable cause believe that a public nuisance exists, the Board may order that a notice be issued and served upon the owner, tenant, occupant or person in possession of the premises where the nuisance is alleged or claimed to exist, requiring such person to appear before the board at the time and place stated in the notice to show cause why a nuisance should not be declared to be existing on the premises.

(2) Notice with regard to abandoned, discarded, useless or inoperable motor vehicles shall be given as provided in ORS. 819.170 to 819.200.

SECTION 6.01.060 HEARINGS AND FINDINGS

(1) At the time and place described in said notice, the Board shall conduct a public hearing on the question of the existence of the alleged nuisance, and if the Board finds that a nuisance exists, it shall declare the existence of the nuisance by order entered in its journal, and may order a suit to be brought in the name of the County to institute injunction, abatement or any other proceeding provided by law to prevent temporarily or permanently the existence of the nuisance.

ORS 105.505 Any person whose property or personal enjoyment thereof is affected by a private nuisance, may maintain an action for damages therefore. If judgment is given for the plaintiff in the action, the plaintiff may, on motion, in addition to the execution to enforce the judgment, obtain an order allowing a warrant to issue to the sheriff to abate the nuisance. The motion must be made at the term at which judgment is given, and shall be allowed of course, unless it appears on the hearing that the nuisance has ceased or that such remedy is inadequate to abate or prevent the continuance of the nuisance, in which latter case the plaintiff may proceed to have the defendant enjoined.

Section 6.01.020 Prohibition

The deposit, accumulation, storage, collection, maintenance or display on private property outside the limits of cities of waste or solid waste that is hazardous to the health and safety of the public, or which creates offensive odors or a condition of unsightliness, is hereby prohibited as a public nuisance.



Section 6.01.030 (1) (b) Accumulation of solid waste material conducive to rodent propagation. Roof and wall on left side of garage collapsed, rafters on ground full of garbage.

Section 6.01.030 (1) (f) Solid waste that may, by itself, or in combination be infectious, caustic, toxic or otherwise dangerous or injurious to human.....

Section 6.01.030 (1) (g) Buildings or structures in such condition that they have become useless or dangerous

Section 6.01.030 (2) (c) Abandoned, discarded, useless or inoperable motor vehicle.....



Broken windows



Section 6.01.030 (1) (a, b, e, f) (2) (a, b)



Missing Roofing, Rotten Framing





Garage roof collapsed, back of garage collapsed, accumulation of weeds and garbage EXTREME FIRE HAZARD



Interior of garage filled with wet, moldy, toxic garbage. Rat infested.



My family and I are prisoners in our own home. Our yard is a litter box for all the feral cats feasting on the rats and mice.



Sewer was disconnected on November 15, 2017 due to nonpayment. Unsafe for human occupancy was posted on October 2, 2015. Toilet in mobile was not attached to sewer. Urine, feces, and toilet paper deposited on dirt under mobile causing toxins, bacteria, odors UNSAFE AND UNHEALTHY



253.30'

3700
0.50 AC.

SEE CS 41-752

80.0'
SOUTH

LANBOURNE LANE

3800
0.36 AC.

295.40'

3900
0.28 AC.

70' DEED

327.88' (CS 41-TTT)
WEST 332.2 (CS 41-752)

4100
0.16 AC.

4000
0.16 AC.

4001
0.15 AC.

3901
0.15 AC.
SEE CS
41-777

EAST 377.80' (CS 41-TTT)
N89°37'E 382.20' (CS 41-752)
75.00'

4200

4300

4400

4500

4600

4700

UCAS LANE

UCAS LANE

UCAS LANE

4400

5300

5200

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EXHIBIT "B"



Curry Community Health
94235 Moore St., Suite 121
Gold Beach, OR 97444
P: 541-425-7545 F: 541-425-5557
www.currych.org

October 12, 2015

Jerry Herbage, Curry County Counsel
94235 Moore Street
Gold Beach, OR 97444

Re: Complaints regarding a potentially unsanitary and hazardous property located at 97959 Lucas Lane, Brookings, Oregon – actual location is in Harbor

Dear Mr. Herbage,

I received an e-mail early September 24, 2015 from Vikki Pruden, 97961 Lucas Lane, regarding the property next to hers alleging unsanitary and hazardous conditions exist (Attachment 1). On September 28, 2015 I received an e-mail from Monty Moncrief with additional information and complaints (Attachment 2).

On September 29, 2015 Brody Hodges, Environmental Health Coordinator and I traveled to Lucas Lane for an overview of the area and to provide an external inspection of 97959 Lucas Lane from the roadway. Pictures are attached for your review (Attachment 3). We were unable to detect any odors, did not see any insects or animals as reported; however, it was 63 degrees and partly cloudy. It is clear that the property has multiple structures in close proximity and an apparent overabundance of junk or possibly trash. Most of the skirting on the mobile home is missing and it does not appear to be structurally intact.

From an Environmental Health prospective, we were unable to detect issues from the roadway. We have researched the property owners (Attachment 4) and provided the information that Curry County has on file. CCH requests that Curry County research the building records to ensure that a valid certificate of occupancy exists for the mobile home located at 97959 Lucas Lane. Chief Brazil from Harbor Fire requests that he be included in the information loop regarding this complaint and he reported that Harbor Fire has concerns regarding life and safety that exist at 97959 Lucas Lane.

•



Curry Community Health

94235 Moore St., Suite 121
Gold Beach, OR 97444
P: 541-425-7545 F: 541-425-5557
www.currych.org

Given that there has been several citizens concerned about the conditions that allegedly exist at this property, CCH is requesting a workshop with County Commissioners to review the complaint before the end of the month. Prior to this meeting, we would request that Building Department research the file to determine if the mobile home has a valid certificate of occupancy.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth W. Dukek", with a long horizontal line extending to the right.

Kenneth W. Dukek
CCH CEO

Attachment # 1

Ken Dukek

From: Vikki Pruden <vpmj@frontier.com>
Sent: Wednesday, September 23, 2015 10:38 PM
To: Ken Dukek
Subject: Health problems associated with 97959 Lucas Lane Brookings, OR (Harbor)

September 24, 2015

To Curry County Health Dept.
94235 Moore Street, Suite 121
Gold Beach, OR 97444

Dear Mr Dukek,

My name is Vikki Pruden. I am writing in regards to the blight that I live next to at 97959 Lucas Lane, Harbor, OR. I have lived at 97961 Lucas Lane for 18 years. During that time, my family and I have been verbally berated, threatened with physical harm, chased by rats and raccoons, infested by ants and fleas, and have had our health deteriorate because of the rank and infectious odors emanating from the garages and yard next door.

This will be my third time contacting the Commissioners' Office. I have also made numerous calls to the Sheriff's office, Curry County Health Dept., Curry County Animal Control, Oregon DEQ, the Curry County Planning Office, even the Tax Assessor's Office over the years ALL TO NO AVAIL. I have even looked into selling my home but with Oregon disclosure laws, I would be required to disclose the health risks, on-going infestations*, and fire danger.

In talking to my neighbor Monty Monchief, I recently found out that other neighbors in our cul-de-sac have contacted your office about this blight as well. I can only hope your office will finally decide to take action and grant us relief in this situation.

While I could expound on the numerous problems associated with this property, I am choosing to focus this letter on the health issues that my family has endured and continue to endure as a result of living next door to this dilapidated, smelly mess.

When you purchase a home, you are supposed to be able to enjoy your home, not feel like a prisoner in your own home. The stench from the mold and bacteria growing inside the buildings, the rotten and decaying wood, the sewage and the pet urine and feces prevents us from using our yard, from opening our windows to enjoy a cool breeze or from being able to cool our house down on a hot day. With each passing year, our health problems worsen with no relief in site unless we choose to walk away from our home.

Our daughter, my husband and I all suffer from upper respiratory problems including coughing, sneezing, runny noses, and sore throats. Other symptoms include sinus congestion, difficulty breathing, shortness of breath and skin rashes. These symptoms are a direct result of being exposed to the molds and fungus next door. It only takes a few minutes of being outside before our daughter's eyes start watering, her nose starts running, and she starts coughing. Just walking to and from the car can cause a reaction because of the close proximity of the mold-ridden buildings to our front door and driveway. Our daughter missed over 45 days of school last year due to reoccurring lung infections, flu, and bronchitis (She is only 8 years old). She is also prone to skin rashes, and itchy skin especially around her eyes and nose. We no longer can let our daughter play outside because of her severe reactions to the toxins next door.

My husband and I suffer from headaches, migraines, coughing spells and wheezing. I also suffer from skin rashes and itchy skin. Last year I missed over 15 days of school as a teacher with reoccurring pneumonia. Exposure to the toxins and bacteria next door has weakened my immune system making me more susceptible to viruses.

Our backyard has become a litter box for all the animals attracted by the numerous mice and rats. They defecate near the intake to our heating system making the whole house reek especially after a rain. The cats and raccoons crawl up on our porch at night and urinate on our front deck. We do not have pets and do not leave any food or garbage

Attachment # 1

outside that would attract them. The raccoons and rats are also very aggressive. They attack instead of retreat when startled. My husband and I have both been chased numerous times.

When I first bought my home, huge pools of standing sewage smelling water would appear in my yard after each rain. I had a French drain dug and this took care of the standing pools but not the sewage smell. During the years the house was vacant, the smell slowly went away and the ground dried up. Since Bonnie's son has moved back in, the sewage smell is again getting worse, causing my family to cough and to keep all our doors and windows closed.

I am asking for relief for my family and myself. I am very concerned with the health issues plaguing my family and the long-term effects that continued exposure to the toxins and molds will have on our daughter who is only 8 years old. If we could move, we would have years ago but we have no choice. Your commission does have a choice though.

Thank you for your time,

Vikki Pruden
PO Box 604 Brookings, OR 97415
541-469-5633

Attachment #2

Ken Dukek

From: Monty Moncrief <montymoncrief@frontier.com>
Sent: Monday, September 28, 2015 9:18 AM
To: Julie Schmelzer; BOC Office; Ken Dukek; Nancy Chester; Jerry Herbage; Susan Brown; David Brock Smith; Thomas Huxley
Cc: vpmj@frontier.com; Jim Kolen; Mike Espinoza
Subject: Re: Curry county Dept Public Service & communtiy devolopment - County Commisioners Office - Sheriff Dept

Thank You Ms Schmelzer

Were asking for help from any and all - I understand the limits of your department on some of the issues - we will address one dept at a time and work through all the problems to find asstance and solutitions. I have spoke to Harbor Fire and they are willing to help it will require notes/observation from someone in your departments.

Please Note : Many of our Lucas Lane residents will greatly depend on the equity of their homes to propell them into proper retirement plazas and health care in the near future. We estimate our current equity loss per home at 20-30 dollars a day depending proximity. The cost of maintaining our street is around .55 cents per day per home.

Be Well

Monty

----- Original Message -----

From: [Julie Schmelzer](#)

To: [Monty Moncrief](#) ; [BOC Office](#) ; [Ken Dukek - CCH](#) ; [Nancy Chester](#) ; [Jerry Herbage](#) ; [Susan Brown](#) ; [David Brock Smith](#) ; [Thomas Huxley](#)

Cc: [vpmj@frontier.com](#) ; [Jim Kolen](#) ; [Mike Espinoza](#)

Sent: Monday, September 28, 2015 8:53 AM

Subject: RE: Curry county Dept Public Service & communtiy devolopment - County Commisioners Office - Sheriff Dept

Monty,

Thank you for your message. I inspected the property on Friday, and did note possible nuisance violations, which were forwarded to our Corporation Counsel for review and possible action. The Health inspector was also going to the site, and today representatives from the Community Development (Planning and Building) Department were going to inspect the property as well. I have copied others that might be able to assist as well. (Be advised some of the matters mentioned below we can not assist with, but we will attempt to resolve as many problems as possible.)

Have you also contacted the Harbor Fire Chief regarding your concerns (re: fire exits)?

Regards,

Julie A. Schmelzer
Director of Administration
Curry County, OR
(541) 247-3253
www.co.curry.or.us

From: Monty Moncrief [mailto:montymoncrief@frontier.com]

Sent: Monday, September 28, 2015 7:47 AM

To: BOC Office; Ken Dukek - CCH; Nancy Chester; Jerry Herbage; Susan Brown; David Brock Smith; Thomas Huxley

Attachment # 2

Cc: montymoncrief@frontier.com; vpmj@frontier.com

Subject: Curry county Dept Public Service & communitiy devolpment - County Commisioners Office - Sheriff Dept

Lucas Lane is a private drive. We have established Block Safety Watch among our residents. At Block Safety Meetings, Lucas Lane Private Estate Residents discussed Public Nuisance at 97959 Lucas Lane, June 2013 to present.

Our property taxes on Lucas Lane did increase this fiscal year yet no resources were given to Sherriff Dept or County funds set aside for investigation of alleged violations other than safety. We will be most happy with any help your office can supply , support or simply advocate to help the above mentioned address and move foward. As we are currently, and have in the past, funded

100 % of the shared access road at 97959 Lucas Ln. Our 13 homeowners have trimmed and removed large pine trees on said property to help ensure road safety and maintance. Lucas Lane road maintance in approx \$ 2,000 anually. I myself have maintained the front lawn / weeds/plants/trash and coach sideing/underskirting at said vacant address for 6-years until 2013. Their are 34 current residents on Lucas Lane - 9 retired - 13- seniors with Handicaps and Disabilitys and 6 - children

Issues:

Mobile Home Set Back Violations - Zoning

Current Name and or contact number for Homeowners Insurance or Rental Ins . Liability

Mold and mildue airborne particles in delapated barn, outbuildings possability home.

Property Line Disputes - Zoning

Pet on leash unattended for days . Humane Society

Unsanitary pet and waste conditions

Hedge encroachment height/safty - zoning

Fire exit - Front Door . Fire Dept.

Possable raw sewage under coach

Parking in front of Fire Hydrant

Autos left in private street/circle - Obscuring small children and pets in road. Leaking fluid causing damage to road surface.

Are these 4- cars in roadway properly insured - Auto Insurance requirements met

Class 2- medication opperation and /or limitations of automobiles

Tax Default 5- years Curry County - Forcloser

Sewer default 35 years with leak under residence

Multiple Trash Service and Storage containers on/in Axxess Rd

Homeowner Drive ways being used by invited general traffic to turn circle due to excessive automobiles blocking turn around.

Multiple Automobiles hindering vision and ability to back safely into privet drive.

Personal health issues arising due to Toxins at above mentioned address:

Experiencing headaches, sore throat, difficulty swallowing, heightened sensativity to air around our home, Rodents,

Contacted:

Sheriff Department & Probation -11- Times - Drug Deals - Stolen Vechiles - Abandon Vechiles - Abandon Vechiles

Animal Control 3- Times

County Planning

County Zoning

County commisioners office

Child Service

DEQ

HUD

Curry Transfer and Recycling (containers) Danmage from truck - multiple trucks on street surface on odd days.Waste connection Inc.Huston TX.

5- Lucas Lane residents now have Video Monitors due to unsafe issues and unknown traffic.

5- homes have to run all night lights for safty now.

Road surface maintance increased

Former Resident History Check - Required (disposal) of Mobile Home in said park

ATTACHMENT #3



Attachment #3



Attachment #3



Attachment #3





Attachment #3

ATTACHMENT # 9

Screen Print from AbleTerm session(TSG)

01:23 PM 10/01/2015

* - - Property Data Selection Menu - - *

Prop ID : R15658 (Real Estate) Owner: RAITER, BONITA R
Map Tax Lot: 4113-09BC-04600-00 (60550) 96349 DULEY CREEK RD
Legal : BROOKINGS, OR 97415

Situs : 97959 LUCAS LN
BROOKINGS, OR 97415

Year Built :
Living Area:

Name(s) :
Area : 17-9

Sale Info :

2015 Roll Values

Deed Type : WD	RMV Land	\$	100,720 (+)
Instrument: 06-4064	RMV Improvements	\$	8,580 (+)
2015 Tax Status * Unpaid Taxes *	RMV Total	\$	109,300 (=)
Current Levied Taxes : 532.99	Total Exemptions	\$	0
Special Assessments : 1,294.60	M5 Net Value	\$	109,300
	M50 Assd Value	\$	80,370

(AD) Alt Disp (G)en Appr	(Y) primary (O)wnership	(SE) condary (H)istory	(L)and/Impr (.) More
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Enter Option from Above or <RET> to Exit: _

This side

* - - Property Data Selection Menu - -

Prop ID : M30956 (Mfd Struct-Pe Owner: TRIPLETT, BONITA RAE
 Map Tax Lot: 4113-09BC-04600-05 (39036) 96349 DULEY CREEK RD
 Legal : MFD STRUCT SERIAL # SF18078774, X # BROOKINGS, OR 97415
 X00165514, Home ID 229073, PERSONAL*

Situs : 97959 LUCAS LN Year Built : 1979
 BROOKINGS, OR 97415 Living Area: 1812

Name(s) :
 Area : 17-9

Sale Info : 2015 Roll Values

Deed Type :	RMV Land \$	0 (+)
Instrument:	RMV Improvements \$	8,550 (+)
2015 Tax Status * Unpaid Taxes *	RMV Total \$	8,550 (=)
Current Levied Taxes : 56.70	Total Exemptions \$	0
Special Assessments : 6.00	M5 Net Value \$	8,550
	M50 Assd Value \$	8,550

(AD) Alt Disp (G)en Appr	(Y) primary (O)wnership	(SE)condary (H)istory	(L)and/Impr (.) More
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Enter Option from Above or <RET> to Exit: _

This Side

Maptaxlot: 4113-09BC-04600-00
Map Number: 41S13W09BC
Taxlot: 4600
OR Maptaxlot: 0841.00S13.00W09BC--000004600
PropertyID: M30956

Owner Information:
TRIPLETT, BONITA RAE
96349 DULEY CREEK RD
BROOKINGS, OR 97415

Situs Address:
97959 LUCAS LN
BROOKINGS, OR 97,415

P_class: 19
Co_Prop_Cls: 19
Code Area: CA:17-9
Exemptions:
Current Exempt Value: \$0
Total Tax: \$
Roll Land Market: \$0
Roll Total Improvement: \$8,770
Roll_Rmv_Value: \$8,770
Roll Use Value: \$0
Roll Assessed Value: \$8,770
Current Year Levy: \$67.86
Ca_rate: 6.60
Year Built: 1,979
Living Area: 1,812
Account Acres: 0.00
Sale Date:
Sale Price: \$0
Current Sale Deed:

Maptaxlot: 4113-09BC-04600-00
Map Number: 41S13W09BC
Taxlot: 4600
OR Maptaxlot: 0841.00S13.00W09BC--000004600
PropertyID: R15658

Owner Information:
RAITER, BONITA R
96349 DULEY CREEK RD
BROOKINGS, OR 97415

Situs Address:
97959 LUCAS LN
BROOKINGS, OR 97,415

P_class: 101
Co_Prop_Cls: 121

Code Area: CA:17-9

Exemptions:

Current Exempt Value: \$0

Total Tax: \$

Roll Land Market: \$113,570

Roll Total Improvement: \$8,920

Roll_Rmv_Value: \$122,490

Roll Use Value: \$0

Roll Assessed Value: \$85,260

Current Year Levy: \$562.52

Ca_rate: 6.60

Year Built:

Living Area: 0

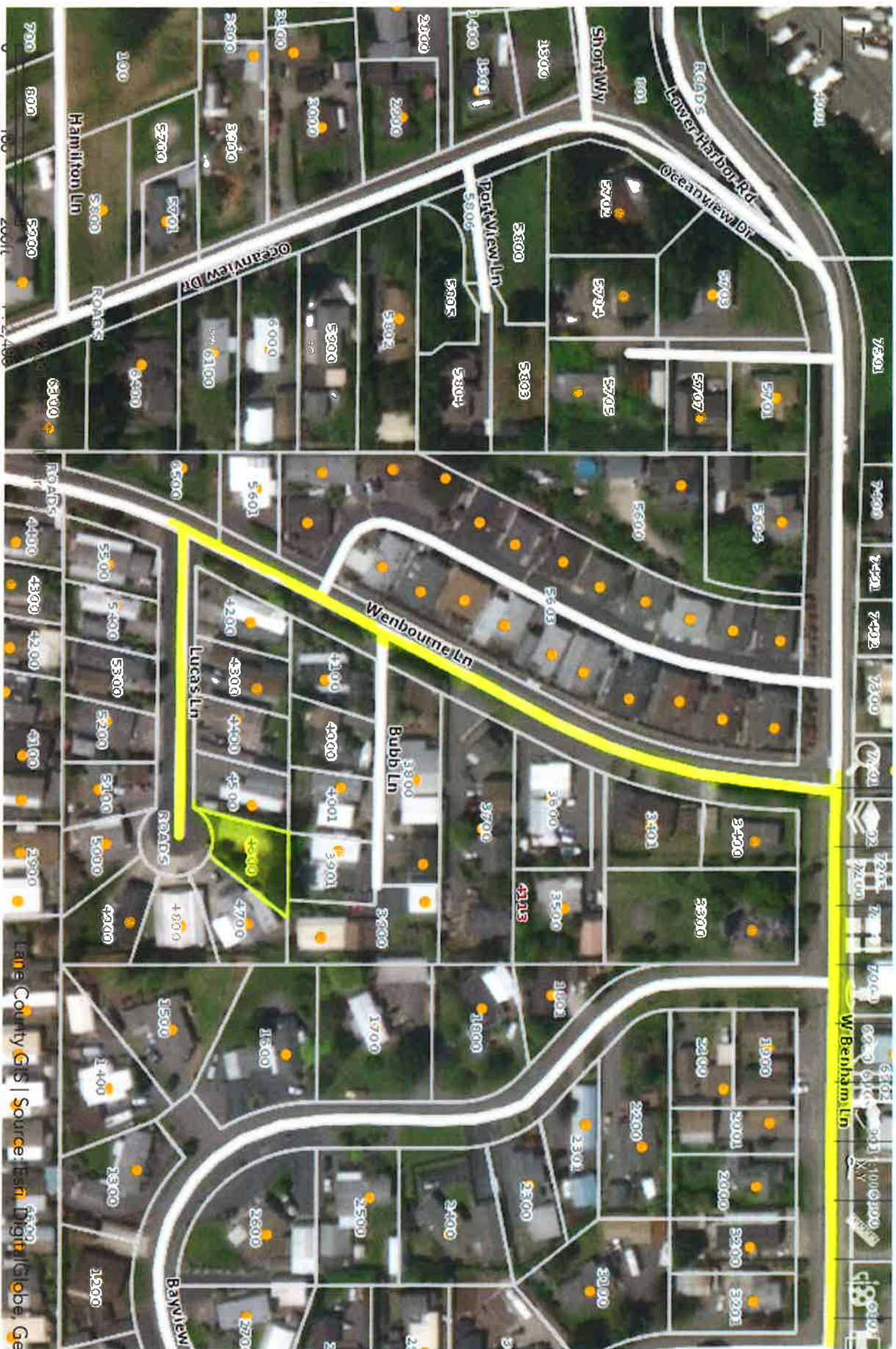
Account Acres: 0.15

Sale Date:

Sale Price: \$0

Current Sale Deed: 06-4064

Curry County



CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Community Development Department Activity Report -

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/2018 **DEPARTMENT:** Community Development

TIME NEEDED: 5 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period))

RECOMMENDED AGENDA CATEGORY: CONSENT

MEMO ATTACHED Yes No If no memo, explain: See Brief Background below

CONTACT PERSON: CJohnson **PHONE/EXT:** 3228 **TODAY'S DATE:** 04/12/2018

BRIEF BACKGROUND OR NOTE: (If no memo attached)

FILES ATTACHED:

(1) Activity Report

INSTRUCTIONS ONCE SIGNED:

No Additional Activity Required OR

File with County Clerk Name:

Send Printed Copy to: Address:

Email a Digital Copy to: City/State/Zip:

Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING Not Approved for BOC Agenda because

ASSIGNED TO: CONSENT



Community Development Department
March 2018 Activity Building, Economic Development, Planning

Department Administration and funding

- March revenue – \$27,488
- February 2018 activity report preparation
- Advertisement for Senior Planner/Code Enforcement position concluded with no applicants. Re-evaluation of Code compliance work and alternative model presented to Interim County Administrator.
- Participation in Wildfire survey -Information assembled for public records request
- Prepared and placed legal ads for Planning Commission meeting
- Concluded communication with City of Brookings regarding IGA for potential sharing of services. It was concluded that collaboration at this time is not feasible.
- Communication with SCDC/Secretary of State office for Governors marketplace event in south Curry County in early summer.
- Communication/staff on time/materials charges/processes for Lane Council of Governments IGA work.
- File organization in preparation for LUBA appeal for the Elk River Development Co application.
- Preparation and presentation to Board of Commissioners regarding Planning Commission size/composition.
- Preparation and presentation to Board of Commissioners regarding Zandt Final Map.
- Continued work on budget for FY 2018.2019, meetings with Finance Director

Economic Development Division

- Continued follow-up with CCD regarding Curry County Enterprise zone
- Continued update work on Travel Curry Coast web site -Meeting with Gold Beach Main street representatives
- Communication with the National Park Service on grant for preparation of a Floras Lake Forest Land master plan
- Participation in SCDC Board meeting -SCDC work efforts for March 2018 (see attached)
- Communication with ORRCA and All Care regarding housing study
- Continued discussion with Travel Oregon to get Langlois on their website

Planning Division

- Permit activity: 3 Conditional Use Permits, 2 Final Plat reviews, 5 Land Use Compatibility Statements, 1 new address, and 8 Planning Clearance reviews, 1 renewal of an Administrative Decision application, 1 tentative partition plat application.
- Work on Pickleball project, communication with staff and applicant.
- County TMDL report approved, notification by DEQ
- Interface with Roadmaster regarding driveway approach on Elk River Road
- Ongoing follow-up on complaint on Elk River Road
- Administrative Permit processing, review of work by LCOG and communication with applicants on various projects
- Communication with ODF, Citizen Involvement Committee -wildfire hazards mapping and engagement in ODF pilot program.
- Discussion with ODF staff regarding wildfire data resources and future use for Curry County
- Review/ discussion with various agencies/individuals on recent state legislation regarding Accessory dwelling units.
- Prepared and presented information to Planning Commission at their March meeting.

Building Division

- Building Permits: 29 Permits issued Building Inspections: 79 completed
- Certificates of Occupancy issued: Single family homes- 4, Other (accessory structures like shops, garages, remodels) - 4
- Phone calls and walk in visits - 400 served
- Work on larger building projects continue, Curry Library expansion, New Bar in Port Orford wrapping up work.
- Communication with Port Orford Main Street regarding clarification on County requirements for their project.

The South Coast Development Council, Inc.

50 Central Ave., Suite A | Coos Bay, OR 97420 | 541-266-9753 | www.scdcinc.org

The South Coast Development Council's mission is to promote and support businesses that provide quality jobs through responsible development on Oregon's South Coast.



Curry County officers and Administration

RE: SCDC Monthly Report for Curry County for March 2018

April 4, 2018

Commissioners, Director Johnson, and Administrator Hitt,

The Month of March 2018 was an amazing here is the list of how the time from SCDC time was spent working for Curry County. The time spent from SCDC staff on items specific to Curry County runs approximately 50 hours for the month of March. Items and projects worked on are as follows.

Project Fire: Project fire focuses on the economic recovery from the Chetco Bar Fire. SCDC put together, issued, and monitored a RFP to EcoNorthwest to assess the Economic Impact of the Chetco Bar Fire. There was also a Fire recovery team reconvening to assess what has taken place since the last meeting in December.

Opportunity Zones: SCDC staff spent a lot of time working on opportunity zones. It started with a phone call with the state. From there we identified 4 zones in Curry county that qualified. We put together needed information for each and requested from many individuals to offer support in the form of submitting requests to the state for these opportunity zones. Opportunity Zones are new federal tax incentives that would allow private investment of unrealized capital gains into low income communities through an Opportunity Fund. The Opportunity Funds and how to create those, have not been lined out by the department of treasury so a lot of this program is still and unknown.

Regional Tourism: SCDC is still representing Curry county in all the Regional Tourism Network meetings. As part of the core team we have been in the process of identifying potential network coordinators. There was a OSCTRN meeting to gather all individuals working with the network to give an update on the coordinator search and RTS projects.

Enterprise Zones: SCDC took part in the Curry County enterprise zone discussions specific to the Port Orford area and consent from the Port of Port Orford. This process will continue in the month of April as we partner with CCD to garner consent from the Port Districts in Curry County, specifically the Port of Port Orford and the Port of Brookings-Harbor.

Other Items:

BRE follow -up visits Sacred Gifts 101, SportsHaven Marine.

Participated in Gold Beach Rotary Club meetings

Attended County Commissioner meetings

Attended Port of Port Orford Commissioner Meeting

I hope this accounting of our time is sufficient for the records of Curry County. Please feel free to contact me if you have any questions or concerns.

Samuel Baugh

Executive Director | SCDC

[#growsouthcoast](#)

Phone: 541-266-9753

Cell: 541-808-7774

Email: Sam@scdcinc.org

*** Sponsor Investors ***

Bandon Dunes Golf Resort ♦ Bay Area Hospital ♦ City of Brookings ♦ City of Coos Bay ♦ City of North Bend
Coos County ♦ Curry County ♦ Jordan Cove Energy ♦ Southwest Oregon Regional Airport

CURRY COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM ROUTING SLIP
FORM 10-001.1 Rev. 11-21-2017

PART I – SUBMITTING DEPARTMENT: RETURN TO BOC_OFFICE@CO.CURRY.OR.US

PROPOSED AGENDA ITEM TITLE: Surveyor's Report for March 2018

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 4/18/18 **DEPARTMENT:** County Surveyor **TIME NEEDED:** 5 Minutes

^a(Submit by seven days prior to the next General Meeting (eight days if a holiday falls within that seven day period))

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: Reily Smith **PHONE/EXT:** 3225 **TODAY'S DATE:** April 3, 2018

BRIEF BACKGROUND OR NOTE: (If no memo attached)

FILES ATTACHED:

- (1)
- (2)
- (3)

QUESTIONS:

1. Would this item be a departure from the Annual Budget if approved? Yes No
(If Yes, brief detail)
2. Does this agenda item impact any other County department? Yes No
(If Yes, brief detail)
3. Does Agenda Item impact County personnel resources? Yes No
(If Yes, brief detail)

INSTRUCTIONS ONCE SIGNED:

No Additional Activity Required

OR

File with County Clerk

Name:

Send Printed Copy to:

Address:

Email a Digital Copy to:

City/State/Zip:

Other

Phone:

***Note: Most signed documents are filed/recorded with the Clerk per standard process.**

PART III - FINANCE DEPARTMENT REVIEW

EVALUATION CRITERIA 1-4:

1. Confirmed Submitting Department's finance-related responses Yes No N/A
Comment:
2. Confirmed Submitting Department's personnel-related materials Yes No N/A
Comment:
3. If job description, Salary Committee reviewed: Yes No N/A
4. If hire order requires a Personnel Action Form (PAF)? Pending N/A No HR

PART IV – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING **Not Approved for BOC Agenda because**

LEGAL ASSESSMENT: Does this agenda item have a legal impact? Yes No
(If Yes, brief detail)

ASSIGNED TO:

PART V – BOARD OF COMMISSIONERS AGENDA APPROVAL

COMMISSIONERS' REQUEST TO ADD TO AGENDA:

- Commissioner Thomas Huxley Yes No
- Commissioner Sue Gold Yes No
- Commissioner Court Boice Yes No

CURRY COUNTY SURVEYOR MONTHLY ACTIVITY REPORT
FOR MARCH, 2018

County Surveyor & Department Specialist Activities:

- a. It seemed like a busy month with more public inquiries than usual.
- b. With the new Surveyor's Website up and the new GIS fully implemented, almost all data that the public might be interested in is now readily available and is being kept up to date.
- c. The County Surveyor has continued using the Global Navigation Satellite System (GNSS) for benchmark control for the new National Geodetic Survey's (NGS) 2018 Geoid (mathematical model of the earth). The initial billable time has been used and he is doing the balance of the project at no cost to the county. Additionally, one additional monument near Agness will be tied into the project to insure adequate coverage of Curry County. The resulting 2018 Geoid will be used in the 2022 datum adjustment and in the future, GNSS determined coordinates and elevations will be used more than the old monuments. However, the coordinates and elevation of most current BLM benchmarks and control monuments will have mathematically adjusted coordinates and elevations updated based on this work and the BLM's geodesists mathematical models. Much of the modeling has been done by aircraft doing gravity studies and careful study of GNSS satellites orbit irregularities. In the future (2022) horizontal and vertical positions will be dependent on the date. Some areas of the west coast are literally moving as much as a centimeter or two each year.
- d. We are still trying to move forward with a project for this spring to check the Public Land Survey System (PLSS) monuments on private land that may have been affected by the Chetco Bar Fire. We're hoping to find high school seniors or college people interested in forestry or engineering/surveying to fill two summer part-time positions.
- e. We are also hoping, with next year's budget, we can start checking and replacing hundreds of small iron pipes that were set for PLSS monuments in the 1950's by private & county surveyors throughout the county. Most of the Cornerstone Preservation Fund office work has now been completed and use of future funds will require significant field work.

New Maps of Survey, Property Line Adjustments or Plats filed, scanned, copied and filed (all currently online):

1 Survey was completed in the north part of Curry County.
No Surveys were completed near Gold Beach.
4 Surveys and 1 Plat Map were completed near Brookings.

Deposits for March: = \$2,717.00

Reily Smith worked 35.5 hours in March.
Barbara Colton worked 78½ hours in March.

Respectfully submitted,

Reily Smith, County Surveyor
Barbara Colton, Department Specialist

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Transfer funds from General Fund to Commissioners Fund

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/18 **DEPARTMENT:** Admin **TIME NEEDED:** 20 min
(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** ADMIN POLICY

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: John Hitt **PHONE/EXT:** 3287 **TODAY'S DATE:** 04/12/18

BRIEF BACKGROUND OR NOTE: (if no memo attached) To transfer funds from General Fund to Commissioners Fund to adjust budget for anticipated costs as of 06/30/18.

FILES ATTACHED:

(1) Draft Resolution

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
 File with County Clerk Name:
 Send Printed Copy to: Address:
 Email a Digital Copy to: City/State/Zip:
 Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING Not Approved for BOC Agenda because

ASSIGNED TO: ADMIN POLICY

**BEFORE THE BOARD OF CURRY COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY**

IN THE MATTER OF REALLOCATION OF)
APPROPRIATIONS BETWEEN CATEGORIES) **RESOLUTION**
IN THE 2017-2018 FISCAL YEAR BUDGET)

WHEREAS, there exists a need to transfer appropriated spending authority in the Curry County budget between expenditure categories for the purpose of providing for costs beyond the amount that was anticipated in the 2017-2018 fiscal year budget: and,

WHEREAS, such increase and reallocation of appropriation is allowed under ORS 294.471; now,

BE IT RESOLVED that the 2017-2018 fiscal year budget for Curry County be modified as detailed in *Exhibits A and B* (from General Fund to Commissioner Travel and Payroll) for the specific purpose of providing appropriations to cover expenditures through June 30, 2018.

Dated this _____ day of April, 2018.

CURRY COUNTY BOARD OF COMMISSIONERS

Sue Gold, Chair

Thomas Huxley, Vice Chair

Court Boice, Commissioner

Approved as to form:

John Huttl
Curry County Counsel

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Executive Session ORS 192.660(2)(a) consider employment of officer of a local governing body.

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/2018 **DEPARTMENT:** BOC **TIME NEEDED:** 15 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY** OTHER

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: JHuttl **PHONE/EXT:** 3218 **TODAY'S DATE:** 04/12/2018

BRIEF BACKGROUND OR NOTE: (If no memo attached) Confidential deliberations regarding retention of county employee or agent. Any decision would be public.

FILES ATTACHED:

- (1) None
- (2)
- (3)

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR _____ BOC MEETING Not Approved for BOC Agenda because

ASSIGNED TO: CONSENT

CURRY COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM ROUTING SLIP

FORM 10-001.1 **Revision 3-22-2018**

PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)

PROPOSED AGENDA ITEM TITLE: Professional Services Contract with John Hitt, dba: Oregon City Aid

TIMELY FILED Yes No

If No, justification to include with next BOC Meeting

AGENDA DATE^a: 04/18/18 **DEPARTMENT:** Administration **TIME NEEDED:** 18 min

(^aSubmit by 9AM five days prior to the next General Meeting (six days if a holiday falls within that five day period)) **RECOMMENDED AGENDA CATEGORY MOTION**

MEMO ATTACHED Yes No If no memo, explain:

CONTACT PERSON: PHONE/EXT: TODAY'S DATE:

BRIEF BACKGROUND OR NOTE: (If no memo attached)

FILES ATTACHED:

- (1) Memo
- (2) Professional Services Contract

INSTRUCTIONS ONCE SIGNED:

- No Additional Activity Required OR
- File with County Clerk Name:
- Send Printed Copy to: Address:
- Email a Digital Copy to: City/State/Zip:
- Other Phone:

Note: Most signed documents are filed/recorded with the Clerk per standard process.

PART II – COUNTY ADMINISTRATOR REVIEW

APPROVED FOR 04/18/18 **BOC MEETING** **Not Approved for BOC Agenda because**

ASSIGNED TO: MOTION

BOC MEMO TEMPLATE

TO: BOARD OF COMMISSIONERS

FROM: INTERIM COUNTY ADMINISTRATOR

SUBJECT: PROFESSIONAL SERVICES CONTRACT

DATE: 04/11/18

BACKGROUND: It is anticipated that the BOC will enter into an employment agreement for a permanent County Administrator on or about April 18, 2018. This then leaves open the continued role, if any, of continuing to use Prothman Co. to supply Interim County Administrator services in and through John Hitt

RELEVANT FACTS: 1. As of the writing of this memo, it appears that the permanent County Administrator, if hired, will be present in Curry County only from May 14 -17, (Budget Hearings) and after June 4th. 2. The current contract with Prothman Co. is complete as an Interim County Administrator is no longer required and Prothman indicated a willingness to not continue in that relationship with both the county and Interim Administrator. 3. A new, short-term contract for professional services is herein attached. It would pay that flat rate of \$50/hour for billable hours and .25 per mile for any necessary use of a private vehicle. It would extend from April 23 – June 4 and could be terminated at any time by the BOC without either advance notice or stated cause.

OPTIONS: 1. Approve the proposed agreement, with or without amendment. 2. Decline to enter into the agreement and accept termination of the Mr. Hitt's contract with Prothman, and hence the county, on or before May 2nd. 3. Seek to find another individual to fill the role of Interim County Administrator either through Prothman or separately.

RECOMMENDATION(S): No Recommendation