



# CURRY COUNTY BOARD OF COMMISSIONERS

## GENERAL MEETING

Wednesday November 1, 2017 – 10:00 A.M.  
Commissioners' Hearing Room, Courthouse Annex  
94235 Moore Street, Gold Beach, Oregon

[www.co.curry.or.us](http://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** (5 minutes)
- 3. CONSENT CALENDAR** (Items in the Consent Calendar may be removed for separate discussion and/or action at the request of any Commissioner) (10 minutes)
  - A. Order Approving Secure Rural Schools (SRS) Funding for Approved Title III Projects
  - B. Order Approving Contract with Brandt Media to Acquire and Install Public Education Government (PEG) Equipment
  - C. Order Approving Contract with Brandt Media to Provide PEG Production Services
  - D. Order Approving New Code Enforcement Officer Job Description
- 4. PUBLIC COMMENTS** (3 minutes per person; 30 minute limit for all public comment)
- 5. PRESENTATIONS**

None
- 6. ADMINISTRATIVE ACTIONS/APPOINTMENTS**
  - A. Revision of County AGRS Policy and Form and Proposed Orders (15 minutes) – John Hitt, Interim County Administrator
  - B. Revise Board Meetings and Workshops Policy - Chapter 14, Article II and Proposed Orders (15 minutes) – John Hitt, Interim County Administrator
- 7. PUBLIC HEARING (11:00AM or Later)**

Continued Public Hearing - Curry County Comprehensive Plan and Zoning Ordinance Amendments Related to Natural Hazards and Proposed Order (45 minutes) – Carolyn Johnson, Community Development Director
- 8. OLD BUSINESS/PENDING ACTIONS**

Report of Chair Huxley Breaking Rules of Decorum and Meetings, BOC (30 minutes) – Court Boice Commissioner

**9. DISCUSSION/BOARD DIRECTION/DECISION**

- A. Curry Commissioner Office, Blocked Public Access? ... (20 minutes) – Court Boice Commissioner
- B. Consideration to Refer to the Voters the Question of Road Fund Loans (15 minutes) – Thomas Huxley, Chairman Board of Commissioner (BOC)
- C. Order Approving Amended Travel Policy (20 minutes) – Thomas Huxley, Chairman Board of Commissioner (BOC)

**10. ANNOUNCEMENTS/MEETING SCHEDULE (5 minutes)**

- A. Board Vacancies - - -
  - a. Curry County Budget Committee North County
  - b. Curry County Public Transit Service District Budget Board
  - c. Curry County Compensation Board
- B. November 8, 2017 Board of Commissioners' Workshop at 10:00AM – Commissioners' Hearing Room
- C. November 10, 2017 County Offices Closed in Observance of Veteran's Day
- D. November 15, 2017 Board of Commissioners' General Meeting at 10:00AM – Commissioners' Hearing Room
- E. November 23, 2017 County Offices Closed for Thanksgiving Holiday

**11. INTERIM COUNTY ADMINISTRATOR ORAL REPORT (John Hitt, Interim County Administrator) (5 minutes)**

- A. Association of Counties (AOC) Annual Conference
- B. New Website and Chetco Bar Fire Links
- C. Recruitment of County Administrator Update
- D. Community Development Block Grant (CDBG) – Head Start/Brookings
- E. Public Records Requests
- F. Miscellaneous

**12. COMMISSIONER UPDATES (15 minutes)**

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

**13. ADJOURN**

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Order Obligating SRS Funding for Approved Title III Projects**AGENDA DATE<sup>a</sup>:** 11-1-17 **DEPARTMENT:** Counsel **TIME NEEDED:** 5min.<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** JHuttl**PHONE/EXT:** 3218 **TODAY'S DATE:** 10-24-17**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** On September 6, 2017 the Board confirmed that it initiated listed projects and obligated Title III funds subject to a 45-day comment period. The comment period ended on October 27, 2017 at 5:00P.M. No comments were received after published notice. This order confirms funds have been obligated. Order will be sent to local resource advisory committee (RAC).<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Order

- (1)Order Acknowledging Obligated Funds  
(2)

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☒**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/A ☐

**INSTRUCTIONS ONCE SIGNED:**☐ No Additional Activity Required

OR

☒ File with County Clerk

Name: RAC

☒ Send Printed Copy to:

Address: BLM

☐ Email a Digital Copy to:

City/State/Zip: Coos Bay

☐ Other

Phone:

Due date to send: / /

Email:

**\*Note: Most signed documents are filed/recorded with the Clerk per standard process.****PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☐ No ☐ N/A ☐  
(If No, brief detail)**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses Yes ☐ No ☐  
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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☐

**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** Consent Calendar**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☒ No ☐  
(If Yes, brief detail) Acknowledges obligation of Title III funds**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley Yes ☐ No ☐Commissioner Sue Gold Yes ☐ No ☐Commissioner Court Boice Yes ☐ No ☐Not applicable to Sheriff's Department since they do not have a liaison ☐

BEFORE THE BOARD OF COUNTY COMMISSIONERS

IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Order )  
Allocating SRS Funding for )  
Approved Title III Projects )

ORDER NO. \_\_\_\_\_

**WHEREAS**, on July 5, 2017, the Board of Commissioners agreed to solicit applications for Title III; and

**WHEREAS**, a Title III Project Applications Public Notice, dated July 2017, was published in general circulations in the County in July, 2017 seeking applications for Title III; and

**WHEREAS**, three applicants had submitted applications in response to the solicitation; and

**WHEREAS**, on August 16, 2017 the Board of Commissioners initiated the projects in those applications; and

**WHEREAS**, on September 6, 2017, by Order 20449, the Board of Commissioners approved initiating the Harbor Rural Fire Protection District to the approved applications and directed publication of notice for a 45-day comment period; and

**WHEREAS**, on September 13, 2017 in general circulations in the County, Public Notice was given that the Board obligated Title III funds for the projects, subject to the required 45-day comment period which ended on October 27, 2017 at 5:00P.M.; and

**WHEREAS**, no public comments had been received by the deadline; and

**NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS  
HEREBY ORDERS** that the following projects have been obligated under Title III:

1. Coos Forest Protective Association - Sponsor for the Cape Ferrelo Fire Wise Project in the amount of:  

**\$187,000 f/y 2017 and**  
**\$281,150 f/y 2018**
2. Harbor Rural Fire Protection District - Sponsor for the Harbor Fire District Fire Hazard Reduction in the amount of:



**\$ 8,600**

3. Curry County Sheriff - Sponsor for the Curry County Search and Rescue (SAR) Project in the amount of:

**\$500,000.00**

**TOTAL AMOUNT: \$976,750.00**

**Balance of funds obligated to go to Sheriff's Office (SAR).**

**DATED** this 1<sup>st</sup> day of November, 2017.

BOARD OF CURRY COUNTY COMMISSIONERS

Thomas Huxley, Chair

Sue Gold, Vice Chair

Court Boice, Commissioner

Approved as to Form:

John Hutt  
Curry County Legal Counsel

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Contract with Brandt Media to acquire and install PEG equipment**AGENDA DATE<sup>a</sup>:** 11/01/2017 **DEPARTMENT:** BOC **TIME NEEDED:** 5 min<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** J Hutt **PHONE/EXT:** 3218 **TODAY'S DATE:** 10/25/2017**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** In 2017, the county entered an agreeemnt with Brandt media for design acquisition and installation of PEG equipment for the Board meeting room and the Blue Room. That agreement has been fully performed per its terms. Under this new agreement, Brandt Media will acquire and install additional PEG equipment as described and as directed by the Board at a prior meeting.<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Contract

(1)Contract

(2)

Are there originals in route (paper copies with pre-existing signatures) **Yes** ☒ **No** ☐**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. If Land Transaction, filed with the clerk? **Yes** ☐ **No** ☐ **N/A** ☒

**INSTRUCTIONS ONCE SIGNED:**☐ No Additional Activity Required

OR

☒ File with County Clerk☐ Send Printed Copy to:☒ Email a Digital Copy to:☐ Other

Name: Brandt Media

Address:

City/State/Zip:

Phone:

Due date to send: / /

Email:

**\*Note: Most signed documents are filed/recorded with the Clerk per standard process.****PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? **Yes** ☐ **No** ☐ **N/A** ☐  
(If No, brief detail)**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses **Yes** ☐ **No** ☐  
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 an UA, is it approved? **Yes** ☐ **No** ☐ **Pending** ☐ **N/A** ☒

**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** Consent Calendar**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? **Yes** ☒ **No** ☐  
(If Yes, brief detail) Contract to pay for purchase and installation of PEG equipment**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley **Yes** ☐ **No** ☐Commissioner Sue Gold **Yes** ☐ **No** ☐Commissioner Court Boice **Yes** ☐ **No** ☐Not applicable to Sheriff's Department since they do not have a liaison ☐

**CONTRACT BETWEEN CURRY COUNTY AND  
BRANDT MEDIA**

This contract is and between Curry County, a General Law County, Political Subdivision of the State of Oregon (County) and Nicholas Brandt, dba Brandt Media (Contractor).

1. Work to Be Performed

Contractor, shall, except as otherwise provided, at its own expense, furnish all materials, labor and equipment, necessary to complete the project regarding the services

Supplemental PEG Equipment Purchase and Install; plus two remote “mouse” controls

NOTE: This does not cover the any Channel Service elements of Exhibit A.

Described services Outlined in Exhibit “A” that is attached hereto and incorporated by reference.

Contractor shall perform work to specifications and according to generally accepted standards in Contractor’s trade or industry.

2. Performance and Payment Bond

The Board of Curry County Commissioners has specifically waived the requirement for a performance and a payment bond.

3. Completion Date

This contract shall commence upon execution and be completed within 90 days.

4. Compensation Not to Exceed

Per attached exhibit A compensation not to exceed \$7092.75 plus the addition of two remote “mouse” controls.

5. Prevailing Wages and Procurement

Contractor shall comply with ORS 279C.800 through ORS 279C.870, as applicable.

6. Independent Contractor

Contractor is engaged as an independent contractor, and will be deemed so for purposes of the following:

A. Contractor will be solely responsible for payment of any federal or state taxes required as a result of this contract.

B. This contract is not intended to entitle Contractor to any benefits generally granted to County's employees, such as vacation, sick leave, health insurance, Social Security, etc.

7. Incorporation of Statutory Provisions Required for Public Contracts

The Contractor certifies that it will comply with all applicable public contract laws, including, but not limited to, ORS 279B.220 and 279B.230 that are attached as Exhibit B and incorporated by reference into this agreement.

8. Workers' Compensation

Contractor, its subcontractors, if any, working under this contract are subject workers under Oregon Workers' Compensation law and shall comply with ORS 656.017, which requires it to provide workers' compensation coverage for all of its subject workers.

9. Certification of Reading and Understanding of Documents

The Contractor certifies that it has read and fully understands all contract documents including this contract, the solicitation document and all terms and conditions. The Contractor understands and acknowledges that in signing this contract Contractor waives all right to plead any misunderstandings regarding the same.

10. Indemnification

Contractor shall indemnify, defend and save and hold harmless County from any and all suits, actions, legal or administrative proceedings, demands, claims, liabilities, fines, penalties losses, injuries, damages, expenses or costs, including interest and attorney fees, in any way connected with any injury to any person or damage to any property occasioned in any way by Contractor's or Contractor's subcontractor's prosecution of work under this contract.

11. Insurance

Contractor shall provide the following insurance in connection with the project:

INSURANCE DESCRIPTION	MINIMUM REQUIRED COVERAGE
A. Workers' Compensation	Statutory
B. General Liability	\$1,000,000 aggregate.
C. Automobile Liability	\$1,000,000 aggregate.

Evidence of such insurance shall be provided to County within ten days of the execution of this agreement and before work begins. The liability insurance shall name "Curry County and its officers, agents and employees as additional insured."

12. Nonwaiver

No waiver of any breach of this agreement shall be held to be a waiver of any other or subsequent breach.

13. Severability

Should any clause or section of this contract be declared by a court to be void or voidable, the remainder of the contract shall remain in full force and effect.

14. Termination by County

County shall have the right to terminate this contract in its entirety at its convenience. County may terminate for non-appropriation of future budget funds. If County terminates pursuant to this section, County shall retain any other right or remedy which County has against Contractor. Termination shall not prejudice the rights of the County that accrued before termination. If the County invokes this provision, it may notify Contractor by any commercially reasonable means. Contractor shall be entitled to payment for work done up to the date of termination.

15. Attorney Fees and Costs

In the event that either party to this contract shall take any action, judicial or otherwise, to enforce or interpret any of the terms of this contract, each party shall be wholly responsible for its own expenses which it may incur in taking such action, including costs and attorney fees, whether incurred in a suit or action or appeal from a judgment or decree therein or in connection with any non-judicial action.

16. Applicable Laws

This contract is executed in the State of Oregon and is subject to Oregon law and the jurisdiction of Curry County.

17. Written Changes Required

The rights and duties under this contract shall not be modified, delegated, transferred, or assigned, except upon written signed consent of both parties.

THE CONTRACTOR, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS CONTRACT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

[Signature page to follow]

///

///

///

CONTRACTOR

\_\_\_\_\_  
By (signature)  
President and Chief Engineer  
Brandt Media  
2732 NW 19<sup>th</sup> Street  
Redmond, OR 97756

\_\_\_\_\_  
Date

COUNTY BOARD OF CURRY COUNTY COMMISSIONERS

\_\_\_\_\_  
Thomas Huxley, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sue Gold, Vice Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Court Boice, Commissioner

\_\_\_\_\_  
Date

Approved as to Form:

\_\_\_\_\_  
John R. Huttel, Curry County Legal Counsel

Brandt Media  
Nicholas Brandt, President & Chief Engineer  
Charles Douglas, Operations Manager  
2732 NW 19th Street  
Redmond OR 97756  
(541) 292-7811

Curry County  
94235 Moore Street, Suite 122  
Gold Beach, OR 97444  
(541) 247-3296

## PEG SYSTEM CAPITAL IMPROVEMENTS

Based on requests from our Board of Commissioners liaison, we have designed the following upgrade plan, which will allow for members of the public to monitor the live audio of commissioner's meetings in the hallway while engaged in side conversations which would distract from the meeting if held in the Hearing Room, and will additionally allow for meetings such as Budget Committee and Planning Commission hearings to be held in the Hearing Room with additional participants enjoying audio reinforcement with their own microphones. We have also developed a plan to allow for our TriCaster system to directly support streaming and on-demand video file distribution, saving the County significant costs associated with a separate vendor contract.

### **Capital Equipment:**

- Provide and install two (2) speakers and one (1) volume control to serve audio reinforcement to the hallway outside the County Chambers.
- Provide and install one (1) 8-channel automatic mixers (Shure SCM810).
- Provide and install one (1) new wired lapel mics for horseshoe and two (2) two-channel wireless microphone system for presentations -- for a total of 5 new microphones. One of these mics is a requested replacement.
- Pull new terminated wiring required for the audio and video systems using existing open cable pathways.
- Provide and Upgrade the Tricaster Mini to Tricaster Advanced Edition.

**Total Price of Capital Improvements: \$7,092.75**

## EXCLUSIONS AND CONTINGENCIES

- Capital improvements are contingent upon a work schedule beginning on 12/27/17 and concluding on 12/29/17.
- Brandt Media staff must have full access to all portions of the County facility required for the completion of the build, including access on weekends and evenings. Furthermore, Brandt Media staff must have full access to the Board of Commissioners Chamber, Blue Room, video operations closet and cablecast head-end once Channel Service operations have commenced.
- Brandt Media must have remote access capability required to be able to use live stream and TeamViewer within the County IT network, and must additionally have remote access to all server, playback and presentation equipment.
- Any meeting hours over the allotted 178 hours will require a change order signed by the county and Brandt Media.
- The County will be responsible for providing power at each TV location and all wiring not in surface-mounted conduits or existing pathways.
- Permits or licenses (none required).
- Any work not expressly outlined in this proposal and subject to a change order.

## PAYMENT

- The total amount of the capital improvement project is \$7,092.75. The full amount is due upon contract execution and must be paid in full before parts can be ordered.
- The annual estimated cost of the Channel Service contract is \$19,900. This shall be billed quarterly, at an approximate amount of \$4,975, and shall payable within fifteen (15) days of the end of each quarter.



## **EXHIBIT B**

### **OREGON STATUTORY CONTRACT PROVISIONS**

#### **279B.045 Contractor warranty and covenant concerning tax law compliance.**

Every public contract that is subject to this chapter must include a representation and warranty from the contractor that the contractor has complied with the tax laws of this state or a political subdivision of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317 and 318. The public contract must also require a covenant from the contractor to continue to comply with the tax laws of this state or a political subdivision of this state during the term of the public contract and provide that a contractor's failure to comply with the tax laws of this state or a political subdivision of this state before the contractor executed the public contract or during the term of the public contract is a default for which a contracting agency may terminate the public contract and seek damages and other relief available under the terms of the public contract or under applicable law. [2015 c.539 §3]

#### **279B.220 Conditions concerning payment, contributions, liens, withholding.**

Every public contract shall contain a condition that the contractor shall:

- (1) Make payment promptly, as due, to all persons supplying to the contractor labor or material for the performance of the work provided for in the contract.
- (2) Pay all contributions or amounts due the Industrial Accident Fund from the contractor or subcontractor incurred in the performance of the contract.
- (3) Not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.
- (4) Pay to the Department of Revenue all sums withheld from employees under ORS 316.167. [2003 c.794 §76a]

#### **279B.230 Condition concerning payment for medical care and providing workers compensation**

(1) Every public contract shall contain a condition that the contractor shall promptly, as due, make payment to any person, copartnership, association or corporation furnishing medical, surgical and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of the contractor, of all sums that the contractor agrees to pay for the services and all moneys and sums that the contractor collected or deducted from the wages of employees under any law, contract or agreement for the purpose of providing or paying for the services.

(2) Every public contract shall contain a clause or condition that all subject employers working under the contract are either employers that will comply with ORS [656.017 \(Employer required to pay compensation and perform other duties\)](#) or employers that are exempt under ORS [656.126 \(Coverage while temporarily in or out of state\)](#). [2003 c.794 §76c]

#### **279B.235 Condition concerning hours of labor; compliance with pay equity provisions; employee discussions of rate of pay or benefits.**

(4) A public contract for services at a county fair, or for another event that a county fair board authorizes, must provide that the contractor shall pay employees who work under the public contract at least time and a half for work in excess of 10 hours in any one day or 40 hours in any one week. A contractor shall notify employees who work under the public contract, either at the time of hire or before work begins on the public contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Contract with Brandt Media to provide PEG production services**AGENDA DATE<sup>a</sup>:** 11/01/2017 **DEPARTMENT:** BOC **TIME NEEDED:** 5 min<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** JHuttI**PHONE/EXT:** 3218 **TODAY'S DATE:** 10/25/2017**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** The current agreement with Brandt Media expires on Deceember 31, 2017. Sixty days prior to expiration, the parties were to discuss changes. Changes were discussed for year 2018 and this contract incorporates those changes.<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Contract

(1)Production Services Contract

(2)

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☐**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/A ☒

**INSTRUCTIONS ONCE SIGNED:**☐ No Additional Activity Required

OR

☐ File with County Clerk

Name: Brandt Media

☐ Send Printed Copy to:

Address:

☒ Email a Digital Copy to:

City/State/Zip:

☐ Other

Phone:

Due date to send: / /

Email:

**\*Note: Most signed documents are filed/recorded with the Clerk per standard process.****PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☐ No ☐ N/A ☐

(If No, brief detail)

**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses Yes ☐ No ☐  
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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☒

**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** Consent Calendar**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☒ No ☐

(If Yes, brief detail) Contract terms for production of PEG channel meetings

**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley Yes ☐ No ☐Commissioner Sue Gold Yes ☐ No ☐Commissioner Court Boice Yes ☐ No ☐Not applicable to Sheriff's Department since they do not have a liaison ☐

**CONTRACT BETWEEN CURRY COUNTY AND  
BRANDT MEDIA**

This contract is and between Curry County, a General Law County, Political Subdivision of the State of Oregon (County) and Nicholas Brandt, dba Brandt Media (Contractor).

1. Work to Be Performed

Contractor, shall, except as otherwise provided, at its own expense, furnish all materials, labor and equipment, necessary to complete the project regarding the services

Channel Service Contract , Meeting Operator, Channel Operation, remote monitoring and internet service as described on Exhibit A, subject to applicable exclusions and conditions contained therein.

Contractor shall perform work to specifications and according to generally accepted standards in Contractor's trade or industry.

2. Performance and Payment Bond

The Board of Curry County Commissioners has specifically waived the requirement for a performance and a payment bond.

3. Completion Date

This contract shall run from January 1, 2018 to December 31, 2018. Sixty days prior to termination, the parties shall confer on changes to terms of service and compensation. If there are no changes, the contract shall renew for another year unless terminated.

4. Compensation Not to Exceed

Compensation for the services will not exceed \$19,900 per year pursuant to the table in Exhibit A.

5. Prevailing Wages and Procurement

Contractor and County agree that the project is not subject to prevailing wages because the amount of the contract for services does not exceed \$50,000 annually.

6. Independent Contractor

Contractor is engaged as an independent contractor, and will be deemed so for purposes of the following:

A. Contractor will be solely responsible for payment of any federal or state taxes required as a result of this contract.

B. This contract is not intended to entitle Contractor to any benefits generally granted to County's employees, such as vacation, sick leave, health insurance, Social Security, etc.

7. Incorporation of Statutory Provisions Required for Public Contracts

The Contractor certifies that it will comply with all applicable public contract laws, including, but not limited to, ORS 279B.220 and 279B.230 that are attached as Exhibit B and incorporated by reference into this agreement.

8. Workers' Compensation

Contractor, its subcontractors, if any, working under this contract are subject workers under Oregon Workers' Compensation law and shall comply with ORS 656.017, which requires it to provide workers' compensation coverage for all of its subject workers.

9. Certification of Reading and Understanding of Documents

The Contractor certifies that it has read and fully understands all contract documents including this contract, the solicitation document and all terms and conditions. The Contractor understands and acknowledges that in signing this contract Contractor waives all right to plead any misunderstandings regarding the same.

10. Indemnification

Contractor shall indemnify, defend and save and hold harmless County from any and all suits, actions, legal or administrative proceedings, demands, claims, liabilities, fines, penalties losses, injuries, damages, expenses or costs, including interest and attorney fees, in any way connected with any injury to any person or damage to any property occasioned in any way by Contractor's or Contractor's subcontractor's prosecution of work under this contract.

11. Insurance

Contractor shall provide the following insurance in connection with the project:

INSURANCE DESCRIPTION	MINIMUM REQUIRED COVERAGE
A. Workers' Compensation	Statutory
B. General Liability	\$1,000,000 per occurrence
C. Automobile Liability	\$1,000,000 per occurrence

Evidence of such insurance shall be provided to County within ten days of the execution of this agreement and before work begins. The liability insurance shall name County and its officers, agents and employees as additional insured.

///

12. Intellectual Property

County Board of Commissioners shall have approval authority over all content produced by Contractor or submitted by County departments under this agreement. Content shall be property of the County. The above indemnification provisions of Section 10 do not apply to any claims for damages arising out of the content produced under this agreement. Subject to the limits of the Oregon Tort Claims Act, County agrees to

12. Nonwaiver

No waiver of any breach of this agreement shall be held to be a waiver of any other or subsequent breach.

13. Severability

Should any clause or section of this contract be declared by a court to be void or voidable, the remainder of the contract shall remain in full force and effect.

14. Termination by County

County shall have the right to terminate this contract in its entirety at its convenience. County may terminate for non-appropriation of future budget funds. If County terminates pursuant to this section, County shall retain any other right or remedy which County has against Contractor. Termination shall not prejudice the rights of the County that accrued before termination. If the County invokes this provision, it may notify Contractor by any commercially reasonable means. Contractor shall be entitled to payment for work done up to the date of termination.

15. Attorney Fees and Costs

In the event that either party to this contract shall take any action, judicial or otherwise, to enforce or interpret any of the terms of this contract, each party shall be wholly responsible for its own expenses which it may incur in taking such action, including costs and attorney fees, whether incurred in a suit or action or appeal from a judgment or decree therein or in connection with any non-judicial action.

16. Applicable Laws

This contract is executed in the State of Oregon and is subject to Oregon law and the jurisdiction of Curry County.

17. Written Changes Required

The rights and duties under this contract shall not be modified, delegated, transferred, or assigned, except upon written signed consent of both parties.

THE CONTRACTOR, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS CONTRACT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

Signature page to follow

///

CONTRACTOR

\_\_\_\_\_  
By (signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brandt Media

\_\_\_\_\_  
Street

\_\_\_\_\_  
City State Zip Code

COUNTY BOARD OF CURRY COUNTY COMMISSIONERS

\_\_\_\_\_  
Thomas Huxley, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sue Gold, Vice Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Court Boice, Commissioner

\_\_\_\_\_  
Date

Approved as to Form:

\_\_\_\_\_  
John R. Hutt, Curry County Legal Counsel

# CHANNEL SERVICE CONTRACT

## Description of Services

### Meeting Operator

To cover all county televised meetings, Brandt Media shall use government meeting operators: One primary and one backup operator. One of these individuals will be operating all of the meeting equipment and producing the cablecast of each meeting.

Meeting hours will be calculated according to actual gavel-to gavel meeting run-time incurred by the operator while on-site (Call To Order through Adjournment) and these totals shall be billed to the County on a quarterly basis. A meeting that requires television coverage must be stated on the calendar constructed at the execution of the contract or else Brandt Media must be given notice of a covered meeting at least seventy-two (72) hours prior to the meeting start time.

### Channel Operation

Channel operation is the service that ensures there is programming on the County channel 24 hours a day, 7 days a week. It takes approximately four (4) hours per week or two-hundred (200) hours per year to program the server system and these services shall be billed to the County on a quarterly basis. During the performance of this service, our programmers ensure there is good quality programming on the channels at all times, and will additionally search for and program high quality "import content" which is both relevant to the citizens and helps to fill the channel when it is not filled by other County business. This shall be billed quarterly.

### Remote Access Monitoring Service

Brandt Media will have 24/7 access to monitor the transmission quality of the County channel, and will regularly keep a log of the quality of channel operations. Combined with TeamViewer technology to access the cablecast and server systems, Brandt Media shall be on-call to provide prompt technical support response services for any channel outages. These services are assessed at a \$2,000 annual flat fee and shall be billed to the County quarterly.

Service	Description	Cost/hour	Hours	Total
<b>Meeting Operator</b>	Government meeting operations by the hour flat capped fee	\$60.00	178	\$10,600
<b>Channel Operation</b>	Programming of channels granted to and operated by Curry County	\$30.00	200	\$6,000.00
<b>Internet Service</b>	Charter Internet Service exclusively for video traffic.	Flat	Fee	\$1,300.00
<b>Remote access monitoring service</b>	Brandt Media to provide remote black monitoring of the channel through live streaming	Flat	Fee	\$2,000.00
		<b>Total</b>	<b>Est.</b>	<b>\$19,900</b>

## EXCLUSIONS AND CONTINGENCIES

- Capital improvements are contingent upon a work schedule beginning on 12/27/17 and concluding on 12/29/17.
- Brandt Media staff must have full access to all portions of the County facility required for the completion of the build, including access on weekends and evenings. Furthermore, Brandt Media staff must have full access to the Board of Commissioners Chamber, Blue Room, video operations closet and cablecast head-end once Channel Service operations have commenced.
- Brandt Media must have remote access capability required to be able to use live stream and TeamViewer within the County IT network, and must additionally have remote access to all server, playback and presentation equipment.
- Any meeting hours over the allotted 178 hours will require a change order signed by the county and Brandt Media.
- The County will be responsible for providing power at each TV location and all wiring not in surface-mounted conduits or existing pathways.
- Permits or licenses (none required).
- Any work not expressly outlined in this proposal and subject to a change order.

## PAYMENT

- The total amount of the capital improvement project is \$7,092.75. The full amount is due upon contract execution and must be paid in full before parts can be ordered.
- The annual estimated cost of the Channel Service contract is \$19,900. This shall be billed quarterly, at an approximate amount of \$4,975, and shall payable within fifteen (15) days of the end of each quarter.



## **EXHIBIT B**

### **OREGON STATUTORY CONTRACT PROVISIONS**

#### **279B.045 Contractor warranty and covenant concerning tax law compliance.**

Every public contract that is subject to this chapter must include a representation and warranty from the contractor that the contractor has complied with the tax laws of this state or a political subdivision of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317 and 318. The public contract must also require a covenant from the contractor to continue to comply with the tax laws of this state or a political subdivision of this state during the term of the public contract and provide that a contractor's failure to comply with the tax laws of this state or a political subdivision of this state before the contractor executed the public contract or during the term of the public contract is a default for which a contracting agency may terminate the public contract and seek damages and other relief available under the terms of the public contract or under applicable law. [2015 c.539 §3]

#### **279B.220 Conditions concerning payment, contributions, liens, withholding.**

Every public contract shall contain a condition that the contractor shall:

- (1) Make payment promptly, as due, to all persons supplying to the contractor labor or material for the performance of the work provided for in the contract.
- (2) Pay all contributions or amounts due the Industrial Accident Fund from the contractor or subcontractor incurred in the performance of the contract.
- (3) Not permit any lien or claim to be filed or prosecuted against the state or a county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.
- (4) Pay to the Department of Revenue all sums withheld from employees under ORS 316.167. [2003 c.794 §76a]

#### **279B.230 Condition concerning payment for medical care and providing workers compensation**

(1) Every public contract shall contain a condition that the contractor shall promptly, as due, make payment to any person, copartnership, association or corporation furnishing medical, surgical and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of the contractor, of all sums that the contractor agrees to pay for the services and all moneys and sums that the contractor collected or deducted from the wages of employees under any law, contract or agreement for the purpose of providing or paying for the services.

(2) Every public contract shall contain a clause or condition that all subject employers working under the contract are either employers that will comply with ORS [656.017 \(Employer required to pay compensation and perform other duties\)](#) or employers that are exempt under ORS [656.126 \(Coverage while temporarily in or out of state\)](#). [2003 c.794 §76c]

#### **279B.235 Condition concerning hours of labor; compliance with pay equity provisions; employee discussions of rate of pay or benefits.**

(4) A public contract for services at a county fair, or for another event that a county fair board authorizes, must provide that the contractor shall pay employees who work under the public contract at least time and a half for work in excess of 10 hours in any one day or 40 hours in any one week. A contractor shall notify employees who work under the public contract, either at the time of hire or before work begins on the public contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the contractor may require the employees to work.

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Authorization of new Code Enforcement Officer job description**AGENDA DATE<sup>a</sup>:** November 1, 2017 **DEPARTMENT:** Carolyn Johnson, Community Development Director **TIME NEEDED:** 10 minutes<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** Carolyn Johnson **PHONE/EXT:** 3228 **TODAY'S DATE:** 10.25.2017**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** See attached staff report<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Order

(1)Memo

(2)

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☒**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/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:

Due date to send:        /        /

Email:                      johnsonc@co.curry.or.us

<sup>\*</sup>Note: Most signed documents are filed/recorded with the Clerk per standard process.**PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☐ No ☐ N/A ☐  
(If No, brief detail)**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses Yes ☐ No ☐  
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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☐

**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** (Select)**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☐ No ☒  
(If Yes, brief detail)**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley Yes ☐ No ☐Commissioner Sue Gold Yes ☐ No ☐Commissioner Court Boice Yes ☐ No ☐Not applicable to Sheriff's Department since they do not have a liaison ☐



**BOARD OF COMMISSIONERS  
Agenda Report**

**Date:** November 1, 2017

**From:** Carolyn Johnson, Community Development Director

**Issue/Agenda Title:** Authorization of new Code Enforcement Officer job description

**Recommendation:** Adopt Order

**Background:** On October 18, 2017, the Board's public workshop included discussion and consensus of the adoption of a Code Enforcement Officer position housed in the Community Development Department. The purpose of today's attached order is for the Board to adopt the job description.

The supplemental budget will be brought to the Board for adoption in the near future.

**Attachments:** Order

**ATTACHMENT 1  
ORDER**

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

**IN THE MATTER OF ADOPTING A  
POSITION DESCRIPTION FOR A  
CODE ENFORCEMENT OFFICER**

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)  
)

**ORDER NO: \_\_\_\_\_**

**WHEREAS**, it is the recommendation of Interim County Administrator John Hitt that the attached position description be adopted:

Code Enforcement Officer  
Position Title

S-27  
Range

**WHEREAS**, the Board of Commissioners of Curry County, a political subdivision of the State of Oregon, is in agreement with the above stated recommendation;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that and the above stated recommendation are in effect as of November 1, 2017. This Order replaces previous Board Order 20348 adopted and approved for this position.

Dated this 01 day of November, 2017.

**CURRY COUNTY BOARD OF COMMISSIONERS**

Approved as to form:

\_\_\_\_\_  
Thomas Huxley, Chair

\_\_\_\_\_  
John Hutt  
Curry County Legal Counsel

\_\_\_\_\_  
Sue Gold, Vice Chair

\_\_\_\_\_  
Court Boice, Commissioner

**CURRY COUNTY  
JOB DESCRIPTION**

**JOB TITLE: Code Enforcement Officer**

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<b>EXEMPT:</b>	No	
<b>UNION:</b>	Yes - Teamsters	
<b>SALARY LEVEL:</b>	S-27	
<b>SUPERVISOR:</b>	Community Development Director	
<b>PREPARED BY:</b>	Community Development Director	November 2017

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**POSITION SUMMARY:**

This position performs technical work enforcing County ordinance codes and State Laws for environmental health, safety, nuisances, building, and zoning code violations.

**SUPERVISION RECEIVED:**

Work is supervised under the general direction of the Community Development Director or the Director's designee who assigns work, establishes goals and reviews the results obtained for overall effectiveness. Employee will collaborate and communicate with a variety of County departments regarding a variety of code enforcement matters but will answer to his/her supervisor.

**ESSENTIAL DUTIES AND RESPONSIBILITIES:**

(Duties may include, but are not limited to the following)

1. Interprets nuisance abatement (i.e. high grass, noxious weeds, noise, abandoned vehicles, etc.), building code violations, and abandoned vehicles in the County Right of way, land use zoning regulations/statutes, and environmental health regulations as they pertain to related enforcement activities. Provides information on these regulations to the general public and other agencies in oral and written form.
2. Meets with alleged ordinance violators in attempts to achieve compliance. Consistent with County policy for receiving complaints, responds to citizen complaints about violations. Serves as contact person between the county, departments, and concerned parties in an attempt to resolve complaints.
3. Performs field investigations and inspection duties to assist in the development of effective code enforcement programs for compliance with State and County requirements.

**JOB DESCRIPTION**  
**JOB TITLE: Code Enforcement Officer – Page 2**

**ESSENTIAL DUTIES AND RESPONSIBILITIES: (cont.)**

4. Prepares correspondence and documentation of specific violations and copies to Legal Counsel and affected department. Researches deeds, car ownerships, tax records or other legal documents in relation to enforcement complaints.
5. Serves legal papers on behalf of the County. May provide sworn testimony on conditions or enforcement of zoning and health, and appear in court representing the County.
6. Maintains accurate records of the type and number of actions being processed. Will input/retrieve data for situs information, permit history, land use status, environmental health related issues/permits, ownership information, etc. Will provide written reports at regular intervals.
7. Participates in community meetings, and professional groups, task forces and committees as necessary.
8. Works with County Counsel on the submission of necessary legal documents to the court to support enforcement actions.
9. May perform other duties as assigned.

**QUALIFICATION REQUIREMENTS:**

Knowledge of or capacity and willingness to learn a variety of County enforcement ordinances, state statutes and any other regulations that serve as authority for enforcement actions including, but not limited, rules on search and seizure, evidence, and courtroom testimony.

Ability to work with the public to obtain compliance through professional and courteous persuasion and reason.

Ability to maintain positive effective relationships with co-workers, County department staff, other agencies and the public.

Writing skills to effectively compose written material in a professional and understandable manner.

**JOB DESCRIPTION**  
**JOB TITLE: Code Enforcement Officer – Page 3**

**QUALIFICATION REQUIREMENTS: (cont.)**

Good verbal skills.

Ability to maintain composure when dealing in stressful situations and dealing with difficult people.

Commitment to maintain confidentiality on sensitive issues;

Willingness to wear a uniform appropriately, if required.

Knowledge of safety procedures and equipment specific to the position's area of assignment.

Knowledge of modern office practices and ability to use office equipment.

Ability to work in a variety of weather conditions, high places, and confined areas.

**EXPERIENCE AND TRAINING:**

Two (2) years college course work in planning, environmental science, sanitation or health, law enforcement, or a related field; and two (2) years' experience working with the public in areas that relate to ordinance enforcement, planning, building and land use inspection, environmental health and science or closely related field; or any satisfactory equivalent combination of education, training and/or experience relevant to the position.

**NECESSARY SPECIAL REQUIREMENTS:**

1. Possession of or ability to possess within 30 days of hire, a valid Oregon driver license and the ability to meet County driving standards. Must maintain an acceptable driver's record.
2. Must pass a criminal history background investigation.

**PHYSICAL DEMANDS:**

Visual/hearing ability sufficient to comprehend written/verbal communications.

Ability to drive a vehicle in a variety of adverse weather conditions, occasionally for lengthy distances, or at night.

**JOB DESCRIPTION**  
**JOB TITLE: Code Enforcement Officer – Page 4**

**WORK ENVIRONMENT:**

Work is performed in the field both at construction sites and moving from one County location to another for various enforcement services. Work may require evening and weekend assignments. Schedule may be adjusted depending on job needs.

Work requires visual and sensory inspection of a variety of conditions concerning construction, health and safety issues involving entering private property, businesses, and assessing obstructions in the right-of-way. Enforcement duties require presenting unwelcome information in a courteous manner, and interacting with the public, businesses, and property owners who may react negatively to the enforcement.

Some duties of this position require field inspections in an outdoor environment and during adverse weather conditions. Field inspections may be at relatively remote sites in the county. Employee may encounter various situations or environmental hazards in performing site visits.



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

**IN THE MATTER OF ADOPTING A  
POSITION DESCRIPTION FOR A  
CODE ENFORCEMENT OFFICER**

)  
)  
)

**ORDER NO: \_\_\_\_\_**

**WHEREAS**, it is the recommendation of Interim County Administrator John Hitt that the attached position description be adopted:

Code Enforcement Officer  
Position Title

S-27  
Range

**WHEREAS**, the Board of Commissioners of Curry County, a political subdivision of the State of Oregon, is in agreement with the above stated recommendation;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that and the above stated recommendation be in effect as of November 1, 2017. This Order replaces previous Board Order 20348 approved for this position.

Dated this 01 day of November, 2017.

**CURRY COUNTY BOARD OF COMMISSIONERS**

Approved as to form:

\_\_\_\_\_  
Thomas Huxley, Chair

\_\_\_\_\_  
John Hutt  
Curry County Legal Counsel

\_\_\_\_\_  
Sue Gold, Vice Chair

\_\_\_\_\_  
Court Boice, Commissioner

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Revision of County AGRS Policy and Form**AGENDA DATE<sup>a</sup>:** 11/01/2017 **DEPARTMENT:** Admin. **TIME NEEDED:** 15 minutes<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** John Hitt **PHONE/EXT:** 3287 **TODAY'S DATE:** 10/25**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** Explained in Attached Memo<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Order

- (1)Memo from John Hitt
- (2) Proposed New Policy
- (2)Board Orders - Rescindning and Adopting

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☒**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/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:

Due date to send:        /        /

Email:

<sup>c</sup>Note: Most signed documents are filed/recorded with the Clerk per standard process.**PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☒ No ☐ N/A ☐  
(If No, brief detail)**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses Yes ☐ No ☐  
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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☒

**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** Adminstrative Actions**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☐ No ☒  
(If Yes, brief detail)**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley Yes ☐ No ☐Commissioner Sue Gold Yes ☐ No ☐Commissioner Court Boice Yes ☐ No ☐Not applicable to Sheriff's Department since they do not have a liaison ☐

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**INTEROFFICE MEMORANDUM**

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**TO:** CURRY COUNTY BOARD OF COMMISSIONERS

**FROM:** JOHN HITT, INTERIM COUNTY ADMINISTRATOR

**SUBJECT:** REVISIONS OF COUNTY AGRS FORM AND POLICY

**DATE:** (FOR) NOV. 1, 2017 GENERAL MEETING

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**BACKGROUND:** As you are aware, the BOC adopted by Order an Agenda Routing Slip (AGRS) Policy and form in 2015. The form and policy were both very exacting, and did not provide for the role of a County Administrator, who is responsible, by adopted ordinance, for "Preparing and managing (the) Board agenda..... (as well as).....providing other staff support for the Board."

Besides not encompassing the role and responsibilities of a County Administrator, the current policy imposes, in my view, unreasonable and unduly formulaic restrictions and requirements for placing items on the BOC agenda.

County Counsel has reviewed the proposed change and it has no budgetary impact.

**OPTIONS:**

- A. Clearly, the BOC can continue with the current policy, but that would leave the role of the County Administrator poorly defined, and would continue the current practice of imposing detailed AGRS form requirements and procedures without any significant benefit to the goal of such a process: clear, adequate, and timely information for the Commissioners to make decisions on important matters of county business.
- B. The BOC could retain the entire current AGRS Form and policy requirements but 'carve out' the minimal language necessary to include the County Administrator
- C. The BOC could adopt completely revised language which grants to the County Administrator not only the authority, but the flexibility to assemble BOC meeting agendas in the manner and timing he/she believes is best and most efficient.

**RECOMMENDATION:** Adopt the attached Order that revises the AGRS Form and Policy as submitted. This policy requires that staff, with a few exceptions, must clearly frame agenda matters with a cover memo and simplified AGRS Form that can be modified, as desired, by the County Administrator. This new policy also grants to the County Administrator greater flexibility in determining what, when, and how agenda items should be submitted to the BOC

**CURRY COUNTY POLICY**  
**Chapter 14**  
**Article I – Agenda Routing Slip (AGRS)**

**Table of Contents:**

<b>14.100</b>	<b>Part I – Basic Instructions.....</b>	<b>1</b>
<b>14.100</b>	<b>Part II – Submitting the AGRS.....</b>	<b>1</b>
<b>14.100</b>	<b>Part III – AGRS Timing.....</b>	<b>2</b>

**14.100 PART I - BASIC INSTRUCTIONS**

The Agenda Routing Slip (AGRS) is developed and may be revised, as needed, by the County Administrator. This form, as developed by the County Administrator, (and attached hereto) shall be used by all County departments and offices when desiring to place business matters on the agenda of the Board of Commissioners, whether a General Meeting, Special Meeting or Workshop.

The County Administrator has final approval authority to accept or reject any AGRS or set a proposed agenda item for a future meeting as he/she may designate. In the absence of the County Administrator any Commissioner may approve AGRS forms and set for an upcoming BOC meeting agenda.

**PART II SUBMITTING THE AGRS**

- Work with the County Administrator as to planning for and preparing the AGRS. Please also place future desired agenda items on the – “Future BOC Meetings Matrix,” available on the ‘S’ drive under Board of Commissioners
- Should a proposed item need legal, finance, or County Clerk review perform such coordination and review prior to submitting the AGRS to the BOC.
- A cover memo is required for every AGRS submitted to the BOC unless
  - The agenda item is scheduled for the BOC Consent Calendar
  - The County administrator so approves
  - It is an item of “Old Business” wherein the prior memo is adequate and current for the resubmittal as “Old Business.”
- An adequate cover memo shall include
  - Brief background (why is this item on the agenda, what previous activities, if any, has the Board considered on these matters, who are the principle parties, what are the pertinent facts?)
  - A brief summary of the options available to the BOC

- A recommended action and why you are making the recommendation

### **PART III AGRS TIMING**

The AGRS and all supporting documentation and cover memo shall be submitted to the BOC office by 12:00PM on the 4<sup>th</sup> business day preceding the BOC meeting. (Barring a holiday, this would be 12:00PM on the Thursday preceding a Wednesday Board meeting.)

Failure to meet this requirement will normally mean the agenda item will be set for a later meeting, unless the County Administrator grants an exception prior to the agenda packets being made available to the Board and general public. (Usually, 4:00PM, the Friday prior to BOC meeting.)

Should the AGRS and/or supporting documents arrive after the agenda packets are complete and forwarded to the Commissioners or the County Administrator declines to approve/accept a submittal after 12:00PM of the 4<sup>th</sup> day preceding the meeting, then any proposed agenda changes and AGRS forms will be presented to the Commissioners at the start of the BOC meeting as a request to amend the agenda already submitted to the Commissioners. The Board will then decide if they are willing to amend the agenda in order to consider the late submission.

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 10-12-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****PROPOSED AGENDA ITEM TITLE:****TIMELY FILED** Yes ☐ No ☐

If No, justification to include with next BOC Meeting

**AGENDA DATE<sup>a</sup>:**      **DEPARTMENT:**      **TIME NEEDED:**<sup>a</sup>(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:**      **PHONE/EXT:**      **TODAY'S DATE:****BRIEF BACKGROUND OR NOTE<sup>b</sup>:** (If no memo attached)<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:**      **SUBMISSION TYPE: (Select)**

(1)

(2)

**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:

<sup>a</sup>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 ☐  
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 ☒

**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: 1. CONSENT 2. DISCUSSION 3. OLD BUSINESS, ETC****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 ☐

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

In the Matter of an Order       )  
Rescinding Order 20302       )  
"Amending the Curry County    )  
Policy 14.100-14.120 - Agenda   )  
Routing Slip"

ORDER NO. \_\_\_\_\_

**WHEREAS**, Curry County adopted Order No. 20302 on March 2, 2016 that amended the Curry County Policy 14.100-14.120 – "Agenda Routing Slip"; and

**WHEREAS**, Curry County hired an Interim County Administrator on August 17, 2017 who would be responsible for creating and implementing County policy; and

**WHEREAS**, County Administrator has created a new policy that will be adopted by a separate order; and

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

Order No. 20302, dated March 2, 2016, is rescinded.

DATED this 1<sup>st</sup> day of November, 2017.

BOARD OF CURRY COUNTY COMMISSIONERS

\_\_\_\_\_  
Thomas Huxley, Chair

Approved as to form:

\_\_\_\_\_  
Sue Gold, Vice Chair

\_\_\_\_\_  
John Hutt  
Curry County Legal Counsel

\_\_\_\_\_  
Court Boice, Commissioner

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

In the Matter of an Order       )  
Adopting a New Agenda       )  
Routing Slip Policy       )

ORDER NO. \_\_\_\_\_

**WHEREAS**, Curry County hired an Interim County Administrator on August 17, 2017 who would be responsible for creating and implementing County policy; and

**WHEREAS**, there was a need for revisions to the existing Agenda Routing Slip Policy, which has been rescinded by a separate order; and

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

The attached Policy titled "Chapter 14 Article I – Agenda Routing Slip" is adopted.

DATED this 1<sup>st</sup> day of November, 2017.

BOARD OF CURRY COUNTY COMMISSIONERS

\_\_\_\_\_  
Thomas Huxley, Chair

Approved as to form:

\_\_\_\_\_  
Sue Gold, Vice Chair

\_\_\_\_\_  
John HuttI  
Curry County Legal Counsel

\_\_\_\_\_  
Court Boice, Commissioner



**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Revise Board Meetings and Workshops Policy - Chapter 14, Article II**AGENDA DATE<sup>a</sup>:** Nov. 1, 2017 **DEPARTMENT:** Admin **TIME NEEDED:** 15 Minutes<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** John Hitt **PHONE/EXT:** 3287 **TODAY'S DATE:** 10/25/2017**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** Attached Memo from John Hitt provides background<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Order

(1)Memo

(2)Proposed Revised Meeting Policy

(2)Orders Rescinding and approving

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☒**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/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:

Due date to send: / /

Email:

<sup>c</sup>Note: Most signed documents are filed/recorded with the Clerk per standard process.**PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☒ No ☐ N/A ☐

(If No, brief detail)

**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**1. Confirmed Submitting Department's finance-related responses Yes ☒ No ☐

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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☒**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** Administrative Actions**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☒ No ☐

(If Yes, brief detail)

**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley Yes ☐ No ☐Commissioner Sue Gold Yes ☐ No ☐Commissioner Court Boice Yes ☐ No ☐Not applicable to Sheriff's Department since they do not have a liaison ☐

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**INTEROFFICE MEMORANDUM**

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**TO:** CURRY COUNTY BOARD OF COMMISSIONERS

**FROM:** JOHN HITT, INTERIM COUNTY ADMINISTRATOR

**SUBJECT:** ORDER TO REVISE COUNTY MEETING POLICY

**DATE:** (FOR) NOV. 1, 2017

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**BACKGROUND:** Current county policy concerning the scheduling of BOC meetings, and how workshop and special meetings are called and organized was adopted in April of 2016.

This policy does not encompass or include the role of the County Administrator in scheduling or calling meetings. In addition, while it makes reference to ‘Special Meetings’, it does not define who may call special meetings, and seems to impose a ‘paperwork’ requirement on workshop meetings (14.160) that it does not require for other meetings. The current policy also does not include any reference to Emergency Meetings.

This policy change has been reviewed by County Counsel and does not have any budgetary impact.

**OPTIONS:** A. Leave current policy in place. This would have the unfortunate consequence of leaving the County Administrator with no formal role in calling or scheduling BOC meetings. To do so would seem to contradict Ordinance 17-01, which grants to the County Administrator the responsibility of, “Preparing and managing (the) Board Agenda...” as well as “...keep(ing) the Board informed of pertinent matters related to the administration and management of the County”

B. Amend current policy the minimum degree possible while adding a role for the County Administrator. This would ignore some of the defects of current policy, noted above.

C. Approve the new policy, as attached, which completely rewrites the current policy.

**RECOMMENDATION:** Adopt the new policy and order. This will address the concerns noted above and will better allow the County Administrator to fulfill his/her duties as per Ordinance Section 1.17.060 – Powers and Duties of County Administrator. The new policy clarifies roles and responsibilities for calling and scheduling all four types of meetings and provides greater flexibility.

**CURRY COUNTY POLICY**  
**CHAPTER 14**  
**Article II – Commissioner Board Meetings**

**Table of Contents:**

<b>14.150</b>	<b>Definitions.....</b>	<b>1</b>
<b>14.155</b>	<b>Scheduling.....</b>	<b>1</b>
<b>14.160</b>	<b>Notice.....</b>	<b>2</b>
<b>14.165</b>	<b>Other.....</b>	<b>2</b>

**14.150 Definitions**

For purposes of this policy, the following definitions are herein provided:

**'General Meeting'** is the gathering of the Board of Commissioners (BOC) for the purpose of conducting official business by taking formal action on agenda items. Other items may be presented and discussed, but the primary purpose of the gathering is to make decisions such as, but not limited to, approving contracts, adopting policies, and ordinances, or providing direction to the County Administrator or County Counsel as well as making appointments to Committees/Boards/Commissions.

**'Special Meeting'** any meeting not regularly scheduled but with written notice given at least 24 hours in advance. A Special Meeting may be called by the County Administrator, BOC Chair or any 2 Commissioners.

**'Workshop'** is a meeting of the Board of Commissioners the purpose of which is to listen to a presentation, or to discuss in detail an item or subject of interest to the Board. The Board may not make a decision at a workshop except to set one or more items on the agenda of a future regular or special meeting, or otherwise provide direction to staff.

**'Emergency Meeting'** is a meeting of the Board of Commissioners for the purpose of addressing a true emergency IAW ORS 192.640. Any Commissioner, the County Administrator, or County Council may call an Emergency Meeting provided that as much notice as possible is given to the public and the reason(s) stated as to why a meeting is required with less than 24 hour notice

**'Paperwork'** means one or more handouts/attachments which provide information on the topic to be discussed at a Workshop, General Meeting, or Special Meeting. Paperwork shall normally attend or support each agenda item for all BOC meetings except Consent Calendar items.

**14.155 SCHEDULING**

- A. General meetings – General Meetings are held the first and third Wednesday of every month at 10:00AM, unless there are not sufficient action items for which to hold a meeting as determined by the Chair in conjunction with the County Administrator. Exceptions to

this schedule may be made as determined by the Chair of the Board or a majority vote of the BOC.

- B. Special meetings – Special meetings shall require:
  - a. At least 24 hour written notice is provided to the Board, news media, and general public (written notice may be provided by electronic media). Said notice will include the reason(s) the matters cannot wait until next regular meeting scheduled meeting.
  - b. Along with the written notice, the individual(s) calling for the Special Meeting shall submit the agenda matters (topics) to be discussed, along with all supporting materials, to the public and Commissioners at least 24 hours in advance.
- C. Workshop – Workshops are not held on a routine basis. A workshop may be requested by a Commissioner, the County Administrator or County Counsel. Approval of the scheduling of a workshop as well as the time and date of the proposed workshop may only be granted by
  - a. Affirmative vote of the BOC at a public meeting
  - b. The concurrence of any commissioner and the County Administrator or
  - c. The concurrence of the County Administrator and County Counsel
  - d. All workshop agenda items and supporting materials shall be submitted IAW with established county policy.
  - e. Workshops shall normally be scheduled on the second or fourth Wednesdays of every month at 10:00AM unless a different date or time is approved by the Board Chair or any Commissioner in concurrence with the County Administrator. The request for a workshop should be accompanied by a written summary of the item(s) to be discussed at the Workshop. The workshops shall then be scheduled in accordance with this section unless the County Administrator determines a quorum for the proposed workshop cannot be attained.
- D. Emergency Meeting – May be called for any time, without any required minimum notice, provided that all Commissioners, the County Administrator, County Council, and the public are given as much notice as possible with due consideration for the pending or actual emergency.
- E. All attempts will be made to not schedule more than one meeting or workshop on any given day. Deadlines for submitting paperwork for a General meeting or workshop shall be in accordance with Chapter 14, Article I, *Agenda Routing Slips*.

#### **14.160 NOTICE**

Every attempt will be made to post the notice and supporting paperwork for a meeting or workshop five days prior to the meeting or workshop. If a Commissioner or other person fails to supplement a workshop request with the necessary paperwork, the workshop will not be scheduled. For workshops, the Notice will include the name of the Commissioner(s) or other persons requesting the workshop and a brief summary of the topic to be discussed.

#### **14.165 OTHER**

(1) Executive Sessions May be scheduled for any regular or special BOC meeting provided that the Executive is authorized by ORS 192.660 and notice requirements contained in this ordinance are met. The BOC at any public meeting reserves the right to amend its agenda to include an Executive Session.

(2) Any scheduled BOC meeting or workshop may be cancelled by the Board Chair or County Administrator if it is determined that a board quorum will not be in attendance

(3) If an executive session only will be held, the notice shall be given to the members of the Board of Commissioners, to the general public and to news media which have requested notice, stating the specific provision(s) of State law authorizing the executive session.

(4) No special meeting shall be held without at least 24 hours' notice to the members of the Board of Commissioners, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.

In the Matter of an Order )  
Rescinding Order No. 20289 “Creating )  
Curry County Policy 14.150-14.160 )  
and Order No. 20306 amending )  
Policy 14.150-14.160 – Workshops )

ORDER NO. \_\_\_\_\_

**WHEREAS**, Curry County adopted Order No. 20289 on January 6, 2016 “Creating Curry County Policy 14.150-14.160 – Workshops” and Order No. 20306 on April 6, 2016 “Amending Order 20289”; and

**WHEREAS**, Curry County hired an Interim County Administrator on August 17, 2017 who would be responsible for creating and implementing County policy; and

**WHEREAS**, County Administrator created a new inclusive policy addressing not only workshop meetings but also general meetings, and special meetings that will be adopted by a separate order; and

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

Order No. 20289 dated January 6, 2016, and Order No. 20306 dated April 6, 2016 are rescinded.

**DATED** this 1<sup>st</sup> day of November, 2017.

BOARD OF CURRY COUNTY COMMISSIONERS

Thomas Huxley, Chair

Approved as to form:

Sue Gold, Vice Chair

John Huttli  
Curry County Legal Counsel

Court Boice, Commissioner

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

In the Matter of an Order                     )  
Establishing Policy                             )  
For all Commissioner Board Meetings     )

ORDER NO. \_\_\_\_\_

**WHEREAS**, Curry County hired an Interim County Administrator on August 17, 2017 who would be responsible for creating and implementing County policy; and

**WHEREAS**, County Administrator created an inclusive Commissioners Board Meeting policy addressing not only workshop meetings but also general meetings, and special meetings; and

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

The attached policy titled "Chapter 14, Article II – Commissioner Board Meetings" is adopted.

**DATED** this 1<sup>st</sup> day of November, 2017.

BOARD OF CURRY COUNTY COMMISSIONERS

\_\_\_\_\_  
Thomas Huxley, Chair

Approved as to form:

\_\_\_\_\_  
Sue Gold, Vice Chair

\_\_\_\_\_  
John HuttI  
Curry County Legal Counsel

\_\_\_\_\_  
Court Boice, Commissioner

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Continued public hearing - Curry County Comprehensive Plan and Zoning Ordinance amendments related to Natural Hazards**AGENDA DATE<sup>a</sup>:** November 1, 2017 **DEPARTMENT:** Community Development**TIME NEEDED:** 45 minutes<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** Carolyn Johnson **PHONE/EXT:** 3228 **TODAY'S DATE:** 10.13.2017**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** See attached memo<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Ordinance

(1)Memo

(2)

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☒**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/A ☒

**INSTRUCTIONS ONCE SIGNED:**☐ No Additional Activity Required

OR

- |  |                 |                 |
|--|-----------------|-----------------|
| <input type="checkbox"/> File with County Clerk  | Name:           | Carolyn Johnson |
| <input type="checkbox"/> Send Printed Copy to:   | Address:        |                 |
| <input type="checkbox"/> Email a Digital Copy to:  | City/State/Zip: |                 |
| <input checked="" type="checkbox"/> Other Get signatures and File ordinance only with County Clerk |                 |                 |
|  | Phone:          |                 |

Due date to send: 11 /02 / 2017

Email: johnsonc@co.curry.or.us

**\*Note: Most signed documents are filed/recorded with the Clerk per standard process.****PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☐ No ☐ N/A ☐  
(If No, brief detail)**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses Yes ☐ No ☐  
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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☐

**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** (Select)**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☐ No ☒  
(If Yes, brief detail)**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley Yes ☐ No ☐Commissioner Sue Gold Yes ☐ No ☐Commissioner Court Boice Yes ☐ No ☐Not applicable to Sheriff's Department since they do not have a liaison ☐





## Board of Commissioners Agenda Report

**Date:** November 1, 2017  
**From:** Carolyn Johnson, Community Development Director  
**Issue/Agenda Title:** Continued public hearing - Curry County Comprehensive Plan and Zoning Ordinance amendments related to Natural Hazards

### Recommendation:

- 1) Adopt Order denying Ordinance repealing and replacing Comprehensive Plan Chapter 7 – Hazards and adding to the Curry County Zoning Ordinance Sections 3.254 and 3.255 related to landslide and liquefaction regulations. (Attachment 1)
- 2) Accept Oregon Department of Geology and Mines presentation identifying new mapping techniques DOGAMI's newest map identifying landslide areas in Curry County. (Attachment 3)
- 3) Authorize staff to bring an Ordinance to the Board at a future date for a public hearing to consider adoption of the most current DOGAMI map identifying landslide areas in Curry County.

**Background:** On August 2, 2017, the Board considered new Zoning Ordinance chapters on Landslides and Liquefaction and a new Comprehensive Plan Chapter 7 – Hazards. See on page 95:

<http://www.co.curry.or.us/Portals/0/General%20Meeting%20Aug%202%202017%20PACKET.pdf>.

Since the August 2, 2017 Board Meeting, Oregon DLCDC has shared that the proposed Zoning Ordinance and Comprehensive Plan changes are not required.

**Summary:** The Board should take action to deny the Zoning Ordinance and Comprehensive Plan changes presented on August 2 by Order (Attachment 1) because the changes proposed are not mandated, the County's Zoning Ordinance (Chapter 3.252, Attachment 5) and Comprehensive Plan (Chapter 7) provide adequate Hazard Area regulations at this time, and adoption of the subject amendment is not in the public's interest.

Bill Burns, a licensed geologic engineer from DOGAMI is available to provide information on how DOGAMI has arrived at its conclusions on the preparation and publication of the most scientifically accurate Curry County map that will identify areas prone to landslides. The Board should hear Mr. Burns's presentation (Attachment 3) and consider authorizing a staff return to the Board for a future public hearing date. The purpose of the future public hearing would be for Board consideration and public review of a Zoning Ordinance amendment to include the most current DOGAMI map identifying landslide areas in Curry County.

**Fiscal impact of amendments to the County budget:** None

**Attachments:** 1. Order, 2. Letters from the public, 3. DOGAMI power point, 4. DOGAMI Frequently Asked Questions 5. Zoning Ordinance Chapter 3.252

**Attachment 2**  
**Letters received since August 2, 2017 BOC public hearing**

**Questions Related To Proposed Ordinance Changes**

Submitted by Al Davis, 31850 Chantrelle Ln. – August 9, 2017

**Subject:**

Proposed Zoning Ordinance Changes that are likely to affect the permitting process required for both Conditional and Permitted Use permits or Planning Clearance, and building and grading permits. Ordinance changes deemed necessary to address possible hazards as defined in revised landslide and liquefaction maps compiled by DOGAMI. Proposed ordinance changes to become Addendums to Chapter 7 of the Curry County Comprehensive Plan.

1. Have the revised Liquefaction and Landslide maps been approved by the state? If so, are they available on-line at this time?
2. It is my understanding that the Commissioners intend to vote on the Ordinance changes in November. Is that correct?
3. Can a petition with adequate (?) signatures, that is submitted prior to the planned November Commissioner's vote, force a public ballot vote on these proposed ordinances?
4. Who in Curry County has the responsibility for maintaining the "Citizen Involvement Program" {CIP}? This is a program that is required under Goal #1 of the State Comprehensive Plan. Any contact information?
5. Is there an active "Citizens Advisory Committee" {CAC} in Curry County? Contact Info?
6. The Curry County Comprehensive Plan shows no ordinances approved since 2008. Is that correct or has the web site not been updated recently? Also, it appears that the Plan has not been revised since its approval in 1983 (?), just ordinances added. Is that correct?
7. Have the commissioners issued any public statements that give any form of justification or reasoning as to why they believe these permitting changes are now necessary for the County?
8. Do the Commissioners ever meet with their counterparts in the other Oregon coast Counties to discuss issues such as these Ordinance changes?
9. Has any type of economic impact assessment been initiated to understand the effect that Ordinance changes may have on; Curry County, Curry County citizens and businesses.
10. Based on my interpretation of the liquefaction hazard map you generated for us, it appears to me that the liquefaction zone is essentially limited to the extreme high water elevation and that the elevated bluff land area shows no minor liquefaction identification. Can you comment on this?
11. What is the process for obtaining a meeting with a Commissioner?

January 1, 2015 through August 8, 2017

Legal Fees: \$24,839

Cascadia Geotech: \$10,200

Total: \$35,039

David & Sandra Shibata  
32500 Highway 101 N  
Gold Beach, OR 97444  
541-247-6206  
shibata.d@gmail.com

Since purchasing property we estimate that we have spent \$62,078.10 for professional fees to our attorney, surveyor and geologist and geologist-engineers. Our situation is further complicated by having "Conservation Easement" with the Nature Conservancy. In addition to the "County", we are also accountable to the Nature Conservancy and must abide all of the requirements of the easement.

When we purchased the property in 1999, we had tilt monitors, boreholes to monitor ground water, and grid pins to measure changes in terrain. We did this to monitor the area surrounding the home site to insure the safety of the home site. Although Bob Busch, Geo-Engineer Consultant, stated that the present house is built on stable land (bedrock) and believed that the house would be stable though our lifetime and our children's life time, the he also evaluated the property for other areas which would be suitable for building or moving the house to a different location. This alternate area is identified on a map provided by the Bob Busch. Early in 2015, Eric Overbeck, also evaluated and agreed on the same alternate home site and narrowed down that location. Home site monitoring and home relocation planning have been an ongoing process since 1999.

To get approval to move the home site, we must amend the "Conservation Easement" which we signed when we bought the property. This amendment process is now well into the second year and has required us to provide new survey maps to the Nature Conservancy for approval and to make changes to the existing conservation easement. This amendment process started in 2014. The Nature Conservancy rarely amends easements; however, in our situation, the Nature Conservancy has worked with us on the language of an amendment to the easement which will allow moving the house to the suggested location. Our case is scheduled to go to Washington, D.C. in September for final approval. After approval, the appropriate documents will be filed. We have concerns with the proposed Curry County requirements for changes, additions, new construction, and moving a home to a new site on private property. Another issue is the new regulation for width for the roadway width to a residence. This would negatively affect our Conservation Easement Amendment.

Mr. & Mrs. Joe Winston  
32696 Nesika Road  
Gold Beach, OR 97444  
August 7, 2017

RECEIVED  
8/8/2017  
SC

Ms. Carolyn Johnson  
Community Development Director  
Suite: 113  
94235 Moore Street  
Gold Beach, OR 97444

Reference: measure 56 zoning ordinance

Dear Ms. Johnson,

With a stroke of a pen, without representation, the county could easily ruin our property value impacting our family.

We have several questions concerning permissible uses of our property of which we feel the Board of Commissioners does not have sufficient information to move forward and make a decision. Some questions need to be answered such as:

- The language of the deed
- Required engineering geologic reports
- Environmental impact studies
- Hazard area new definitions
- Potential future Land value
- Resale potential
- Assessed county values as to revised taxes
- Permit requirements and estimated costs
- Administrative costs
- Increased insurance costs

With 1 - 4 % available private land in Curry County, I would think the Board would want a desirable and fair zoning ordinance. We fear your decision does not represent us and the zoning ordinance will be grossly unfair causing a major burden on our family.

We want the board of Commissioners to shelf this proposed ordinance for a year minimum allowing time to fully understand all consequences.

Best regards,



Joe Winston Family  
[joe.winston@sbcglobal.net](mailto:joe.winston@sbcglobal.net)

**From:** janetsssherman  
**To:** [Carolyn Johnson](#)  
**Cc:** [Paul W Sherman](#)  
**Subject:** NEW DOGMI and its uses and transparency for safety  
**Date:** Friday, September 22, 2017 10:35:59 AM  
**Attachments:** [Shermans public comments for new DOGMI.pdf](#)

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Dear Carolyn,

We wish to add our comments regarding the Curry County decision on handling the new DOGMI data.

Our comments are attached as a pdf.

Should you have any questions, please don't hesitate to call us,  
541 247 2799.

We appreciate your efforts to make Curry County safe and prosperous for all its citizens,

Janet & Paul Sherman



Carolyn Johnson  
County Community Development  
Director  
Curry County, Gold Beach, OR, 97444  
[JohnsonC@co.curry.or.us](mailto:JohnsonC@co.curry.or.us)

Paul and Jan Sherman  
PO Box 724  
Gold Beach, OR 97444  
[jsssherman@protonmail.com](mailto:jsssherman@protonmail.com)

Dear Ms. Johnson:

We would like to offer three suggestions regarding the new DOGMI report:

- 1) Curry County should use the new (2017) DOGAMI report and hazard maps to add zoning criteria for future development in areas where liquefaction and landslide hazards are prevalent.
- 2) It should be mandatory for property owners and real estate agents to disclose any DOGAMI-identified hazards associated with their property and structures.
- 3) New permits for construction in known hazard zones or areas with potential for geological movement should require a certified geological survey.

It is unacceptable to hide potentially dangerous geological conditions from current and potentially new residents. Although in some cases property values in areas of active movement will decline, in the long term, notification of hazard zone will improve property values, guarantee greater safety and security for county residents, and help reduce coastal erosion.

No one benefits by building structures on land that is eroding or subject to slumping and movement. Geological forces would destroy the value of the investment! Of course, landscapes and structures with proven records of stability will be unaffected by DOGAMI hazard maps. Such reports are merely guides for buyers and investors to make informed decisions.

Adding these zoning criteria, rules for real estate selling, and construction permit requirements telegraphs a clear message: "We, your Commissioners, are proud of our transparency, and we value our citizens' safety." By contrast, burying geological hazard information would be like what city officials of Flint, Michigan did when they hid their knowledge of eroded lead water pipes, resulting in poisoning their citizens.

The DOGMI hazard report is useful for citizens of Curry County. Commissioners, property owners, and real estate agents should be ready to openly display and discuss such information to facilitate informed real estate decision making.

Paul & Janet Sherman

Gold Beach, OR 97444

**ATTACHMENT 3**  
**DOGAMI Powerpoint Presentation**



# Landslide Inventory Coastal Curry County, Oregon

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Bill Burns, MS, CEG  
Engineering Geologist



# About DOGAMI

We provide Oregon communities with objective scientific information about geologic hazards



Burns, 2017



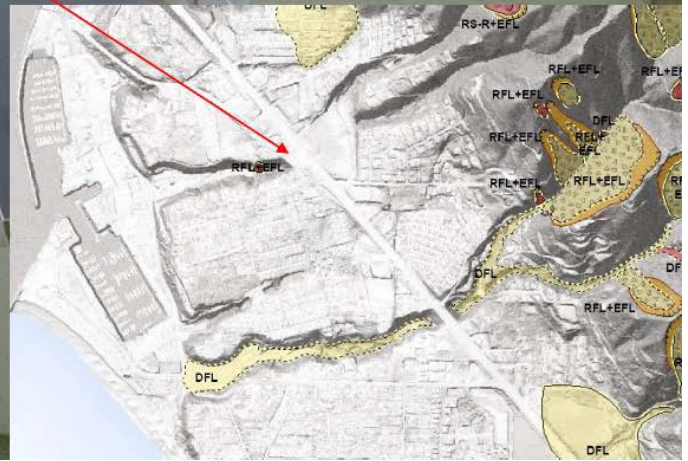
# Curry County Landslides: What's at Risk?



At least 50 landslides during the last 20 years

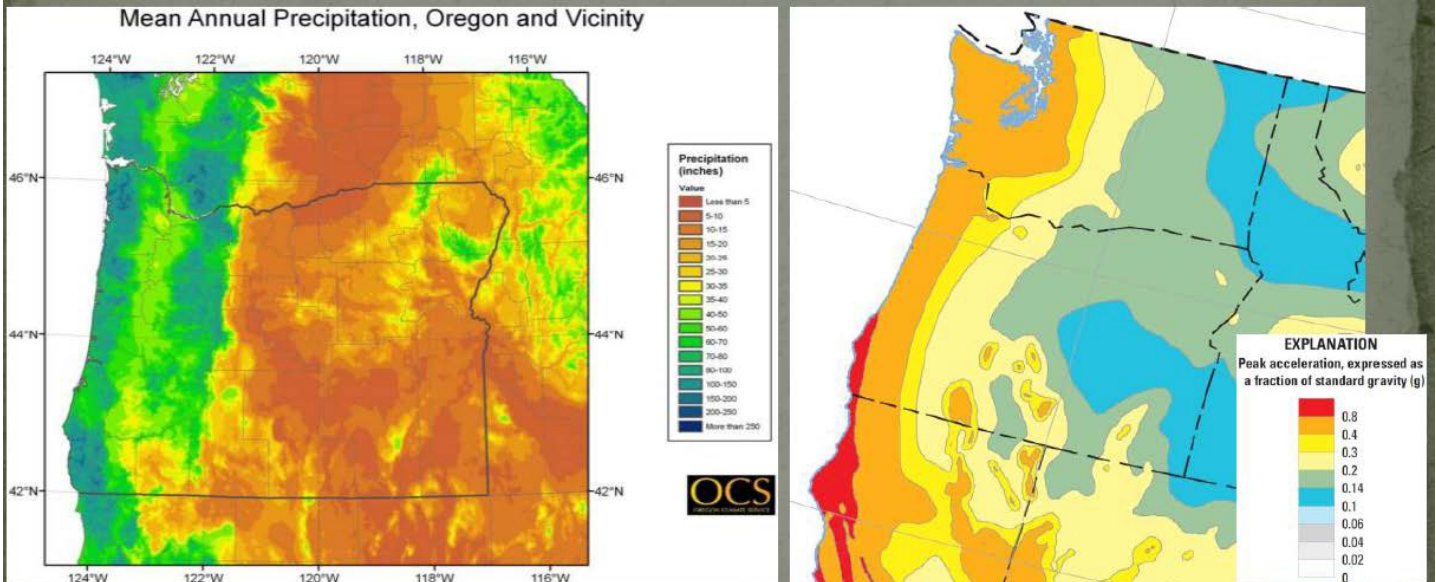
Strong potential future development trends in region

Important transportation lifeline in Highway 101





# Curry County: Landslides Likely



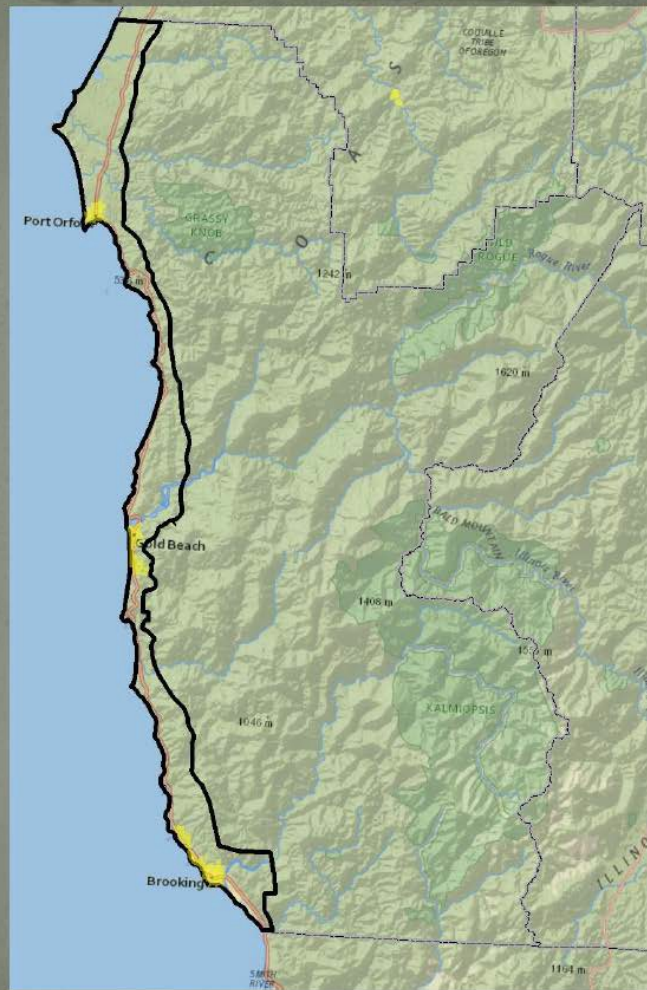
*High precipitation, earthquake hazards,  
steep slopes & weak rock and soil*

Burns, 2017



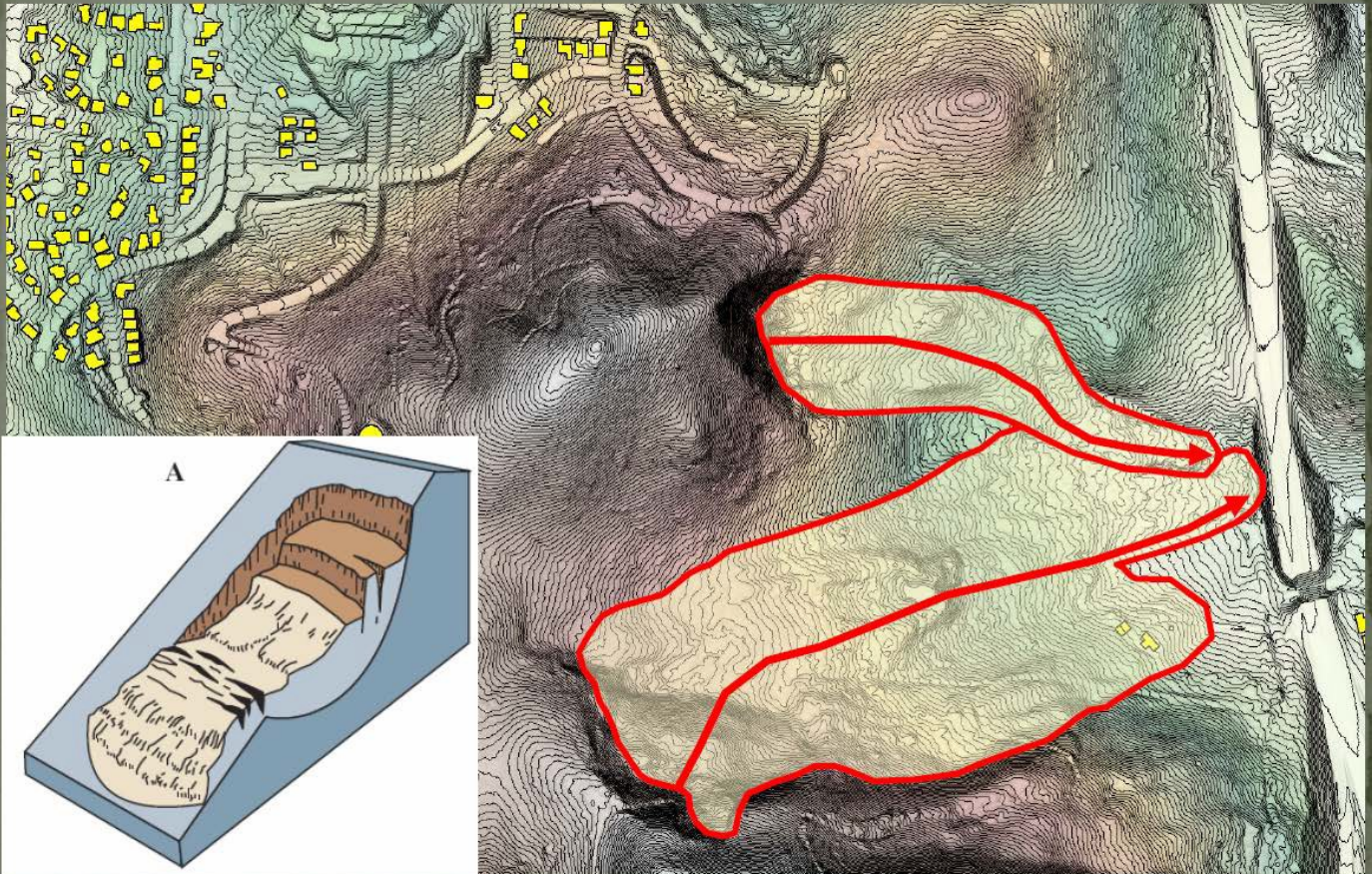
# Curry County's Landslide Inventory Maps

- 2013: DOGAMI, Curry County, ODOT and FEMA collaborate on project
- 2014: Maps published as DOGAMI OFR O-14-10



Burns, 2017





USGS, Fact Sheet 2007-3072, 2004

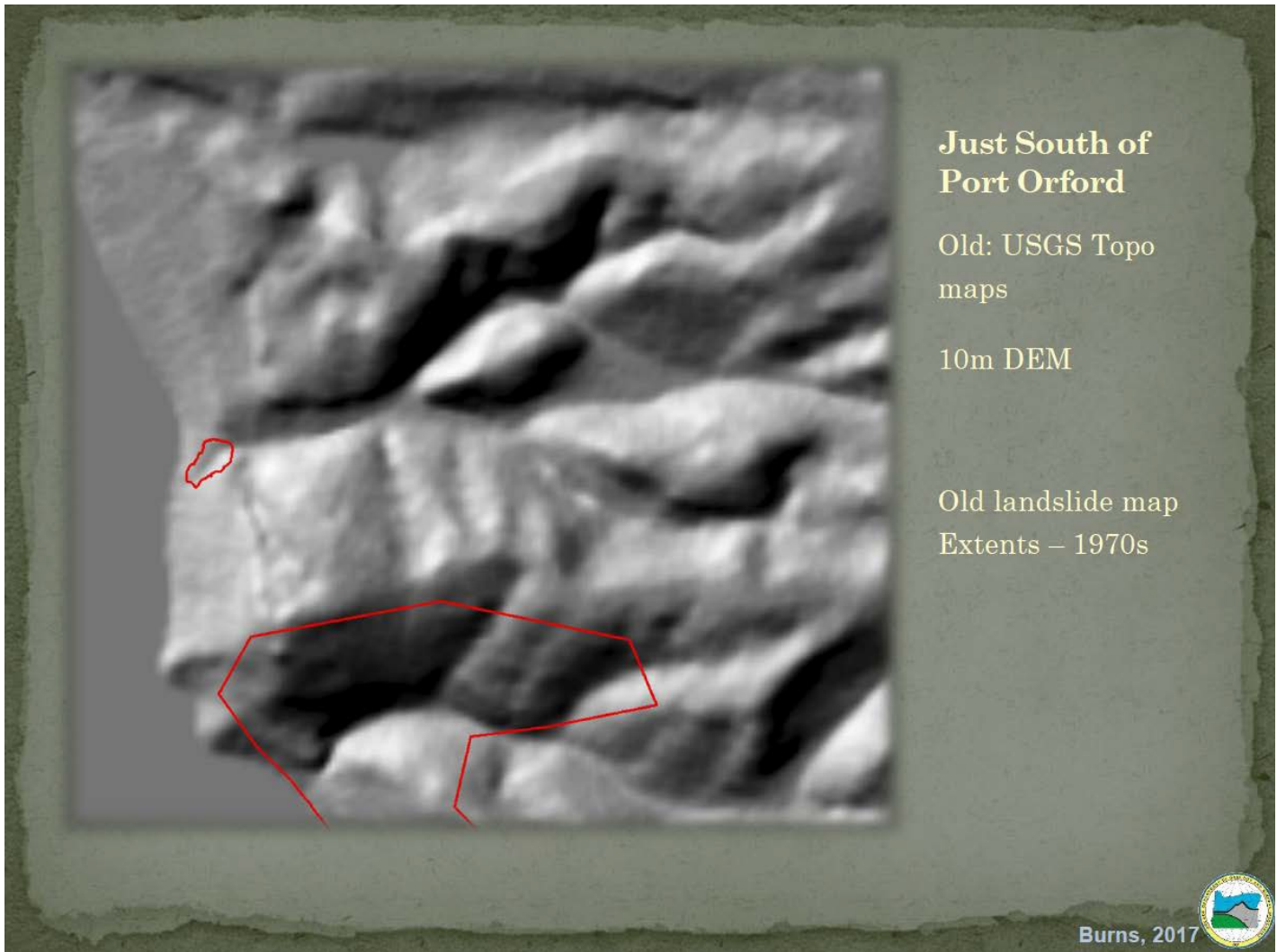




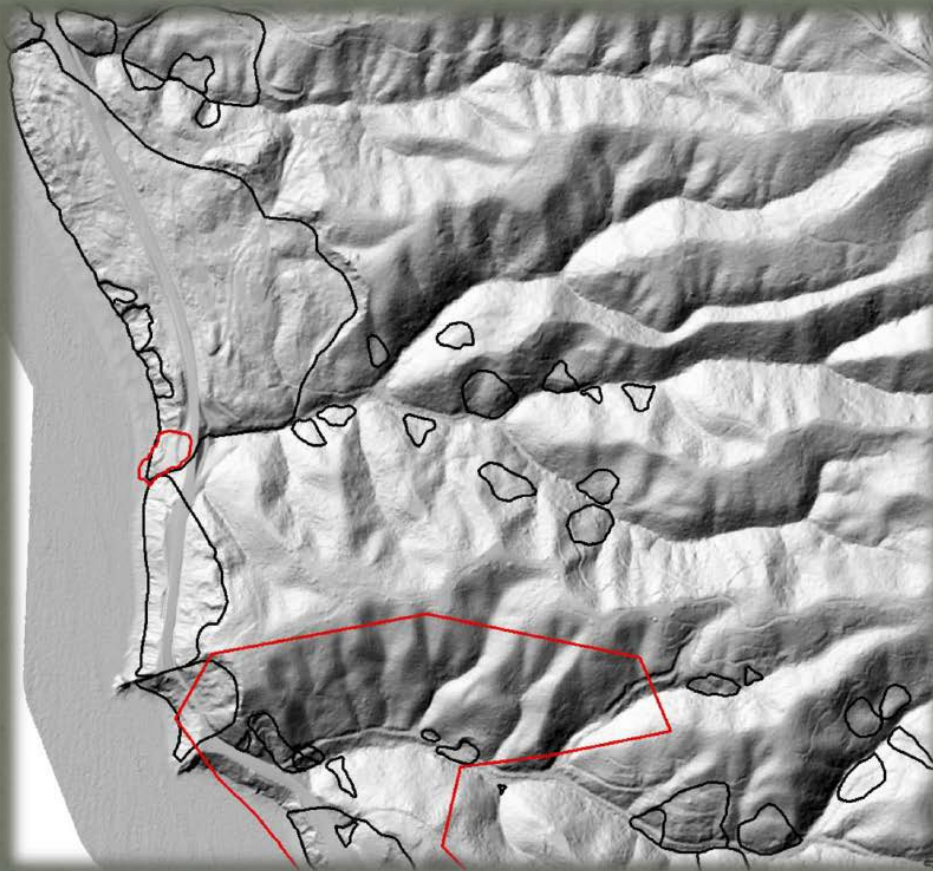
**Just South of  
Port Orford**

Air Photo 2009









## Just South of Port Orford

New: 1m Lidar  
DEM

Burns, 2017









Burns, 2017



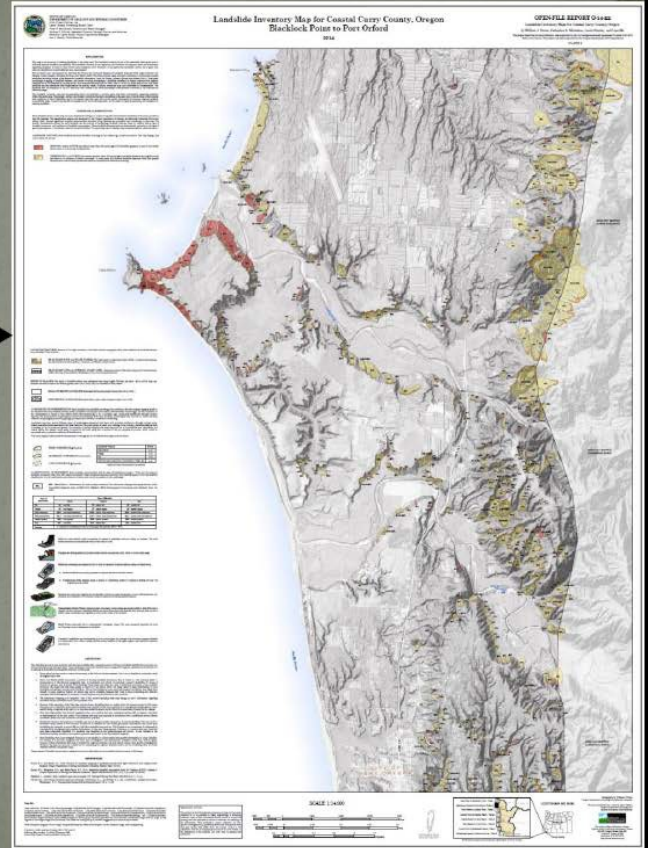
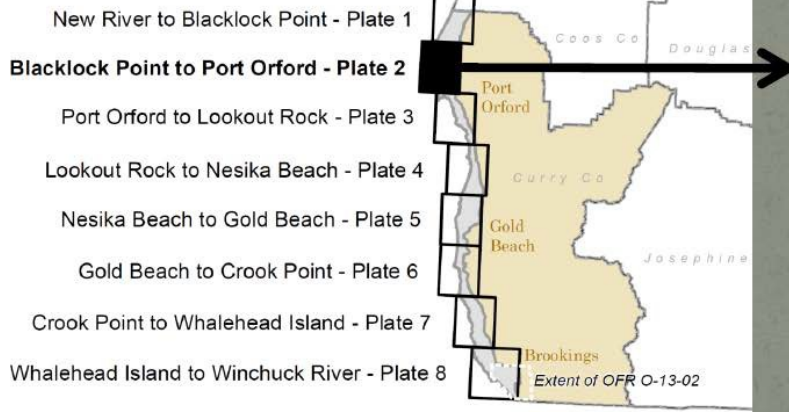
# Project Summary

- Previous mapping = 125 landslides (polygons) & 50 historic points
- New maps = 3,061 landslides
- Maps (PDF) and GIS Data
- Free for everyone to view and download from DOGAMI website

Burns, 2017



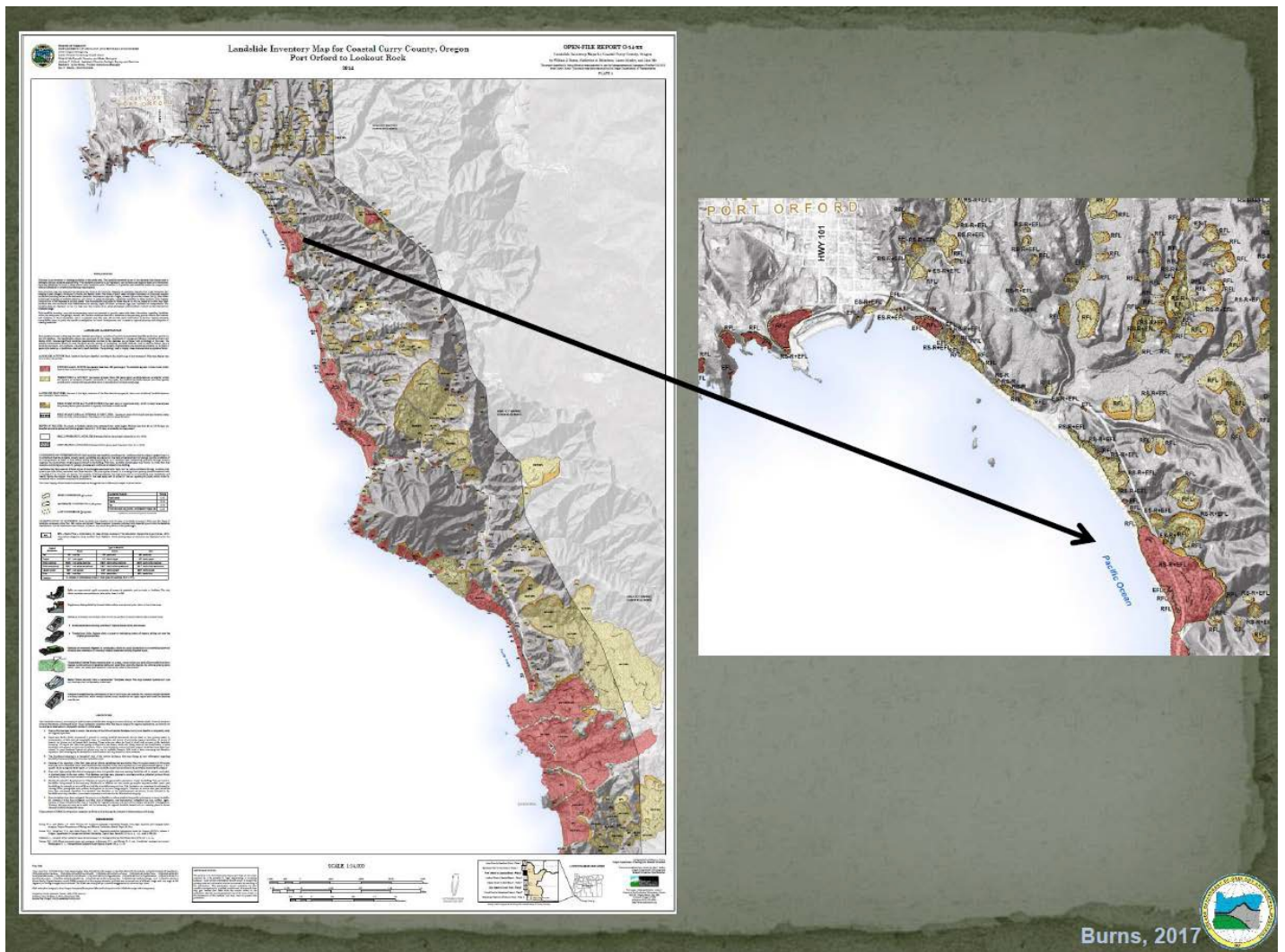
# Map Plates



Burns, 2017







# Proactive Steps Protect Communities

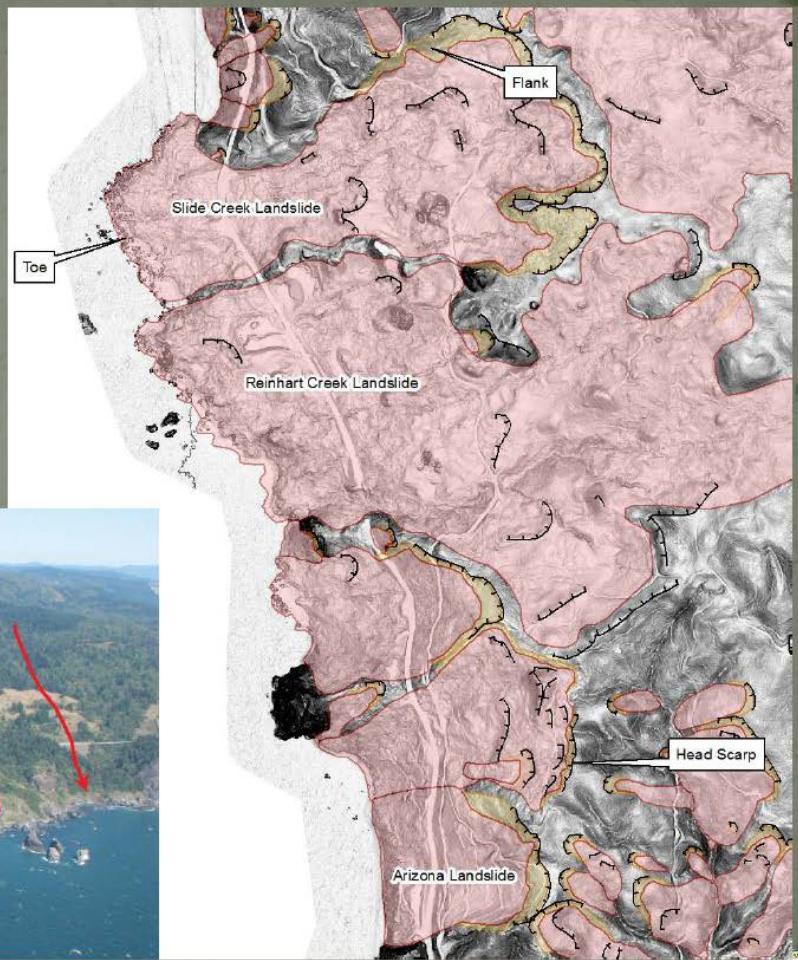
- Especially important for landslide hazards
  - *Far more pre/post disaster funds for earthquake and flood*
  - *No insurance for landslides*
  - *In majority of events:*
    - Home uninhabitable, property lost
- Landslides are devastating for families and communities
- The more proactive we can be now, the better off our communities will be when landslides happen

Burns, 2017





# Questions?



Burns, 2017





**ATTACHMENT 4**  
**DOGAMI Frequently asked questions**

# What you Need to Know about Mapping Landslides in Curry County

## What is a landslide?

The general term “landslide” refers to different types of soil and rock movement, including rock falls, debris flows, and earth slides. Heavy or prolonged rain and rapid snowmelt are common causes of landslides. Earthquakes can also cause landslides. Human activities such as draining water onto slopes, removing vegetation, and modifying slopes to construct buildings or roads can also contribute to landslides.

## What impact can landslides have?

Even a few inches of movement during landslides can crack foundations or disrupt sewer and water lines, severely damaging or destroying homes, businesses, and community infrastructure. Landslide damage is almost never covered by insurance, causing financial loss for individuals and communities.

In extreme circumstances, landslides can even result in injury or loss of life.

## What are the risks of landslides in Curry County?

Landslides are a common and destructive hazard in Curry County due to wet weather, steep slopes, and weak rock and soil. In the past 20 years, more than 50 landslides have occurred in the county, including a massive 2016 landslide in Harbor that closed Highway 101 for weeks. Past landslides have led to millions of dollars in damages in Curry County.

## How can landslide maps help reduce Curry County’s risk?

Mapping landslides can help Curry County communities identify and understand where action may be taken to decrease risk to residents, buildings and infrastructure. Because land that has slid before tends to slide again, knowing where landslides have occurred in the past is critical. The Oregon Department of Geology and Mineral Industries (DOGAMI) in 2013 collaborated with Curry County on a project to create landslide inventory maps, which show past landslide locations.

## What is a landslide inventory map?

Landslide inventory maps show where landslides have occurred in the past. Modern landslide inventory maps are created using light detection and ranging (lidar) technology, which provides detailed images of the earth’s surface. Having this high-resolution view helps geologists clearly see the visual evidence that landslides leave behind on the earth’s surface. The end result is maps that provide a very detailed and accurate representation of landslide hazards — far better than maps of the past that used older technologies.

## How do DOGAMI scientists create landslide inventory maps?

There is a 3-step process DOGAMI scientists use to create landslide inventory maps. These steps verify that the maps accurately show where landslides have occurred.

1. **Identify Past Landslides:** First, a professional geologist uses a mapping technology known as Geographic Information Systems (GIS) to interpret the detailed lidar data to create a landslide database of likely landslides in the area.

## What you Need to Know about Mapping Landslides in Curry County

2. **Conduct Field Surveys:** Second, geologists perform field surveys where specific landslide areas will be examined and measured to confirm the GIS mapping.
3. **Verify Maps:** Finally, a technical review is conducted of the final landslide inventory map to verify that the maps accurately show where landslides have occurred.

### What is the Oregon Department of Geology and Mineral Industries (DOGAMI) and what is its role in Curry County land use processes?

DOGAMI provides Oregon communities with objective scientific information about the location of natural hazards.

While DOGAMI is happy to consult with local governments on potential ways to decrease risk, we do not regulate or otherwise make decisions on land use or how the scientific information is used—those decisions are up to the local and/or regional government.



**ATTACHMENT 5**  
**Zoning Ordinance Section 3.250**

**Section 3.250. Natural Hazard Overlay Zone (NH).**

Purpose of Classification. The purpose of the NH zone is to provide for appropriate uses and protect people, lands and development in areas that have been identified in the Comprehensive Plan as being subject to various natural hazards and to apply review standards to all proposed development activity within the areas subject to geologic hazards. For the purposes of these provisions, areas subject to geologic hazards are known as "geologic hazard areas". Geologic hazard areas are shown on the Natural Hazard Inventory maps adopted into the Goal 7 Element of the Curry County Comprehensive Plan. The maps include the Oregon Department of Geology and Mining Industries Bulletin 90 Land Use Geology of Western Curry County, Oregon the DOGAMI maps known variously as the "Provisional Maps of Rapidly Moving Landslides" and the "Further Review Areas" maps. Geologic hazard areas may also be identified by site specific characteristics such as, but not limited to, earthflow and slump topography with moderately sloping terrain and irregularities of slope, drainage or soil distribution; steep slope mass movement areas subject to localized debris slides, debris flows, rock falls or rock slides, and other areas that may be identified by an engineer or geologist conducting the technical assessments required by the Curry County Zoning Ordinance.

Geologic Hazard Areas specifically include those areas, which, because of their relation to or location with respect to Geologic Hazard Areas, are in jeopardy of rapidly moving landslides.

**Section 3.251. Flood Plain.**

Portions of zones may be subject to flooding. Restrictions, conditions and regulations for the construction of buildings and uses of land lying in the flood plain zone are subject to the Flood Damage Prevention ordinance of Curry County. The flood plain zones, as indicated on Flood Plain Maps, are an official part of the County Zoning Maps. Flood Hazard Development Permits under the Flood Damage Prevention Ordinance are subject to administrative approval by the Director.

**Section 3.252. Development in Areas of Geologic Hazards.**

Those areas identified as geologic hazard areas shall be subject to the following requirements at such time as a development activity application is submitted to the Director.

1. The applicant shall present a geologic hazard assessment prepared by a geologist at the applicant's expense that identifies site specific geologic hazards, associated levels of risk and the suitability of the site for the development activity in view of such hazards. The geologic hazard assessment shall include an analysis of the risk of geologic hazards on the subject property, on contiguous and adjacent property and on upslope and downslope properties that may be at risk from, or pose a risk to, the development activity. The geologic hazard assessment shall also assess erosion and any increase in storm water runoff and any diversion or alteration of natural storm water runoff patterns resulting from the development activity. The geologic hazard assessment shall include one of the following:
  - a) A certification that the development activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the

subject property or to adjacent properties resulting from the proposed development activity.

- b) A statement that there is an elevated risk posed to the subject property or to adjacent properties by geologic hazards that requires mitigation measures in order for the development activity to be undertaken safely and within the purposes of Section 3.250.
- 2. If the assessment provides a certification pursuant to Section 3.252(1)(a), the development activity may proceed without further requirements of this Section
  - 3. If the assessment provides a statement pursuant to Section 3.252(1)(b), the applicant must apply for and receive an Administrative Decision prior to any disturbance of the soils or construction.
  - 4. Applications, which require an Administrative Decision pursuant to Section 3.252(3), shall provide the following information prior to the Planning Director's determination that the application is complete.
    - a) A geologic hazard mitigation report by a geologist prepared at the applicant's expense containing the following information:
      - i) Drawings at scales that allow for clear depiction of the following:
        - 1. an index map showing the location of the development activity within Curry County;
        - 2. A topographic site plan that shall include
          - a. all adjacent, contiguous and related property identified in the geologic hazard assessment as being at risk from or posing a risk to the development activity;
          - b. the degree of slope on the subject and adjacent properties;
          - c. all features on the subject and adjacent properties that may cause or contribute to mass movement. Such features shall specifically include any landslide, bluff failure or shoreline erosion that could migrate upslope into the subject or adjacent properties;
          - d. the location of all identified geomorphic features and micro-topographic features related to the identified geologic hazards, and



- e. all features or conditions, which gave, rise to the statement pursuant to Section 3.252(1)(b) not otherwise required to be included.
  - 3. A map that depicts features and conditions associated with any building site or construction site associated with the development activity.
- ii) A technical analysis and narrative describing the following:
- 1. The geologic features or conditions of the property as well as those features or conditions which gave rise to the statement pursuant to Section 3.252(1)(b);
  - 2. All features related to earth movement or geologic instability on, above and below the site;
    - a. The results of all geologic and/or engineering tests performed on soils, material, and rock type subsurface data from drill holes, or other data obtained from the site investigation with data points clearly identified on a map;
    - b. Whether the proposed development activity can be safely sited on the subject property or at the site in view of the geological hazards and risks that have been identified in the geologic hazard assessment;
    - c. All features related to earth movement or geologic instability on, adjacent to, upslope or downslope from the subject property;
    - d. A clear statement of all requirements or conditions on the development activity that the geologist has determined are necessary to mitigate the geologic hazards that require mitigation;
    - e. A qualitative assessment of the likelihood that the proposed development activity will cause damage or contribute to damage to adjacent properties resulting from geologic hazards disclosed in the geologic hazard assessment or during the course of the preparation of the geologic hazard mitigation report.
    - f. A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations

- b) In the event that the Director determines that the geologic hazard mitigation report fails to include the required information, fails to analyze or take into account documented hazards associated with the subject property or the proposed development activity, fails to consider new information made available to the Director or has other identified significant deficiencies, the Director shall:
  - i) Notify the applicant in writing to identify the deficiencies. Thereafter the applicant shall:
    - 1. provide a revised geologic hazard mitigation report or, in the applicant's discretion, request the Director to submit the geologic hazard mitigation report for peer professional review at the applicant's expense.
    - 2. In the event of peer review, the Director shall provide the applicant with a list of three qualified professionals from which the applicant shall choose one to conduct the peer review.
- 5. Upon the Director's satisfaction with the geologic hazard mitigation report, the Director shall approve it in writing and may thereafter proceed with the determination of whether to grant the application.
- 6. If the geologic hazard mitigation report discloses that the entire subject property is subject to geologic hazards that cannot be mitigated or that the subject property does not contain sufficient area that can be mitigated to allow the development activity as proposed, or that the development activity presents a significant risk of damage to or destabilizing adjacent property that cannot be mitigated in the course of the development activity itself, the development activity shall not be allowed, and the application shall be denied.
- 7. Prior to approval of the development activity, the applicant shall provide a mitigation plan prepared by an engineer or geologist specific to the development activity and based on the approved geologic hazard mitigation report.
  - a. The mitigation plan must adequately address all issues identified in the geologic hazard mitigation report and protect the subject property and surrounding lands.
  - b. In the event that the development activity is a division of land, the mitigation plan shall specify mitigation measures or improvements that must be implemented on each parcel to assure the protection of the subject property and of other properties from the hazards identified in the geologic hazard mitigation report.
  - c. The mitigation plan shall specify which if any measures and improvements must be installed or constructed under the direction of a supervising engineer.
  - d. The applicant shall, prior to the issuance of any development permits,



record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of subsequent land owners to refrain from interfering with such measures or improvements and to maintain them.

- e. A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations.
8. The Director shall provide notice as required for an Administrative Decision to all affected parties regarding the proposed development in a natural hazard area. The Director shall consider the applicant's reports, proposed mitigation plan and any response from affected parties in making his decision. The Director's review of technical reports, plans and recommendations shall give greater consideration to the comments of engineers or geologists qualified to assess the contents of such reports, plans and recommendations.
9. Appeals of an Administrative Decision which challenge an assessment, report or plan prepared or approved under Section 3.252(1), (4), (5) or (7), shall be accompanied by an analysis of the challenged document. Such analysis must identify and analyze the purported deficiencies with sufficient clarity to allow the Director to assess the concerns. In the event that the Director does not have adequate technical ability to make such an assessment, the Director may submit the matter for recommendation by an engineer or geologist in which case the appellant and the applicant shall equally share the cost of such peer review. Peer review shall be based on the entire record of the proposed development activity.
10. If a possible new geological hazard that has not been mapped is brought to the attention of county officials, the county shall then require that a geologist be hired by the County to investigate the subject site and report on the nature of the hazard and its possible impact to the proposed use and surrounding properties. The cost of this geological hazard investigation is to be paid by the applicant.
11. The development activity, if approved, must be constructed as approved and must implement the measures and improvements in the approved mitigation plan. The plans submitted for development permits shall bear a statement from the engineer that they include the mitigation measures contained in the approved mitigation plan. If required by the mitigation plan, installation or construction of such measures and improvements shall be undertaken under the supervision of an engineer.
12. Upon the completion of construction and prior to issuance of a certificate of occupancy, the supervising engineer shall certify that the measures and improvements in the approved mitigation plan have been properly installed. In the case of mitigation plans that do not require a supervising engineer, such certification shall be made in the form of a sworn affidavit by the applicant. No as-built changes to the requirements of a mitigation plan will be accepted in the absence of certification of the changes by the engineer or geologist who prepared the mitigation plan.



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

In the Matter of an Order that )  
Denies a Proposed Ordinance Repealing )  
and Replacing Comprehensive Plan )  
Chapter 7 – Natural Hazards and )  
The Addition of Zoning Ordinance )  
Section 3.254. Liquefaction )  
Hazards Overlay Zone and )  
Section 3.255. Landslide Hazards )  
Overlay Zone. )

ORDER NO. \_\_\_\_\_

**WHEREAS**, this matter having come before the Board of Commissioners for Curry County scheduled for a public hearing on a proposed Ordinance No. 17-06 August 2, 2017; and

**WHEREAS**, the Board having taken public testimony in written and oral form and the Board having continued the public hearing to a date certain of November 1, 2017; and

**WHEREAS**, the Board held the public hearing on November 1, 2017, took public comments, were advised in the premises and now hereby finds:

- 1) The proposed changes to County land use regulations noted in Sections 1A and 1B of this Ordinance are not mandated by the State of Oregon.
- 2) The County Zoning Ordinance Chapter 3.252 and Comprehensive Plan Chapter 7 currently in place provide adequate regulations to guide development in Hazard areas.
- 3) Amendment to the Zoning Ordinance Chapter 3.252 and Comprehensive Plan Chapter 7 at the present time is not in the public interest.

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

A. Proposal to repeal and Replacement of Comprehensive Plan Chapter 7 – Natural Hazards and Adoption of Additions to Zoning Ordinance Article III, and the repeal and replacement of Comprehensive Plan Chapter 7 – Natural Hazards and adoption of Zoning Ordinance Section 3.254, Liquefaction Hazards Overlay Zone and Section 3.255, and Landslide Hazards Overlay Zone is DENIED.

B. Proposal to adopt Comprehensive Plan Liquefaction and Landslide maps related to Zoning Ordinance Section 3.254, Liquefaction Hazards Overlay Zone and Section 3.255, and Landslide Hazards Overlay Zone is DENIED.

DATED this 1st day of November, 2017.

BOARD OF CURRY COUNTY COMMISSIONERS

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Thomas Huxley, Chair

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Sue Gold, Vice-Chair

Approved as to Form:

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John HuttI  
Curry County Legal Counsel

---

Court Boice, Commissioner

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Chair Huxley breaking rules of Decorum and Meetings, CC BOC**AGENDA DATE<sup>a</sup>:** 11-1-17 **DEPARTMENT:** **TIME NEEDED:** 30 minutes<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** Court Boice **PHONE/EXT:** 3229 **TODAY'S DATE:** 10-25-17**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** I am following up on a complaint against Commissioner Tom Huxley, Chairman Curry County BOC by Mr. David Barnes. The complaint alleges a violation of the "Rules of Decorum and Meetings" -- violation of Curry County Code Article One, Division Seven, and Order 20401, adopted and filed on April 12, 2017. Mr. Barnes will be speaking regarding his complaint as this item comes before the BOC on the Agenda.<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Hearing

(1)

(2)

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☐**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/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:

Due date to send: / /

Email:

<sup>c</sup>Note: Most signed documents are filed/recorded with the Clerk per standard process.**PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☐ No ☐ N/A ☒

(If No, brief detail)

**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**1. Confirmed Submitting Department's finance-related responses Yes ☐ No ☐

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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☒**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** Old Business**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☒ No ☐

(If Yes, brief detail)

**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley Yes ☐ No ☐Commissioner Sue Gold Yes ☐ No ☐Commissioner Court Boice Yes ☒ No ☐

Not applicable to Sheriff's Department since they do not have a liaison ☐

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Curry Commissioner Office, Blocked Public Access? ...**AGENDA DATE<sup>a</sup>:** 11-1-17 **DEPARTMENT:** **TIME NEEDED:** 20 -30 minutes<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** Court Boice **PHONE/EXT:** 3229 **TODAY'S DATE:** 10-25-17

**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** As I expressed during Department Management Meeting recently, "an open door policy and accessibility to the people we serve is and always has been part of my strong view for good transparent government particularly at our local level". I'm asking the CC BOC to take decisive action in order to return reasonable Public Access serving the citizens needs, responding to their concerns, and consistently being available. They should never have a sense of being any sort of an inconvenience. I am unaware of any security risks presently that would justify this new policy. -- The doors and access for the public should remain as represented by our present policy. To my knowledge there have been no problems...

<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Discussion/Decision

(1)

(2)

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☐**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/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:

Due date to send: / /

Email:

<sup>c</sup>Note: Most signed documents are filed/recorded with the Clerk per standard process.**PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☐ No ☐ N/A ☒

(If No, brief detail)

**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**1. Confirmed Submitting Department's finance-related responses Yes ☒ No ☒

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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☒**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** Matters from Commissioners**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☒ No ☒

(If Yes, brief detail)

**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**

Commissioner Thomas Huxley	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Commissioner Sue Gold	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Commissioner Court Boice	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Not applicable to Sheriff's Department since they do not have a liaison <input type="checkbox"/>				

**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_OFFICE@CO.CURRY.OR.US](mailto:BOC_OFFICE@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Consideration to refer question of road fund loans to voters**AGENDA DATE<sup>a</sup>:** 11/01/2017 **DEPARTMENT:** BOC **TIME NEEDED:** 15 min<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** J Hitt **PHONE/EXT:** 3287 **TODAY'S DATE:** 10/25/2017**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** The state legislature recent passed a law allowing the county to loan road funds for non-roads purposes. The question for the Board in this agenda item is whether such a loan by the county should be first approved by the voters before any loan can be made under that law.<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Discussion/Decision

(1)Draft 20-word ballot title

(2)Draft explanation

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☐**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/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:

Due date to send: / /

Email:

**\*Note: Most signed documents are filed/recorded with the Clerk per standard process.****PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☐ No ☐ N/A ☐

(If No, brief detail)

**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses Yes ☐ No ☐  
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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☒

**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** New Business**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☐ No ☒

(If Yes, brief detail) Depending on direction, this matter could come back to the Board for action/referral

**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley Yes ☐ No ☐Commissioner Sue Gold Yes ☐ No ☐Commissioner Court Boice Yes ☐ No ☐Not applicable to Sheriff's Department since they do not have a liaison ☐

#### Sample Draft Ballot Title for Referral

Requires vote of the citizens of Curry County to approve loans of County Road Funds to other agency.

#### Sample Draft Explanatory Statement

The 2017 legislature authorized certain local governments including Curry County to lend restricted road funds to other agencies for non-road fund purposes. The powers of the County are vested in the Board of Commissioners or the voters. The state law allowing loans of restricted county road funds did not say whether the Board of Commissioners or the voters were required to approve the loan. This measure would require the voters of Curry County to approve any loan from County Road funds to another agency before any loan was made. The numbers needed to approve any road fund loan would be the same as to approve any local tax measure.



**CURRY COUNTY BOARD OF COMMISSIONERS****AGENDA ITEM ROUTING SLIP**

FORM 10-001.1 Rev. 01-13-2017

**PART I – SUBMITTING DEPARTMENT: RETURN TO [BOC\\_Office@CO.CURRY.OR.US](mailto:BOC_Office@CO.CURRY.OR.US)****AGENDA ITEM TITLE:** Order Approving Amended Travel Policy**AGENDA DATE<sup>a</sup>:** 11/01/2017 **DEPARTMENT:** BOC **TIME NEEDED:** 15 min<sup>a</sup>Submit by seven days prior to the next General Meeting ( eight days if a holiday falls within that seven day period)**CONTACT PERSON:** JHutt **PHONE/EXT:** 3218 **TODAY'S DATE:** 10/25/2017**BRIEF BACKGROUND OR NOTE<sup>b</sup>:** At its last meeting, the Board directed staff to update the travel policy to include provisions for emergency travel. The policy already had a section to allow unexpected expenses which would cover emergencies. However, the policy was updated to include the County Administrator's role with respect to county vehicle management and added a penalty provision per code.<sup>b</sup>Indicate if more than one copy to be signed**FILES ATTACHED:****SUBMISSION TYPE:** Order

- (1) Amended Travel Policy showing changes  
(2) Order Approving Amended Travel Policy

Are there originals in route (paper copies with pre-existing signatures) Yes ☐ No ☐**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. If Land Transaction, filed with the clerk? Yes ☐ No ☐ N/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:

Due date to send:        /        /

Email:

<sup>c</sup>Note: Most signed documents are filed/recorded with the Clerk per standard process.**PART II – COUNTY CLERK REVIEW****EVALUATION CRITERIA:****CLERK ASSESSMENT:** Does this agenda item meet filing/recording standards? Yes ☐ No ☐ N/A ☐  
(If No, brief detail)**PART III - FINANCE DEPARTMENT REVIEW****EVALUATION CRITERIA 1-4:**

1. Confirmed Submitting Department's finance-related responses Yes ☐ No ☐  
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 an UA, is it approved? Yes ☐ No ☐ Pending ☐ N/A ☒

**PART IV – COUNTY COUNSEL REVIEW****AGENDA ASSIGNMENT TYPE:** Old Business**LEGAL ASSESSMENT:** Does this agenda item have a legal impact? Yes ☒ No ☐  
(If Yes, brief detail) Amends Travel Policy per above and attached**PART V – BOARD OF COMMISSIONER REVIEW/COMMENT****LIAISON COMMISSIONER AGREES TO ADD TO AGENDA:**Commissioner Thomas Huxley Yes ☐ No ☐Commissioner Sue Gold Yes ☐ No ☐Commissioner Court Boice Yes ☐ No ☐Not applicable to Sheriff's Department since they do not have a liaison ☐

CURRY COUNTY BOARD OF COMMISSIONER AND ELECTED OFFICIAL  
TRAVEL REGULATIONS, ALLOWABLE EXPENSES AND REIMBURSEMENT  
RATES

**Travel Policy**

**Goals**

This Policy is to implement the goals of authorizing only reasonable and necessary travel expenses by encouraging use of telephonic or electronic training and conferencing, encouraging use of county pool cars for authorized in-state travel, dis-allowing use of pool cars for in-county travel, and establishing limits for meals and lodging expense reimbursement.

Board review and approval of cumulative travel expenses that exceed \$1,500 for any individual county elected official within one fiscal year is required before County funds may be spent on travel, training, meals, lodging or pool car use regardless of budget line item.

The Sheriff and Sheriff Department employees are not subject to these rules, but the Board encourages the Sheriff Department to use all means available to reduce its travel expenses.

Travel and training expenses exceeding \$1,500 not pre-approved by the Board will be the personal responsibility of the Commissioner or Elected Official. Personal responsibility for the expense shall be joint and several. *“Travel expenses” includes but is not limited to meals, lodging, transportation (including county vehicle use) and other incidental expenses.*

The Board of Commissioners (Board) retains the right to determine:

- a. The mode of transportation utilized by a County Commissioner or Elected Official.
- b. The number, type and availability of County vehicles.
- c. The process for determining who will be authorized to drive any vehicle on behalf of the County.

**A. Board to Approve all Travel Expenses for Commissioners and Elected Officials over \$1,500**

All elected official cumulative travel expenses that exceed \$1,500 within a single fiscal year sought to be paid for by County funds require pre-approval by majority vote of the Board. The Board may but is not required to, consider factors such as those described in (B)(1)(c) when deciding requests for such travel expenses.

All travel reimbursement requests for hotel and travel/airfare/car rental expenses shall be supported by three quotes. Three quotes are NOT required when the vendor is on a County or state-approved vendor list and the charge is at the County or state-approved list rate.

**B. Rules for Travel Meal and Lodging expense of County funds regardless of dollar amount  
For all travel, whether cumulatively above or below the \$1,500 annual limit, the following rules apply**

**1. Three types of travel: Within the County; Out of County within the State; Out of State**

**a. Travel within the County not covered by County funds.**

The County will not expend funds for Commissioner or Elected Official Training or Meeting travel within Curry County. This section does not apply to the Assessor while conducting assessments.

b. Use of County Vehicles for out-of-county in-state travel

Commissioners and Elected Officials are encouraged (not required) to use County vehicles or public transportation before using private vehicles when conducting County business out of County but within the state.

While a Commissioner or Elected Official is traveling out of the County for business or training activities in a County vehicle, the vehicle is available for use by the Commissioner or Elected Official for reasonable incidental personal activities.

Reasonable incidental personal activities include obtaining meals and services and providing for other usual personal needs. It is expected that personal use of County vehicle will be confined to the immediate area of necessary travel.

Travel to non-work related places or events may be considered action outside the scope of County business and is undertaken at the Commissioner or Elected Official's own time, expense and liability.

c. Out-of- State

Travel Travel Plan

Requirement

Except in the event of an emergency, and regardless of travel expense limitations set forth above, all out-of-state travel for which County reimbursement or payment will be sought must be approved in advance by the Board. Approval shall be considered following review of a written travel plan. The plan must contain the following information:

- a) A statement as to the nature and purpose of the trip.
- b) A list of dates on which the Commissioner or Elected Official will be gone on the trip.
- c) An estimate of expected expenses for which County reimbursement or payment will be sought. (Example: meals and lodging, airfare, ground transportation, and other expenses related to the out-of-state travel.)
- d) The current budget line item from which payment is sought to be made.

Approval or denial of County funding of out-of-state travel shall be based upon an evaluation by the Board, including but not limited to, the following factors:

- a) The reasonable necessity in making the trip;
- b) Whether there are reasonable alternatives to making the trip;
- c) The availability of County funding to finance the trip;
- d) The reasonableness of the costs submitted in the travel plan;
- e) Whether County business will be jeopardized by the trip

2. Use of Personal Vehicle

- a) When County vehicle is available.

While not encouraged, Commissioners and Elected Officials may use a personal vehicle when conducting County business out of County but within the state. Reimbursement shall be paid, on the most direct route (typically an on-line mapping travel application), at the rate of \$0.30 per mile.

b) When no County vehicle is available.

The County will reimburse the Commissioner or Elected Official for use of his/her vehicle, on the most direct route, at the rate of \$0.45 per mile.

c) Insurance for Personal Vehicles Required and is Primary.

In the event a Commissioner or Elected Official uses a personal vehicle for County authorized business, liability coverage for third party claims is provided under the County auto insurance policy. The insurance coverage by the County is secondary; the insurance coverage under the personal vehicle is primary.

Personal damage or theft to the personal vehicle (collision and comprehensive insurance), repairs, maintenance or operating costs, personal injury protection and uninsured or underinsured motorist coverage are not available under the County insurance policy or reimbursable by the County and must be provided by the Commissioner or Elected Official, if desired.

Commissioner or Elected Officials must still provide insurance required under Oregon law to lawfully operate a personal vehicle.

### 3. Miscellaneous Vehicle Use Rules

Whether a Commissioner or Elected Official uses a County vehicle or is authorized to use a personal vehicle on official County business, bridge, road, and ferry tolls, and other expenses such as parking and storage fees shall be reimbursed at cost, if itemized.

Claims for maintenance and repair of personal automobiles will not be allowed. Individual Commissioner or Elected Official shall be responsible for responding to alleged traffic and parking violations (which result in citations) incurred while a County car is checked out or a personal vehicle is used for County business, and for paying any fines and assessments which result from the violations. Individual Commissioner or Elected Official shall report said moving violations to the Board at the first regularly scheduled Board business meeting after return to the workplace. Three moving violations within a year constitute grounds for suspending County vehicle driving privileges. The County will conduct a DMV background check annually on Public Officials who use County vehicles.

### 4. Meal Per Diem Outside the County within the State or Outside the State

Commissioner or Elected Official traveling outside of Curry County on official County business may claim reimbursement, on a per diem basis, for meals that are not included in conference or seminar. If Commissioner or Elected Official chooses to eat meals other than those provided as part of a conference or seminar, they will be at their own expense. If Commissioner or Elected Official chooses to decline a meal provided as part of a conference or seminar, they cannot apply for reimbursement for that meal. Travel costs supported by various state and federal grants normally require special accounting for allowable costs to be tracked at the departmental level. Please consult the County Accountant for guidance.

When a Commissioner or Elected Official is required to travel outside Curry County on official County business for more than twenty-four (24) hours, he/she shall receive a daily per diem of \$42.00 for each full twenty-four (24) hour period.

Receipts are not required to support payment of per diem. Advances for per diem may be allowed for travel from the workplace when the request is made at least two weeks in advance

of departure.

5. Budget Limitations

Commissioner and Elected Official Travel, Meals and Lodging may only be paid from appropriated budget line items in their respective approved budgets.

Any claim paid for travel expenses outside of the respective Commissioner or Elected Official budget Travel Expense Accounts not pre-approved by a majority vote of the Board of Commissioners shall be the personal responsibility of the Commissioner or Elected Official.

6. Unexpected Expenses

Unexpected costs or expenses may be paid by the County upon approval by *County Administrator*; or in the *County Administrator's* discretion, the Board. If the *County Administrator* exercised his or her option to approve any unexpected expense, the *County Administrator* shall then file a written report for information purposes for the Board to review at its next regular business meeting.

7. *County Owned Vehicles the Responsibility of County Administrator or Designee*

*County vehicles are County property. The County Administrator is responsible for oversight of all County property. Therefore, the County Administrator shall be responsible for the administration of this policy with respect to use of County vehicles.*

***Persons using county owned vehicles shall complete all forms created for the County's purpose of tracking vehicle use and maintenance, including but not limited to: County Odometer Form and IGS Motor Pool form attached hereto as exhibits.***

*The County Administrator is authorized to make all administrative rules necessary and proper to see to the enforcement of this Policy with respect to use of County vehicles, and staff functions in processing claims for travel expense payment.*

***8. Violations of this policy may be enforced by any lawful means, including by enforcement under Article 10, Division One of the Curry County Code.***

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

In the Matter of an Order                     )  
Rescinding Order No. 20438 "Creating       )  
Travel Policy for Board of                     )  
Commissioners and Elected                 )  
Officials   )

ORDER NO. \_\_\_\_\_

**WHEREAS**, Curry County adopted Order No. 20438 on August 2, 2017 "Creating Curry County Travel Policy for Board of Commissioners and Elected Officials"; and

**WHEREAS**, Curry County hired an Interim County Administrator on August 17, 2017 who would be responsible for creating and implementing County policy; and

**WHEREAS**, County Administrator created an amended travel policy that will be adopted by a separate order; and

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

Order No. 20438 dated August 2, 2017 "Creating Curry County Travel Policy for Board of Commissioners and Elected Officials" is hereby rescinded.

**DATED** this 1<sup>st</sup> day of November, 2017.

BOARD OF CURRY COUNTY COMMISSIONERS

\_\_\_\_\_  
Thomas Huxley, Chair

Approved as to form:

\_\_\_\_\_  
Sue Gold, Vice Chair

\_\_\_\_\_  
John Hutt  
Curry County Legal Counsel

\_\_\_\_\_  
Court Boice, Commissioner

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

In the Matter of an Order )  
Adopting an Amended )  
Travel Policy for Board of )  
Commissioners and Elected Officials - )  
Board of Commissioner and Elected )  
Official Travel Regulations, Allowable )  
Expenses and Reimbursement Rates )

ORDER NO. \_\_\_\_\_

**WHEREAS**, Curry County hired an Interim County Administrator on August 17, 2017 who would be responsible for creating and implementing County policy; and

**WHEREAS**, County Administrator amended the Travel Policy for Board of Commissioners and Elected Officials; and

**WHEREAS**, the previous Order No. 20438 has been rescinded; and

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

The attached policy titled "Board of Commissioner and Elected Official Travel Regulations, Allowable Expenses and Reimbursement Rates" is adopted.

**DATED** this 1<sup>st</sup> day of November, 2017.

BOARD OF CURRY COUNTY COMMISSIONERS

\_\_\_\_\_  
Thomas Huxley, Chair

Approved as to form:

\_\_\_\_\_  
Sue Gold, Vice Chair

\_\_\_\_\_  
John Hutt  
Curry County Legal Counsel

\_\_\_\_\_  
Court Boice, Commissioner