



# NORCOR CORRECTIONS FACILITIES

Wasco-Gilliam-Hood River-Sherman  
201 Webber Street  
The Dalles, OR 97058-3507  
541-298-1576 telephone  
541-298-1082 facsimile



## NORCOR Board of Directors Minutes of the Board Meeting June 21, 2018

### 1.0 PRELIMINARY BUSINESS:

Tom McCoy welcomed Representative Bonham to the NORCOR Board Meeting. Quorum was determined and the Board Meeting was called to order on June 21, 2018 @ 10:04AM by Tom McCoy, Chairman.

Present: Bryan Brandenburg- NORCOR Administrator **Board Members:** Tom McCoy- Sherman County Commissioner, NORCOR Board Chairman; Steve Shaffer- Gilliam County Judge, NORCOR Board Vice-Chairman; Bob Benton- Hood River County Commissioner; Molly Rogers- Wasco County Youth Services Director; Rod Runyon, Wasco County Commissioner; Brad Lohrey- Sherman County Sheriff

Guests: Daniel Bonham- Oregon State Representative, District 59; Diana McDougale- NORCOR Attorney; Gretchen Kimsey- NORCOR Community Resources Coalition Member; Sloane Borrego- The Dalles Community Member; Neita Cecil- The Dalles Chronicle Reporter; Tim Shechtel- NORCOR Community Resources Coalition Member; Jean Sheppard- Hood River Community Member; Amy Nation- Gilliam County Juvenile Director; John Olmsted- Mosier Citizen; Julie Real- Citizen; Red Stevens- St. Paul's Episcopal Church Pastor; Brian Stovall- Wasco County Citizen; Miguel Ramirez- The Dalles Citizen; Jeff Justesen- NORCOR Detention Manager; Tyler Stone- Wasco County Administrator; Rosie Strange- The Dalles Citizen; Amber Rose Orion- The Dalles Citizen/Gorge ICE Resistance; Amber DeGrange- Sherman County Juvenile Director; Jim Patterson- Hood River Juvenile Department Director; Mike Oates- Hood River County Board Chair Elect; Teresa Hepker- Wasco County Citizen; Solea Kabakov- Gorge ICE Resistance, The Dalles; Connie Krummrich- NORCOR Community Resources Coalition Member, The Dalles; Antonia Kabakov- The Dalles Citizen; Joel Kabakov- The Dalles Resident; Juli Twidwell- NORCOR Finance Manager; Beth Anderson- NORCOR; Dan Lindhorst- NORCOR Administrative Lieutenant

Steve Shaffer moved to approve the Meeting Minutes from April 26, 2018 as well as the Budget Minutes from the March 14, 2018 and April 26, 2018 Meetings. Bob Benton seconded the motion. Tom McCoy asked if there was any discussion on the Minutes. Bob Benton brought up the fact that there had been some question during the first Budget Meeting about when the Budget Meeting Minutes should be

approved. Diana McDougale pointed out that this issue is not addressed in the NORCOR Bylaws. With no further discussion, the motion passed with four votes in favor of the motion. Brad Lohrey abstained from the vote because he had not been present for the meetings.

## **2.0 BUSINESS ITEMS:**

- ***2.1 Public Comments/Questions –***

Tom McCoy invited the Board Members to introduce themselves for to the members of the community that were present for this Board Meeting. After introductions, Bryan Brandenburg explained that the time for public comment and testimony had been extended from 5 minutes each meeting to 20 minutes each meeting. Bryan further explained that the time for public comment and testimony will be extended as long as the comments and testimony do not simply repeat comments and concerns that have been previously presented, are not related to current litigation, and are not used as a platform to promote individuals running for political office.

Gretchen Kimsey, resident of The Dalles and a member of the NORCOR Community Resources Coalition (NCRC), read aloud a letter that she had signed and was addressed to the Board regarding continuing to work toward ending the ICE contract.

Solea Kabakov, resident of The Dalles and a member of the Gorge ICE Resistance, commented that the community is rising against the injustice of detainees being held at NORCOR and presented a petition which demands the immediate termination of NORCOR's cooperation with ICE that currently has over 600 signatures on it. Solea read the petition aloud and submitted the petition to the Board.

Joel Kabakov, resident of The Dalles and a Gorge ICE Resister, commented that he had been standing in front of NORCOR in protest to the presence of ICE detainees for over a year now. Joel added that NORCOR is not an appropriate setting for immigration detainees and that the presence of the protestors will continue until NORCOR is reformed into an institution that is a responsible, constructive, service-oriented part of the community.

Red Stevens, a Pastor at St. Paul's Episcopal Church and resident of The Dalles, commented that as a part of the team of pastors that visit the detainees housed at NORCOR he is frustrated that immigrants without families are not getting as much attention and should be seen as just as worthy of attention and service. Red further commented that his church is prepared to support any bond measure put forth by NORCOR and that they would like to see NORCOR do a better job for the community.

Tim Schechtel, a resident of the The Dalles and a member of the Gorge ICE Resistance, read aloud a letter that he wrote and submitted to the Board regarding the lack of ethical behavior in the injustices suffered by detainees and their families.

Teresa Hepker, a citizen of Wasco County, asked about the final numbers of the Budget document that was posted on the website and pointed out that there was no revenue listed on the Total Revenues Juvenile Department line on pg.9 of the FY 2018-2019 Approved Budget. Molly Rogers noted that the Juvenile revenue is indeed missing in the total at the bottom of pg.9. Juli Twidwell noted that she would talk to the IT manager. Juli explained that the Budget Document does include an amount in the Total Revenues Juvenile Department line and that when the document is compressed for posting to the website sometimes the reformatting process causes issues. Juli assured Teresa that the Total Juvenile Revenue does exist. Bryan Brandenburg noted that the correct document with correct numbers will be posted to the website.

- ***2.2 Amendment to NORCOR Bylaws Article IV (A) and Review and Discussion of any additional changes to the Bylaws –***

Tom McCoy presented the need for amendments to the current NORCOR Bylaws. Tom noted that the Board had voted to include a Juvenile Director, to be a representative of the four counties' Juvenile Directors, as a non-voting member of the Board, but the Board had never amended the Bylaws to show this change. Tom further suggested some more amendments for the Board to consider making to the NORCOR Bylaws:

- Change the date of electing Board Officers
- Remove the whole section which addresses the executive committee
- Address when the Budget Meeting Minutes should be approved

Bob Benton noted that he had brought up the timing of the Budget Meeting Minutes because of the concern that Tyler Stone had about the previous year's minutes as the Budget Committee Chairman. Tyler explained that if the Budget Committee approves the previous year's minutes when they meet in the next year then the process stays within the Budget Committee. Juli Twidwell noted that the Budget Committee members can change from year to year which would make it difficult for new Budget Committee members to be able to approve the minutes from the previous year's budget meeting. After more discussion, the consensus was that NORCOR could make a policy for the approval of the Budget Meeting Minutes. Tom McCoy asked if there were any other amendments to the Bylaws that anyone wanted to see addressed. Bryan Brandenburg noted the need to clarify who qualifies as a Budget Committee member, since there was another County Commissioner and a County Administrator on the Budget Committee this year and the Bylaws state that the Budget Committee should be composed of a layperson representative from each county as well as the elected officials who serve on the NORCOR Board. Molly Rogers asked if there was a need to define layperson. Diana McDougale answered that when the Bylaws are amended the definition of a layperson can certainly be addressed, if that is what the Board chooses to do. Diana added that the Oregon Ethics Commission probably has a definition of layperson or could at least provide guidance. Bob Benton asked if the process of appointing Budget Committee members could be addressed when the Bylaws are amended in order to avoid confusion. Tom agreed that it would be good to make an amendment to the Bylaws that clarify that a Budget Committee member appointed by a county should not be a government employee or a member of the governing body. Diana noted that she will work on drafting a definition of a layperson as well as drafting the process through which the counties appoint the layperson to the NORCOR Budget Committee. Tom asked again if

there were any more recommended amendments to the Bylaws at this time. There were no other recommended amendments. Tom noted that when these amendments to the Bylaws are complete it would be great to restate the Bylaws and rewrite the document. Bob Benton pointed out that it could take several meetings to get all of the amendments approved and then get the Bylaws restated.

- **2.3 Adoption of FY 2018-2019 Approved Budget Resolution No. 18/19-1 –**

Bob Benton made a motion to approve Resolution No. 18/19-1: Resolution Adopting the Budget. Steve Shaffer seconded the motion. Tom McCoy asked if there was any discussion. Rod Runyon asked if the purchase of the body scanner was included in this budget. Bryan Brandenburg answered that it was not included in this budget, but that it was brought forward by the Sheriffs and payment for the scanner was to be agreed upon by the individual counties. Tom noted that the reason for purchasing the body scanner outside of the budget process was because Gilliam County and Sherman County agreed to each pay \$40,000 of the cost of the body scanner, which is more than their shares would be with the usual 50/40/5/5 split. Rod asked if there was enough anticipated extra revenue in the NORCOR budget to be able to purchase the body scanner with just NORCOR funds. Bryan answered that there is a \$900,000 Beginning Fund Balance and there is a little less than that in Reserve and Contingency; if NORCOR had the funds available to purchase the body scanner outright, the purchase would have been brought to the Budget Committee and it would have been included in the Budget process. Brad Lohrey explained what the body scanner is and why it is necessary for keeping the inmates and staff safe from contraband that may be hidden in body cavities. Bob Benton noted that his understanding was that the cost of the body scanner would be split five ways, between: Wasco County, Hood River County, Gilliam County, Sherman County, and NORCOR. Steve Shaffer noted that the first \$80,000 of the cost was to be covered by Gilliam County and Sherman County with the balance of the cost being split between Wasco County, Hood River County, and NORCOR. Bob noted that he remembered hearing that the cost of the body scanner could vary considerably based on the warranty that is purchased with it. Brad answered that the cost could vary based on the warranty and the one-time buy-in discount through the Oregon Sheriffs Association. Rod asked if the one-fifth of the cost to NORCOR was in this budget. Juli Twidwell answered that it is not listed in the budget because this purchase has not been decided, once the decision to purchase the body scanner is made, the Budget will be adjusted accordingly. Rod pointed out that the body scanner could have been put in the Budget for speculative purposes since a budget is a roadmap and not a guarantee of what is going to happen. Bryan noted that he does not operate the budget that way; he does not speculate. Molly Rogers asked if the Resolution needed to be read into the record. Rod answered that at least the title should be read into the record. Tyler Stone pointed out that the Board has an opportunity to adjust the Budget right now to reflect the purchase of the body scanner in the capital purchase expense and to reflect the money from the counties in the revenue; otherwise there is no spending authority to purchase the body scanner within the current Budget document. Juli Twidwell suggested approving the Budget as is for right now and adjusting it accordingly once paperwork on this purchase has been received. Juli added that, at this point, there has been no paperwork from the counties that there is an agreement to purchase the body scanner. Diana McDougale concurred with Juli, in that the Budget should be approved as is and a supplemental budget should be prepared once documentation evidencing approval from all of the

counties has been received. Molly Rogers asked what the timeline to purchase the body scanner was. Bryan answered that we need to let them know we agree to purchase in the first week of July. Molly pointed out that the supplemental budget will have to happen quickly after July first in order to be able to make the purchase. Tom asked if there was any other discussion on the motion. There was none. The motion passed with four votes in favor; Steve Shaffer had to leave the meeting by the time the vote was taken.

- **2.3 Requested Discussion of Juvenile Audit Recommendations – Juvenile Directors Oversight Committee –**

Molly Rogers handed out copies of an overview of the work that the Juvenile Directors Oversight Committee (JDOC) has been doing since the Disability Rights of Oregon review of the NORCOR Juvenile facility had come out. Molly noted that today would just include an update and no discussion of the independent review recommendations was requested at this time. Updates from the presentation included:

- The JDOC had been expanded to include an Oregon Youth Authority representative.
- Classification System and Intake: all recommendations have been completed
- Access: successfully completed the two recommendations and now in the monitoring phase of these continuing items
- Programming: One of the recommendations is completed, the others are pending or in process
- Training and Supervision: These are still being worked on
- Restraints, Isolation, Due Process, and Grievances: the items are in process and being worked on right now
- Administration: these recommendations are more long-term and will take more time
- Governance: needs a lot more dialogue, especially on Juvenile Director status on the Board and on the Juvenile Services Executive Committee
- Moving Forward to Excellence: recommend continuing with JDAI as a self- assessment tool and moving to Oregon standards as they are available
- JDOC commitment to meetings and to working on these recommendations has been extremely high.

Bob Benton asked about what happens, now that the restraint chair has been removed, when a youth becomes violent and tries to injure their self. Molly answered that the restraint chair had not been used in a very long time. Molly added that verbal de-escalation and other best practices have been utilized in those situations.

- **2.4– NORCOR Update/Status/Budget- Bryan Brandenburg –**

- The Bureau of Justice Assistance (BJA) will be auditing NORCOR in June regarding the BJA Mental Health Grant to make sure that the funds are being utilized appropriately.
- Representative Bonham had brought a group to tour NORCOR
- JDOC has done a tremendous amount of work on the Juvenile Facility Policies and the staff response to all the changes being delivered to them has been going well.

- The ICE contract will begin to be renegotiated in the fall.
- Bryan referred to the statistics in the packet given to the Board. Molly Rogers asked what time frame is used for recidivism. Bryan answered that there are 30 day, 60 day, 90 day, 6 months, and then 1 year, 2 year, and 3 year reviews. Molly asked about the definition of recidivism and Bryan answered that if a person comes back to jail, no matter the reason, they have recidivated. Molly asked if there was a data system capacity to compare the current NORCOR rates to the state-wide average. Dan Lindhorst answered that it is possible to try to compare NORCOR's numbers with the state numbers, even though the Department of Corrections has some different definitions.

Tom McCoy asked if anyone had any questions for Bryan. Bob Benton asked if the Benton County Sheriff had guaranteed a certain number of beds for the inmates coming from there. Bryan answered that the guarantee was for 22 beds and that is what is reflected in the Budget. Tom McCoy asked what the Benton County numbers had been so far. Bryan answered that they had been up around 30 for a large portion of this contract period with them, but that the numbers had recently dropped, sometimes to below 20.

- Current year-to-date budget presentation

### **3.0 REPORTS AND DISCUSSION – ACTION THAT MAY BE REQUIRED:**

- ***3.1 Sheriff Board –***  
There was no Sheriff report at this time.
- ***3.2 Juvenile Directors –***  
Juvenile Directors had nothing to add to the update given above.
- ***3.3 Legal Counsel –***  
Diana McDougale had no report for the public session of the Board Meeting.
- ***3.4 Commissioners Comments –***  
There were no additional comments from the Commissioners at this time.
- ***3.5 Next Board Meeting –***  
The next regular scheduled Board Meeting is scheduled for August 16, 2018 @ 10:00 AM.

Brian Stovall asked if the pending Board Meeting Minutes could be published online for the public to see before the Board approves them at the next Board Meeting. Diana McDougale answered that the Minutes could not be published until they have been approved. Brian noted that since the Board was looking at changing the way that some things are done anyway, perhaps the Board could decide to change the mechanism of the way that the Board Meeting Minutes are published only after they have been voted on at the next meeting. Diana answered that she could not speak definitively to that, but that she would check on it.

- **3.6 Executive Session ORS 192.660 (2)(h) Legal**

The Board adjourned into Executive Session at 11:45 AM.

- **3.7 Decisions & Actions Resulting from Executive Session –**

The Board returned from Executive Session at 12:13 PM and the remaining public members were invited back into the meeting. Bob Benton made a motion to authorize the NORCOR Board to bring a bar complaint against the Plaintiff Counsel's Response to the handling of Discovery in Stovall vs. NORCOR. Brad Lohrey seconded the motion. Tom McCoy asked if there was any discussion; there was no discussion. The motion passed with four votes in favor of the motion. Judge Shaffer was not present for the vote.

- **3.8 Executive Session ORS 192.660 (2)(i) Personnel –**

The Board adjourned back into Executive Session at 12:20 PM.

- **3.9 Decisions & Actions Resulting from Executive Session –**

The Board returned from Executive Session at 12:40PM and the remaining public members were invited back into the meeting. Brad Lohrey asked if the hiring timeline was too aggressive. Bryan answered that the timeline was given simply as a guideline and that it was flexible. Brad pointed out that there was some confusion about the makeup of the NORCOR Board on the advertisement, in the third paragraph under Organization, since it failed to mention a Juvenile Director Representative on the Board and does not mention that the Sheriff on the Board is a Representative of the four Sheriffs collaborating together. Molly Rogers asked if there was a way to include the other Sheriffs, the other Juvenile Directors, some key Community Partners, and some staff at some point in the process to get a little bit more input. Bob Benton suggested that something like that should not be done until the top three candidates were decided. Tom McCoy suggested a "Meet & Greet" reception for the final three candidates. There was a consensus that repeating the process that was in place the last time was not desirable. Molly asked about the level of background checks that were going to be completed on the candidates. Bryan answered that there will be a preliminary background screening done on the five candidates that would be brought to the Board and that the final three candidates would go through a more thorough and comprehensive background check. Molly asked Brad if that was good enough for the Sheriffs. Brad answered that it was good enough. Bob Benton made a motion to approve the hiring calendar, with the two changes that were discussed and with the intention of following the dates as closely as possible and reasonable, and to advertise job description listing to fill the NORCOR Administrator position, with the changes discussed above. Brad Lohrey seconded the motion. Tom McCoy asked if there was any further discussion. There was no further discussion. The motion passed with four votes in favor of the motion. Steve Shaffer was not present for the vote.

Bob Benton made a motion authorizing Bryan Brandenburg to work with Legal Counsel to draft a representation of what had been discussed. Brad Lohrey seconded the motion. The motion passed with four votes in favor of the motion. Steve Shaffer was not present for the vote.

- **3.10 Adjournment:** The meeting was adjourned @ 1:00PM.

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Date

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Tom McCoy, NORCOR Board Chair

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Date

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Beth Anderson, NORCOR

Respectfully submitted,  
Beth Anderson, NORCOR