



NORCOR

CORRECTIONS FACILITIES

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NORCOR

Board of Directors

Minutes of the Board Meeting

October 18, 2018

1.0 PRELIMINARY BUSINESS:

Present: Bryan Brandenburg- NORCOR Administrator **Board Members:** Tom McCoy- Sherman County Commissioner, NORCOR Board Chairman; Bob Benton- Hood River County Commissioner; Molly Rogers- Wasco County Youth Services Director; Rod Runyon- Wasco County Commissioner; Lane Magill- Wasco County Sheriff (*alternate for Brad Lohrey- Sherman County Sheriff*)

Quorum was determined and the Board Meeting was called to order on October 18, 2018 @ 10:02AM by Tom McCoy, Chairman. There were no conflicts of interest recognized. Tom suggested the addition of two items to the agenda: 1) approval of the minutes from the previous five Board meetings, and 2) the proposed Intergovernmental Agreement (IGA) between NORCOR and Wasco County. The consensus was that the IGA would be added to the agenda as business item 2.8. Since there had not been enough time for everyone to read the minutes after they were distributed, there was a consensus to wait until the next meeting for approval of the minutes.

2.0 BUSINESS ITEMS:

- **2.1 Discussion regarding RFP for Legal Representation – Diana McDougle**

Diana updated the Board with the information that she would be resigning from Annala, Carey, Vankoten, & Cleaveland, P.C. and going to another firm which would present a direct, non-waivable conflict of interest for NORCOR. At the time that this Board meeting was noticed, it was thought that NORCOR would need to approve an RFP for Legal Representation. Since that time another attorney from the Annala, Carey office has come forward and expressed an interest in taking over the representation of NORCOR. Diana proposed that when the Board goes into executive session later, pursuant to ORS 192.660 (2)(i) Personnel, they could discuss his qualifications. Tom McCoy clarified that since the proposed change is from one attorney to another within the same firm there was no need for an RFP. Diana confirmed that that would be the case, if the Board were to choose to go in that direction.

- **2.2 Discussion/review of Resolution to Adopt an Interim Policy setting forth a trial NORCOR management plan.**

Jeff Justesen pointed out a number formatting error on page three of the document, in section 2.2 under Duties of Juvenile Director Overseeing the Juvenile Detention Center. Tom McCoy asked why there was a break of \$150,000 in Article 6- Negotiation and execution of Contracts. Diana answered that this amount follows the current statute. Molly Rogers pointed out that she would like to make sure that this policy is in alignment with NORCOR's current procurement policy and that there should be some language to that effect added to this Interim Policy. It was also recommended that 5.1 be changed to exclude the wording, without adjustments to the 2018/2019 fiscal budget and add a sentence regarding NORCOR's compliance with state budgetary law. It was also suggested that the fact that the promotions which resulted from the implementation of this Interim Policy could roll back if the Interim Policy does not end up working out should be recognized within this policy.

Rod Runyon made a motion to adopt Resolution 18/19-5: A Resolution to Adopt a Trial Interim Policy for the Management and Administration of NORCOR, with the suggested amendments and changes that have been brought forward. Lane Magill seconded the motion.

Vote: The motion passed with unanimous approval; Steve Shaffer- Gilliam County Judge was not present for the vote.

- **2.3 Update and discussion regarding the management of NORCOR during the transition period resulting from the current Administrator's departure, including review/finalization of the Administrator's Temporary Employment Agreement.**

It was noted that only required benefits, such as PERS, are included in this employment contract.

Bob Benton made a motion to approve the Temporary Employment Contract.

Vote: The motion passed unanimously; Steve Shaffer- Gilliam County Judge was not present for the vote.

- **2.4 Discussion/review of Amendments to Bylaws originally proposed at NORCOR's August 16, 2018 Regularly Scheduled Board Meeting**

There was a consensus, that in light of the current Interim Policy, any further discussion of amending the Bylaws be tabled.

- **2.5 Public Comment on scheduled items.**

Tim Shechtel asked if the Board could allow for up to 30 minutes of Public Comment time as they enter this Interim Policy, in the interest of public engagement. Tom McCoy noted that if the public has new things to add, the Board is very interested in hearing them, but that time allowed would likely be dictated by the agenda. Teresa Hepker added that if the Board could let the public know how much time might be expected to be available for comment ahead of time it would be very helpful. Teresa asked who the public might be able to contact, before the agenda is set, regarding what the public would like to discuss and how long it will take. Rod Runyon noted that the Chairman of the Board sets the agenda. Molly Rogers added that she and Brad Lohrey would have a conversation on that question and suggestion. Tim added that it has been very helpful to have access to the Board meeting material on the website ahead of time.

- **2.6 Discussion/review of the Intergovernmental Agreement (IGA) between NORCOR and Wasco County**

Rod Runyon suggested that any county that has their Juvenile Director step into this position should have a compensation agreement for the hours lost to the county. Molly Rogers suggested that the Legal Counsel for both NORCOR and Wasco County sit down together to make sure that the IGA aligns with and does not contradict NORCOR's Interim Policy. Tom McCoy suggested that the IGA directly reference Interim Policy. Molly noted that the compensation for the Juvenile Director would come out of the juvenile budget from the savings of not having an administrator. Gary Bettencourt noted his concern with three items within the IGA: 1) It would require a cancellation of the IGA in order to make changes to the level of services; 2) Under compensation (item 6.d.), the terminology of "any additional juvenile programming", and 3) his personal perception that it is unethical for NORCOR to reimburse Wasco County for what is already a statutory responsibility. Tom McCoy noted that the matter of compensation was discussed at the previous Board meeting. Steve Kramer added that the difference for the Juvenile Director position is that the Juvenile Directors are employees of their respective counties instead of elected officials. Molly Rogers suggested that the Juvenile Directors work with Legal Counsel to possibly separate the Juvenile Programming piece from the IGA and make that a separate contract that the Board could vote on. Tom McCoy noted that it seems that the Board is in agreement with the basic principles of the IGA, but suggested that the Board wait until some of the bigger items of concern are addressed before moving forward to vote on it.

3.0 REPORTS AND DISCUSSION – ACTION THAT MAY BE REQUIRED:

- ***3.1 NORCOR Update Status/Year-to-date Financials – Bryan Brandenburg***

Bryan Brandenburg presented the year-to-date financials, both in a combined format and split apart. Bryan estimated an approximate total of \$55,000 in savings through this Interim transition, which should be moved into the Contingency line item. Lane Magill asked when NORCOR's Financial Audit would be complete. Bryan answered that the auditor expects to be able to attend the December Board Meeting to present the results of the financial audit. Bryan also presented the statistics that were in the Board Packet.

- ***3.2 NORCOR Juvenile Department Update/Status – Jeff Justesen***

Jeff Justesen reported that the process of rewriting all the policies for the Juvenile Detention Facility has been completed. Jeff further reported that the emergency plans for the facility have been completed and signed and emergency plans for a natural disaster that would require leaving the facility for an extended amount of time are currently being worked on. The Juvenile Directors are working with Jeff to provide some face-to-face training for the staff. NORCOR Juvenile Detention Facility and the Juvenile Directors are working with the Oregon Youth Authority (OYA) to create a little more revenue and help secure legislative funding for OYA state-wide as opposed to just in Central and Eastern Oregon. NORCOR Juvenile Detention Facility is working with OYA on developing programming that would provide short-term residential placements for youth who are at risk of losing residential placements.

- ***3.3 Sheriff Board –***

The Sheriffs Board had no report.

- ***3.4 Juvenile Directors –***

The Juvenile Directors had nothing to add to Jeff Justesen's report above.

- **3.5 Legal Counsel –**

Diana McDougale introduced Don Hull, from Annala, Carey, Vankoten, & Cleaveland, P.C. Diana noted that she had nothing to report outside of Executive Session.

- **3.6 Commissioners Comments –**

There were no Commissioner Comments at this meeting.

- **3.7 Next Board Meeting –**

There was a Special Called Board Meeting scheduled for November 1, 2018 @ 10:00 AM.

The next regular scheduled Board Meeting is tentatively scheduled for December 20, 2018 @ 10:00 AM.

- **3.8 Executive Session ORS 192.660 (2)(h) Documents Exempt from Public Disclosure and ORS 192.660 (2)(i) Personnel –**

The Board adjourned into Executive Session pursuant to ORS 192.660 (2)(a) Personnel at 11:15 AM.

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

The Board returned from Executive Session at 11:20 AM and affirmed that NORCOR will accept Don Hull as legal counsel replacement for Diana McDougale and will continue to stay with the same legal firm, Annala, Carey, Vankoten, & Cleaveland, P.C.

- **3.10 Executive Session ORS 192.660 (2)(h) Documents Exempt from Public Disclosure and ORS 192.660 (2)(i) Personnel –**

The Board adjourned into Executive Session pursuant to ORS 192.660 (2)(h) Legal Counsel at 11:23 AM.

The Board returned from Executive Session at 11:25, with no decisions necessary from the legal counsel update.

- **3.8Adjournment:** The meeting was adjourned @ 12:20PM.

Date

Tom McCoy, NORCOR Board Chair

Date

Beth Anderson, NORCOR

Respectfully submitted,
Beth Anderson, NORCOR