



**Curry County
Board of Commissioners**

David Brock Smith, *Chair*

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April 16, 2013

Honorable Secretary of State Kate Brown
136 State Capitol
Salem, OR 97310

Dear Secretary of State Brown:

It is with great regret that I contact you today regarding concerns over possible violations by public employees in regard to Oregon Revised Statutes 294.100, 260.432 and 260.532.

As you are aware, Curry County is on the brink of fiscal insolvency and to avert the impending Public Safety Fiscal Crisis, the Board of Curry County Commissioners has lawfully placed Measure 8-71, County Law Enforcement Split Rate Levy on the ballot for the registered voters decision on May 21st, 2013. I am dismayed by the actions of the City of Brookings Manager Mr. Milliman and at a loss to explain the authority given to him by his Council which has resulted in these possible violations occurring.

Eight Public Meetings were publicly noticed from January 7th through February 13th discussing the dire county fiscal situation, one of which was on January 28th, in the Brookings City Council Chambers for Council input and Commissioner discussion. These publicly posted meetings were designed to gather public input and discussion to reach a funding solution and avoid a public safety and fiscal catastrophe. The decision to place the Law Enforcement Levy was voted on February 13th, 2013 in a lawfully publicly noticed Board of Commissioners Meeting, signed by me, as Chair that afternoon and became a measure on February 26th, 2013.

It has come to my attention through recent statements made to the press, in Brookings City Council Meetings and email correspondence, that City Manager Milliman has possibly violated ORS 294.100 by directing City Attorney Rice to draft a County Home Rule Charter and subsequently spending City of Brookings Taxpayer dollars to create said document without the authority to do so and knowingly having no authority to place said document on a ballot for vote of the electorate. Furthermore, City Manager Milliman; through the supporting documentation supplied, directed City Attorney Rice to begin the draft, possibly violating ORS 294.100 before City Council approval on March 25th, 2013. As the motions for this action were drafted by City Manager Milliman and were subsequently voted on and approved by the Brookings City

Council, there is a concern that the Council itself; all who voted in favor, could be in violation of 294.100 as well.

It has also come to my attention through recent statements made to the press, in Brookings City Council Meetings and email correspondence, that Brookings City Manager Milliman has possibly violated ORS 260.432 and 260.532. Manager Milliman writes, "to prop up a bankrupt county government with a dysfunctional management structure". He states in another article, "If they'd conferred with us, we could have come up with a formula everyone agreed with, that didn't happen". Manager Milliman goes on to say, "Now we're in position where we need to respond and do our own analysis and propose something to voters based on that". He further misinforms the public by stating in his report, "Only one of the recommendations that has been pursued is the placement of a property tax levy on the May Ballot". (260.532) Manager Milliman also states at a Brookings City Council Meeting that, "the measure is flawed" (referring to the County's proposal).

As unfortunate as this is, the documentation supporting these concerns of multiple possible violations of ORS 294.100, 260.432, 260.532 are, in my opinion, valid. I would also suggest to you that more documentation exists in the audio and video of Brookings City Council Meetings beginning in February of 2013. I respectfully request a swift and thorough inquiry into these possible violations and should any violations be founded, appropriate penalties to all violating parties responsible be rendered for each occurrence. Thank you in advance for your diligence in this important matter.

Very Respectfully,

A handwritten signature in black ink, appearing to read "David Brock Smith". The signature is highly stylized and cursive, with a large, looping initial "D" and a long, sweeping tail.

David Brock Smith, Chair
Curry County Board of Commissioners