



**Board of Commissioners' County Counsel Meeting  
August 20, 2019 ~ 10:00am ~ Room 214**

8/20/2019 - Minutes

**1. Call To Order & Those Present**

Commissioner Boyd, Commissioner DeGroot, Commissioner Morris; Mika Blain / County Counsel; Haley Huffman / Admin Staff; Leslie Barlow-Hunter / Contracts; Lisa Jackson / Human Resources.

**2. Approve Minutes From Last Meeting**

Approved.

**3. Contract Policies And Procedures**

Mika addresses the Board. She was approached by our Public Works Director regarding our contracting policy. She said, we are in the process of reviewing our contracting policy and there are some things we'd like to see changed. She said one question was the department authority and the amount of authority. Right now the liaison can approve \$25,000. She said, there is a difference between a change order and an amendment. Commissioner DeGroot said he's had several conversations with Director Morris about this. He asked Director Morris to bring forward recommended policy changes to the Board. Commissioner Boyd said, if he has a \$25,000 authorization, he thinks he can get a lot done for \$25,000. He said, he feels Mr. Morris pays close enough attention to the projects that he anticipates problems well in advance. Commissioner Boyd asks about the process. Leslie Barlow Hunter said, generally they ask for a template, she makes sure the language is correct and the departments put in their scope of work. It goes before the Board then she submits the ad to the Herald and News and posts the bid. Ms. Blain said, that is one place we can streamline. Our policy doesn't require the RFP to go before the Board so we could have the departments work with Leslie. She said, that would be one way we could also streamline grants. Commissioner DeGroot said he likes the idea of looking for efficiencies. Commissioner Morris said she likes the idea of allowing people to apply for grants and then the Board has the say so whether they are accepted. Commissioner Boyd said he would need to think about that, it depends on what the grant is. Ms. Blain said, in that case it may be that the department heads need to talk to their liaison commissioner first. Ms. Blain said, we should define change order in our contracting policy as it is not. Commissioner Morris said she doesn't like doing one thing for one department and not the others. Commissioner Boyd said he'd like to have copies of this to all three Commissioners, the Commissioners would review it and then talk to their liaison departments and hold a special meeting to specifically discuss the contracting policies. The Board agreed to schedule the meeting for September 18, 2019 at 1:30pm.

**4. Ordinance No. 92**

Commissioner DeGroot reviews his suggested changes. The Board agreed to remove the first paragraph. The fourth paragraph, last line, remove the word taxes. Ms. Blain recommended using the language in the case. Commissioner Boyd agreed to remove the word taxes. Section 2 severability should be removed. Ms. Blain said she doesn't

recommend that. Commissioner Boyd said, he believes that if you have an argument with a section, it can be removed and the rest left but with it out of there the entire thing is gone. Board agreed to keep it in. Commissioner DeGroot said, he has a concern with how we define business, are individual owners of Air BNB's businesses? Ms. Blain said we would need to clarify this. She feels they go to an Air BNB rep. Commissioner DeGroot said it's important the we define this well because he feels this will translate into voting rights. If we go to a rep, will the rep vote or will each individual Air BNB owner vote. Commissioner Boyd said, the tax is collected through the Air BNB company. Commissioner Morris said that will be defined in the actual proposal, all of this is based on our own definition and they intentionally chose this language based on how we collect our taxes. She said, it is just a decision to be made on the next step. Commissioner DeGroot said, he would like it to be defined. He would like a business owner to be the owner of the individual homes not the Air BNB company. Ms. Blain said she suggests talking to Rick. Commissioner Morris said she is ok with the change in this and letting it go to the hearing. Commissioner DeGroot clarified he would prefer a lodging establishment with ten rooms or more. Commissioner Boyd said he'd like to see public/private dormitories removed. Commissioner DeGroot asked if we could talk about the definition of business more after Ms. Blain talks to Mr. Vaughn. Commissioner DeGroot said, he also has concerns with the definition of business in section 6. Ms. Blain asks for clearer direction on what the Board wants to be redrafted. Commissioner Morris said, barring the few things we just talked about it shouldn't be redrafted, most everything we've talked about will get hammered out in the next step. Commissioner Boyd said, we are going to have a hearing and if there's enough evidence in the hearing, we can change the ordinance. Commissioner DeGroot asks if they could have Counsel create a draft with the changes he's suggesting and then the Board could compare the two. Commissioner DeGroot said he'd like to have something to talk about and debate. He said he'd like County Counsel's help. Commissioner Boyd agreed, he should have County Counsel's help with the draft. Commissioner Morris said, how about we set the hearing date for the 25th or 26th and ask Counsel to bring us the two versions on the 3rd and that day we can pick which one to use. The Board agreed. Commissioner DeGroot asks about the fees. Commissioner Boyd said we removed that, we are not collecting any of the fees. Commissioner DeGroot asks about the officers being elected and not appointed. Commissioner Morris said, she thinks the conversation should be saved for the petition. Commissioner Boyd agreed. Commissioner DeGroot asks about the areas overlapping and the potential for businesses to get hit twice. Do we want to allow that scenario to happen? Commissioner Morris said, she is ok with it as written. Commissioner Boyd said, we can always turn them down or the ordinance can be changed in the future. Commissioner Boyd said, he thinks we leave it the way it is. Commissioner DeGroot asks about section D and the budget being made available to the public. Commissioner Boyd said, isn't that in the petition that would come to us? Ms. Blain said, that should be something they propose in the petition. Commissioner Morris said, it should come in the petition. Commissioner DeGroot said he'd like to see it in there. Commissioner Boyd said he is ok with putting it in there. Commissioner DeGroot asks about section E, can the fee be increased or just lowered. Ms. Blain said this is like if we go out for a levy, they can petition for 3% the first year and increase 1% each additional year for the five years. Ms. Blain said, this would be in the petition they present and at the end of the fifth year, it would go back to the Board. Commissioner DeGroot asks about section 5. He said he'd like to see the renewal of the improvement area reduced to five years as he feels ten years is too long. Ms. Blain clarified, it is a maximum of ten years. Commissioner Boyd said, it doesn't matter to him either way. Commissioner Morris said, she'd like them to have the opportunity for planning to choose ten years but it is not her hill to die on. Commissioner DeGroot clarified, that the 66% in Section 8 is still good with the Board. He said on page 6, section 9a, he'd like to

insert "by a vote of the effected businesses". He said, he doesn't want the Commissioners doing this without having a vote of the effected businesses first. Ms. Blain said, she believes it would come on petition but she will get clarification on it. Commissioner DeGroot asks about "written protests of more than 66% and said shouldn't it be 34%? Commissioner Boyd said, don't you want 66% to deny it, if you have 66% of the people approve it. Commissioner Morris said she agrees. Commissioner Boyd said, that means one third could remove it and it takes two thirds to put it back. Commissioner DeGroot asks about the election of the Board of Directors. Commissioner Morris said, we voted earlier to have that in the petition process. Commissioner DeGroot said, why should the Board be involved here and not the owner's association? Ms. Blain said, it's her understanding that we can contract with the owners association to make improvements in that designated area. Commissioner DeGroot said, why would we contract with them on this we don't have any control over the money? Ms. Blain said she will get clarification on this. Ms. Blain said she will bring this back on September 3.

#### **5. County Surveyor Discussion**

Ms. Blain said she modified the draft letter from Mr. Hamilton to make it a posting. This would go on a BOCC newsflash and the OACES webpage. Commissioner Morris asked if it would go in the Herald & News. Ms. Blain said yes we can put it in there. Commissioner DeGroot asks if the Board should consider making it a hired position versus an elected position. Ms. Blain said if you do that, you can't change it back. He said it may make it easier to fill.

#### **6. Teamsters CBA**

Ms. Blain said this has been accepted by Teamsters and her request of the Board today is to ratify it. Ms. Blain reviews the changes with the Board. Commissioner Boyd asks about page 3, dues deduction. He doesn't see why the County has to provide the form for them to sign up for unions. Ms. Blain said it's been back and forth, we do it for some and not others. She said we are going to turn around and discuss this in 6 months. Ms. Blain, said there will be alot of things that we are going to be bargaining and redefining. Commissioner Boyd said, he is ok with this considering the fact we are going to be bargaining this in 6 months. Commissioner Boyd motions to ratify the contract. Commissioner Morris seconds. Commissioner Morris and Commissioner Boyd vote in favor. Commissioner DeGroot votes opposed. Approved.

#### **7. City-County IGA**

Ms. Blain reviewed the changes. Mr. Swanson suggested instead of \$25,000 a month \$50,000 a quarter. Commissioner Boyd asks, they will retain \$50,000 instead of \$25,000 a month? Commissioner DeGroot said he is ok with that. Commissioner Boyd said he has concerns that the notification might come in and then the airline not be here for a year so they would sit on our money for a year. Ms. Blain said, we could ask them to notify us 30 days before the airline will be here. Commissioner Morris suggested or when costs are incurred. Commissioner Boyd said he'd like the words payment due changed to payment provided. Ms. Blain said she will make the changes and submit the final through the business meeting through BOCC staff.

#### **8. Withers Correspondence**

Ms. Blain said we received responses from Mr. Withers. Commissioner Boyd said, Jessie feels he has an easement across that piece of property, he said he will remove the culvert, install a larger culvert and apply for a driveway permit and he also sent these letters saying we are wrong. Commissioner Boyd said, Mr. Withers said that if he were to buy the property from us for \$8000, we could go down the highway and buy another piece of property. Commissioner Boyd said he told Mr. Withers he could go buy a piece of

property and the Board might be willing to swap. Mr. Withers found a piece of property that is 19 acres, he thinks Mr. Withers will want to divide the property but it is in an antelope wilderness area and cannot be subdivided any smaller. Commissioner Boyd said he'd like to tell Mr. Withers we could swap but we will need all 19.2 acres of the property. Commissioner Morris said she is willing to negotiate and she appreciates Commissioner Boyd working with him. Ms. Blain said she would like to respond to Mr. Withers that we received his communications, we disagree and we understand he is in negotiations and we will hold off on our response. Commissioner Morris said she wouldn't want to set a precedent with this. Commissioner Boyd said he doesn't feel we are rewarding bad behavior if we are bettering ourselves. Commissioner Boyd confirmed, we can still put a rock pile on it and fence it. Commissioner Morris said, if you get more for less than that is a win for the citizens. Commissioner Boyd said, we could move the dump down to this property to have one County property with the transfer station and the rock pile and then we could sell that piece of property overlooking the river. Commissioner DeGroot said he likes that creative thinking.

**9. Other County Business**

None.

**10. Adjournment**

11:33am.

Audio recordings of all proceedings are available at the County Commissioners' office. The meeting facility is handicap accessible. Persons needing materials in alternate format or communication access, should telephone this office at 541-883-5100 (voice/TDD) or the ADA Coordinator at 541-883-4296 at least 48 hours in advance of the scheduled meeting.

Klamath County Commissioners' Weekly Calendar is subject to change without notice. 305 Main Street 2nd Floor,  
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