

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA

Wednesday, November 25, 2020 at 9:00 a.m.
Bartholomew Building Upper Conference Room
110 N. Court St., Heppner, Oregon
See Zoom Meeting Info on Page 2

AMENDED

1. **Call to Order and Pledge of Allegiance - 9:00 a.m.**
2. **City/Citizen Comments:** Individuals may address the Board on issues not on the agenda
3. **Open Agenda:** The Board may introduce subjects not already on the agenda
4. **Consent Calendar**
 - a. Accounts Payable and Payroll Payables
 - b. Minutes: October 7th
 - c. Eleventh Amendment to Oregon Health Authority Intergovernmental Agreement #159175 for the Financing of Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services
 - d. Two Applications for Tax Refund
 - e. Resolution No. R-2020-26: Authorizing Public Works to Apply for an ATV Grant from the Oregon Parks & Recreation Department
5. **Business Items**
 - a. Grant Funds Update (Gregg Zody, Community Development Director)
 - b. CARES Funds Update
 - c. Columbia River Enterprise Zone III Intergovernmental Agreement (County Counsel)
 - d. **Order No. OR-2020-10: An Order Setting Aside a Reserve Account in Anticipation of a Property Tax Appeal (Mike Gorman, Assessor/Tax Collector)**
 - e. Morrow County Emergency Operations Center Update
 - f. Irrigon Building Update (Commissioner Russell)
6. **Department Reports**
 - a. Road Department Monthly Report
7. **Correspondence**
8. **Commissioner Reports**
9. **Signing of documents**
10. **Adjournment**



Agendas are available every Friday on our website (www.co.morrow.or.us/boc under “Upcoming Events”). Meeting Packets can also be found the following Monday.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Roberta Lutchter at (541) 676-5613.

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Board may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend. Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media. The Board may recess for lunch depending on the anticipated length of the meeting and

the topics on the agenda. If you have anything that needs to be on the agenda, please notify the Board office before noon of the preceding Friday. If something urgent comes up after this publication deadline, please notify the office as soon as possible. If you have any questions about items listed on the agenda, please contact Darrell J. Green, Administrator at (541) 676-2529.

Electronic Meeting Information

Join Zoom Meeting: <https://zoom.us/j/5416762546>

PASSWORD: 97836

Meeting ID: 541-676-2546

Zoom Call-In Numbers for Audio Only:

- 1-346-248-7799, Meeting ID: 541 676 2546#
- 1-669-900-6833, Meeting ID: 541 676 2546#
- 1-312-626-6799, Meeting ID: 541-676-2546#
- 1-929-436-2866, Meeting ID: 541-676-2546#
- 1-253-215-8782, Meeting ID: 541-676-2546#
- 1-301-715-8592, Meeting ID: 541-676-2546#

**Morrow County Board of Commissioners Meeting Minutes
October 7, 2020
Bartholomew Building Upper Conference Room
Heppner, Oregon**

Present In-Person

Chair Melissa Lindsay, Commissioner Don Russell, Commissioner Jim Doherty, Darrell J. Green, Diane Kilkenny, Roberta Lutchter, Tamra Mabbott

Present Via Zoom

Staff: Ronda Fox, Lindsay Grogan, Gayle Gutierrez, Katie Imes, Ann Jones, Kate Knop, Ian Murray, LeAnn Wright, Gregg Zody; Non-Staff: Sheryll Bates, Erika Lasater, Kimberly Lindsay, Lori Roach, David Sykes

Call to Order, Pledge of Allegiance & Roll Call: 9:01 a.m.

Recognition of Retired Public Health Director Sheree Smith

Chair Lindsay welcomed Ms. Smith and her contingent of family, friends and former colleagues. Chair Lindsay highlighted some of Ms. Smith's career milestones and Commissioners Russell and Doherty conveyed their thanks for her service to the County and its citizens, especially during the onset of the COVID-19 pandemic. Other attendees also spoke about Ms. Smith's dedication and many accomplishments during her time with Morrow County Public Health.

Break: 9:17-9:30 a.m.

Open Agenda: Chair Lindsay requested to add the Fifteenth Amendment to Oregon Health Authority Intergovernmental Agreement #159824 for the Financing of Public Health Services.

Consent Calendar

Commissioner Russell moved to approve the following items in the Consent Calendar:

- 1. Accounts Payable and Payroll Payables*
- 2. Minutes: September 2nd & September 9th*
- 3. Eighth Amendment to OHA IGA #159175 for the Financing of Mental Health, Addiction Treatment, Recovery & Prevention, and Problem Gambling Services; and authorize Chair Lindsay to sign on behalf of the County.*
- 4. Oregon Department of Veterans' Affairs, 2020-21 Transportation of Veterans in Highly Rural Areas, Grant Agreement – Morrow County; not-to-exceed amount \$40,500; term of agreement to be September 15, 2020 through September 14, 2021; and authorize Chair Lindsay to sign on behalf of the County*
- 5. Professional Services Agreement with Regence Blue Cross Blue Shield of Oregon, Network Subcontractor TriWest Healthcare Alliance Corp., effective when signed by all parties, and authorize Chair Lindsay to sign on behalf of the County*
- 6. Jail Use Agreement with Umatilla County; effective July 1, 2020 and shall renew on a fiscal year basis, July 1 to June 30, until terminated by either party; rate per prisoner will increase \$1 per bed each July 1 to June 30 period after the initial year of this contract; Morrow County will pay Umatilla County \$61 per calendar day for each prisoner incarcerated in the jail*

7. *Coronavirus Relief Fund Cultural Support Program Grant Agreement, Contract Number C2020574 with the State of Oregon through its Oregon Business Development Department; not-to-exceed amount \$33,164. Funds to be used to offset the costs of the Fair being cancelled due to COVID-19.*

Business Items

Mutual Aid Agreement with Umatilla County for Public Health Services & Business Associate Addendum – Data Sharing Agreement

Diane Kilkenny, Interim Public Health Director

Ms. Kilkenny explained the agreement allows either County to reach out to the other for assistance. For example, she said, in the event Morrow County experienced a spike in COVID-19 cases, we could ask for Umatilla County's assistance with contact tracing and communicable disease investigations.

Commissioner Doherty moved to approve the Mutual Aid Agreement with Umatilla County, which includes the Business Associate Addendum – Data Sharing Agreement; effective when executed by both parties; and authorize Chair Lindsay to sign on behalf of the County. Commissioner Russell seconded. Unanimous approval.

Fifteenth Amendment to OHA IGA #159824 for the Financing of Public Health Services

Diane Kilkenny

Ms. Kilkenny reviewed the amendment, including amounts allowed to be reimbursed by the State for COVID response. She said she wanted the County to be reimbursed the amounts before the State runs out of money, which was why this was being expedited.

Commissioner Russell moved to approve the Fifteenth Amendment to OHA IGA #159824 and authorize Chair Lindsay to sign on behalf of the County. Commissioner Doherty seconded. Discussion: Commissioner Doherty requested County Counsel review the amendment today. Vote: Unanimous approval.

Morrow County Government Command Center Update

- Administrator Darrell Green said based on the positive case count doubling in one week, he emailed all staff to remind them to maintain social distancing, wear masks, wash hands, etc. He said COVID-19 can attack anyone at anytime but he hoped to keep it from getting into the County government again.
- Chair Lindsay said the Government Command Team will meet every other week as there is less to do on the government side of things. However, the Emergency Operations Center Team will meet every week with Undersheriff John Bowles as the lead.
- Ms. Kilkenny said cases spiked from 11 to 22 but things were looking better. More testing will be taking place in the County through the Oregon Health Authority. She said everyone needed to work hard to keep kids in school for a variety of reasons, including the need for kids to socialize and for access to nutrition programs.

Community Counseling Solutions Quarterly Report

Kimberly Lindsay, Executive Director

Ms. Lindsay discussed:

- Letter from the Office of Developmental Disabilities Services regarding the remediation documentation submitted by CCS following the Quality Assurance onsite review conducted July 27-31, 2020. The “documentation submitted demonstrated remediation of required actions listed in the Correction (sic) Action Plan...”
- Surgical mask donation to CCS.
- Oregon Business magazine’s “100 Best Nonprofits to Work for in Oregon 2020.” CCS ranked 40th among the 54 participating large nonprofits.
- Zero Suicide Update – CCs completed its organizational self-study. CCS will develop its own training program instead of purchasing one.
- Kids Diversion Program Update – this is the psychiatric residential treatment facility Ms. Lindsay said she’s been working on for the last few years. She said they continue to look at sites in Morrow County and to work with the State to earmark funds.

Public Hearing Cancellation Discussion – Appeal of Morrow County Planning Commission Decision LUD-N-26-20

Justin Nelson, County Counsel

Mr. Nelson explained that in light of the fact the applicant, Umatilla Electric Cooperative, filed an appeal with the Circuit Court, Morrow County cancelled its Public Hearing scheduled for next week. He said he would work with Planning staff to send a notice of the cancellation and a copy of the writ of mandamus to the affected parties and anyone else who received the original notice of public hearing.

Planning Director Designation

Lindsay Grogan, Human Resources Manager

Per ORS 215.042(1), the governing body of each county shall designate an individual to serve as Planning Director, which Ms. Grogan requested take place.

Commissioner Russell moved to designate Tamra Mabbott as the individual to serve as the planning director to meet the statutory requirements of ORS 215.042. Commissioner Doherty seconded. Discussion: Commissioner Doherty said Interim Planning Director, Stephanie Case, did stellar work over the last 11 months and the County had assembled a “fantastic team” in the Planning Department. Chair Lindsay said the Board appreciated Ms. Case stepping up to the position. Vote: Unanimous approval.

Irrigon Building Update

Darrell Green, Administrator

- Zoning permits were submitted this week.
- A written agreement was signed with the Moose Lodge to use their area for temporary parking for employees during construction.
- Still working on a laydown yard for equipment.
- Finalizing subcontractors for the building.
- Beginning work to determine the furniture layout for all rooms.
- Asked the Commissioners to set a date for the ceremonial groundbreaking.

Disbursement of Funds to Non-Profits

Kate Knop, Finance Director

Ms. Knop provided an update on the distribution of funds to non-profits, with some having received a portion (Neighborhood Center of South Morrow County and the Irrigon/Boardman Emergency Assistance Center) and others receiving nothing yet, (Grants to Cities Program, OSU Extension, Morrow County Tourism, Willow Creek Valley Economic Development Group, Museum, Airport, Rodeo) pending a decision from the Board.

Chair Lindsay requested they start the discussion with WCVEDG, OSU, Tourism, Airport, Rodeo and the Museum. Later, she said she wanted to stay with what was budgeted and pull the funds from the Rodeo since it was not held this year.

Commissioner Doherty moved to move forward with the aforementioned, setting aside the Rodeo. Commissioner Russell seconded. Discussion. Ms. Knop said she was asking the Board for advice on paying whole amounts. She said she received invoices for full amounts from WCVEDG and Morrow County Tourism. With today's motion, she asked if she was to proceed and distribute their dollars. Chair Lindsay asked Ms. Knop to clarify if the County had the dollars and that others could wait for their distributions over time. Ms. Knop replied, correct, and went on to talk about a carryover in lottery dollars, adding if the Rodeo was removed, the County would be close to whole on other appropriations. Commissioner Russell said they would follow Ms. Knop's lead. Ms. Knop said the County was able to distribute dollars now but we're keeping this budget whole. As invoices were received, with the exception of transfers to other funds, she would be able to distribute those funds based on the motion. Vote: Unanimous approval.

Grants to Cities

Ms. Knop asked the Board how it wanted to move forward with the distribution of the \$379,000. As the ensuing discussion became contentious, Chair Lindsay tabled the discussion, which was seconded by Commissioner Doherty. Motion carried.

Northeast Oregon Water Association (NOWA) Dues Invoice

Brief discussion on the history of past payments to NOWA.

Commissioner Russell moved to pay the invoice from NOWA in the amount of \$6,000. Commissioner Doherty seconded. Discussion: Commissioner Doherty said NOWA needed to focus on its main mission – water, and not necessarily elk damage in the low country. He said he would be less apt to have Morrow County funds go toward elk management on ranches from Gurdane to Echo. While someone does need to take that issue on, he said he wasn't sure it should be NOWA. Vote: Unanimous approval.

Review Agenda for October 12th City-County-Port Meeting

The agenda was reviewed and approved to be published.

Department Reports – Written

The following written reports were reviewed:

- Administrator's Monthly Report, submitted by Mr. Green
- Sheriff's Office Monthly Report, submitted by Administrative Lieutenant Melissa Ross
- Treasurer's Monthly Report, submitted by Gayle Gutierrez

- Fair Office Quarterly Report, submitted by Ann Jones

Correspondence

- The original Planning Department notice to adjoining landowners and interested parties about the Public Hearing scheduled for October 14th that was subsequently cancelled (Appeal of Land Use Decision LUD-N-26-20).
- Oregon Employment Department notice about payroll growth in Morrow County in 2019.
- September 28th Public Statement from UEC about ending its relationship with PNGC.
- Notice from Business Oregon's Art Fish, Business Incentives Coordinator, on the subject of a "Positive Determination for Enterprise Zone Re-designation" for Columbia River Enterprise Zone III, effective January 1, 2021 and terminating on June 30, 2025.

Commissioner Reports

Brief reports were provided by each Commissioner.

Signing of documents

Adjourned: 11:30 a.m.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

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1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Amendment 11 to the Intergovernmental Agreement for financing of Mental Health, Addiction Treatment, Recovery and Problem Gambling Service Agreement 159175, is removing \$11,737.30 from the Indigent Driver Program Fund (IDPF). IDPF funds are used to assist with payments for treatment for individuals who have received a DUII if they have a hardship.

Per an email from Kimberly Lindsay, Executive Director of CCS, the State of Oregon routinely does a sweep every biennium when they see the program is not on track to spend the full amount. Kimberly doesn't have any concerns about the amendment.

2. FISCAL IMPACT:

\$11,737.30 from GL 101-199-3-30-3625

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve and have the Chair sign Amendment, 159175-11

Attach additional background documentation as needed.



In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@state.or.us or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

**ELEVENTH AMENDMENT TO
OREGON HEALTH AUTHORITY
2019-2021 INTERGOVERNMENTAL AGREEMENT FOR THE FINANCING OF
MENTAL HEALTH, ADDICTION TREATMENT, RECOVERY, & PREVENTION,
AND PROBLEM GAMBLING SERVICES AGREEMENT #159175**

This Eleventh Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement for the Financing of Community Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services effective as of July 1, 2019 (as amended, the "Agreement"), is entered into, as of the date of the last signature hereto, by and between the State of Oregon acting by and through its Oregon Health Authority ("OHA") and **Morrow County** ("County").

RECITALS

WHEREAS, OHA and County wish to modify the Financial Assistance Award set forth in Exhibit C of the Agreement.

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. The financial and service information in the Financial Assistance Award are hereby amended as described in Attachment 1 attached hereto and incorporated herein by this reference. Attachment 1 must be read in conjunction with the portion of Exhibit C of the Agreement that describes the effect of an amendment of the financial and service information.
2. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.
3. County represents and warrants to OHA that the representations and warranties of County set forth in section 4 of Exhibit F of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.
4. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
5. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this amendment as of the dates set forth below their respective signatures.

6. Signatures.

Morrow County

By:

Authorized Signature Printed Name Title Date

State of Oregon acting by and through its Oregon Health Authority

By:

Authorized Signature Printed Name Title Date

Approved by: Director, OHA Health Systems Division

By:

Authorized Signature Printed Name Title Date

Approved for Legal Sufficiency:

Approved by Steven Marlowe, Senior Assistant Attorney General, Department of Justice, Tax and Finance Section, on April 30, 2019; e-mail in contract file.

OHA Program:

Approved by Theresa Naegeli on November 9, 2020; e-mail in contract file.

ATTACHMENT 1

EXHIBIT C Financial Pages

MODIFICATION INPUT REVIEW REPORT

MOD#: A0110

CONTRACT#: 159175

CONTRACTOR: MORROW COUNTY

INPUT CHECKED BY: _____ DATE CHECKED: _____

SE#	FUND CODE	CPMS	PROVIDER	EFFECTIVE DATES	PROJ	SLOT	CHANGE/TYPE	RATE	OPERATING DOLLARS	STARTUP PART DOLLARS ABC	PART IV	PAAP CD	BASE	CLIENT CODE	SF#
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FISCAL YEAR: 2020-2021

65	424	-0-	MORROW CO.	7/1/2020 - 12/31/2020	0	/NA		\$0.00	-\$11,737.30	\$0.00	C	1	Y		1
TOTAL FOR SE# 65									-\$11,737.30	\$0.00					
TOTAL FOR 2020-2021									-\$11,737.30	\$0.00					
TOTAL FOR A0110 159175									-\$11,737.30	\$0.00					

OREGON HEALTH AUTHORITY
Financial Assistance Award Amendment (FAAA)

CONTRACTOR: MORROW COUNTY
DATE: 11/04/2020

Contract#: 159175
REF#: 012

REASON FOR FAAA (for information only):

Decrease funding for SE 65 IDPF Services.

The following special condition(s) apply to funds as indicated by the special condition number in column 9. Each special condition set forth below may be qualified by a full description in the Financial Assistance Award.

A0110 1 Special condition #A0000-2 in Base Agreement, regarding "A&D 65 IDPF Services" applies.

Darrell Green

From: Kimberly Lindsay <kimberly@ccsemail.org>
Sent: Friday, November 13, 2020 3:25 PM
To: Darrell Green; Justin Nelson
Cc: Kate Knop
Subject: [BULK] RE: Document for Signature: Document #159175-11 Morrow County

STOP and VERIFY - This message came from outside of Morrow County Government.

Hi Darrell,

IDPF stands for Indigent Driver Program Fund. These are funds set aside by the state to assist with payment for treatment for individuals who have received a DUII if they have a financial hardship. The state routinely does a sweep every biennium when they see a CMHP is not on track to spend the full amount. I do not have any concerns about this amendment.

Let me know if you need additional information.

Thanks
Kimberly

From: Darrell Green <dgreen@co.morrow.or.us>
Sent: Friday, November 13, 2020 2:30 PM
To: Kimberly Lindsay <kimberly@ccsemail.org>; Justin Nelson <jnelson@co.morrow.or.us>
Cc: Kate Knop <kknop@co.morrow.or.us>
Subject: FW: Document for Signature: Document #159175-11 Morrow County

CAUTION: This email originated from outside of the organization. Please be cautious with links or attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Attached in another amendment from OHA. Please let me know if you have any questions or concerns. Kimberly, looks like they reducing your funding for SE 65 IDPF? What does IDPF stand for?
Thank you,
Darrell

From: Briggs Larry O <LARRY.O.BRIGGS@dhsaha.state.or.us>
Sent: Tuesday, November 10, 2020 5:13 PM
To: Darrell Green <dgreen@co.morrow.or.us>; Deanne Irving <dirving@co.morrow.or.us>; Kate Knop <kknop@co.morrow.or.us>; Roberta Lutchter <rlutchter@co.morrow.or.us>
Cc: AMHcontract Administrator <AMHcontract.Administrator@dhsaha.state.or.us>; Naegeli Theresa A <THERESA.A.NAEGELI@dhsaha.state.or.us>
Subject: Document for Signature: Document #159175-11 Morrow County

STOP and VERIFY - This message came from outside of Morrow County Government.

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Double payment was made on these accounts by the Mid-Columbia Title and CoreLogic, the tax service. Per county policy, refunds larger than \$2500 must be approved by County Commissioners.

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

Please approve and sign the attached applications for refund.

Attach additional background documentation as needed.

**APPLICATION FOR REFUND
MORROW COUNTY, OREGON**

**No. 20-58
Tax Year 2020-21
Acct. # 2641**

Refund to :

CoreLogic Refunds Department
PO Box 9202
Coppell, Texas 75019

Tax Payer:

MidColumbia Title Company
CoreLogic Tax Service

Receipt # 263810, 265086

Date paid 11-02-2020, 11-13-2020

Int. date

Original Tax	Tax Credit	Disc/Int. Pd	Actual Paid	Revised Tax	Rev Dis/Int	Net Revised	Tax Diff.	Int/Dis Diff	Tax Refund	Ref. Int.	Total Refund
3,147.17	6,199.92	-94.42	6,105.50	3,147.17	-94.42	3,052.75	0.00	0.00	3,052.75	0.00	3,052.75

Reason: Paid by Title company and Tax service


Approved: _____ 2020

Commissioner

Commissioner

Commissioner

699-699-5-70-7075



Michael Gorman, Tax Collector

Date 11-20-20

**APPLICATION FOR REFUND
MORROW COUNTY, OREGON**

No. 20-64
Tax Year 2020-21
Acct. # 9841

Refund to :

CoreLogic Refunds Department
PO Box 9202
Coppell, Texas 75019

Tax Payer:

MidColumbia Title Company
CoreLogic Tax Service

Receipt # 264949, 265086

Date paid 11-12-2020, 11-13-2020

Int. date

Original Tax	Tax Credit	Disc/Int. Pd	Actual Paid	Revised Tax	Rev Dis/Int	Net Revised	Tax Diff.	Int/Dis Diff	Tax Refund	Ref. Int.	Total Refund
3,568.91	7,030.75	-107.07	6,923.68	3,568.91	-107.07	3,461.84	0.00	0.00	3,461.84	0.00	3,461.84

Reason: Paid by Title company and Tax service

Approved: _____ 2020

Commissioner

Commissioner

Commissioner

699-699-5-70-7075



Michael Gorman, Tax Collector

Date

11-20-20

AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners

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1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Resolution for Public Works/Parks to apply and seek funding assistance for the Oregon Parks and Recreation Department All-Terrain Vehicle Grant Program to continue funding for the Operations and Maintenance of the OHV Park.

Current O & M ATV Grant (2019-2021)

Resolution# R-2018-25 signed & dated on 11-07-2018

Grant Request: Total: 828,973(100%)

Grant: 661,800(79.83%)

Match: 167,173 (20.17%)

Increase from previous grant include:

Purchase/Trade of Mini-Excavator --- New one time purchase

*Cost of Living Increases

*Publications - park advertisement, job/contractor/purchasing advertisements

*Fire Protection Services

* Denotes on previous grant applications - increases due to cost of living and associated costs

2. FISCAL IMPACT:

None at this time - Resolution to apply for ATV Grant

Grant Request: Total: 940,278 (100%)

Grant: 750,500 (79.82%)

Match: 189,778 (20.18%)

See attached worksheet itemization of items

3. SUGGESTED ACTION(S)/MOTION(S):

Approve Resolution as submitted so the Public Works Department can submit signed resolution as needed for the ATV Operations and Maintenance Grant Program for the Morrow/Grant County OHV Park.

Attach additional background documentation as needed.

ATV GRANT DETAILED BUDGET WORKSHEET

APPLICANT:

Morrow County (MC)

PROJECT TITLE:

MGCOHV 2021-2023 O & M

Type of Project	Unit (describe what unit is)	Unit Cost	Qty.	Subtotal	Match	Grant
Type of Item						
Specific Item	Full-time Park Manager - 2 yrs	\$179,000.00	1	\$179,000.00	~	\$179,000.00
	Full-time Park Ranger - 2 yrs	\$140,000.00	1	\$140,000.00	~	\$140,000.00
	Park PT Seasonal Employees (3) PT- MATCH - 2 yrs	\$100,000.00	1	\$100,000.00	\$25,000.00	\$75,000.00
	Park PT Youth Employee (4) - 2 yrs	\$30,000.00	1	\$30,000.00	~	\$30,000.00
	Fuel (Diesel, Gas, Propane) - 2 yrs	\$60,000.00	1	\$60,000.00	~	\$60,000.00
	Equipment Maintenance - 2 yrs	\$45,000.00	1	\$45,000.00	~	\$45,000.00
	Infrequent Building Repairs - 2 yrs	\$10,000.00	1	\$10,000.00	~	\$10,000.00
	Trail Maintenance - 2 yrs	\$30,000.00	1	\$30,000.00	~	\$30,000.00
	Fencing Material (per mile) - 2 yrs	\$5,000.00	1	\$5,000.00	~	\$5,000.00
	Signage - 2 yrs	\$10,000.00	1	\$10,000.00	~	\$10,000.00
	Pipe & Culvert - 2 yrs	\$5,000.00	1	\$5,000.00	~	\$5,000.00
	Tools - 2 yrs	\$10,000.00	1	\$10,000.00	~	\$10,000.00
Equipment	Paint/Stain - 2yrs	\$4,000.00	1	\$4,000.00	\$2,500.00	\$1,500.00
	Mini Excavator 303.5 trade in (2010 RTP 11-012)	\$62,000.00	1	\$62,000.00	\$20,000.00	\$42,000.00
Additional Services	Oregon Dept. of Forestry - Fire Protection (MC)	\$33,500.00	2	\$67,000.00	~	\$67,000.00
	Oregon Dept. of Forestry - Fire Protection (GC)	\$12,500.00	2	\$25,000.00	~	\$25,000.00
	Chemical Toilets - Sanitary Services	\$6,000.00	2	\$12,000.00	\$4,000.00	\$8,000.00
	Publications - 2 years	\$15,000.00	1	\$15,000.00	\$7,000.00	\$8,000.00
Grazing Leases	Morrow County -- Grazing Leases	\$7,000.00	2	\$14,000.00	\$14,000.00	~
	Grant County -- Grazing Leases	\$6,000.00	2	\$12,000.00	\$12,000.00	~
Camping Fees	Camping Fee Revenues					
	Camp Host Contract (camping/grazing revenue)	\$20,000.00	2	\$40,000.00	\$40,000.00	~
	Electrical utilities (camping/grazing revenue)	\$20,000.00	2	\$40,000.00	\$40,000.00	~
	Restroom/Shower supplies (camping/grazing revenue)	\$10,000.00	2	\$20,000.00	\$20,000.00	~
Volunteer Hours	All other volunteers (OR2019 - independentsector.org)	\$26.39	200	\$5,278.00	\$5,278.00	~
				\$940,278.00	\$189,778.00	\$750,500.00
						\$750,500.00
Sub-Totals ***					\$189,778.00	
Grant Funds Requested *				\$940,278.00		
Match Funds *	Match %		20.18% 19 - 20% Min.			
Total Project Costs *	Grant %		79.82%			\$750,500.00

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

IN THE MATTER OF AUTHORIZING MORROW)
COUNTY PUBLIC WORKS DEPARTMENT TO)
APPLY FOR AN ALL-TERRAIN VEHICLE GRANT)
FROM THE OREGON PARKS AND RECREATION)
DEPARTMENT FOR OPERATIONS AND)
MAINTENANCE AT THE MORROW-GRANT)
COUNTY OFF-HIGHWAY VEHICLE PARK)

RESOLUTION NO. R-2020-26

In the matter coming before the Morrow County Board of Commissioners, sitting as the governing body for Morrow County, Oregon, during its regularly scheduled meeting on November 25, 2020; and

WHEREAS, ORS 203.035 authorizes Morrow County to exercise authority within the County over matters of County concern; and

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the All-Terrain Vehicle Grant Program; and

WHEREAS, the Morrow County Parks Master Plan has identified the need to provide operations and maintenance for the trail system, campground, equipment and structures at the Morrow-Grant County OHV Park; and

WHEREAS, the Morrow County Public Works Department desires to participate in this grant program to the greatest extent possible as a means for needed park and recreation acquisitions, maintenance, improvements and enhancements;

WHEREAS, the applicant hereby certifies that the matching share for this application is readily available at this time.

NOW, THEREFORE, BE IT RESOLVED that the Morrow County Public Works Department be authorized to apply for the ATV Grant from the Oregon Parks & Recreation Department.

Dated this 25th day of November 2020.

**MORROW COUNTY BOARD OF COMMISSIONERS
MORROW COUNTY, OREGON**

Melissa Lindsay, Chair

Don Russell, Commissioner

Jim Doherty, Commissioner

Approved as to Form:

Morrow County Counsel

Resolution No. R-2020-26

From: [Justin Nelson](#)
To: [Kirsti Cason](#); [Matt Scrivner](#)
Cc: [Richard Tovey](#); [Morrow Co Parks Manager](#)
Subject: Re: 2021-2023 ATV Grant BOC Resolution - 11.18.2020
Date: Monday, November 16, 2020 10:54:35 AM
Attachments: [image003.png](#)

I have no concerns.

Justin

From: Kirsti Cason
Sent: Tuesday, November 10, 2020 7:13:47 PM
To: Matt Scrivner
Cc: Justin Nelson; Richard Tovey; Morrow Co Parks Manager
Subject: 2021-2023 ATV Grant BOC Resolution - 11.18.2020

Attached you should find the DRAFT MC BOC Resolution for your review.
This is the same document that was used for the 2019-2020 ATV O & M Grant Just adjusted dates accordingly and will need the new Resolution #.

If you have any questions/comments please reply to this email.

Kirsti



Fall shows us how beautiful it can be to just let go and move on.

Kirsti Cason

Administrative Assistant
Morrow County Public Works Dept.
Road Dept. - Gen. Maint. - Airport
Transfer Station - Parks
P.O. Box 428
Lexington, Oregon 97839
Phone: 541-989-9500
Cell: 541-256-0186
Fax: 541-989-8352
Park Reservations: 541-989-8214
E-mail: kcason@co.morrow.or.us

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AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #
5a

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Presenter at BOC: Gregg Zody
Department: Community Development
Short Title of Agenda Item:

Phone Number (Ext): 5605
Requested Agenda Date: 11/25/20

(No acronyms please) Resiliency Fund Grant Application Draft Criteria Review

This Item Involves: (Check all that apply for this meeting.)

- Order or Resolution
Ordinance/Public Hearing:
1st Reading 2nd Reading
Public Comment Anticipated:
Estimated Time:
Document Recording Required
Contract/Agreement
Appointments
Update on Project/Committee
Consent Agenda Eligible
Discussion & Action
Estimated Time: 15 mins
Purchase Pre-Authorization
Other

N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:
Contractor/Entity Address:
Effective Dates - From: Through:
Total Contract Amount: Budget Line:
Does the contract amount exceed \$5,000? Yes No

Reviewed By:

Gregg Zody 11/23/20 Department Director Required for all BOC meetings
DATE
Administrator Required for all BOC meetings
DATE
County Counsel *Required for all legal documents
DATE
Finance Office *Required for all contracts; other items as appropriate.
DATE
Human Resources *If appropriate
DATE

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Staff drafted a criteria review sheet for the Resiliency Fund grant application review process and would like to review and discuss the draft with the BOC.

Please see attached draft guidelines.

2. FISCAL IMPACT:

Provides funding for struggling small businesses in the County.

3. SUGGESTED ACTION(S)/MOTION(S):

n/a

Attach additional background documentation as needed.

Morrow County Resiliency Fund COVID-19 Emergency Business Assistance Grant Program Processing Checklist

1. Verify that all application fields are complete and legible

Page 2 - Applicant information

Page 3 - Applicant certifications

***Proceed to step 2**

2. Does the applicant indicate they had more than 5 employees as of February 29, 2020?

Yes

No

Verify job retention estimate was provided

***Proceed to step 3**

3. Is the business properly registered to do business in Oregon?

To confirm go to:

http://egov.sos.state.or.us/br/pkg_web_name_srchInq.login

Search for the **business name**, verify the Entity Status is

"ACT"*

Is the Entity Status "ACT"?

Yes

No

***If Entity Status is anything other than ACT the company is not currently registered to do business in Oregon**

4. Is the business headquartered in Morrow County, Oregon?

Yes

No

5. Determine amount of eligible award

*Verify employee head-count per the Q4 2019 or Q1 2020 Form 132 to determine minimum and maximum amount eligible based upon program tiers

6. Amount of COVID-19 Emergency Business Assistance requested?

7. How many jobs will be retained at the business as a result of the grant?

a. Number of Employees:

Check one of the boxes below based on employee headcount on February 29 2020

- 0-5 employees
 - \$2,500 to \$5,000
- 6-10 employees
 - \$5,000 to \$10,000
- 11-15 employees
 - \$7,500 to \$15,000
- 16-20 employees
 - \$10,000 to \$20,000
- 21-25 employees
 - \$12,500 to \$25,000
- More than 25 – Ineligible

b. Does the applicant award amount exceed the minimum award based on FTE headcount?

- No - eligible award amount is as requested
- Yes -further verification required

a. Is the primary revenue activity of the applicant one of the following?: Amusement parks; aquariums; arcades; art galleries (to the extent that they are open without appointment); barber shops and hair salons; bowling alleys; cosmetic stores; dance studios; esthetician practices; fraternal organization facilities; furniture stores; gyms and fitness studios (including climbing gyms); hookah bars; indoor and outdoor malls (i.e., all portions of a retail complex containing stores and restaurants in a single area); indoor party places (including jumping gyms and laser tag); jewelry shops and boutiques (unless they provide goods exclusively through pick-up or delivery service); medical spas, facial spas, day spas, and non-medical massage therapy services; museums; nail and tanning salons; non-tribal card rooms; skating rinks; senior activity centers; ski resorts; social and private clubs; tattoo/piercing parlors; tennis clubs; theaters; yoga studios; and youth clubs.

Yes - applicant is eligible

No - the business must meet the 50% decline in sales test

b. 50% decline in sales documentation review:

Acceptable documentation is an internally generated Profit & Loss Statement or Sales Report:

Check if Attached.

Determine gross 2020 sales/revenues/deposits as reported by applicant for a specified period (e.g. June 1 to June 30, 2020)

COVID Sales Amount= Y

Determine sale for a comparable period (e.g. for the example above June 1 to June 30, 2019) **Comparable Sales amount= X**

% Sales Decline = ((X-Y) / X) * 100

_____ (Y) _____ Dates

_____ (X) _____ Dates

_____ % Sales Decline

- Sales decline is 50% or greater= qualified
- Sales decline is less than 50% = not qualified

***Proceed to step 8**

8. Verify all certifications were complete and initialed

- All certifications are complete and initialed

***Proceed to step 9**

9. Verify that an authorized representative of the applicant signed and dated the application (bottom of page 2) and included their position/title with the company.

- Authorized Signature
- Date
- Title

Once notified by the County that the company is eligible to receive an award, an award notice and certification acceptance will be prepared.

The company must provide the following prior to funds being disbursed:

- A copy certification acceptance by an authorized official of the business,
- A complete and executed W-9 for the business (required for the 1099-G which will be issued by the administrator).

Morrow County COVID-19 Emergency Business Grant Application

Morrow County allocated \$450,000 for the purpose of providing financial assistance to small businesses adversely affected by economic conditions and/or expenses incurred as a direct result of the COVID-19 pandemic.

To fill gaps and augment other programs, these funds are directed to adversely affected businesses with 25 or fewer employees. Businesses may use the funds for any business-related operating expenses.

This application is for a business that meets all of the following eligibility requirements:

- The business is headquartered in Morrow County and has its principal operations there.
- If required by Oregon law to be registered with the Oregon Secretary of State to do business in Oregon, the Business is so registered.
- The business has 25 or fewer employees.
- The business was adversely affected in either one of the following two ways:
 - 1) For-profit businesses and non-profit 501(c)(3) that were prohibited from operation as directed by Executive Order 20-12.
 - 2) For-profit businesses and 501(c)(3) that can demonstrate a decline in sales, incurred by the COVID-19 pandemic, beginning in the month of March 2020 up to the date of this application, as compared against the same time period in 2019.

The following businesses are ineligible to apply for or receive funding under the Program:

- Non-profits other than 501(c)(3)
- Businesses that do not otherwise meet the eligibility requirements set forth above.

Business information, ownership information for all applications submitted, reviewed, approved and/or denied will include, but not be limited to:

- Name of company
- Employer Identification Number (EIN)
- Oregon Business Identification Number (BIN)
- Address of company
- Legal business structure
- Future vision

Applications will be reviewed by a panel that may include County, Chamber, City and/or Economic Development group representatives.

The amount awarded will be on a case-by-case basis, as scored by the selection committee and further agreed to, or adjusted by the County Board of Commissioners.

The deadline for applications is November 13th by close of business (5:00 pm).

Section 1: Business Information

--	--

Business Name

Business Type

--

Telephone

--

Street Address

--

City

--

State

--

Zip Code

--

County

--

Employer Identification Number (Federal EIN)

--

Business Identification Number (issued by Oregon Employment Department)

Description of product(s) or service(s) offered

--

Section 1A: Business Contact Information

--

Name

--

Title

--

Phone Number

--

Email

Section 2: Certifications and Representations

The information in this application, including all attachments and certifications, are, to the best of the knowledge of the undersigned, complete, current and accurate. The application presents fairly the conditions of the eligibility of the undersigned. Proceeds of the award are intended to solely support the operations and reopening expenses of the applicant business. Initial all the following certifications that apply:

- The applicant business was adversely impacted as a direct result of the COVID-19 crisis.
- The applicant business had 25 or fewer employees as of February 29, 2020.
- The applicant business:
 - Was determined to be a non-essential business in accordance with Governor's Executive Order 20 -12, or
 - Experienced a reduction to sales as a result of the COVID-19 crisis.
- The applicant business is headquartered in and has primary operations in Morrow County Oregon.
- The applicant business is currently registered with the Oregon Secretary of State to do business in Oregon, if such registration is required.
- The applicant business is compliant with all federal, state and local laws.
- The applicant business agrees to provide business, financial and ownership information necessary to determine and verify eligibility.
- Unless otherwise directed by Executive Order, the applicant is open, or has reopened for business.
- Has your business received funding relief, including grants and loans of any kind from other sources (e.g. SBA loan, the Payroll Protection Program, etc.) since March 1, 2020 related to financial hardship resulting from COVID-19? If yes, please describe. This will not preclude any applicant but may be considered by selection panel.

Failure to comply with eligible use of proceeds, or making a material misrepresentation about the business and its operations to qualify for an award will be a provision of default of the award and subject the award to recapture.

General Certification

I certify to the best of my knowledge that all information, contained in this application, including all attachments and certifications, is valid and accurate. I further certify that, to the best of my knowledge:

1. The application has been reviewed and approved by the authorized owner(s), managers with appropriately delegated authority, and/or in accordance with the organization's articles of incorporation, articles of organization or bylaws, and
2. Signature authority is verified.

Check one:

- Yes, I am authorized to submit on behalf of the applicant within authority granted in the applicant's articles of incorporation, articles of organization or bylaws. (e.g., President, Secretary, Chief Executive Officer, Board Chair, etc.)
- No, I am not authorized to submit on behalf of the applicant within authority granted in the applicant's articles of incorporation, articles of organization, or bylaws so I have attached documentation that verifies my authority to sign on behalf of the applicant.

The County will only accept applications with proper signature authority documentation.

Signature

Date

Printed Name

Printed Title

The deadline for applications is November 13th by close of business (5:00 pm).

Rank	County	Population	Percent	Base	Pop	TOTAL
		4,217,737				
1	<u>Multnomah County</u>	812,855	19%	500,000	7,130,752	7,630,752
2	<u>Washington County</u>	601,592	14%	500,000	5,277,452	5,777,452
3	<u>Clackamas County</u>	418,187	10%	500,000	3,668,536	4,168,536
4	<u>Lane County</u>	382,067	9%	500,000	3,351,674	3,851,674
5	<u>Marion County</u>	347,818	8%	500,000	3,051,225	3,551,225
6	<u>Jackson County</u>	220,944	5%	500,000	1,938,226	2,438,226
7	<u>Deschutes County</u>	197,692	5%	500,000	1,734,248	2,234,248
8	<u>Linn County</u>	129,749	3%	500,000	1,138,220	1,638,220
9	<u>Douglas County</u>	110,980	3%	500,000	973,569	1,473,569
10	<u>Yamhill County</u>	107,100	3%	500,000	939,532	1,439,532
11	<u>Benton County</u>	93,053	2%	500,000	816,305	1,316,305
12	<u>Josephine County</u>	87,487	2%	500,000	767,478	1,267,478
13	<u>Polk County</u>	86,085	2%	500,000	755,179	1,255,179
14	<u>Umatilla County</u>	77,950	2%	500,000	683,815	1,183,815
15	<u>Klamath County</u>	68,238	2%	500,000	598,616	1,098,616
16	<u>Coos County</u>	64,487	2%	500,000	565,711	1,065,711
17	<u>Columbia County</u>	52,354	1%	500,000	459,274	959,274
18	<u>Lincoln County</u>	49,962	1%	500,000	438,290	938,290
19	<u>Clatsop County</u>	40,224	1%	500,000	352,864	852,864
20	<u>Malheur County</u>	30,571	1%	500,000	268,183	768,183
21	<u>Tillamook County</u>	27,036	1%	500,000	237,173	737,173
22	<u>Union County</u>	26,835	1%	500,000	235,409	735,409
23	<u>Wasco County</u>	26,682	1%	500,000	234,067	734,067
24	<u>Jefferson County</u>	24,658	1%	500,000	216,312	716,312
25	<u>Crook County</u>	24,404	1%	500,000	214,084	714,084
26	<u>Hood River County</u>	23,382	1%	500,000	205,118	705,118
27	<u>Curry County</u>	22,925	1%	500,000	201,109	701,109
28	<u>Baker County</u>	16,124	0%	500,000	141,447	641,447
29	<u>Morrow County</u>	11,603	0%	500,000	101,787	601,787
30	<u>Lake County</u>	7,869	0%	500,000	69,031	569,031
31	<u>Harney County</u>	7,393	0%	500,000	64,855	564,855
32	<u>Wallowa County</u>	7,208	0%	500,000	63,232	563,232
33	<u>Grant County</u>	7,199	0%	500,000	63,153	563,153
34	<u>Gilliam County</u>	1,912	0%	500,000	16,773	516,773
35	<u>Sherman County</u>	1,780	0%	500,000	15,615	515,615
36	<u>Wheeler County</u>	1,332	0%	500,000	11,685	511,685
TOTAL				18,000,000		
Balance for Population Distribution				37,000,000		55,000,000

**INTERGOVERNMENTAL AGREEMENT FOR
THE COLUMBIA RIVER ENTERPRISE ZONE III,
WITHIN A CITY AREA OF INFLUENCE
INCLUDING APPOINTMENT OF THE BOARD OF DIRECTORS
AND DUTIES OF THE BOARD**

THIS INTERGOVERNMENTAL AGREEMENT (IGA) is made and entered into pursuant to Oregon Revised Statute (ORS) Chapter 190 by and between Morrow County, the Port of Morrow and CITY hereafter referred to as the "Entities". The Sponsors of CREZ III are Morrow County and Port of Morrow as defined by ORS 285C.050(19). This IGA is for the purpose of establishing a Board of Directors which will manage the CREZ III when a project lies within a city area of influence as identified on Exhibit B attached. This IGA will be attached as Exhibit C to the IGA between Port and Morrow County that creates and manages the CREZ III. Each party to this agreement has the following common objectives:

- Provide more jobs in new and existing industries for all of our residents.
- Increase the diversity of the economy, reducing the effect of economic fluctuations in single industries.
- Increase diversification of job opportunities, to provide workers greater choice for advancement.
- Raise the general level of income of residents.
- Expand the tax base to share the costs of providing schools, public improvements and other local government services.

The Entities desire to create an intergovernmental entity which will govern, supervise, manage and implement the operation of the CREZ III when a project lies within a city area of influence to fulfill the objectives as listed above.

The name of this intergovernmental entity shall be the CREZ III Board of Directors, hereinafter referred to as the Board.

I. Organization of the Board:

A. Appointment of Individuals to the Board of Directors:

To accomplish the objectives set forth in this Intergovernmental Agreement, when a project is within a city area of influence, CREZ III shall be governed by a Board of Directors comprised of six (6) directors. Each board member shall have one (1) vote. Each Entity shall appoint two (2) directors, at least one (1) of which shall be an elected official, to serve on the Board. The board will determine voting approval based on majority rule (4 of 6 members vote affirmative).

Each entity shall appoint its members of the Board, including alternate members and replacement members, for such terms and under such conditions as each Entity deems appropriate. Each Board member serves at the pleasure of the Entity which appoints them. It shall be the responsibility of each Entity to arrange for an alternative Board member in case of their absence.

Boundaries for determining any specific and local municipality involvement or voting authority will be determined by designated area of influence around each city, as described in map identified as Exhibit B.

- When a project is in a City's area of influence as identified in Exhibit B:
- the Intergovernmental Agreement attached as Exhibit C shall be the governing management agreement for the CREZ III (i.e. if the project is in the Boardman area of influence, then the IGA with Boardman will be the managing agreement).
 - the city shall become a third voting entity of this board. Each Board member shall have one (1) vote. Each Entity shall appoint two (2) directors, at least one (1) of which shall be an elected official, to serve on the Board.

- B. Selection and Duties of the Board's Chair and Vice-Chair:
The Chair and Vice-Chair to serve in the Chair's absence, will be those appointed in the IGA governing CREZ III between the Port and Morrow County.

II. Management of the Board:

A. Duties of the Board:

The duties of the Board shall include those required by law as outlined in ORS 285C governing enterprise zones, as listed below.

- Notify the Oregon Business Development Department, the County Assessor and the Department of Revenue of the appointed Enterprise Zone Manager.
 - Provide enhanced local public services, local incentives and local regulatory flexibility to authorized or qualified business firms.
 - Review and approve or deny applications for authorization.
 - Assist the County Assessor in administering the property tax exemption and in performing other duties assigned to the Assessor under pertinent statute or rule.
 - Maintain, implement and periodically update a plan for marketing the CREZ III to include strategies for retention, expansion, start-up and recruitment of eligible business firms.
 - Manage the CREZ III in accordance with governing statute.
 - Maintain a record of property within the CREZ III and manage boundary changes to accommodate business opportunities.
 - Develop and maintain policies by which the CREZ III Board will operate when negotiating with businesses and share those policies with other partners in the enterprise zone program.
 - Conduct, as needed or requested, annual reporting of activity within the CREZ III for the County Assessor or the Oregon Business Development Department.
- B. Enterprise Zone Staff: The Board will have the following staff as appointed by the CREZ III IGA between the Port and Morrow County: Enterprise Zone Manager, County Assessor and legal counsel.

1. Duties of the Enterprise Zone Manager:

- be advisory and serve in an ex-officio capacity at all Board meetings
- those required by law including the duties of the zone sponsor as outlined in ORS governing enterprise zones
- maintain the official documents and records of the CREZ III. These will include the minutes, agreements and orders produced by the Board. All

documents will be maintained in a secure fire-safe location to be determined by the Board

2. Duties of the County Assessor:
 - provides essential advisory duties
 - provide information and data related to the assessment and taxation of various industries and companies that engage in the various tax abatement programs administered under this IGA.
3. Duties of Legal Counsel:
 - provide agreements with businesses
 - provide amendments to this Intergovernmental Agreement
 - Use of legal counsel shall be authorized on a case by case basis by the Board
4. Duties of Fiscal Agent:
 - hold funds for use by the Board
 - maintaining both the application fees and the company paid funds
 - distribute both the applications fee and the company paid funds as directed by Order(s) passed by the Board

C. Meetings of the Board:

1. Meeting Schedule:

Meetings of the Board may be called by the Enterprise Zone Manager, Chairman or any four (4) directors.

Notice of general meetings shall be provided by email to each Director and interested individuals in a timely manner, generally more than seventy-two (72) hours prior to the meeting. Notice of special meetings shall be given to each director and interested individuals by email at least twenty-four (24) hours prior to the meeting.

The location of such meeting(s) shall be in Morrow County, Oregon and designated within the meeting notice. Meetings will generally be held at the Port of Morrow facilities in Boardman, however meetings can be held in alternate Morrow County locations. Telephonic options will be available, when requested, to facilitate attendance of all Directors.

2. Public Meetings Process:

Meetings of the Board are considered "Public" as defined by ORS 192 and shall be noticed as such. Negotiations with companies may be done under the Executive Session criteria found at ORS 192.660. Executive Sessions shall be announced at the beginning, citing the statutory allowance, and after closure a statement shall be made concerning the outcome.

Notice shall be provided to the media and other interested parties of all meetings held.

Minutes shall be taken by a designee of the Board and then held by the Enterprise Zone Manager.

When a project is in a city's area of influence as identified in Exhibit B:
A quorum shall be constituted when four (4) directors, 1 from each entity, are present in person, by alternate, by telephone or by other alternate electronic device(s) and when each Entity is represented at a meeting at which notice is properly given. Any member may waive the notice requirement either by writing or by appearing at the meeting.

III. Powers of the Board:

The entities delegate to the board the powers set forth below and as provided in this agreement.

A. Applications:

The Board, through the Enterprise Zone Manager, shall receive and review requests for tax abatement from eligible businesses. The intent is to act promptly on applications deemed complete by the Enterprise Zone Manager and finalize negotiations within 90 days.

Policies adopted by the Board will provide guidance to applicant companies as to how offers should be submitted and the local objectives of the enterprise zone program.

B. Negotiations:

The Board shall negotiate the terms of any enterprise zone request as allowed by enterprise zone rules that govern the statewide program, and is authorized to approve or deny a tax exemption request extending benefits to authorized companies beyond the standard three (3) years.

Recommendations and requests from affected Special Districts of potential impacts involving the service provided by said Districts, including but not limited to fire protection and public safety, may be considered.

Policies guiding negotiations will also be adopted to achieve transparency and to maintain consistency in the negotiations process. Adopted policies will be aligned with enterprise zone rules that govern the statewide program.

C. Distribution of Fees:

Company paid fees will be distributed by the Board of Directors, including city if applicable project is in an area of influence as depicted on attached Exhibit B with the following considerations:

- Distribution will be consistent with company agreements when applicable.
- Distribution will be done at least annually.
- Distribution in future years does not have to reflect distribution patterns set in previous years.
- Distribution will be carried out by the Fiscal Agent based on Order(s) passed and approved.
- Distribution formulas for community or economic development groups will

- use the Portland State University population numbers.
- Distribution of funds is only done during a meeting that the full board is represented. In addition to the above requirement, at least two affirmative votes from each entity shall be required to pass a motion regarding distribution of funds.
- If at least two affirmative votes are not cast from each entity and the motion fails, nothing shall prevent the Board from attempting to distribute said money in a future vote.
- If an agreement for distribution cannot be reached, the Board shall vote to indicate that an impasse has been reached and the motion shall specifically identify the funds that are subject to the impasse and the source of those funds.
- If Entities cannot agree to distribution, once per year any remaining funds will be divided on a pro rata basis based on the tax rate existing at the time of the distribution, and shall include tax rates of the Morrow County tax code for the location of the enterprise project that the funds originate from.

IV. Amendments:

Amendments to this Intergovernmental Agreement may be initiated by the Board or by any Sponsor Entity with written notice to the other Sponsor Entities. Proposed amendments to the Intergovernmental Agreement can only be adopted with approval of all three Sponsor Entities.

Should any term or provision of this Intergovernmental Agreement be affected by changes in state law or rule; or be determined illegal by a court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected and shall remain in effect.

V. Termination of this Area of Influence IGA

This Intergovernmental Agreement as it governs negotiations with eligible firms with a city area of influence terminates upon the Expiration of the CREZ III designation as provided in the 2020 Director's Confirmation of Positive Determination dated October 2, 2020. The date the CREZ III expires is June 30, 2025.

This Intergovernmental Agreement may need to be extended and/or may be reviewed and amended. Should the Entities desire to terminate the Zone prior to its expiration the procedures outlined in Oregon Revised Statute and Oregon Administrative Rule shall be followed.

Company paid funds will continue to be collected beyond the current life of the CREZ III. This Intergovernmental Agreement will continue to govern the distribution of those payments until all negotiated agreements are fulfilled, unless this Intergovernmental Agreement is replaced with a subsequent agreement to direct those company paid fees according to statute and rule governing the statewide enterprise zone program.

IN WITNESS WHEREOF, the Parties, by their respective duly authorized representatives, have executed this Intergovernmental Agreement. This Intergovernmental Agreement can be executed in parts and is effective on the date the last Sponsor Entity signs.

<SIGNATURES>

**INTERGOVERNMENTAL AGREEMENT FOR
CREATION AND MANAGEMENT OF THE
COLUMBIA RIVER ENTERPRISE ZONE III
INCLUDING APPOINTMENT OF THE
BOARD OF DIRECTORS AND
DUTIES OF THE BOARD**

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- Provide more jobs in new and existing industries for all of our residents.
- Increase the diversity of the economy, reducing the effect of economic fluctuations in single industries.
- Increase diversification of job opportunities, to provide workers greater choice for advancement.
- Raise the general level of income of residents.
- Expand the tax base to share the costs of providing schools, public improvements and other local government services.

The Entities desire to create an intergovernmental entity which will govern, supervise, manage and implement the operation of the CREZ III to fulfill the objectives as listed above.

The name of this intergovernmental entity shall be the CREZ III Board of Directors, hereinafter referred to as the Board.

I. Organization of the Board:

A. Appointment of Individuals to the Board of Directors:

To accomplish the objectives set forth in this Intergovernmental Agreement, the CREZ III shall be governed by a Board of Directors comprised of six (6) directors. Each board member shall have one (1) vote. Each Entity shall appoint three (3) directors, at least one (1) of which shall be an elected official, to serve on the Board. The board will determine voting approval based on majority rule (4 of 6 members vote affirmative).

Each entity shall appoint its members of the Board, including alternate members and replacement members, for such terms and under such conditions as each Entity deems appropriate. Each Board member serves at the pleasure of the Entity which appoints them. It shall be the responsibility of each Entity to arrange for an alternative Board member in case of their absence.

Boundaries for determining specific and local municipality (City) involvement or voting authority will be determined by designated area of influence around each city, as described in map identified at Exhibit B. When a project is in a City's area of influence as identified in Exhibit B, the Intergovernmental Agreement attached as Exhibit C shall be the governing management agreement for the CREZ III (i.e. if the project is in the Boardman area of influence, then the IGA with Boardman will be the managing agreement).

- B. **Selection and Duties of the Board's Chair and Vice-Chair:**
The Board of Directors shall elect a Chair, and Vice-Chair to serve in the Chair's absence, at the first meeting of the Board and thereafter in January of each year. The Chair shall conduct the meetings of the Board and assume such other duties and responsibilities as are delegated to them by the Board, but shall have no greater voting rights than any other Board member. The Vice-Chair shall preside over meetings in the absence of the Chair.

II. Management of the Board:

A. **Duties of the Board:**

The duties of the Board shall include those required by law as outlined in ORS 285C governing enterprise zones, as listed below.

- Notify the Oregon Business Development Department, the County Assessor and the Department of Revenue of the appointed Enterprise Zone Manager.
- Provide enhanced local public services, local incentives and local regulatory flexibility to authorized or qualified business firms.
- Review and approve or deny applications for authorization.
- Assist the County Assessor in administering the property tax exemption and in performing other duties assigned to the Assessor under pertinent statute or rule.
- Maintain, implement and periodically update a plan for marketing the CREZ III to include strategies for retention, expansion, start-up and recruitment of eligible business firms.
- Manage the CREZ III in accordance with governing statute.
- Maintain a record of property within the CREZ III and manage boundary changes to accommodate business opportunities.
- Develop and maintain policies by which the CREZ III Board will operate when negotiating with businesses and share those policies with other partners in the enterprise zone program.
- Conduct, as needed or requested, annual reporting of activity within the CREZ III for the County Assessor or the Oregon Business Development Department.

- B. **Enterprise Zone Staff:** The Board may engage on its own or through a sponsor organization the following staff: Enterprise Zone Manager, County Assessor and legal counsel.

1. **Selection and Duties of the Enterprise Zone Manager:**

The Board shall appoint an Enterprise Zone Manager. Each member Entity shall ratify the nominee prior to appointment. The Enterprise Zone Manager shall be advisory and serve in an ex-officio capacity at all Board meetings.

The duties of the Enterprise Zone Manager shall include those required by law including the duties of the zone sponsor as outlined in ORS governing enterprise zones, as listed above, and such other duties and responsibilities as determined by the Board.

Additionally, the Enterprise Zone Manager shall maintain the official documents and records of the CREZ III. These will include the minutes,

agreements and orders produced by the Board. All documents will be maintained in a secure fire-safe location to be determined by the Board.

2. Duties of the County Assessor:

The County Assessor may be a Board member, but also provides essential duties for the Board in their role as County Assessor. The Board looks to the County Assessor, or their designee, for information and data related to the assessment and taxation of various industries and companies that engage in the various tax abatement programs administered under this IGA. Additionally, the County Assessor is responsible for billing based on company agreements and receipt of funds on behalf of the Board to assure payment amounts corresponds to the agreement and the billing. Funds would then be forwarded to the Fiscal Agent.

3. Selection and Duties of Legal Counsel:

The Board may have need to engage the services of an attorney to provide legal counsel for any number of reasons, including but not limited to, agreements with businesses, amendments to this Intergovernmental Agreement, and agreements governing how Enterprise Zone collected monies will be spent. Use of legal counsel shall be authorized on a case by case basis by the Board.

4. Selection and Duties of Fiscal Agent:

The Board will determine a Fiscal Agent to hold funds for use by the Board. The Fiscal Agent will be responsible for maintaining both the application fees and the company paid funds. Additionally, the Fiscal Agent will be responsible for distributing both the applications fee and the company paid funds as directed by Order(s) passed by the Board.

C. Meetings of the Board:

1. Meeting Schedule:

Meetings of the Board may be called by the Enterprise Zone Manager, Chairman or any four (4) directors.

Notice of general meetings shall be provided by email to each Director and interested individuals in a timely manner, generally more than seventy-two (72) hours prior to the meeting. Notice of special meetings shall be given to each director and interested individuals by email at least twenty-four (24) hours prior to the meeting.

The location of such meeting(s) shall be in Morrow County, Oregon and designated within the meeting notice. Meetings will generally be held at the Port of Morrow facilities in Boardman, however meetings can be held in alternate Morrow County locations. Telephonic options will be available, when requested, to facilitate attendance of all Directors.

2. Public Meetings Process:

Meetings of the Board are considered "Public" as defined by ORS 192 and shall be noticed as such. Negotiations with companies may be done under the Executive Session criteria found at ORS 192.660. Executive Sessions shall be announced at the beginning, citing the statutory allowance, and

after closure a statement shall be made concerning the outcome.

Notice shall be provided to the media and other interested parties of all meetings held.

Minutes shall be taken by the Enterprise Zone Manager.

A quorum shall be constituted when four (4) directors, 2 from each entity, are present in person, by alternate, by telephone or by other alternate electronic device(s) and when each Entity is represented at a meeting at which notice is properly given. Any member may waive the notice requirement either by writing or by appearing at the meeting.

When a project is in a city's area of influence as identified in Exhibit B:
A quorum shall be constituted when four (4) directors, 1 from each entity, are present in person, by alternate, by telephone or by other alternate electronic device(s) and when each Entity is represented at a meeting at which notice is properly given. Any member may waive the notice requirement either by writing or by appearing at the meeting.

III. Powers of the Board:

The entities delegate to the board the powers set forth below and as provided in this agreement.

A. Application Fees:

The Board will establish a schedule of application fees as allowed by ORS 285C to be paid by applicants. Said application fees will be used to support the business of the Board, including but not limited to, support of the Enterprise Zone Manager, legal counsel as needed, meeting support and necessary supplies.

B. Applications:

The Board, through the Enterprise Zone Manager, shall receive and review requests for tax abatement from eligible businesses. The intent is to act promptly on applications deemed complete by the Enterprise Zone Manager and finalize negotiations within 90 days.

Policies adopted by the Board will provide guidance to applicant companies as to how offers should be submitted and the local objectives of the enterprise zone program.

C. Negotiations:

The Board shall negotiate the terms of any enterprise zone request as allowed by enterprise zone rules that govern the statewide program, and is authorized to approve or deny a tax exemption request extending benefits to authorized companies beyond the standard three (3) years.

Recommendations and requests from affected Special Districts of potential impacts involving the service provided by said Districts, including but not limited to fire protection and public safety, may be considered.

Policies guiding negotiations will also be adopted to achieve transparency and to maintain consistency in the negotiations process. Adopted policies will be aligned with enterprise zone rules that govern the statewide program.

D. Distribution of Fees:

Company paid fees will be distributed by the Board of Directors, including city if applicable project is in an area of influence as depicted on attached Exhibit B with the following considerations:

- Distribution will be consistent with company agreements when applicable.
- Distribution will be done at least annually.
- Distribution in future years does not have to reflect distribution patterns set in previous years.
- Distribution will be carried out by the Fiscal Agent based on Order(s) passed and approved.
- Distribution formulas for community or economic development groups will use the Portland State University population numbers.
- Distribution of funds is only done during a meeting that the full board is represented. In addition to the above requirement, at least two affirmative votes from each entity shall be required to pass a motion regarding distribution of funds.
- If at least two affirmative votes are not cast from each entity and the motion fails, nothing shall prevent the Board from attempting to distribute said money in a future vote.
- If an agreement for distribution cannot be reached, the Board shall vote to indicate that an impasse has been reached and the motion shall specifically identify the funds that are subject to the impasse and the source of those funds.
- If Entities cannot agree to distribution, once per year any remaining funds will be divided on a pro rata basis based on the tax rate existing at the time of the distribution, and shall include tax rates of the Morrow County tax code for the location of the enterprise project that the funds originate from.

IV. Amendments:

Amendments to this Intergovernmental Agreement may be initiated by the Board or by any Sponsor Entity with written notice to the other Sponsor Entities. Proposed amendments to the Intergovernmental Agreement can only be adopted with approval of both Sponsor Entities.

Should any term or provision of this Intergovernmental Agreement be affected by changes in state law or rule; or be determined illegal by a court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected and shall remain in effect.

V. Termination:

This Intergovernmental Agreement as it governs negotiations with eligible firms terminates upon the Expiration of the CREZ III designation as provided in the 2020 Director's Confirmation of Positive Determination dated October 2, 2020. The date the CREZ III expires is June 30, 2025.

If the Entities make application to continue the CREZ III, this Intergovernmental

Agreement may need to be extended and/or may be reviewed and amended. Alternatively, should the Entities desire to terminate the Zone prior to its expiration the procedures outlined in Oregon Revised Statute and Oregon Administrative Rule shall be followed.

Company paid funds will continue to be collected beyond the current life of the CREZ III. This Intergovernmental Agreement will continue to govern the distribution of those payments until all negotiated agreements are fulfilled, unless this Intergovernmental Agreement is replaced with a subsequent agreement to direct those company paid fees according to statute and rule governing the statewide enterprise zone program.

IN WITNESS WHEREOF, the Parties, by their respective duly authorized representatives, have executed this Intergovernmental Agreement. This Intergovernmental Agreement can be executed in parts and is effective on the date the last Sponsor Entity signs.

<SIGNATURES>



AGENDA ITEM COVER SHEET

Morrow County Board of Commissioners
(Page 1 of 2)

(For BOC Use)
Item #
5d

**Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)**

Presenter at BOC: Mike Gorman Phone Number (Ext): 541-676-5607
 Department: Assessment & Tax/County Treasurer Requested Agenda Date: 11-25-20
 Short Title of Agenda Item:
(No acronyms please) Appeal Reserve Account per ORS 311.814

This Item Involves: (Check all that apply for this meeting.)

<input checked="" type="checkbox"/> Order or Resolution <input type="checkbox"/> Ordinance/Public Hearing: <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Public Comment Anticipated: Estimated Time: <input type="checkbox"/> Document Recording Required <input type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Appointments <input type="checkbox"/> Update on Project/Committee <input type="checkbox"/> Consent Agenda Eligible <input type="checkbox"/> Discussion & Action Estimated Time: <input type="checkbox"/> Purchase Pre-Authorization <input type="checkbox"/> Other
--	---

N/A Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:
 Contractor/Entity Address:
 Effective Dates – From: Through:
 Total Contract Amount: Budget Line:
 Does the contract amount exceed \$5,000? Yes No

Reviewed By:

<u>Mike Gorman</u>	<u>11/23/20</u> <small>DATE</small>	Department Director	Required for all BOC meetings
_____	_____	Administrator	Required for all BOC meetings
<u>Richard Tovey</u>	<u>11/23/20</u> <small>DATE</small>	County Counsel	*Required for all legal documents
_____	_____	Finance Office	*Required for all contracts; other items as appropriate.
_____	_____	Human Resources	*If appropriate

*Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

RDO-Calbee Foods, LLC owns and operates a food processing plant at the Port of Morrow in Boardman. The Oregon Department of Revenue performs the appraisal valuation for the assets of this plant. RDO-Calbee Foods, LLC filed a property tax appeal for the 2019-20 tax year with the Magistrate Division of Oregon Tax Court, case number 190388G. I was notified of this appeal in January of this year and notified County Counsel, Counsel and I have been apprised of all developments concerning this case to date. On Thursday, November 19, I received an email from the DOR's attorney regarding a potential settlement with RDO-Calbee Foods, LLC. This potential settlement would result in a 19% reduction in value for the 2019-20 tax year and carry forward. I estimate the value reduction will result in a tax refund of between \$160,000-\$200,000 of taxes and interest for the 2019-20 and 2020-21 tax years. ORS 311.814 grants the opportunity to transfer money from the unsegregated tax account into an appeal reserve account to satisfy the refund when ordered by the Tax Court. We collect most of our property tax money at this time or year. (Currently 85% collected) We need this money transferred to the reserve account so we can timely pay out the refund when ordered by the Tax Court. If this amount is not set aside now, it may be several months before we have enough money to satisfy the refund which would result in more interest which affects all districts.

Per ORS 311.814(2), The reserve shall consist of an amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved. That amount is: 2019-20 \$467,365.64, 2020-21 \$434,412.73, for a total of \$901,778.37.

2. FISCAL IMPACT:

To be determined by the outcome of the appeal.

3. SUGGESTED ACTION(S)/MOTION(S):

Sign order regarding the transfer of the specified amount of tax money to the reserve account.

Attach additional background documentation as needed.

311.813 Refunds ordered by certain courts. If a refund of ad valorem property tax is ordered by a court of competent jurisdiction other than a court mentioned in ORS 311.806 (1)(a), the refund and any interest ordered to be paid thereon shall be refunded out of the unsegregated tax collections account established under ORS 311.385. [1987 c.301 §2]

311.814 Appeal of large amounts of value; reserve account for refunds. (1) Whenever any property value or claim for exemption or cancellation of a property tax assessment is appealed to the Oregon Tax Court after taxes on the property have been imposed, the Department of Revenue shall notify the county treasurer of the appeal not later than the following October 15, if the appeal is not finally resolved before the end of the tax year to which the appeal relates and the dollar difference between the total value asserted by the taxpayer and the total value asserted by the opposing party exceeds one-fourth of one percent (0.0025) of the total assessed value in the county, or if the appeal relates to property assessed under ORS 308.505 to 308.674, and the value of such property asserted by the opposing party and attributable to the county exceeds one-fourth of one percent (0.0025) of the total assessed value in the county. After notification, the county treasurer shall set aside, if so ordered by the county governing body, from taxes collected in the current tax year, an interest bearing reserve account as provided in this section.

(2) The reserve shall consist of an amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved. Upon termination of the controversy, the principal amount in the account necessary to pay any refund, and any interest provided for under ORS 311.812, shall be paid to the petitioner. Any excess remaining in the reserve after termination of the controversy and payment of a refund, if any, shall be deposited in the unsegregated tax collections account in full satisfaction of the tax due on the property.

(3) If the final resolution of the controversy results in additional taxes due on the property, the amount in the reserve account shall be deposited into the unsegregated tax collections account and shall be distributed according to the distribution percentage schedule for the current tax year prepared in accordance with ORS 311.390. The additional taxes shall be collected as provided in ORS 311.513. [1991 c.459 §265; 1993 c.270 §63; 1995 c.256 §8; 1995 c.650 §72; 1997 c.541 §§299,300; 2003 c.274 §4; 2007 c.126 §1]

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

IN THE MATTER OF SETTING)	
ASIDE FROM TAXES COLLECTED)	
IN THE CURRENT TAX YEAR,)	ORDER NO. OR-2020-10
AN INTEREST-BEARING RESERVE)	
ACCOUNT IN ANTICIPATION OF)	
A PROPERTY TAX APPEAL)	

WHEREAS, ORS 311.814 sets out the requirements for the County Treasurer to place funds into a reserve account pending resolution of a property tax appeal that may require a refund.

WHEREAS, ORS 311.814(1) requires the county governing body to direct the County Treasurer, by order, to set aside taxes collected in the current tax year to be placed in an interest-bearing reserve account. According to ORS 311.814(2), the reserve account shall consist of the amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved.

WHEREAS, RDO-Calbee Foods, LLC filed a property tax appeal for the 2019-2020 tax year with the Magistrate Division of the Oregon Tax Court (TC-MD 190388G). The Oregon Department of Revenue notified the County of the appeal.

WHEREAS, The Oregon Department of Revenue has indicated that the appeal is still pending, with the possibility of settlement, which may result in a refund to RDO-Calbee Foods, LLC.

WHEREAS, the amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved is 2019-2020: \$467,365.64 and 2020-2021: \$434,412.73 for a total of \$901,778.37.

**THEREFORE, THE MORROW COUNTY BOARD OF COMMISSIONERS
ORDERS:**

- (1) The County Treasurer shall set aside, from taxes collected in the current tax year, in an interest-bearing reserve account: \$901,778.37, the amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the RDO-Calbee Foods, LLC property tax appeal remains unresolved.

- (2) Upon termination of the controversy, the principal amount in the account necessary to pay any refund, and any interest provided under ORS 311.812, shall be paid to the petitioner.
- (3) Any excess funds remaining in the reserve after termination of the controversy and payment of a refund, if any, shall be deposited in the unsegregated tax collections account in full satisfaction of the tax due on the property.

DATED this _____ day of _____ 2020.

MORROW COUNTY BOARD OF COMMISSIONERS

Melissa Lindsay, Chair

Don Russell, Commissioner

Jim Doherty, Commissioner

Approved as to Form:

Morrow County Counsel

ROAD REPORT NOVEMBER 2020

FALL BLADING OPERATIONS: With recent rainfall, my grader operators are focusing on problem areas on our gravel roads.

WILLOW CREEK: The crew finished the shoulder rock project on Willow Creek. We will have to go back in a year or two and add more in areas that will continue to settle.

BOMBING RANGE: Preparations are being made to finish the shoulder widening project on Bombing Range between the Navy entrance and mile post four.

EQUIPMENT REPLACEMENT PROGRAM: I continue to work on my equipment replacement program. Equipment suppliers are struggling to obtain parts and components pushing delivery dates further behind schedule.

POTHOLE PATCHING: As time allows, crew members have been filling potholes around the county.

GUARD RAIL REPAIR: Damaged guard rails on Coal Mine hill, Clarks Canyon, and Division have been repaired.

LEXINGTON SAND/EQUIPMENT SHED: The garage doors are being installed and should be operational by the end of November.

RETIRED EQUIPMENT: The Public Works Department has conducted the silent auction. We were successful in selling most of the equipment and materials. The equipment left will be posted on govdeals.com.

ROAD SIGN REPAIR: Crew members continue making sign repairs around the county as needed.

CATTLE GUARDS: Various cattle guards around the county are being cleaned and repaired.

WINTER STORMS: We have been plowing roads when needed at the south end of the county. Deicer has been applied to roads around the county.

PERMITS: Following are the permits approved during the month of November.

270/270a	930	Patterson Ferry Road	Wesley Wise Excavating - Fredrickson Farm	Approach		10/08/2020	11/05/2020
ORF	930	Patterson Ferry Road	Wesley Wise Excavating - Fredrickson Farm	Utility		10/08/2020	11/05/2020

From: Tamra Mabbott
Sent: Sunday, November 22, 2020 11:29 AM
To: 'DOOLEY Deirdre A * WRD' <Deirdre.A.Dooley@oregon.gov>; Tom Byler <thomas.m.byler@state.or.us>
Subject: RE: PETITION FOR RULE AMENDMENT OR RULEMAKING Public Comments Period Re-Opened

Hello Ms. Dooley and Mr. Byler – Morrow County requests that you share a copy of all the public comments submitted to date regarding this petition.

If there is a website or link that would work well. I am hopeful this request does not require a formal FOIA as it is the nature of the public process to share amongst interested parties so that they each can participate fully informed.

Please contact me if you have any questions about this request.
Cordially, Tamra

From: OWRC_Agenda-Min <owrc_agenda-min-bounces@omls.oregon.gov> **On Behalf Of** DOOLEY Deirdre A * WRD via OWRC_Agenda-Min
Sent: Friday, November 20, 2020 5:19 PM
To: 'owrc_agenda-min@omls.oregon.gov' <owrc_agenda-min@omls.oregon.gov>
Subject: [OWRC_Agenda-Min] PETITION FOR RULE AMENDMENT OR RULEMAKING Public Comments Period Re-Opened

PETITION FOR RULE AMENDMENT OR RULEMAKING PUBLIC COMMENT PERIOD RE-OPENED

Petition for Rulemaking

On October 5, 2020, Stand Up to Factory Farms (“Petitioners”) (a coalition comprised of Columbia Riverkeeper, Food & Water Watch, WaterWatch of Oregon, Friends of Family Farmers, Center for Food Safety, Center for Biological Diversity, Farm Forward, Animal Legal Defense Fund, Humane Voters Oregon, Friends of the Columbia Gorge, and Oregon Rural Action) submitted a petition for the Water Resources Commission (“Commission”) to conduct rulemaking.

The Petitioners request the Commission “prohibit new or expanded exempt uses for stockwatering in the Ordinance CGWAs” through amendment, by rule, of the Commission’s Order dated April 2, 1976. The order is referenced in OAR 690-507-0070(3)(a) which states:

(3) Groundwater: Appropriation and use of groundwater in the Columbia-Umatilla Plateau subbasin shall comply with the following provisions:

(a) Groundwater resources of the basalt aquifer and shallow gravel aquifer within the Ordinance Critical Groundwater Area are closed to further appropriation by Order of the Director dated April 2, 1976;

The Petitioners seek an amendment of the order by rule as follows:

Effective [date of Petition], the Ordinance Gravel Critical Ground Water Area and the Ordinance Basalt Critical Ground Water Area are closed to further appropriation of ground water in excess of 5,000 gallons per day under the “stockwatering” exemption in ORS 537.545(1)(a).

Further details about the request are included below.

Invitation to Comment

The OWRD is re-opening the public comment period on the petition for rule amendment or rulemaking. Written public comments are invited on the petition and the rule as proposed by the Petitioners, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.

Public comments will be accepted until 5:00 PM on December 1, 2020. The OWRD will consider all comments received by the deadline when preparing a recommendation for the Commission. Written comments can be submitted via mail to:

Breeze Potter, Oregon Water Resources Department
725 Summer St. NE, Suite A,
Salem, OR 97301-1271

Or interested persons may submit written comments via email to: breeze.k.potter@oregon.gov.

Petition Details

A copy of the petition and attachments is accessible on OWRD's website.

In brief, the Petitioners request the Commission:

...amend its 1976 Findings, Conclusions, and Order on the Question of Determination of a Critical Ground Water Area in the Ordnance Area, Morrow and Umatilla Counties, Oregon (Order) to prohibit, as of the date of this Petition, new or expanded use of groundwater in excess of 5,000 gallons per day under the stockwatering exemption in the Ordnance Basalt Critical Groundwater Area (Basalt CGWA) and the Ordnance Gravel Critical Groundwater Area (Gravel CGWA) (collectively, Ordnance CGWAs)...

Petitioners request that the Commission amend the Order by rule to limit further development of groundwater in the Ordnance CGWAs under the stockwatering exemption...

Petitioners...propose[s] to add the following, by rule, as additional language at the end of the Order:

Effective [date of Petition], the Ordnance Gravel Critical Ground Water Area and the Ordnance Basalt Critical Ground Water Area are closed to further appropriation of ground water in excess of 5,000 gallons per day under the "stockwatering" exemption in ORS 537.545(1)(a).

Next Steps

The Commission is required by law to make a decision on the petition within 90 days. It is anticipated the Commission will take action on the petition at a special meeting on December 15, 2020 from 8:30 AM to 10:30 AM. At that time, the Commission will vote to either deny the petition in writing or initiate rulemaking proceedings.

Deirdre A. Dooley

Executive Support Specialist, Director's Office

725 Summer Street NE, Suite A Salem, OR 97301 | Office: 503-986-0875

PUBLIC NOTICE



Carty Generation Station

Notice of Proposed Order on Request for Amendment 2

Summary:

Date Notice Issued: November 12, 2020

Issuance of Proposed Order: The Oregon Department of Energy (ODOE), staff to the Energy Facility Siting Council (EFSC), issued a Proposed Order on Request for Amendment 2 (RFA2) (proposed order) of the Carty Generating Station Site Certificate on November 12, 2020. The proposed order recommends EFSC approve RFA2 and grant a second amended site certificate, subject to existing and recommended new and amended conditions.

This notice informs the public of the availability of the proposed order; however, under Type B amendment review, there is not an opportunity to request a contested case proceeding on the proposed order.

Facility Location: Morrow County (existing) and Gilliam County (proposed)

Type B Amendment Review: This amendment request is being processed under Type B review which, in accordance with Oregon Administrative Rule (OAR) Chapter 345, Division 27, does not include a public hearing or opportunity for contested case proceeding.

Description of Facility (Operational/Approved): Carty Generating Station is a 500 megawatt (MW) natural gas and solar energy facility, including an operational 450 MW combustion turbine generator and 50 MWs of approved not yet constructed solar photovoltaic components (Carty Solar Farm), which must begin construction by February 2022 and complete construction by February 2025.

Existing Facility Location: The Carty Generating Station is located within an approximately 1,581 acre site boundary, approximately 13 miles southwest of the City of Boardman in Morrow County. The facility is adjacent to the Boardman Coal Plant.

A map of the facility and proposed amended site boundary is provided as an attachment to this notice. For detailed maps, please see Figures 1 through 4 of RFA2 available on the [Department's website](#), or visit our online mapping tool at <https://tinyurl.com/EFSCmap>.

Proposed Changes in Request for Amendment 2: Facility modifications proposed in RFA2 include incorporation of existing common infrastructure shared by the facility and Boardman Coal Plant (BCP), including the 500 kilovolt (kV) Grassland to Slatt transmission line, Carty Reservoir, water discharge channel, sanitary sewer lagoons, Boeing well and pump; modification of the site boundary to extend into Gilliam County and incorporate the following existing BCP facility components into the site certificate: Construction substation, fire water tank, 230 kV Dalreed transmission line, 34.5 kV BCP railroad crossing at Tower Road transmission line, 12 kV underground distribution line, 480-volt underground distribution line, two evaporation ponds, irrigation pump station, 34.5 kV underground transmission line; and, construction and operation of the following components: septic system, water pipeline, wastewater pipeline, security guard station, office and warehouse space, and a 230 kV substation (Carty substation).

This amendment request is related to the shutdown of the adjacent BCP, scheduled to occur by end of 2020.

EFSC Review Process: The amendment request is being processed under "Type B" review, per OAR 345-027-0368 and -0372. The proposed order considers all comments received on the record of the draft proposed order within EFSC jurisdiction. The proposed order recommends approval of the

changes proposed in RFA2 and issuance a second amended site certificate.

EFSC will review the proposed order at its November 19, 2020 meeting to be held via phone and a web-based virtual meeting. EFSC, may adopt, modify or reject the proposed order based on the considerations described in OAR 345-027-0375. In a written final order, EFSC shall either grant or deny issuance of an amended site certificate. Judicial review of Council's final order granting or denying an amendment request is as described in OAR 345-027-0372(5) and Oregon Revised Statute 469.403.

For more information relating to EFSC standards, please visit:
<http://www.oregon.gov/energy/facilities-safety/facilities/Pages/Siting-Standards.aspx>

Receipt of this Notice: Please note that you may be receiving this notice for multiple reasons:

1. You own property within or adjacent to (within 500 feet) the property on which the facility is located. You will automatically receive all future notices on this facility.
2. You have requested to receive paper notices on the Carty Generating Station. If you wish to be removed from this mailing list, please contact Chase McVeigh-Walker.
3. You have previously signed up via GovDelivery/ClickDimensions or by contacting ODOE to receive notices related to Carty Generating Station or all EFSC project-related notices. You will automatically receive all future notices per your request, unless you unsubscribe via ClickDimensions or by contacting ODOE.

More Information: Please contact Chase McVeigh-Walker, Senior Siting Analyst, at the phone, email address or mailing address listed in this notice.

Chase McVeigh-Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, 1st Floor
Salem, OR 97301
Email: chase.mcveigh-walker@oregon.gov
Phone: 503-934-1582

More information about the facility and updates on the review process is available using any of the following options.

1) Oregon Department of Energy's webpage:

More details on Carty Generating Station, including the certificate holder's RFA2, Type B Review Amendment Determination Request (Type B Review ADR), Department Determination on Type B Review ADR, Draft Proposed Order and Proposed Order are available online at:

<https://www.oregon.gov/energy/facilities-safety/facilities/Pages/CGS.aspx>

Additional resources to help you participate in the state siting process can be found at:

<http://www.oregon.gov/energy/facilities-safety/facilities/pages/default.aspx>

2) Updates by email/mail:

Subscribe to ClickDimensions, a self-managed, automated email system that sends notices and updates on Carty Generating Station as well as any or all other energy facilities and events under EFSC jurisdiction. For more information, please visit:

<https://tinyurl.com/ODOE-EFSC>.

To receive notices by U.S. Mail, please contact Chase McVeigh-Walker.

3) In hardcopy:

Hard copies of Request for Amendment 2, Draft Proposed Order and Proposed Order are available for public inspection at:

Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

Please contact Chase McVeigh-Walker if you wish to arrange a time to inspect the request to transfer.

Accessibility information:

The Oregon Department of Energy is committed to accommodating people with disabilities. If you require any special physical or language accommodations, or need information in an alternate format, please contact Michiko Mata at 503-378-3895, toll-free in Oregon at 800-221-8035, or email to michiko.mata@oregon.gov.

Figure 1: Carty Generation Station Regional Location and Location of Proposed Facility Modifications

