



**Board of Commissioners' County Counsel Meeting
August 13, 2019 ~ 10:00am ~ Room 214**

8/13/2019 - Minutes

1. Call To Order & Those Present

Commissioner Boyd; Commissioner Morris; Commissioner DeGroot; Mika Blain/County Counsel; Sandy Cox/Admin Staff

2. Approve Minutes From Last Meeting

Commissioner Boyd approves minutes from August 6, 2019 meeting.

3. Ordinance No. 92

Mika Blain address the Board, presents revised ordinance and goes over some of the changes. Nate Hyde/Civitas joins meeting via phone. Commissioner Boyd asks Nate Hyde to further elaborate on how the "majority" is determined. Hyde explains different options, but thinks the most equitable way is by amount of fees paid. Commissioner Boyd points out that if figured by amount of fees paid then the "small guy" doesn't have much say at all. Commissioner DeGroot agrees as the "small guy" likely charges a lesser rate than the larger hotels. Mika Blain talks about another option: if a single person owns 5 separate businesses then they could get 5 votes. Nate responds and doesn't think that is equitable. Mika Blain asks Nate to further explain the methodology regarding going off the "TRT" figures, Nate elaborates. Commissioner Boyd questions page 2 "business means" there is too many definitions regarding what a business is. Nate elaborates that language comes right from our County code regarding TRT collection, discussion that the county is not following that with regards to certain businesses. Discussion that maybe we need to change our code, Nate suggests just changing that portion to state "refer to County code" rather than list out the actual business definitions. Nate further indicates that the language is common and believes it is meant to encompass all short term stay facilities. Mika Blain discusses the change regarding collection and enforcement of the fees. Commissioner Boyd asks if the County is indemnified? Mika Blain indicates the fee collection would be done by the district/association not the County. Nate Hyde further elaborates that the district/association would be the collector of fees and there would need to be a separate contract if a district/association wants the County to actually be the collector.

Commissioner Boyd would like to know if the district/association is responsible for collection of the fees, then why would the County even need to be involved. Mika responds that the language just leaves the options open and can be reviewed individually as petitions come in. Commissioner DeGroot would like to see the language changed so the County should never be the collector, Mika thinks it should be left open. Nate further indicates that this ordinance is just enabling it does not dictate what a specific plan from a district/association would be, that would be discussed individually as they form their entity. Commissioner DeGroot sees this as an empowering ordinance making it easier to impose taxes on citizens, County should not be the enforcer of fee collection.

Commissioner Morris likes it left broad and the BOCC reviewing every petition individually. Commissioners would like to go ahead and start looking at dates for Public

Hearings in late September, while working on the specific language. Matter to be brought back next week for further discussion.

4. City-County IGA

Mika Blain presents revised IGA to BOCC, explains changes; City does not want to be invoiced they want hold all the funding. Commissioner DeGroot asks what the terms of the grant funding is, match? Mika Blain is not sure of the grant terms. Commissioner Morris would like to know why the City does not want to invoice the County, Mika is not sure, suggests meeting with them to get those answers. Commissioner Morris suggests Commissioner Boyd to work with the City to work out the language. Consensus is Commissioner Boyd to communicate with City and work out specifics then bring it back to the Board. Further discussion about indemnifying the County, Mika Blain indicates that language was removed. Commissioner Boyd will talk to them about that issue as well.

5. IGA With Klamath County School District-Crest St. Property

Mika Addresses the Board. Commissioner Boyd does not feel comfortable entering into agreement until all details: surveys etc. are worked out, additionally thinks the County School District should come make a presentation. Commissioner DeGroot states that the BOCC was already on board with doing some sort of land swap agreement with County Schools based on previous conversations. Commissioner Boyd does not have issue with County Schools obtaining the property if that's the best use for it, but the district shouldn't be working with Planning before the BOCC officially approved the agreement. Commissioner DeGroot further states that Public Works doesn't have the time for their project (sidewalk/road expansion on Crest) right now anyway, so the IGA states time frame is a year out. Commissioner DeGroot further indicates that the County Schools need to get going on their project right away, the ball got dropped and this matter should have been before the BOCC several months ago. Further discussion about the IGA coming before the BOCC before the BOCC even made the decision to enter into the agreement. Commissioner DeGroot explains the background in working with Public Works to get the IGA prepared, if the BOCC doesn't move forward soon the School District will move another direction and won't need the property, then the County would need to purchase the right of way when we move forward with the sidewalk/road expansion project, and just outright sell the Crest property. Commissioner Boyd states he would like to see all of the details/surveying worked out before signing the IGA so that a building doesn't get built on a part of the property that it shouldn't. Mika suggests having the School District come to a work session? Commissioner Boyd would like to see that happen. Commissioner Boyd asks Jeremy Morris if there would need to be a bunch of surveying done? Jeremy responds they could do a quick survey to get a broad answer, Public Works did see the plans this morning. Jeremy Morris brings up several other questions that will need to be answered. Discussion regarding Public Works using a portion of the property for staging our equipment during the road expansion project when that takes place, Jeremy Morris indicates that language is in the IGA. Commissioner Boyd wants them to come to a work session. Commissioner DeGroot will invite them to come to the work session tomorrow.

Commissioner Morris would like a process clarification regarding when things should come to the BOCC as opposed to the Liaison Commissioner just working on a project? Mika Blain further explains that if something comes to her for legal review she presumes it comes from BOCC direction. Jeremy Morris further elaborates about previous practice as opposed to practice now, he presumes that if he gets direction that the BOCC has previously discussed the item. Commissioner DeGroot does have concerns about the current structure, it allows for these things to happen from time to time, is working on a

different structure to present to the BOCC.

6. Other County Business

Lani Hickey addresses the BOCC regarding an issue with Mt. Laki Cemetary, they have contacted Public Works regarding obtaining property to expand the cemetary that would require a zone change. She wants to know if BOCC would authorize her to help them with the zone change process outside of her regular work hours, would it be a conflict? Mika Blain asks if she will be receiving compensation for this service from Mt. Laki, Hickey responds yes. Mika does not see a conflict. Commissioners consensus is that she can help them outside of her regular work hours.

7. Adjournment

11:31am

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

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