

CROOK COUNTY WORK SESSION

**Administration Conference Room
203 NE Court Street, Prineville, OR**

Tuesday April 4, 2023 at 9 a.m.

**Members of the public and media are welcome to attend
in person or via Zoom 1-253-215-8782; Meeting ID: 962 4214 4333
Meeting Passcode: 970900**

Requester		Discussion Matter	Packet Docs
1		Public Comment	
2	Christina Haron Kim Barber Kathy Puckett	Oregon Paid Sick Leave and Hartford Update re: FICA & Payroll Reporting	✓
3	Will VanVactor	Legislative Tracker Update/Discuss Comment Submittal	✓
4	Will VanVactor	Update re: FEMA BiOp as Applies to Floodplain Regulations	✓
5	Eric Blaine	Review Extension Amendment Proposal for Oregon Living With Fire Program Agreement	✓
6	Andy Parks	Discuss County Court Meeting Schedule	✓
7	Christina Haron	Landfill DEQ Assurance Letter	✓

Requester	Executive Discussion Matter	Packet Docs
Exec #1	ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection.	

*Requests to be placed on the Work Session agenda are
due by 5 p.m. the Thursday before the Work Session*

April 4, 2023 Work Session Agenda

Exec #2		ORS 192.660(2)(e) For the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions	✓
Exec #3		ORS 192.660(2)(h) Consulting with Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed	
Exec #4		ORS 192.660(2)(e) For the purpose of conducting deliberations with persons designated by the governing body to negotiate real property transactions	

Items placed on the Work Session agenda are intended for discussion only, without making decisions or finalizing documents unless an emergency exists.

**The Court may add additional items arising too late to be part of this Agenda. Agenda items may be rearranged to make the best use of time.*

**The meeting location is accessible to persons with disabilities. If additional accommodations are required, please submit your request 48 hours prior to the meeting by contacting County Administration at 541-447-6555.*

Requests to be placed on the Work Session agenda are due by 5 p.m. the Thursday before the Work Session

April 4, 2023 Work Session Agenda



Agenda Item Request

Date:

3/31/2023

Meeting date desired:

4/4/2023 Work Session

Subject:

Oregon Paid Sick Leave and Hartford update regarding FICA and payroll reporting

Background and policy implications:

Update the County Court regarding payroll taxes and payroll reporting for the Oregon Paid Sick Leave that will be handled by the Hartford

Budget/fiscal impacts:

Initial cost estimate without the payroll reporting and tax payments made by Hartford was \$52,036.90, with Hartford remitting tax payments and filing payroll tax forms for us, the cost increased to \$79,018.99. The majority of the increase is the taxes the County would be paying individually if we handled this reporting ourselves. This arrangement is very similar to how our long-term disability tax payments and payroll reporting is handled with that carrier.

Requested by:

Christina Haron, CPA 541-416-3808 christinaharon@co.crook.or.us

Presenters:

Kim Barber, Christina Haron, and Kathy Puckett

Legal review (only if requested):

Elected official sponsor (if applicable):

NA

Crook County

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Effective September 1, 2023

Oregon Paid Family and Medical Leave - State vs Hartford

	State Plan No FICA	Hartford No FICA	Hartford With FICA
Monthly Volume	\$1,204,557.83	\$1,204,557.83	\$1,204,557.83
Annual Volume	\$14,454,693.96	\$14,454,693.96	\$14,454,693.96
Payroll Rate	1.00%	0.87%	1.01%
Estimated Cost Monthly	\$12,046	\$10,480	\$12,166
Estimated Cost Annually	\$144,547	\$125,756	\$145,992
Employer Rate	0.40%	0.27%	0.41%
Employer Cost Monthly	\$4,818.23	\$3,252.31	\$4,938.69
Employer Cost Annually	\$57,818.78	\$39,027.67	\$59,264.25
Employee Rate	0.60%	0.60%	0.60%
Employee Cost Monthly	\$7,227.35	\$7,227.35	\$7,227.35
Employee Cost Annually	\$86,728.16	\$86,728.16	\$86,728.16
Analysis Employer			
2023 Estimated Cost	\$57,818.78	\$13,009.22	\$19,754.75
% difference		-77.50%	-65.83%
2024 Estimated Cost	\$57,818.78	\$39,027.67	\$59,264.25
% difference		-32.50%	2.50%
Total Cost for First 2 Years	\$115,637.55	\$52,036.90	\$79,018.99
% difference		-55.00%	-31.67%
Analysis Employee			
2023 Estimated Cost	\$86,728.16	\$28,909.39	\$28,909.39
% difference		-66.67%	-66.67%
2024 Estimated Cost	\$86,728.16	\$86,728.16	\$86,728.16
% difference		0.00%	0.00%
Total Cost for First 2 Years	\$173,456.33	\$115,636.89	\$115,636.89
% difference		-33.33%	-33.33%

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A Proposal of Statutory Employee Benefits From The Hartford for the U.S. Employees of

Crook County

Statutory Benefits (Fully Insured)

Presented by: WHA Insurance

Proposal valid until: March 31, 2023

Date Issued: March 7, 2023

The Hartford Financial Services Group, Inc., (NYSE: HIG) operates through its subsidiaries, including underwriting companies Hartford Life and Accident Insurance Company and Hartford Fire Insurance Company, under the brand name, The Hartford®, and is headquartered at One Hartford Plaza, Hartford, CT 06155. For additional details, please read The Hartford's legal notice at www.TheHartford.com. All benefits are subject to the terms and conditions of the policy. Policies underwritten by the underwriting companies listed above detail exclusions, limitations, reduction of benefits and terms under which the policies may be continued in force or discontinued. This proposal explains the general purpose of the insurance described, but in no way changes or affects the policy as actually issued. In the event of a discrepancy between this proposal and the policy, the terms of the policy apply. Complete details are in the Master Policy as issued to the policyholder. Benefits are subject to state availability.

In NY, Statutory Disability Form Series includes GBD-1850, or state equivalent and Statutory Family Leave Form Series includes GBD-1851, or state equivalent. For HI and NJ Temporary Disability Form Series includes GBD-1850. For MA Paid Family & Medical Leave form series includes GBD-185. For OR Paid Family and Medical Leave Insurance form series Includes GBD-1858. For CO Family and Medical Leave Insurance form series includes GBD-1857.

Oregon Standard Paid Family and Medical Leave Proposal

FULLY INSURED OPTION

The Oregon PFMLI program (also known as Paid Leave Oregon) was created by statute August 2019. Employers, subject to a few exceptions, are required to provide coverage for OR PFML benefits to all Oregon employees on September 3, 2023. Employers must participate in the state plan program or provide an approved equivalent plan with benefits that are the same as, or more generous than, the benefits provided under the state program. This proposal is for The Hartford's fully insured coverage and is effective on or after September 3, 2023. Given that the regulations have not yet been finalized, the rates in this proposal may be subject to regulatory approval by the Oregon Division of Financial Regulation; therefore, they may be subject to change.

Employee Plan Summary	
Feature	Description
Statutory Class Description	Oregon Employees as provided in the Oregon Paid Family Medical Leave Act ¹ and applicable regulations.
Maximum Benefits	<p>The weekly maximum benefit of \$TBD (120% of SAWW which is not expected to be set until June 2023; currently SAWW is \$1224.82 which would make the max \$1469.78 if processed today).</p> <p>Weekly benefit amount is based on:</p> <ul style="list-style-type: none"> • 100% of the employee's Average Weekly Wage² for the portion that is less than or equal to 65% of the State Average Weekly Wage, and, if applicable, • 50% of the employee's Average Weekly Wage for the portion that is more than 65% of the State Average Weekly Wage.
Benefit Duration	<ul style="list-style-type: none"> • Up to 12 weeks of family leave • Up to 12 weeks of personal medical leave • Up to 12 weeks of safe leave • Up to a total of 12 weeks for a combination of paid family, medical and safe leave (plus up to 2 additional weeks for limitations related to pregnancy, childbirth or a related medical condition including but not limited to lactation)
Eligibility	Employees who meet the financial eligibility requirements as described in the Act and applicable regulations.
Benefits Commence	1 st day
Benefit Waiting Period	No waiting period
FICA Match Service	Included
W-2 Services	Included
Participation Requirement	100% of eligible Oregon employees
Non PAR Contract	Non-Par Contract
No of Bill Units/ Experience Units	1/1
Billing Mode	Quarterly
Commissions*	Schedule C Flat %
# of Covered Individuals	254

¹ Oregon Revised Statutes §§ 657B.005-657B.920

² Eligible Employee's Average Weekly Wage is defined at OAR 471-070-1000 as Amended

Employee Plan Summary			
Feature		Description	
Employee Rate Summary			Annual Premium*
Paid Family Leave	Rate: 0.177 % of Taxable Wages*	Monthly Volume: \$1,204,557.85	\$25,584.81
Paid Medical Leave	Rate: 0.833 % of Taxable Wages *	Monthly Volume: \$1,204,557.85	\$120,407.61
Rate Guarantee*: 1 Year			
Comments:			

*Subject to change based on potential regulatory requirements.

Qualifications and Assumptions

The following are the qualifications upon which this proposal is based.

Our quote is contingent upon:

1. For Employers with less than 25 Employees working in Oregon, an inforce or purchase of a new business fully insured line of group insurance, such as STD, LTD or Life with The Hartford.
2. Any legal documents or agreements, including absolute assignment agreements, must be reviewed and approved by Hartford's legal department prior to a binding contract being formed or issued.
3. An approved exemption from the Oregon Employment Department exempting you from contributing to the Paid Leave Oregon fund and approving you to offer this Private Plan of OR PFML insurance to your employees. An exemption approval will require the employer to file their online application through Frances (once a policy is approved) along with a fee of \$250 per business identification number. The exemption must be inforce on the proposed effective date of the OR PFML insurance.

All missing information must be received prior to the quote "valid until date" listed on the cover of this proposal. The quote will not be binding until all missing information is received, reviewed, and approved in writing by The Hartford.

Assumptions

The following are the **assumptions** upon which this proposal is based:

1. The effective date of this case, and coverage for all qualifying leaves, will be September 3, 2023.
2. Proposal and rates are valid until March 31, 2023. *Subject to change based on potential regulatory requirements.
3. Quote assumes 1 Contract.
4. Generally, business owners that are paid through a W-2 are considered to be employees of that business and will be considered part of the covered workforce under PFML.
5. Assumes a fully insured, Non PAR, non-dividend eligible funding arrangement, unless otherwise specified.
6. Assumes that all Oregon employees as provided in the Act are extended coverage under this policy of OR PFML insurance on their first day of employment.
7. Employee contributions for both family and medical leave coverage are fixed by Oregon and shall be no greater than 60% of 1% of an Employee's wages (reviewed annually, 1% for 2023) up to the contribution and benefit base limit of \$132,900 for 2023, also to be reviewed annually².
8. Employer contributions for both family and medical leave coverage are at least 40% of 1% of an employee's gross annual wages (reviewed annually, 1% for 2023) up to the contribution and base limit of \$132,900 for 2023, also to be reviewed annually². Under this private plan, the cost for coverage may exceed this total amount. If this occurs, the employer is responsible for any cost in excess of the state mandated employee contribution maximum amount.
9. Employers are permitted under the law to contribute more towards coverage than they would contribute to the state program.
10. The pricing presented in this proposal represents Oregon Paid Family and Medical Leave standard coverage that is equal to the Oregon statutory level of benefits.
11. The Hartford will provide the fully insured medical and family leave coverages in one policy. They cannot be purchased separately.
12. Contract language and standard benefits approved by The Hartford will be used for all insured contract and employee booklet communication material.
13. The final sold census information must be within 10% (+/-) of the census data used to develop this quote.
14. The Hartford reserves the right to re-price:
 - For a change in applicable State Laws or Regulations, including changes to the state mandated rates
 - If a material misstatement of the information provided in the RFP, bid specifications, claim experience, or plan of benefits is discovered post-sale.
 - If the rates in this proposal are subject to regulatory approval by the State and the State does not accept or approve our rates as proposed/presented to them.
15. The Hartford reserves the right to change the policy to comply with changes in state mandated
16. Claims incurred prior to the effective date of the contract will be the liability of the prior carrier or referred to the state plan.

17. The tax treatment of PFML contributions for both state and federal purposes is impacted by federal tax law. The State of Oregon has requested guidance from the Internal Revenue Service (IRS) on the tax implications of PFML contributions and benefits. As it is uncertain when the IRS may issue guidance or when the federal Internal Revenue Code may be amended with respect to the proper tax treatment of PFML contributions and benefits Businesses are urged to consult with their own tax advisors on these questions.
18. It is the policyholder's obligation to consult any necessary employment law, or other, professionals to understand your legal obligations pursuant to Oregon PFML law, including whether you must provide OR PFML coverage. If your plan offers more than what is required under the OR PFML law, you may be creating an ERISA benefits plan. If you have specific questions about ERISA or your obligations to provide OR PFML coverage, please consult with your employment or ERISA benefits attorney.

¹ The contribution % and benefit base limit established *annually*

Please note the following deviations from the requested plan design:

- Quoted benefit levels as mandated by state statutes.

This proposal is only a summary of the benefits offered to your company. The rates and costs shown in this proposal are based on the information provided. Rates may be affected by the actual number of covered lives and (transferred business information) provided. *Rates may be subject to change based on potential regulatory approval and requirements.

This proposal does not constitute a final offer or agreement. It is the Producer's responsibility to present all terms and conditions in this proposal.

It is our company policy not to accept any "last look" opportunity that is not also provided to other carriers. If you decide to provide other carriers with the opportunity to make a best and final offer we would also appreciate the opportunity to do so.

For more information go to: Oregon Paid Family & Medical Leave Insurance | OR PFML | The Hartford

Commissions and Other Payments to Producers

Note to Producers: Flat commissions continue to be an alternative to graded commissions. For all proposals with a flat commission, the policyholder must receive the services listed in Schedule C or E of the Group Insurance Producer Agreement, which are available to you on our website <http://thehartford.com/group-benefits-producer-compensation> and on the Producer View website at www.ProducerView.com.

The Hartford compensates producers for the sale and service of our products. In most cases, producers are paid a Commission, which is either a graded or fixed flat percentage of the premium and is incorporated into the premium rate(s). In addition, producers may be eligible for various types of Other Payments. Other Payments are incurred as general operating expenses of The Hartford and will not be directly charged to any policy issued as the result of this quote.

Commissions and certain Other Payments are paid pursuant to the Hartford's Group Insurance Producer Agreement ("GIPA"). Quotes based on fixed or flat percentage Commissions reflect services provided by the producer to the policyholder. We rely on the producer to determine that these Commissions are supported by services described in the GIPA. The Hartford reports Commissions and Other Payments on the annual Schedule A Worksheet provided to policyholders in accordance with applicable law.

For additional information regarding eligibility for Commissions and Other Payments and terms and conditions relating thereto, please review our website <http://thehartford.com/group-benefits-producer-compensation> or contact your Hartford representative. Producers may also access the GIPA on Producer View.

Commissions*:	Schedule C Flat %	10%
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The commission rate shown above has been considered in determining this case quote.

*Subject to change based on potential regulatory approval and requirements.

AGENDA ITEM REQUEST



Date:

March 30, 2023

Meeting date desired:

April 4, 2023

Subject:

Legislative Tracker Update/Discuss Comment Submittal

Background and policy implications:

Unknown/Varied

Budget/fiscal impacts:

Unknown

Requested by:

Will Van Vactor
Community Development Director

Presenters:

Will Van Vactor

Legal review (only if requested):

N/A

Elected official sponsor (if applicable):

N/A

Number	Summary	Description	Status	Committee	Hearings/Status
HB 2506	Housing	Expands definition of "residential homes" and "residential facilities" that local governments must approve under same standards as other residential uses. Provides attorney fees to applicants developing residential homes or facilities and to local governments that approve such applications for prevailing at Land Use Board of Appeals or on appeal from board.	Introduced	House Committee on Housing and Homelessness	Work session on 4/4
HB 2654	Housing	Establishes Housing Programs Advisory Council.	Introduced	House Committee on Housing and Homelessness	None yet
HB 2727	Child Care	Directs Department of Land and Conservation and Development to convene work group to examine strategies for expanding early learning and care facilities in this state. Sunsets work group on January 2, 2025. Takes effect on 91st day following adjournment sine die.	Introduced	Early Childhood and Human Services	Moving forward
HB 2815	Building/ Construction	Requires Department of Consumer and Business Services to enter into public contract to research and analyze administrative procedures for approving residential construction projects in this state and to develop recommendations, including recommendations for best practices, for reducing amount of time necessary for approval. Specifies requirements for method of conducting, and scope of information for inclusion in, contractor's research and analysis. Requires department to report each calendar quarter on progress of research and analysis to Interim committee of Legislative Assembly related to housing, with initial report due not later than December 1, 2024. Adds to list of items that are necessary for substantial completion of residential subdivision off-site improvements for emergency services, water and storm water and sewage disposal at capacity that is sufficient to serve residential subdivision. <u>Requires city or county to allow applications for building permits without regard to whether final plat is recorded.</u> Takes effect on 91st day following adjournment sine die	Introduced	House Committee on Housing and Homelessness	
HB 2828	Telecommunications	Establishes review criteria for telecommunications towers to be applied by counties. Requires existing telecommunications towers to comply with criteria by January 1, 2020.	Introduced	House Committee On Emergency Management, General Government, and Veterans	Dead
HB 2889	Housing	Establishes Oregon Housing Needs Analysis within Housing and Community Services Department. Establishes timeline by which department must adopt rules and implement analysis components. Amends land use requirements for local governments related to urbanization, including requiring Metro to adopt housing coordination strategy and allowing cities outside of Metro to adopt rural reserves. Requires Land Conservation and Development Commission to adopt or amend implementing rules by January 1, 2026	Introduced	House Committee on Housing and Homelessness	Work session on 4/4
HB 2064	Housing/Property Taxes	Establishes sunset for continued property tax exemption for former cemetery or crematory land used for exempt low income housing.	Introduced	Joint Committee on Tax Expenditures	None yet

SB 847	Housing	Freezes tax assessed value for certain new residential construction for five property tax years. Allows residential uses on lands zoned for commercial uses within urban growth boundaries. Limits Land Use Board of Appeals' review of approved middle income developments and allows board to accept additional evidence upon which to review such approvals. Sunsets January 2, 2028. Makes permanent requirements that local governments allow siting of certain emergency shelters, conditioned upon latest estimates of percentage of individuals experiencing homelessness. Awards attorney fees for successful appeal of local government's denial of emergency shelter application. Expands definition of "residential homes" and "residential facilities" that local governments must approve under same standards as other residential uses. Allows attorney fees for certain applicants whose approval is appealed. Exempts certain affordable housing from Oregon Planned Community Act. Restricts local governments' ability to regulate condominium form of ownership. Requires cities or counties to accept funding letters to affordable housing developers as sufficient assurances needed to approve subdivision plat. Exempts certain affordable housing projects from requirement to pay prevailing rate of wage. Amends definitions of "middle housing" and "needed housing" to include single room occupancies. Requires all cities to allow duplexes on certain lands zoned to allow single-family dwellings. Updates deadlines for compliance by affected cities. Appropriates moneys from General Fund to Department of Land Conservation and Development to provide grants to affected cities. Adds Metro and special districts to surplus real property reporting requirements.	Introduced	Senate Committee on Housing and Homelessness	Work session on 4/3
HB 2487	Land Use	Allows lands zoned for exclusive farm use to be used for weddings or events east of the summit of the Cascade Range.	Introduced	House Committee on Agriculture, Land Use, Natural Resources, and Water	Work session scheduled for 4/4
HB 2127	Land Use	Requires Department of Land Conservation and Development to study changes to Land Conservation and Development Commission and abolishment of Land Use Board of Appeals. Was gutted and stuffed. Something different now	Introduced	House Committee On Agriculture, Land Use, Natural Resources, and Water	
HB 2207	Land Use	Limits standing in appeals of land use decisions or limited land use decisions to persons that reside or maintain business in or within 25 miles of boundary of local government or special district and appeared before decision maker in person at hearing if available.	Introduced	House Committee On Agriculture, Land Use, Natural Resources, and Water	Dead
HB 2403	Land Use	Replaces standard of review of local government's land use decisions with review for any evidence.	Introduced	House Committee On Agriculture, Land Use, Natural Resources, and Water	Dead
HB 3180	Solar	Requires Department of Land Conservation and Development to study land use siting of solar photovoltaic power generating facilities. Directs department to submit findings to interim committees of Legislative Assembly related to land use no later than September 15, 2024			
HB 3217		Requires that statewide land use planning goal relating to citizen involvement incorporate environmental justice practices. Requires Land Conservation and Development Commission to amend goal by June 30, 2025, consistent with requirement. Establishes timelines for compliance with amended goal.	Introduced	Agriculture, Land Use, Natural Resources	Dead?
SB 1007	Nonresource dwellings	Authorizes counties to allow contiguous clustered nonresource dwellings on clustered development tract in lieu of approval of individual nonresource dwellings on farm, forest or mixed farm and forest use. Allows bonus dwellings when dwellings are sited on low value soil or with shared water or sewage systems. Establishes requirements for siting and approving dwellings and subdividing or partitioning clustered development tracts.	Senate Presidents Desk - Awaiting Referral	Natural Resources	Dead?
HB 3151	Manufactured Dwelling Park	Limits improvements that landlord of manufactured dwelling park may require of tenant.		House Committee on Housing and Homelessness	Passed house, on to senate

HB 3191	Urban Growth Boundaries	Allows city to expand its urban growth boundary, or to require Metro to expand its urban growth boundary, in order to include land designated as urban reserve that supports workforce housing and commercial development supportive of workforce housing if certain conditions are met.			Dead?
HB 3197	Clear and objective criteria	Limits requirement that development regulations be clear and objective to development of housing within urban growth boundaries.		House Committee on Housing and Homelessness	Work session 3/30
HB 1013	RV on rural lands	Requires RV on rural residential lands			Recommended out of committee unanimously to senate floor
HB 3414		Limits conditions under which local governments may deny variance for housing development within urban growth boundary. Requires Department of Land Conservation and Development and Department of Consumer and Business Services to jointly establish and administer Housing Accountability and Production Office. Requires office to assist local governments and housing developers with housing laws relating to land use and land divisions. Authorizes office to take certain actions to enforce housing laws. Requires office to commission report on developing efficiencies in housing production and to deliver report to interim committee of Legislative Assembly, on or before September 15, 2024. Appropriates continuously moneys from Consumer and Business Services Fund received from administration of building codes for use by office. Appropriates moneys from General Fund for use by office			Work session on 4/4
HB 3163		Establishes Place-Based Water Planning Fund. Continuously appropriates moneys in fund to Water Resources Department for purposes related to water planning. Directs Water Resources Director to use moneys in fund for certain purposes related to place-based integrated water resources plans and associated activities. Declares emergency, effective on passage			Work session 4/3
HB 2203		Allows recreational vehicle used to provide security of farm use to be sited on lands zoned for exclusive farm use. Five months max.			Dead?
HB 3207		Amends reporting requirements for real estate transaction sampling of domestic wells to require labs conducting tests to submit results to Department of Environmental Quality. Requires department to make results of tests available to public and provide results of tests to Oregon Health Authority. Authorizes authority to analyze results of tests and conduct ground water contaminant education and outreach.			Work Session 4/3
SB 848		Prohibits counties from allowing use of certain new dwellings on resource lands as vacation occupancies.			Work Session 4/3 - see 2 amendment
HB 3381		Allows counties to not consider vacation occupancies as nonconforming uses.			
HB 3362		Allows city or county to validate unit of land that had been approved for creation or recognition that was later revoked after sale to innocent purchaser.			None yet
HB 2241		Requires Department of Land Conservation and Development and Department of Early Learning and Care to study child care facilities in rural areas			None yet

HB 2192		Aligns criteria for alteration, restoration or replacement of a dwellings on lands zoned for forest use consistent with criteria applicable to dwellings on lands zoned for farm use. Makes permanent temporary changes made in 2013 to laws authorizing alteration, restoration or replacement for dwellings on lands zoned for exclusive farm use.			
SB 644		Amends requirements relating to wildfire hazard mitigation for development of accessory dwelling units on lands zoned for rural residential use.			Recommendation is to pass.
HB 2527		Amends certain provisions of program for special assessment of wildlife habitat land relating to monitoring of implementation by landowner of approved wildlife habitat conservation and management plan.			
HB 3021		Establishes that perfected and developed water right is not subject to forfeiture if owner of water right ceased to use all or part of water appropriated for period of five successive years because owner engaged in water conservation practices or distribution of water that owner received from water district was less than certificated maximum for period of at least five successive years.			
SB 718		Provides that year in which Governor declares that drought exists, or is likely to exist, within county does not count toward period of time for forfeiture of water right for nonuse for owner of water right within county.			
SB 54 A		Removes provisions of property tax exemption for community solar projects that restrict exemption to proportion owned by residential customers or leased by residential subscribers.			
SB 868					Work sessions on 3/28 and 3/30
SB 869		Requires Department of Consumer and Business Services to study how to build efficiency into buildings			Work sessions on 3/28 and 3/30
SB 870		Requires Department of Consumer and Business Services to study how to build resiliency and efficiency into buildings			
SB 871					
HB 3181		Directs State Department of Energy and Department of Land Conservation and Development to convene work group to examine barriers, opportunities and other issues related to renewable energy and transmission project siting in Oregon			Hearing on 3/28 at 3pm. Work session on 4/3.
HB 3569		Establishes alternative process by which local government must approve application to develop housing on lands zoned to allow residential uses.			Work session on 4/4
HB 3321		Directs Oregon Health Authority to study small community water systems. Requires authority to submit findings to interim committees of Legislative Assembly related to water not later than December 31, 2024. Appropriates moneys from General Fund to Oregon Department of Administrative Services for distribution to Oregon Association of Water Utilities to establish water utility training center			
SB 930		Expands attorney fee award for prevailing applicants to include any person developing needed housing whose approval is appealed to Land Use Board of Appeals		Dead	
SB 835		Directs Environmental Quality Commission to adopt rules authorizing single-family dwelling and accessory dwelling unit constructed on same lot or parcel to be permanently connected to same subsurface sewage disposal system or alternative sewage disposal system.			
HB 3174		Requires Oregon Department of Administrative Services to provide grants to local governments] for regional housing coordinators] coordination and to local governments to support development of needed housing. Requires department to provide grants to Association of Oregon Counties and League of Oregon Cities for specific purposes relating to planning for housing. Requires department to analyze local governments' costs in planning for housing. Appropriates moneys to department to award grants and conduct analysis. Sunsets January 2, 2034.			

AGENDA ITEM REQUEST

**Date:**

March 30, 2023

Meeting date desired:

April 4, 2023

Subject:

Update re: FEMA BiOp as applies to floodplain regulation

Background and policy implications:

If FEMA rules are adopted, could severely limit development in floodplain.

Budget/fiscal impacts:

Unknown

Requested by:

Will Van Vactor
Community Development Director

Presenters:

Will Van Vactor

Legal review (only if requested):

N/A

Elected official sponsor (if applicable):

N/A



March 16, 2023

Re: Implementation of National Marine Fisheries Services (NMFS) – FEMA Bi-Op in Oregon

Counties and Cities:

We are writing to invite you to join a new coalition that is forming in response to efforts by the Federal Emergency Management Agency (FEMA) to make changes to the National Flood Insurance Program (NFIP) in Oregon. FEMA sets floodplain development standards that local governments must adopt to participate in the NFIP. In 2016, the NMFS issued a Biological Opinion (Bi-Op) stating that FEMA's implementation of the NFIP in Oregon, and particularly its floodplain development standards, are causing jeopardy to certain threatened and endangered species in Oregon.

This BiOp was issued to FEMA following a federal lawsuit. FEMA has told Oregon cities and counties that if they do not implement these changes to their local floodplain development programs, communities will no longer be eligible for federal disaster assistance, and individuals and businesses in those communities would not be able to purchase National Flood Insurance Program (NFIP) policies.

This is a very significant threat to Oregonians. Many of the mandatory program changes that FEMA has signaled threaten the viability of our communities and are *inconsistent* with existing Oregon land use priorities and programs. These regulatory changes would affect what land could be developed, how land could be developed, and corresponding land values and tax revenues. Implementation of these new regulations will place communities at risk of takings claims and lawsuits from landowners who are forced into compliance. FEMA has stated that they will not provide support for communities defending against these suits.

At the end of last year, many of you signed on to letters that asked members of Oregon's federal delegation to delay implementation of these changes to Oregon's floodplain standards. Unfortunately, Congress did not act in time and FEMA is now starting the environmental review process to evaluate its planned changes to the NFIP in Oregon. FEMA issued the Notice of Intent, beginning the environmental review process on March 6, 2023. 88 Federal Register 13841 (March 6, 2023). <https://www.federalregister.gov/documents/2023/03/06/2023-04495/notice-of-intent-to-prepare-an-environmental-impact-statement-for-oregon>. *Scoping comments are due no later than May 5, 2023.*

FEMA's Draft Implementation Plan, issued in October 2021, outlines the dramatic changes FEMA plans to require to Oregon's city and county floodplain regulations. These implementing regulations focus on prohibiting or severely limiting new development in mapped areas of special flood hazard and imposing a "no net loss of flood storage" requirement.

https://www.fema.gov/sites/default/files/documents/fema_draft-oregon-implementation-plan_10052021.pdf.

UNITED COUNTIES. UNITED OREGON.

1212 Court St. NE | Salem, OR 97301-4181 | 503.585.8351 | www.oregoncounties.org

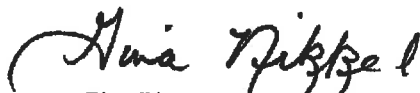
As stated in the Notice of Intent, FEMA plans to hold several scoping meetings in Oregon (in person and virtual) between now and the scoping comment deadline (May 5, 2023). Tillamook County is inviting city and county elected officials and/or planning directors to join us for a virtual meeting to learn about the Oregon NFIP Biological Opinion, FEMA's Draft Implementation Plan, and the ongoing NEPA environmental review process. **This meeting will be held virtually on March 28, 2023, from 3:00-4:30 pm:** [Click here to join the meeting](#). To call in, please dial 971-254-3149 with ID# 977 100 909#.

Our goal is to pull together a coalition comprised of city and county representatives to participate as a collective voice in the NEPA environmental review process and to hopefully change FEMA's Implementation Plan to reduce burdens to local communities.

It is our hope that you will consider joining us in our efforts to participate as a collective voice in the NEPA environmental review process to advocate for local communities from the devastating effects of FEMA's Draft Implementation Plan. We encourage you to share this meeting invitation with fellow city and county elected officials and planning directors.

We look forward to visiting with you all on March 28, 2023.

Regards,



Gina Firman Nikkel, Ph.D.
Executive Director, AOC
503-930-0349
gnikkel@oregoncounties.org



David Yamamoto
County Commissioner, Tillamook County
503-701-1235
dyamamoto@co.tillamook.or.us



Patricia M. Mulvihill
Executive Director, League of Oregon Cities
971-428-7271
pmulvihill@orcities.org

AGENDA ITEM REQUEST



Date:

March 31, 2023

Meeting date desired:

April 4, 2023

Subject:

First Amendment to Oregon Living with Fire MOU

Background and policy implications:

The Oregon Living with Fire MOU has been in effect since July 2021 between Crook, Jefferson, Klamath and Deschutes Counties. The MOU is to outline the cooperation and mutual assistance between the Counties for the National Cohesive Wildland Fire Strategy in Central Oregon. The amendment extends the termination date from June 30, 2023 to June 30, 2028.

Budget/fiscal impacts:

There is a correction to Crook and Deschutes' percentages. The original MOU listed Crook's percentage at 27% and is actually 28%; however, the dollar amount remains the same. Deschutes' percentage was listed at 46% and is actually 47%, again without a change in the dollar amount.

Deschutes County is aware of the error and has accounted for it on their end.

Requested by:

*Eric Blaine, County Counsel
541-416-3919
Eric.Blaine@crookcountyor.gov*

Presenters:

Eric Blaine

Legal review (only if requested):

Legal has reviewed.

Elected official sponsor (if applicable):
N/A

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING

This First Amendment to Memorandum of Understanding ("MOU") is between Crook County, Jefferson County, Klamath County, and Deschutes County, all political subdivisions of the State of Oregon. A copy of the MOU is attached hereto as Exhibit 1.

EFFECTIVE DATE: This First Amendment to MOU is effective as of July 1, 2023, and shall terminate June 30, 2028, unless extended or terminated earlier in accordance with its terms.

TERMS: Except as expressly provided in this First Amendment to MOU, all terms of the MOU (Exhibit 1), including the Designated Contribution percentages and annual contributions remain controlling and applicable.

COUNTERPARTS: This First Amendment to MOU may be executed in one or more counterparts, including electronically transmitted counterparts, which when taken together shall constitute one in the same instrument. Facsimiles and electronic transmittals of the signed document shall be binding as though they were an original of such signed document.

CROOK COUNTY:

By: _____
Date: _____

KLAMATH COUNTY:

By: _____
Date: _____

JEFFERSON COUNTY:

By: _____
Date: _____

DESCHUTES COUNTY:

By: _____
Date: _____

EXHIBIT 1

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is between Crook County, Jefferson County, Klamath County, and Deschutes County, all political subdivisions of the State of Oregon.

EFFECTIVE DATE: This MOU is effective as of July 1, 2021, and shall terminate June 30, 2023, unless extended or terminated earlier in accordance with its terms.

DESCRIPTION: This MOU applies to operations of the Oregon Living With Fire (OLWF).

PURPOSE: This MOU is intended to document the intention of said counties to work together, on a continuing basis, toward maximum cooperation and mutual assistance in the areas of watershed restoration and community protection efforts for the purpose of implementation of the National Cohesive Wildland Fire Strategy in Central OR.

1. **RESPONSIBILITIES:** Each party to this MOU has equal rights with regard to appointments to the OLWF Steering Committee and general operational and financial oversight of OLWF.
2. **STEERING COMMITTEE:** A Steering Committee, comprised of 12 members, is authorized and charged with administering all operations of OLWF. The Steering Committee shall: (a) report periodically to each designated County contact person, (b) assist (by way of consensus recommendations) the Deschutes County Administrator with recruitment, hiring and supervision of the OLWF Coordinator; (c) undertake related functions as appropriate; and (d) assist the OLWF Coordinator with grant and other fiscal solicitations.
3. **OLWF COORDINATOR:** The OLWF Coordinator shall be contracted with Deschutes County. Compensation and other terms of retention shall be as provided in the personal services contract that the OLWF Coordinator signs with Deschutes County. The OLWF Coordinator, with input from the Steering Committee, shall report to and serve at the pleasure of the Deschutes County Administrator.
4. **FINANCIAL RESOURCES:** Operations and activities of OLWF and the OLWF Coordinator shall be funded by (a) designated contributions by the parties to this MOU, and (b) grants and other available revenue sources.
5. **DESIGNATED CONTRIBUTIONS:** Annually in March, the Steering Committee shall determine a minimum budget necessary to provide for operations of the OLWF, including compensation and expenses associated with the OLWF Coordinator. The minimum budget shall then be allocated among the parties to the MOU according to the following formula:

County	%	Annual contributions due 7/1.
Crook County	27%	\$20,250
Jefferson County	16 %	\$12,000

Klamath County	9%	\$6,750
Deschutes County	46%	\$33,750

6. **TERMINATION: Mutual Consent.** Any party may terminate its participation in this MOU for any reason by providing thirty (30) days' written notice to the other parties.
7. **INDEPENDENT PARTY:** It is agreed and understood that each party subject to this MOU will perform services and/or activities related to this MOU as an independent party, and not as an employee or agent of the other party.
8. **ASSIGNMENT:** The parties hereto may not assign this MOU, in whole or in part, without the prior written consent of all parties.
9. **BINDING EFFECT:** The terms of this MOU shall be binding upon and inure to the benefit of each of the parties and each of their respective administrators, agents, representatives, successors and assigns.
10. **AGENCY AND PARTNERSHIP:** None of the parties are, by virtue of this MOU, a partner or joint venture with any other party, nor shall any party have any obligation with respect to the other party's debts or liabilities of whatever kind or nature.
11. **INDEMNIFICATION:** To the extent permitted by Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, each party shall defend, save, hold harmless and indemnify the other and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of that party or its officers, employees, contractors, or agents under this MOU.
12. **NON-DISCRIMINATION:** Each party agrees that no person shall, on the grounds of race, color, creed, national origin, sex, marital status, age or sexual orientation, suffer discrimination in the performance of this MOU when employed by either party. Each party agrees to comply with Title VI of the Civil Rights Act of 1964 as amended, Section V of the Rehabilitation Act of 1973 as amended, and all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Additionally, each party shall comply with the Americans with Disabilities Act of 1990 as amended, ORS 659.425, and all regulations and administrative rules established pursuant to those laws.
13. **ATTORNEY FEES:** In the event an action, lawsuit, or proceeding, including appeal therefrom is brought for failure to fulfill or comply with any of the terms of this MOU, each party shall be responsible for its own attorney fees, expenses, costs, and disbursements for said action, lawsuit, proceeding or appeal.

14. **NO WAIVER OF CLAIMS:** The failure by any party to enforce any provision of this MOU shall not constitute a waiver by that party of that provision or of any other provision of this MOU.
15. **SEVERABILITY:** Should any provision or provisions of this MOU be construed by a court of competent jurisdiction to be void, invalid or unenforceable, such construction shall affect only the provision or provisions so construed, and shall not affect, impair or invalidate any of the other provisions of this MOU which shall remain in full force and effect.
16. **HEADINGS:** The headings of this MOU are for convenience only and shall not be used to construe or interpret any provisions of this MOU.
17. **APPLICABLE LAW:** This MOU shall be governed by and interpreted in accordance with the laws of the State of Oregon.
18. **ENTIRE AGREEMENT:** This MOU constitutes the entire agreement between the parties concerning the subject matter hereof and supersedes any and all prior or contemporaneous agreements or understandings between the parties, if any, whether written or oral, concerning the subject matter of this MOU which are not fully expressed herein. This MOU may not be modified or amended except by a writing signed by all parties.
19. **COUNTERPARTS:** This MOU may be executed in one or more counterparts, including electronically transmitted counterparts, which when taken together shall constitute one in the same instrument. Facsimiles and electronic transmittals of the signed document shall be binding as though they were an original of such signed document.

CROOK COUNTY:

By: _____
Date: _____

KLAMATH COUNTY:

By: _____
Date: _____

JEFFERSON COUNTY:

By: _____
Date: _____

DESCHUTES COUNTY:

By: _____
Date: _____



Agenda Item Request

Date:

March 28, 2023

Meeting date desired:

April 4, 2023 Work Session

Subject:

County Court meeting schedule – public notice

Background and policy implications:

The County Court meetings have in the past been noticed with a template that allowed noticing without specifics as to agenda items. Upon review of public meeting notice requirements, we are updating the published notice format. This change will require some adjustments to meeting agenda item deadlines. Also we desire to discuss with you a framework for work session meetings going forward to implement the goals.

Budget/fiscal impacts:

None

Requested by:

Andy Parks

Presenters:

Andy Parks, Sarah Puerner

Legal review (only if requested):

NA

Elected official sponsor (if applicable):

NA

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CROOK COUNTY

Treasurer-Finance-Tax Department

200 NE Second Street • Prineville, OR 97754 • Phone: 541.447.6554 • Fax 541.447.3069



March 28, 2023

Pauly, Rogers and Co., P.C.
12700 SW 72nd Ave.
Tigard, Oregon 97223

In connection with your engagement to apply agreed-upon procedures agreed to by Crook County and the Oregon Department of Environmental Quality, solely to assist the specified parties in evaluating Crook County's compliance with Oregon Department of Environmental Quality OAR 340-094-0145(6)(g) and Federal Environmental Protection Agency 40 CFR part 258 regulations for financial assurance of closure and post-closure care activities of the municipal solid waste landfills operated by Crook County during the year ended June 30, 2023, we confirm, to the best of our knowledge and belief, the following representations made to you during your engagement.

1. We acknowledge that we are responsible for the presentation of the Annual Financial Assurance Update and Recertification for the Crook County Landfill in accordance with Oregon Department of Environmental Quality requirements and state law.
 2. We have provided you with all relevant information and access under the terms of our agreement.
 3. We have disclosed to you all known matters contradicting the Annual Financial Assurance Update and Recertification for the Crook County Landfill.
 4. We have disclosed to you any communications from regulatory agencies, internal auditors, and other independent practitioners or consultants, and others affecting the Annual Financial Assurance Update and Recertification for the Crook County Landfill, including communications received between the date of the Annual Financial Assurance Update and Recertification for the Crook County Landfill, June 30, 2023 and the date of your report, March 28, 2023.
 5. We are not aware of any material misstatements in the Annual Financial Assurance Update and Recertification for the Crook County Landfill.
 6. We have disclosed to you all known events subsequent to the date of the Annual Financial Assurance Update and Recertification for the Crook County Landfill, June 30, 2023, to the date of this letter and the date of your report, March 28, 2023, that would have a material effect on the Annual Financial Assurance Update and Recertification for the Crook County Landfill.
 7. We have made available to you all information that we believe is relevant to Annual Financial Assurance Update and Recertification for the Crook County Landfill.
 8. We have responded fully to all inquiries made to us by you during the engagement.
 9. We have provided you with the information, methods and estimates used in the calculations required by the Oregon Department of Environmental Quality.
 10. We have provided you with estimated costs for closure and post-closure and take full responsibility for their accuracy, including the adjustments for inflation.
- 7

- 7
11. We have contracted with a qualified engineer to prepare the estimates of closure and post-closure costs in accordance with RCA Subtitle D (40 CFR, Part 258.71 and 258.72).
 12. We agree that the revenue and expenditure calculations used in the report comply with accounting principles generally accepted in the United States of America and the requirements of the Oregon Department of Environmental Quality.

Christina Haron
Crook County Finance Director

Seth Crawford
Crook County Judge