

MORROW COUNTY BOARD OF COMMISSIONERS MEETING AGENDA
Wednesday, January 29, 2020 at 11:00 a.m.
Bartholomew Building Upper Conference Room
110 N. Court St., Heppner, Oregon

- 1. Call to Order and Pledge of Allegiance - 11:00 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. Executive Session:** Pursuant to ORS 192.660(2)(e) – To conduct deliberations with persons designated by the governing body to negotiate real property transactions
- 5. Business Items**
 - a. Fortis & CIDA Contract (Darrell Green, Administrator)
- 6. 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.



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
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(For BOC Use)
Item #

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

Presenter at BOC: Darrell Green

Department: Administration

Short Title of Agenda Item:

(No acronyms please)

Fortis and CIDA contract

Phone Number (Ext):

Requested Agenda Date: 1/29/2020

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

- | | |
|---|---|
| <input type="checkbox"/> Order or Resolution | <input type="checkbox"/> Appointments |
| <input type="checkbox"/> Ordinance/Public Hearing: | <input type="checkbox"/> Update on Project/Committee |
| <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading | <input type="checkbox"/> Consent Agenda Eligible |
| <input type="checkbox"/> Public Comment Anticipated: | <input checked="" type="checkbox"/> Discussion & Action |
| Estimated Time: | Estimated Time: 15 minutes |
| <input type="checkbox"/> Document Recording Required | <input type="checkbox"/> Purchase Pre-Authorization |
| <input checked="" type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Other |

☐ N/A

Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity: **Fortis Construction**

Contractor/Entity Address: **1705 SW Taylor Street, Portland OR 97205**

Effective Dates – From:

Through:

Total Contract Amount: **Phase One - \$390,000**

Budget Line: **101-199-5-40-4401**

Does the contract amount exceed \$5,000? ☒ Yes ☐ No

Reviewed By:

DATE Department Director

Required for all BOC meetings

Darrell Green 1/27/2020
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

**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

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

Morrow County has been in negotiations with Fortis Construction primarily in regards to the Corporate Activity Tax. HB 3427 passed into law on May 16, 2019 imposes a tax on all types of business entities for the privilege of doing business in the state of Oregon. The Corporate Activity Tax is applied to taxable commercial activity in excess of \$1 million and computed as \$250 plus .57% of Oregon commercial activity of more than \$1 million. The law went into effect on January 1, 2020.

Fortis' interpretation of the law determined it could be added to the project fee. Kate and Justin researched the implications of this tax and found in HB2164 ...the tax is not directly imposed on the purchaser, so it could not be added to the project fee.

From Department of Revenue- The law establishing the CAT does not prohibit any business from recovering a business expense when setting the total price for the sale, lease, or license of an item or sale of a service.....A business may include the CAT with other business expenses when setting the total price charged to customers...

Fortis has agreed and understands the CAT will not be included in the project fee.

2. FISCAL IMPACT:

Phase 1- Not to Exceed \$390,000.00 Phase 1 is the design phase.

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

Motion to accept the Progressive Design Build Agreement and have the Chair sign.

☒ Attach additional background documentation as needed.