



# BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

Wednesday, October 28, 2015  
10:00 a.m. - Room 308

## **BOARD MEETING AGENDA**

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### **CALL TO ORDER/FLAG SALUTE**

### **MINUTES:**

- Minutes, October 21, 2015 Board meeting;
- Minutes, October 21, 2015 Staff meeting.

### **VISITOR COMMENTS - 5 MINUTE LIMIT**

### **MATTERS:**

- 1) Recognize County Finance Staff for Distinguished Budget Presentation Award.
- 2) Deliberations, "In the Matter of the Application Submitted by Weyerhaeuser NR for (21) Property Line Adjustments in the Primary Forest (PF-80) Zone".

### **CONSENT AGENDA:**

- (A) Ratify the Select to Pay for week of 10/26/15.
- (B) Accept offer from Point and Pay dated October 9, 2015 for EMV Liability Shift Indemnification.
- (C) Order No. 50-2015, "In the Matter of Initiating the Formation of the Columbia County Rider Transportation District".
- (D) Order No. 51-2015, "In the Matter of the Approval of the Appointment of Sarah Sprowls as Deputy Tax Collector.

### **DISCUSSION ITEMS:**

### **COMMISSIONER HEIMULLER COMMENTS:**

**COMMISSIONER HYDE COMMENTS:**

**COMMISSIONER FISHER COMMENTS:**

**EXECUTIVE SESSION:**

*Pursuant to ORS 192.640(1), the Board of County Commissioners reserves the right to consider and discuss, in either open session or Executive Session, additional subjects which may arise after the agenda is published.*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Initiating the Formation of the            )  
Columbia County Rider Transportation District        )        ORDER NO. 50-2015

WHEREAS, ORS 267.520 authorizes the Board of County Commissioners for Columbia County, Oregon, to initiate the formation of a transportation district in accordance with the procedures for special districts set forth in ORS 198.705 to 198.955; and

WHEREAS, under ORS 198.835, the Board may initiate the formation of a district to be located entirely within the county through an order setting forth the County’s intent, the name and boundaries of the district and the date time and place of a public hearing on the proposal; and

WHEREAS, Columbia County Rider, hereinafter referred to as “CC Rider,” is a department of Columbia County and provides public transit service in and around the county; and

WHEREAS, on July 8, 2015, the CC Rider Citizens Transportation Advisory Committee recommended that a special district be formed to provide a stable funding source for CC Rider; and

WHEREAS, on September 9, 2015, the Board directed County staff to prepare an order to initiate the formation of a special district for CC Rider pursuant to ORS 267.520 with a proposed tax rate of \$0.23 per \$1,000 of assessed property value; and

WHEREAS, the Board recognizes that the question of the formation must be put to the County’s voters and desires that this be done at the May 2016 election.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners declares its intention to initiate the formation of a transportation district, the principal Act for which is codified at ORS 267.510 *et seq.*; and
2. The name of the proposed transportation district will be the “Columbia County Rider Transportation District,” hereinafter referred to as the “District,” and its boundaries are described in Exhibit A, which is attached hereto and incorporated herein by reference; and

3. Pursuant to ORS 198.800, a public hearing shall be held on the proposed district on December 2, 2015, a date that is not less than 30 days and not more than 50 days from the effective date of this order.
4. Notice of such public hearing shall be published in at least three public places and by two insertions in a newspaper, pursuant to the requirements of ORS 198.730, 198.800 and 198.840.
5. The Board has conferred with all cities within the County, and certified copies of resolutions from city councils of Columbia City, Rainier, Scappoose, St. Helens, and Vernonia, consenting to be included in the District if it is formed, are attached hereto as Exhibits B, C, D, E and F, respectively.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Henry Heimuller, Chair

Approved as to form

By: \_\_\_\_\_  
Anthony Hyde, Commissioner

By: \_\_\_\_\_  
Office of County Counsel

By: \_\_\_\_\_  
Earl Fisher, Commissioner

## **EXHIBIT A**

### **Columbia County Rider Transportation District Boundaries**

The Columbia County Rider Transportation District shall include the area within Columbia County, as follows:

#### Columbia County

Beginning at the point where the northern boundary of the state is intersected by the projection north of the range line between ranges 5 and 6 west of the Willamette Meridian; thence south along such projection and range line to the southwest corner of township 4 north, range 5 west; thence east along the line between townships 3 north and 4 north of the Willamette Base Line to the northeast corner of section 3, township 3 north, range 3 west; thence south along section lines to the southwest corner of section 11 of such township; thence east along section lines to the southeast corner of section 12 of such township; thence south along the township line to the southeast corner of section 13 in such township; thence east along section lines to the northeast corner of section 21, township 3 north, range 2 west; thence south to the southeast corner of section 21 of such township; thence east along section lines to the southwest corner of section 23, township 3 north, range 1 west; thence north to the west quarter-corner of such section; thence east along quarter-section lines to the boundary of the state; thence northerly and westerly along the boundary of the state to the point of beginning;

EXCEPTING THEREFROM:

#### City of Clatskanie

All territory included in the City of Clatskanie, as it existed on May 17, 2016.

#### City of Prescott

All territory included in the City of Prescott, as it existed on May 17, 2016.

**EXHIBIT B**

Council Bill No. 15-770

RESOLUTION NO. 15-1155-R

A RESOLUTION APPROVING A COUNTY ORDER TO FORM A TRANSPORTATION DISTRICT WITH A PERMANENT TAX RATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA CITY, OREGON.

WHEREAS, the Board of County Commissioners for Columbia County, Oregon, by order intends to initiate the formation of the Columbia County Rider Transportation District, hereinafter referred to as the "District," which is a transportation district for public transit pursuant to ORS 198.835 and 267.520; and,

WHEREAS, the Board's order will also propose a permanent tax rate for the District in the amount of \$0.23 per \$1,000 of assessed property value within the District; and,

WHEREAS, the City of Columbia City is located within the service area of the proposed district and pursuant to ORS 198.835(3), no part of a city may be included within the boundaries of the proposed district without a resolution by the city approving that inclusion.

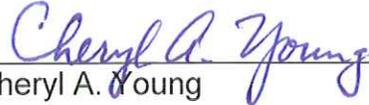
NOW, THEREFORE, BE IT RESOLVED that:

1. If the voters approve the formation of the District, then the City Council of the City of Columbia City hereby consents to be included in the district; and,
2. A certified copy of this Resolution shall be delivered to the County Board to accompany the request for initiating formation.

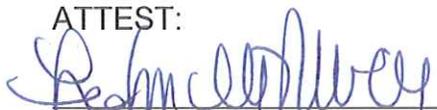
Passed by the City Council this 1st day of October, 2015, by the following vote:

AYES: 4    NAYS: 0    ABSENT: 1    ABSTAIN: 0

Approved by the Mayor this 2nd day of October, 2015.

  
Cheryl A. Young  
Mayor

ATTEST:

  
Leahnette Rivers  
City Administrator/Recorder

**EXHIBIT C**

**RESOLUTION NO. 15-09-01**

**A RESOLUTION APPROVING A COUNTY ORDER TO FORM A TRANSPORTATION DISTRICT WITH A PERMANENT TAX RATE**

WHEREAS, the Board of County Commissioners for Columbia County, Oregon, by order intends to initiate the formation of the Columbia County Rider Transportation District, hereinafter referred to as the "District," which is a transportation district for public transit pursuant to ORS 198.835 and 267.520; and

WHEREAS, the Board's order will also propose a permanent tax rate for the District in the amount of \$0.23 per \$1,000 of assessed property value within the District; and

WHEREAS, the City of Rainier is located within the service area of the proposed district and pursuant to ORS 198.835(3), no part of a city may be included within the boundaries of the proposed district without a resolution by the city approving that inclusion;

NOW, THEREFORE, BE IT RESOLVED, that,

1. If the voters approve the formation of the District, then the City Council of the City of Rainier hereby consents to be included in the district; and
2. A certified copy of this Resolution shall be delivered to the County Board to accompany the request for initiating formation.

PASSED and ADOPTED by the City Council of the City of Rainier, Oregon on the 21st day of September, 2015.



Jerry Cole  
Mayor for the City of Rainier

ATTEST:



Debra Dudley  
City Administrator/Finance Director/Recorder

**EXHIBIT D**

**RESOLUTION NO. 15-22**

**A RESOLUTION ENCOURAGING THE COUNTY TO ADOPT AN ORDER TO FORM  
A TRANSPORTATION DISTRICT WITH A PERMANENT TAX RATE**

WHEREAS, the Board of County Commissioners for Columbia County, Oregon, by order intends to initiate the formation of the Columbia County Rider Transportation District, hereinafter referred to as the "District," which is a transportation district for public transit pursuant to ORS 198.835 and 267.520; and

WHEREAS, the Board's order will also propose a permanent tax rate for the District in the amount of \$0.23 per \$1,000 of assessed property value within the District; and

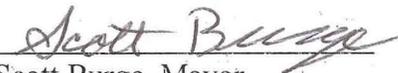
WHEREAS, the City of Scappoose is located within the service area of the proposed district and pursuant to ORS 198.835(3), no part of a city may be included within the boundaries of the proposed district without a resolution by the city approving the Board's order.

NOW, THEREFORE, BE IT RESOLVED, that,

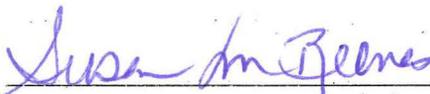
1. The Scappoose City Council encourages the Columbia County Board of Commissioners to adopt an order initiating the formation of a transportation district.
2. If the voters approve the formation of the District, then the City Council of the City of Scappoose intends to consent to be included in the district; and
3. After the Board adopts the order initiating the formation of the District, the City Council will consider a resolution approving the Board's order.

**PASSED AND ADOPTED** by the City Council this 19<sup>th</sup> day of October, 2015 and signed by the Mayor and City Recorder in authentication of its passage.

**CITY OF SCAPPOOSE, OREGON**

  
Scott Burge, Mayor

Attest:

  
Susan M Reeves, MMC, City Recorder

City of St. Helens  
**RESOLUTION NO. 1719**

A RESOLUTION APPROVING A COUNTY ORDER TO FORM A  
TRANSPORTATION DISTRICT WITH A PERMANENT TAX RATE

**WHEREAS**, the Board of County Commissioners for Columbia County, Oregon, by order intends to initiate the formation of the Columbia County Rider Transportation District, hereinafter referred to as the "District," which is a transportation district for public transit pursuant to ORS 198.835 and 267.520; and

**WHEREAS**, the Board's order will also propose a permanent tax rate for the District in the amount of \$0.23 per \$1,000 of assessed property value within the District; and

**WHEREAS**, the City of St. Helens is located within the service area of the proposed district and pursuant to ORS 198.835(3), no part of a city may be included within the boundaries of the proposed district without a resolution by the City approving that inclusion.

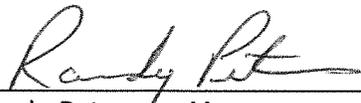
**NOW, THEREFORE, THE CITY OF ST. HELENS RESOLVES AS FOLLOWS:**

1. If the voters approve the formation of the District, then the City Council of the City of St. Helens hereby consents to be included in the District; and
2. A certified copy of this Resolution shall be delivered to the County Board to accompany the request for initiating the formation.

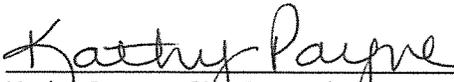
**Approved and adopted** by the City Council on October 7, 2015, by the following vote:

Ayes: Locke, Carlson, Conn, Morten, Peterson

Nays: None

  
\_\_\_\_\_  
Randy Peterson, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathy Payne, City Recorder

**RESOLUTION NO. 14-15**

**A RESOLUTION APPROVING A COUNTY ORDER TO  
FORM A TRANSPORTATION DISTRICT WITH A  
PERMANENT TAX RATE**

**WHEREAS**, the Board of County Commissioners for Columbia County, Oregon by order intends to initiate the formation of the Columbia County Rider Transportation District, hereinafter referred to as the "District," which is a transportation district for public transit pursuant to ORS 198.835 and 267.520; and

**WHEREAS**, the Board's order will also propose a permanent tax rate for the District in the amount of \$0.23 per \$1000 of assessed property value within the District; and

**WHEREAS**, the City of Vernonia is located within the service area of the proposed district and pursuant to ORS 198.835(3), no part of a city may be included within the boundaries of the proposed district without a resolution by the city approving that inclusion;

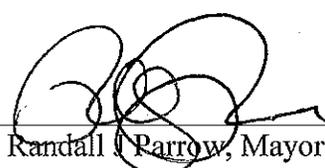
**NOW, THEREFORE, IT IS HEREBY RESOLVED, that,**

1. If the voters approve the formation of the District, then the City Council of Vernonia hereby consents to be included in the district; and
2. A certified copy of this Resolution shall be delivered to the County Board to accompany the request for initiating formation.

INTRODUCED FOR CONSIDERATION AND VOTE ON THIS 5<sup>th</sup> DAY OF OCTOBER 2015.

Ayes: 4 Nays: N/A Abstain: N/A Absent: 1

Signed by me, Randall J. Parrow, Mayor, in authentication of its adoption this 12<sup>th</sup> day of October, 2015

  
\_\_\_\_\_  
Randall J. Parrow, Mayor

Attest: Nicholas D. Welch  
Nicholas D. Welch, Interim City Recorder

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Approval of )  
Appointment of Sarah Sprowls ) ORDER NO. 51-2015  
as Deputy Tax Collector )

WHEREAS, Jennifer Cuellar-Smith presents to the Columbia County Board of Commissioners, Sarah Sprowls Certificate of Appointment to the office of Deputy Tax Collector of Columbia County, Oregon, together with her Oath of Office as by law provided, and the Board of Commissioners being fully advised.

NOW THEREFORE, IT IS HEREBY ORDERED that the said appointment of Sarah Sprowls to the position of Deputy Tax Collector, be and the same is hereby approved.

Dated at St. Helens, Oregon this 28<sup>th</sup> day of October, 2015.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Henry Heimuller, Chair

By: \_\_\_\_\_  
Anthony Hyde, Commissioner

By: \_\_\_\_\_  
Earl Fisher, Commissioner



October 9, 2015

Columbia County, OR  
230 Strand Street  
St Helens, OR 97051

**Re: EMV Liability Shift Indemnification**

Dear Columbia County, OR:

As your trusted payment-processing partner, Point & Pay is responsible for providing your office the most up to date payments technology, ensuring ease of use and protection against fraud. This includes preparedness for the shift to the EMV standard.

As the U.S. moves to the EMV standard, changes are being implemented at every level of the payment processing industry. Banks are issuing new cards, processors are implementing new technologies, and customers are getting used to a new user experience. Much conflicting information is circulating on EMV, how it affects liability, and the applicable types of transactions.

Point & Pay monitors the EMV transition closely and we believe substantial concerns remain around the technology's readiness and the difficulty of the customer experience. We also monitor your organization's transaction history and have concluded the risk of unrecoverable fraud for the following transactions is exceptionally low:

5173 - Columbia County (OR)

Permits  
Sheriff Fees  
Probation Fees  
Park Fees  
Clerk Fees  
DA Fees  
Event Fees  
Check Redemption

6604 - Columbia County Community Corrections (OR)

DUII Fees 203 00 00 3280  
Wrk Crew Rev 203 00 00 3295  
Trnshs Rnt 203 00 00 3290  
Misc Fees 203 00 00 3260  
Elec Mntr 203 00 00 3270  
Other

6383 - Columbia County Fairgrounds (OR)

CAMP FAIR 204.02.00.3262  
STOR RENT 204.01.00.3260  
CARN PASS 204.02.00.3255  
ADMIS ADULT Day 204.02.00.3250  
ADMIS SR Day 204.02.00.3250  
ADMIS YOUTH Day 204.02.00.3250  
Concert VIP 204.01.00.3254  
CONCERT GA 204.01.00.3254  
ADMIS ADULT Season 204.02.00.3250  
ADMIS YOUTH Season 204.02.00.3250  
ADMIN SR Season 204.02.00.3250

6931 - Columbia County Justice Court (OR)

Citations

6601 - Columbia County Land Development (OR)

C C Clear 100 00 00 2006  
Other

6602 - Columbia County Parks Department (OR)

Day Fees 202 00 00 3250  
Ovnite Fee 202 00 00 3251  
Day Fee Wil 202 05 00 3250  
Ovnite Wil 202 05 00 3251  
Refbl Dep 202 00 00 2290  
Other

6603 - Columbia County Road Department (OR)

Permits 201 00 00 3250  
Sale Mat 201 00 00 3122  
Misc Inc 201 00 00 3120  
Other

6760 - Columbia County Sheriff (OR)

CHL 100 06 00 3252  
WA BGCK 100 06 00 3253  
CIVIL 100 06 00 3251  
MAIL AD 100 06 00 3090  
MISC 100 06 00 3250  
JailwkrIs 220 01 00 3253  
HSNG DEBT 220 01 00 3255  
RANGE MISC 100 15 00 3250



5402 - Columbia County Tax (OR)

Property Taxes TAX

5372 - Columbia County Transfer Station (OR)

Waste Fees

6605 - Columbia County Transit (OR)

Trn Db Card 216 01 00 3313

Fare Rev 216 00 00 3250

Cntrct Revenue 216 01 00 3313

Other

With this in mind, it is our strong recommendation for Columbia County, OR to not pursue EMV hardware at this time.

To support our position we have attached a Letter of Indemnification in which Point & Pay indemnifies Columbia County, OR against the shift of liability associated with the EMV migration. Should a transaction be identified as fraudulent and preventable by an EMV application, and no recourse is available to recover the funds or restore the balance, the resulting chargeback will be absorbed by Point & Pay.

As the migration to EMV moves forward, Point & Pay will continually update customers on options to adopt EMV solutions.

As always, we appreciate your business. Please feel free to contact me directly with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Connell', followed by a horizontal line.

Kevin C. Connell

President

Point & Pay, LLC

888.891.6064 (v)

[kconnell@pointandpay.com](mailto:kconnell@pointandpay.com)



## INDEMNIFICATION NOTICE

THIS INDEMNIFICATION NOTICE (this “NOTICE” is effective as of October 1, 2015 between **Point & Pay, LLC** (“PNP”), and Columbia County, OR (“Customer”).

WHEREAS, Customer, PNP and PNP’s third party processing partners are parties to various agreements (collectively, the “Processing Agreements”) for the processing of the electronic payments between Customer and the users of Customer’s services;

WHEREAS, PNP has agreed to indemnify Customer in connection with the Processing Agreements as set forth herein;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, PNP and Customer hereby agree as follows:

1. Indemnification. PNP hereby agrees upon Customer’s request to indemnify, defend, save and hold harmless Customer from and against any and all chargeback liabilities or losses that Customer may incur or suffer arising out of Customer’s use of hardware/software to process transactions under the Processing Agreements that are not EMV capable/enabled.
2. No Assignment. This letter shall not be assignable without the prior written consent of PNP.
3. Miscellaneous. PNP may amend, modify or supplement the substance of this letter with thirty (30) days written notice.