

COOS COUNTY URBAN RENEWAL AGENCY

MINUTES

7:30 a.m., Friday, June 14, 2013

Port of Coos Bay Conference Room, 125 Central Ave., Suite 300, Coos Bay, OR 97420

1. Call to Order/Self Introductions

Chairman Todd Goergen called the meeting to order at 7:31 a.m.

Agency members: Gene Melton, city of Coos Bay; Howard Graham, city of North Bend; John Sweet, Coos County; Mike Erbele, city of North Bend; Mike Stebbins, legal counsel; Mike Vaughan, city of Coos Bay; and Donna Opitz and Eric Farm, Oregon International Port of Coos Bay. Todd Goergen participated by telephone

Guests: Andy Combs, Whitty, McDaniel, Bodkin & Combs LLP; Donna Nichols, Elise Hamner, Megan Richardson and Kerry Lewis, Port of Coos Bay.

2. Public Hearing for Proposed Fiscal Year 2013/14 Budget

Chairman Goergen opened the public hearing at 7: 32 a.m.

Ms. Nichols said this year the agency is using a new reporting form that lays out the budget in a summary form and is what was advertised in The World newspaper. Chairman Goergen opened the public comment period at 7:34 a.m.

There was no public comment.

Chairman Goergen closed the public comment period at 7:34 a.m. Chairman Goergen closed the public hearing for the proposed FY 2012/13 budget at 7:35 a.m.

Chairman Goergen opened the CCURA regular board meeting at 7:36 a.m.

3. Approval of Minutes

Chairman Goergen called for a motion to approve the minutes from these two previous meetings.

Upon a motion by Commissioner Opitz (second by Mr. Erbele), the CCURA Board voted unanimously to approve the May 31, 2013, Budget Committee meeting minutes. Motion carried.

4. Approval and Adoption of Budget Resolution FY12/13-1, a resolution adopting a budget for Fiscal Year 2013/14

Ms. Nichols said there are two project items included in the current budget. There is new debt service on the North Spit wastewater treatment facility study, on which the Agency and the Port partnered. The Port received a DEQ loan to pay for the study. The Agency was going to pay for some of the cost with cash and fund repayment of the loan. No cash was expended nor did the

work require full use of the loan. The debt service is included in Special Revenue Fund and in the Capital Projects Fund.

The Agency also previously approved supporting planning on the Oregon Gateway Terminal Project so that is reflected in this year's budget as well. There were no other changes.

Chairman Goergen reviewed the budget Resolution FY12/13-1 and asked if there was any discussion. There was no discussion. He asked for a motion to approve the resolution.

Upon a motion by Mr. Melton (second by Mr. Erbele), the CCURA Board voted to approve the adoption of Budget Resolution FY12/13-1, a resolution adopting a budget for Fiscal Year 2013/14. Motion carried unanimously.

5. Updated Financial Report

Board members received a detailed summary of the current year budget and expenses, activity in the government pool, tax increment moneys received and checks written. Ms. Nichols said the major checks written this year have been payments against the loan. There was a compilation report done with the accounting firm Pauly Rogers & Co. CPA, not an audit. The total current balance in all of the funds is \$921,124.

Mr. Graham asked for an explanation of the charge on check No. 1092 listed as Government Ethics Commission. Ms. Nichols replied it is an annual ethics fee.

6. Discussion for change of Legal Counsel Representation

Ms. Nichols said Mr. Stebbins has been the acting agency attorney since 2003. The agreement states that the agreement can be renewed automatically for one-year periods unless either party notifies the other party in writing. Ms. Nichols said they have been talking for the past few months about Mr. Stebbins stepping away from the Urban Renewal Agency. He is the Port of Coos Bay's legal counsel, so at times it could be a conflict of interest. She said the preference is to have different legal representation.

Mr. Stebbins said he has already explained the conflict of interest situation previously. He has enjoyed working with this agency and toward economic development on the North Spit. He said he hesitates to walk away, but feels it is time. He said the best candidate in his opinion for this position is Andy Combs of Whitty, McDaniel, Bodkin & Combs LLP.

Mr. Stebbins said Mr. Combs grew up in Coos County, and while he isn't familiar with Mr. Combs' education, he believes that of the newer generation of attorneys Mr. Combs is the best lawyer in the community. He said he is pleased Mr. Combs chose to accept the position. Mr. Combs has litigation and government law experience representing agencies around the community. He has a strong firm backing him.

The agency is not required to request for permission to hire new legal counsel. Mr. Stebbins said he spoke Josh Soper in the Coos County Counsel office and confirmed that public contracting laws are drafted such that this type of professional hire is excluded. Mr. Stebbins said that if the agency would like to employ Mr. Combs, his last duty with the agency will be to negotiate an agreement.

Mr. Combs introduced himself. He stated he grew up in Dora, which is where his ancestors settled in the 1890s. Dora is on the east fork of the Coquille River about 20 miles east of Myrtle Point. Mr. Combs attended high school in Myrtle Point and then went on to the University of Oregon, where he obtained his under-graduate and law degrees. Mr. Combs lives in Myrtle Point and is employed at the Coos Bay firm, handling mostly business and government law. He serves as legal counsel for Bay Area Hospital and the Coos County Airport District.

Mr. Goergen said he did not hear all of Mr. Stebbins remarks and asked if there was interaction with County Counsel in regards to the agency's ability to execute an agreement change for legal representation. He asked what the board would like to do.

Mr. Stebbins said discussion with the county counsel indicated that professional services are excluded from the competitive bidding requirements of the public contracting laws. He said the agency can negotiate directly with Mr. Combs for a contract.

Upon a Motion by Mr. Sweet, (second by Mr. Erbele), the CCURA Board voted to retain Mr. Combs as the Agency's attorney subject to approval of the contract. Motion carried unanimously.

Ms. Nichols said she did not plan to update the board on any projects. Chairman Goergen adjourned the meeting at 7:44 a.m.