

# Baker County Library District

Board of Directors

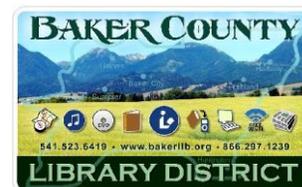
## Regular Meeting Agenda

Tuesday, Aug 15, 2023, 12:00 – 1:00 pm

Meeting simulcast via [Zoom](#)

Phone: +1 669 900 9128 Meeting ID: 880 7837 1833 Passcode: 063784

Kyra Rohner, President



- |   |                 |
|---|-----------------|
| <b>I. CALL TO ORDER</b>   | Rohner          |
| <b>II. Consent agenda (ACTION)</b>  | Rohner          |
| a. Additions/deletions from the agenda  |                 |
| b. Minutes of previous regular and Budget Committee meetings  |                 |
| <b>III. Conflicts or potential conflicts of interest</b>  | Rohner          |
| <b>IV. Open forum for general public, comments &amp; communications</b>   | Rohner          |
| In the interests of time and to allow as many members of the public an opportunity to speak, the board asks guests to limit remarks to five (5) minutes if speaking on behalf of an individual, or ten (10) minutes if speaking on behalf of a group or organization. |                 |
| <b>V. OLD BUSINESS</b>  |                 |
| a. None   |                 |
| <b>VI. NEW BUSINESS</b>   |                 |
| a. Policy revision – Public Contracting Rules (ACTION)  | Stokes          |
| b. Discussion – NDNW Needle Disposal Proposal   | Stokes          |
| <b>VII. REPORTS</b>   |                 |
| a. Director   | Stokes          |
| b. Finance  | Hawes           |
| <b>VIII. Agenda items for next regular meeting: Sep 12, 2023</b>  | President-elect |
| <b>IX. ADJOURNMENT</b>  | President-elect |

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The times of all agenda items except open forum are approximate and are subject to change. Other matters may be discussed as deemed appropriate by the Board. If necessary, Executive Session may be held in accordance with the following. Topics marked with an asterisk\* are scheduled for the current meeting's executive session.

ORS 192.660 (2) (d) Labor Negotiations  
ORS 192.660 (2) (h) Legal Rights

ORS 192.660 (2) (e, j) Property  
ORS 192.660 (2) (a, b, i) Personnel

# Library Board Meeting – Annotated Agenda

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Monday, Aug 15, 2023, 12:00 pm

Notes prepared by Library Director Perry Stokes

## Annotated Agenda

- |  |        |
|--|--------|
| I. CALL TO ORDER                       | Rohner |
| II. Consent agenda ( <b>ACTION</b> )   | Rohner |
| a. Additions/deletions from the agenda |        |
| b. Minutes of previous meeting(s)      |        |

### *Attachments:*

- II.b.i. Board meeting minutes, Jul 11 2023

- |  |        |
|--|--------|
| III. Conflicts or potential conflicts of interest            | Rohner |
| IV. Open forum for general public, comments & communications | Rohner |
| V. OLD BUSINESS  |        |
| a. None  |        |
| VI. NEW BUSINESS   |        |

- |   |        |
|---|--------|
| a. Policy revision – Public Contracting Rules ( <b>ACTION</b> ) | Stokes |
|---|--------|

### *Attachments:*

- VI.a.i

The Library Board acts as the District’s local contract review board (LCRB) and is authorized under Oregon law to adopt public contracting rules and procedures. BCLD’s contracting rules and procedures were last updated in 2009 under Resolution 2009/10 R-3. Since that time, Oregon’s Public Contracting Code has been updated in 2011, 2013, 2017, and 2021. These updates have typically been accompanied by revisions to the Oregon Attorney General’s Model Public Contracting Rules upon which BCLD’s rules are based.

Primary changes to local rules are to amounts in architect/engineers/surveyor contracts, delegation authority and small and intermediate procurements. The proposed amendments align BCLD purchasing policy with State law.

- |   |        |
|---|--------|
| b. Discussion – NDNW Needle Disposal Proposal | Stokes |
|---|--------|

New Directions NW recently approached BCLD about the potential placement of used needle / sharps disposal containers on library grounds. Used syringes have been found discarded on library and city park property on occasion. Other public libraries have reported attempted disposal by flushing down toilets, which can create plumbing blockage and damage.

This is an opportunity for the board to discuss consideration of a potential partnership with NDNW for offering sharps disposal receptacles. If interested, NDW staff can be invited to a future meeting to present more information about their proposal.

# Library Board Meeting – Annotated Agenda

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Monday, Aug 15, 2023, 12:00 pm

Notes prepared by Library Director Perry Stokes

## VII. REPORTS

a. Director

Stokes

### ADMINISTRATION

- **FY23-24 Budget correction needed** – The salary revision for various senior staff will be approximately \$4,500 more than originally projected due to a formula error discovered in the budgeting spreadsheet. I sincerely apologize for the oversight. A budget correction will be made with a future supplemental budget proposal.

### FACILITIES

- **Huntington pest issues** – After branch staff reported a number of wasps in the building and more appearing to come through the light fixtures Ed visited to investigate. He deployed several wasp traps and insecticide bombs between the ceiling tiles and roof deck. He repaired some damage to the soffits from woodpeckers nesting, which may have contributed to insect intrusion. Additional repairs to aging trim and repainting of the building are needed. The wasp situation is now under observation to determine if additional pest control measures are needed.
- **Water intrusion through windows** – While leaks through the roofing were almost negligible, we experienced some wet carpeting along the north window wall of the Reading Room after a recent strong thunderstorm due to poor window seals. Ed is seeking to consult with a window engineer to correct faults causing him frustration.

### PROGRAMS & SERVICES

- **Summer Reading** – Wrapping up this week with prize awards. Over 400 participants registered this year, which is extraordinary.
- **Hoopla Digital usage** – Patron feedback has been positive and usage reports show a great start.

### TECH

- **Meeting Owl camera** – This board meeting will be the debut of a Meeting Owl camera unit. For web conferences, it features multiple camera view options, active speaker tracking, and a 360 degree camera view.

### PERSONNEL

- **Annual staff training 8/17/23** – All available staff will be gathering at the Baker branch on Thursday for our annual staff training event. We will be celebrating the 15<sup>th</sup> year work anniversary of one of our employees.

### SAFETY & SECURITY

- **Rash of theft incidents** – Over 10 days, newly deployed wireless charging pads in public lounge areas were stolen 3 times by 3 different individuals. Two incidents occurred within an hour of each other and may be related. All individuals were identified and

# Library Board Meeting – Annotated Agenda

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Monday, Aug 15, 2023, 12:00 pm

Notes prepared by Library Director Perry Stokes

reported to law enforcement thanks to our security camera system. Almost all of the property was recovered.

- **Hand rail expansion** – Hand rails are needed at the northwest approach to the building from the public parking lot near the public phone. The sloped sidewalk can become slippery in winter weather.
- **Halfway overnight transient camping** – Staff report observations of the exterior grounds being used for overnight stays by different transient individuals in the area. No property damage or littering offenses have resulted to date.
- **Security Camera System Upgrades Needed** - Security camera systems at all branch locations are planned to be expanded with additional cameras for exterior views.
- **Huntington door replacement** – Due to a faulty latch and years of aggressive pulling on the door when locked, the door frame at the main entry in Huntington has become bent. Ed does not believe it can successfully repaired without a full replacement.
- **Branch fire alarm systems** – Ed has proposed to upgrade the fire alarm systems at all branches to a digital system that will automatically notify our alarm contractor when tripped, rather than just ringing on site. I expect the SDAO Safety grant will help fund that update.

b. **Finance**

**Hawes**

Reports to be delivered at the meeting.

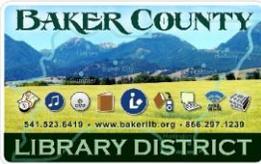
**VIII. Agenda items for next regular meeting: Sep 12, 2023**

**Rohner**

- Revised Employee Wage Scale
- Collection Development Policy & Materials Reconsideration Process
- Financial Management Policy

**IX. ADJOURNMENT**

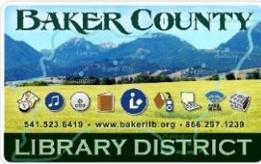
**Rohner**



Baker County Library District  
**Library Board**  
**Regular Meeting Minutes**

July 11, 2023

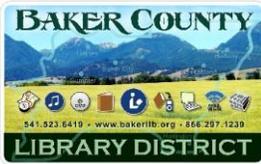
<p><b>Call to Order</b></p>	<p>The meeting was held in the Riverside Meeting Room at the Baker County Public Library, 2400 Resort Street, Baker City, Oregon, the administrative building for the District.</p> <p>Directors attending the meeting in person include Beth <b>Bigelow</b>, Joan <b>Spriggs</b> and Ashley <b>McClay</b>. Also attending in person are Perry Stokes, Director and Christine Hawes, Business Manager. A quorum is present.</p> <p>With Rohner, Chair, and Palmer, Vice-Chair, absent, Beth Bigelow volunteered to lead the meeting.</p> <p>Meeting called to order at 12:09pm.</p>
<p><b>Consent Agenda</b></p>	<p>Bigelow asked if there were any additions or deletions to the consent agenda or minutes from the previous meeting. There were no changes given. <b>McClay made a motion to approve the Consent Agenda with the addition; Spriggs seconded; no discussion; motion passed unanimously (3 yea)</b> by those present.</p>
<p><b>Conflicts of Interest</b></p>	<p>Bigelow asked if there were any conflicts or potential conflicts of interest to be declared. There were none stated.</p>
<p><b>Public Comment</b></p>	<p>Bigelow moved to public comments. No public present. Stokes said that he did get a verbal complaint. He was visiting a local yard sale. It happened to be at the residence of a patron who had borrowed a digital projector which was significantly overdue. He asked the woman about the item, asking when she anticipated that she would return the digital projector. Stokes described the incident. The woman complained to staff when she returned the projector.</p>
<p><b>Executive Session</b></p>	<p>Stokes recommended an Executive Session to discuss a Personnel topic. Minutes have been taken separately as required by law. ORS 192.660.2.b. Executive session commenced at 12:13pm and ended at 12:17pm.</p>



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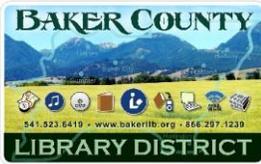
	Returning to the regular meeting at 12:17pm.
<b>NEW BUSINESS:</b> <b>Election of 2023-24 Board Officers</b>	<p>Bigelow moved to the next item on the agenda, the Election of Officers.</p> <p>Bigelow moved on to the annual election of officers. She nominated the current officers to continue in their positions for another year. She stated that since both the president and vice-president were absent, we can't ask them if they are willing to continue, but she felt they would both be willing to continue for another year. <b>Spriggs made the motion, Bigelow seconded the motion; no further discussion; motion passed unanimously (3 yea)</b> by those present.</p> <p>Stokes added that Palmer did say this would be her last term, but she can still be the vice president during that time.</p>
<b>New fiscal year business:</b> <b>Regular Meeting Calendar</b>	<p>Stokes talked about the board meeting schedule for the new fiscal year. He suggested moving the August regular meeting back one week. There was discussion on how many could make the meeting on Aug 8. Everyone agreed that the August 15th date would work better for the majority. Bigelow asked if everyone still likes the noon 12:00pm meeting time. Everyone agreed they do like the meeting time.</p> <p><b>Spriggs made a motion to adopt Resolution No. 2023-24-01 approving the regular meeting calendar with one adjustment; McClay seconded; no discussion; the motion passed unanimously (3 yea).</b></p>
<b>Appoint agent of record</b>	<p>Stokes said this item is a housekeeping item. We will continue using Clarke &amp; Clarke insurance as our agent on record. There was no discussion. <b>McClay made a motion to approve Resolution No. 2023-24.02 Appointing the Insurance Agent of Record, we will continue using Clarke &amp; Clarke for the coming fiscal year; Spriggs second; motion passed unanimously (3 yea).</b></p>
<b>OLD BUSINESS:</b>	Stokes gave an update on the Combat Game Kits and Shooting



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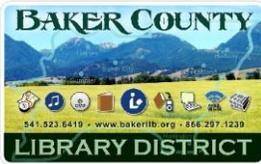
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<p><b>Library of Things addition</b></p>	<p>Tools being added to the Library of Things. Stokes presented the plan for laser game kits and liability waiver to legal counsel at Special Districts. There was no negative feedback. Discussion on the concerns previously discussed. Liability forms will address all of these concerns.</p>
<p><b>Board Members Certificate of Election &amp; Oath of Office</b></p>	<p>Bigelow moved to board member certificates. Stokes said he would need to go back to his office and grab the County Clerk certificate forms before the end of the meeting. The board members will sign the oath later in the meeting.</p>
<p><b>REPORTS: Director</b></p>	<p>Stokes passed around his report and highlighted the following:</p> <p>Facilities – Activities have recently focused on repairs to the sprinkler system. Some repairs have been incidental, some are suspected due to vandalism. The ADA corner at Resort and Campbell where the State has replaced that section of sidewalk, Ed had to re-route the sprinklers. He also had to locate junction boxes in order to make repairs to some areas. He believes he has the system functional.</p> <p>Facility - The roof repair is complete on the most problematic area. To date, the strategy is working. With additional evidence of success, the repair technique will be extended to other areas of the roof with the same flaw. Stained ceiling tiles are being replaced. There is a lot of painting that needs to be done. Bigelow asked about the painting of the walls. Stokes anticipates hiring a contractor to do the painting.</p> <p>Ed is exploring an upgrade of the three rooftop Train HVAC units. Early estimates indicate that all can be replaced for less than \$50,000. If overages cause it to go over that level, then the prevailing wage laws kick in. Stokes has directed Ed to consult and coordinate the project contracting process with Oregon BOLI.</p> <p>Large ADA decals have been ordered for application to cement surfaces below the automatic door switches. These are anticipated to help keep the areas clear of bicycle, scooter, and stroller parking so access to the hands-free door switches is</p>



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	<p>unobstructed.</p> <p>The Friends group has approved funding for replacement tables for the meeting room that will be on casters and flip up so they are easy to move and store. Additional tables of the same model for use in branches, the Study Rooms, and the Reading Room are provided by library's General Fund. Delivery of the batch is anticipated in September.</p> <p>Programs - The Summer Reading Program is off to a strong start with about 300 signed up. Missy always does a great job with this program.</p> <p>The new Hoopla service of digital content began on July 1. This expands streaming access to eBooks, eAudiobooks, magazines, movies, magazines, and comics.</p> <p>The State librarian Wendy Cornelisen is on a tour of Oregon and will stop by on Thursday. Stokes will be giving her a tour of the Haines and the Baker branches.</p>
<p><b>Finance Report</b></p>	<p>Hawes gave an overview of the district's financial reports for the last fiscal year and new fiscal year to date. Behind each fund report is a Balance Sheet to present the ending cash balances.</p> <p>The General Fund received two tax turnovers at the end of June totaling \$5,200.31. In addition, the June pool interest was \$2,286.01. Final ECF funds of \$900 were received on 6/23/23. Another \$1,000 ETO Rebate was received for LED lighting upgrades at the Halfway library.</p> <p>In Personnel Services, there were two payrolls in the month of June -- the usual June 1 pay date plus a second pay date on June 30 due to July 1 being on a Saturday. When that happens, the District policy is to issue payroll the business day before the weekend. At the moment, there are 13 pay checks in the fiscal year which puts the salaries over budget. An accrual entry will be posted to remove the prior year July 1, 2022 pay date, moving it back into the prior fiscal year. Once the adjustment has been posted, salaries will be around 99% spent. The FY2023-24 report</p>



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shows zero payroll for July for this reason.

The General Fund - FY2022-23 checks of interest include: Ingram \$7,377.67 a large monthly book order and Cashway \$2,842.78 for roof materials. At the end of June, there were checks written on June 22 to Landmark Construction \$7,144.80 for emergency repairs on the roof and Grumpy's Repair \$577.37 to repair the library pickup fuel system. Checks written today that posted to the new fiscal year, included Saif Corporation \$1,039.78 for the new workers comp coverage, Brainfuse \$2,103 subscription, LEO Libraries of Eastern Oregon \$4,008.00 (including the Library2Go subscription of \$2,493), Newsbank \$4,781 for the annual Baker City Herald online subscription, and OCLC \$1,531.15 for the WebDewey and WorldShare ILL subscriptions.

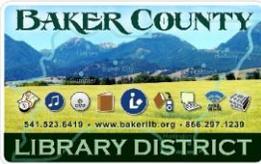
The VISA statement is \$13,413 for this month. The VISA charge reconciliation process is in progress and will be presented to Stokes for review before payment is submitted. The report will be shared with the board at the August meeting.

Online payments paid this week include Xerox \$255.86 monthly copier contract, OTEC \$98.90 for the Haines electricity, CenturyLink \$138.03 for the Sumpter library telephone and Internet service. Online payments made in late June include Idaho Power \$172.67 for electricity at two branches, Halfway & Huntington, Cascade Natural Gas \$15.76 for the Baker library, CenturyLink \$84.63 for Huntington telephone and CenturyLink \$475.86 for Huntington branch Internet. These were given to a board member for review.

The General fund estimated cash carryover is \$668,682; compared to the budgeted carryover of \$625,000, which amounts to \$43,000 of surplus contingency funds.

The Other Funds paid VISA \$39.02 for shipping. It had no other activity this month. This fund has a combined cash carryover of \$187,871.

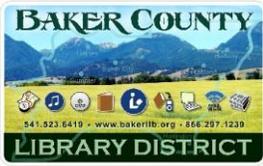
The Capital Investment Fund had no activity other than pool interest and a current cash balance of \$81,356.



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	<p>The Sage Fund received LSTA grant funds of \$64,660, and that was transferred into its pool account on June 21st. In Personnel Services, Sage paid its July 1 payroll on June 30 and has 12 paychecks on the books. Personnel Services is on target with the budget. It also prepaid the payroll taxes on June 30 as well as having reimbursed the General Fund for payroll and PERS on June 30. In Materials &amp; Services, this fund wrote 5 checks totaling \$2,511 for courier services in June. The fund has cash carryover of \$223,285, compared to the budget of \$200,000, it has a surplus of \$23,000 in contingency.</p> <p>There were no questions on the financial report. The Approved Bills Lists (ABL) printouts were passed around with the check packets. The checks were signed by board members present at the meeting who also initial the lists.</p> <p>Additional reports from Hawes included the status of paying off the remaining LID debt on the Resort Street Improvement Project to the City of Baker City. An amount adequate for full payoff was budgeted for the 2023-2024 fiscal year and will be applied in late July or August. The last ECF payment has been received. As discussed at a prior meeting, this is the end of this subsidy. The WiFi hotspots service for patrons will now be paid by the District budget.</p> <p>No further discussions.</p> <p>Bigelow asked if Stokes had agenda topics for next month. Stokes described topics on his To-Do list, such as revisions to the Wage Scale and the Collection Policy. Libraries are getting inundated and overwhelmed with challenges. Libraries must provide due process for reconsideration of materials but new regulations are recommended to avoid abuse of the procedure.</p>
<p><b>Next Meeting</b></p>	<p>The next regular board meeting will be August 15, 2023 at noon.</p>
<p><b>Adjourn</b></p>	<p>Palmer adjourned the meeting at 12:56 pm.</p>



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	<p>Respectfully submitted,</p> <p>Perry Stokes Secretary to the Board PS/ch</p>
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DRAFT



IN THE MATTER OF  
**Amending Public Contracting Rules**  
per ORS 279A.065

) Baker County Library District  
)  
) **Resolution 2023/24 R-4 (8/15/23)**

## **RESOLUTION AMENDING AND RESTATING PUBLIC CONTRACTING RULES AND PROCEDURES**

WHEREAS, Baker County Library District ("District") is an Oregon special district which is subject to Oregon's public contracting laws; and

WHEREAS, under ORS 279A.060, the Library Board is the district's local contract review board; and

WHEREAS, ORS 279A.065 gives a contracting agency the authority to adopt its own rules of procedure for public contracts; and

WHEREAS, ORS 279A.065 requires a contracting agency that adopts its rules under the authority set forth in ORS 279A.065 to review those rules when the Oregon Attorney General makes a modification to the model public contracting rules; and

WHEREAS, the Library Board, as the district's local contract review board, desires to revise the district's public contracting regulations in response to changes in applicable laws and rules,

### **NOW, THEREFORE, BE IT RESOLVED:**

1. Baker County Library District's public contracting regulations are amended and restated as shown in Exhibit A.
2. Exhibit A is adopted and by this reference and is incorporated.

**APPROVED AND ADOPTED** on \_\_\_\_\_.

Signature: \_\_\_\_\_  
Board Chair

### **ATTEST:**

Signature: Perry Stokes \_\_\_\_\_  
District Secretary

#### **Community Libraries:**

Baker City  
Haines  
Halfway  
Huntington  
Richland  
Sumpter  
Bookmobile

## EXHIBIT A

### PUBLIC CONTRACTING RULES AND PROCEDURES

Adopted and Effective Aug 15 2023

#### A. Personal Services.

(1) **Definition.** As adopted by the District's Local Contract Review Board, ~~in BCLD Resolution 2009/10 R-3 (12/14/09),~~ "Personal Services" shall be defined to include those services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include, but are not limited to: architects; engineers; surveyors; custodians; facilities maintenance personnel; attorneys; accountants; auditors; computer programmers; artists; designers; performers; workshop presenters; meeting facilitators; and consultants. The District Director or designee shall have the authority to determine whether a particular service is a "personal service" under this definition.

#### (2) **Contracts for Personal Services Other than Architectural, Engineering and Surveying Services and Related Services.**

(a) A personal services contract totaling less than \$50,000 in either a calendar year or a fiscal year may be awarded by direct appointment, without competitive bidding.

(b) A personal services contract totaling between \$50,000 and \$150,000 in either a calendar year or a fiscal year may be awarded after obtaining at least three informal quotes, according to the procedures for Intermediate Procurement described in ORS 279B.070.

(c) A personal services contract totaling more than \$150,000 in a either a calendar year or a fiscal year shall be awarded using competitive sealed proposals as provided in ORS 279B.060, unless exempted from competitive bidding by resolution of the Local Contract Review Board according to the requirements of ORS 279B.085.

(d) Personal service contracts exempted from competitive proposal processes may be awarded in any manner authorized by the Local Contract Review Board.

(e) Personal services contracts existing on the effective date of these Rules may be extended by direct appointment, without competitive bidding.

(3) **Contracts with Architects, Engineers, and Land Surveyors.**

(a) A contract for Architectural, Engineering and Surveying services may be entered into by direct appointment if such contract is estimated not to exceed ~~\$100,000~~~~\$50,000~~ in a calendar year or fiscal year, or if the project described in the contract consists of work that has been substantially described, planned or otherwise previously studied or rendered in an earlier contract with the consultant that was awarded under these Rules, and the new contract is a continuation of that project.

(b) Unless otherwise provided in this Section, contracts for Architectural, Engineering and Surveying Services shall be awarded according to the procedures for competitive proposals described in ORS 279B.060 and these rules.

(c) All contracts for architectural, engineering, surveying and related service shall be entered into consistent with ORS 279C.110.

**B. Delegation.**

(1) Except as otherwise provided in these rules, the powers and duties of the Local Contract Review Board under the Public Contracting Code must be exercised and performed by the Board of Directors.

(2) Unless expressly limited by the Local Contract Review Board or these Rules, all powers and duties given or assigned to contract agencies by the Public Contracting Code may be exercised or performed by the District Director or designee without further approval of the District's Board of Directors, including the authority to enter into emergency contracts pursuant to ORS 279B.080.

(3) The District Director or designee shall have the authority to approve any public contract of ~~\$10,000~~~~\$5,000~~ or less. The District's Board of Directors shall approve any contract exceeding this amount.

**C. Special Procurements and Exemptions.**

(1) The Local Contract Review Board may exempt from competitive bidding certain contracts or classes of contracts for procurement of goods and services according to the procedures described in ORS 279B.085.

(2) The Local Contract Review Board may exempt certain contracts or classes of contracts for public improvements from competitive bidding according to the procedures described in ORS 279C.335. When exempting a public improvement from competitive bidding, the Local Contract Review Board may authorize the contract to be awarded using a Request for Proposal process for public improvements, according to the processes described in OAR 137-049-0640 through 137-049-0690.

**D. Small Procurements (Under ~~-\$10,000\$5,000~~).**

(1) Public contracts under ~~\$10,000\$5,000~~ are not subject to competitive bidding requirements. The District Director or designee shall make a reasonable effort to obtain competitive quotes in order to ensure the best value for the District.

(2) The District may amend a public contract awarded as a small procurement beyond the ~~\$10,000 \$5,000~~ limit in accordance with OAR 137-047-0800, provided the cumulative amendments do not increase the total contract price to a sum that is greater than thirty percent (30%) of the original contract price.

**E. Intermediate Procurements.**

(1) A contract for procurement of goods and services estimated to cost between ~~\$10,000 \$5,000~~ and \$150,000 in a calendar year, or a contract for a public improvement that is estimated to cost between ~~\$10,000\$5,000~~ and \$100,000 in a calendar year, may be awarded according to the processes for intermediate procurements described in ORS 279B.070.

(2) The District may amend a public contract awarded as an intermediate procurement beyond the stated limitations in accordance with OAR 137-047-0800, provided the cumulative amendments shall not increase the total contract price to a sum that is greater than thirty percent (30%) of the original contract price.

**F. Methods for Awarding Contracts Using Request for Proposal Process.**

In making an award using the request for proposal process in ORS 279B.060, the District may use any evaluation method determined to be most appropriate for the selection process, including, but not limited to, the processes described in ORS 279B.060(6)(b), as well as direct appointment of personal services contracts if direct appointment is determined to be most advantageous to the District. The evaluation process(es) to be used shall be stated in the Request for Proposals. OAR 137-047-0261 through 137-047-0263 shall apply to evaluation of proposals.

**G. Emergency Contracts.**

(1) "Emergency" shall be defined as follows: "Circumstances that (a) could not have reasonably been foreseen; (b) create a substantial risk of loss, damage, or interruption of services or a substantial threat to property, public health, welfare or safety; and (c) require prompt execution of a contract to remedy the condition."

(2) The Board Chair, the District Director, or a designee of the District Director shall have authority to determine when emergency

conditions exist sufficient to warrant an emergency contract. The nature of the emergency and the method used for the selection of the contractor shall be documented.

- (3) Emergency contracts may be awarded as follows:
  - (a) Goods and Services. Emergency contracts for procurement of goods and services may be awarded pursuant to ORS 279B.080 and section B, "Delegation," of these Rules.
  - (b) Public Improvements. The District hereby adopts OAR 137-049-0150 as its contracting rules for awarding a public improvement contract under emergency conditions.

#### **H. Disposal of Surplus Property.**

(1) "Surplus Property" is defined as any personal property of the District that has been determined by the District Director or designee as being of no use or value to the District.

(2) The District Director or designee may dispose of surplus property as in the manner that is, in the discretion of the District Manager, deemed most advantageous to the District or the community at large.

#### **I. Appeals of Prequalification Decisions and Debarment Decisions.**

(1) Review of the District's prequalification and debarment decisions shall be as set forth in ORS 279B.425. The following additional procedures shall apply to hearings on such decisions by the LCRB ~~as provided in LCRB Resolution 2009/10 R-3 (12/14/09)~~.

- (a) Notices shall be submitted in writing to the District Manager. Appeals filed after the filing period stated in ORS 279B.425 shall not be heard.
- (b) Upon opening of the hearing, District staff shall explain the District's decision being appealed and the justification thereof. The appellant shall then be heard. Time for the appellant's testimony shall be established by the Board Chair. The appellant may submit any testimony or evidence relevant to the decision or the appeal. Any party requesting time to testify in support of the appeal shall then be heard, subject to time limits established by the Board Chair.
- (c) Once all testimony and evidence in support of the appeal is heard, any party requesting time to testify in support of the District's decision shall be provided time to be heard,

with time limits established by the Board Chair. Any party testifying in opposition to the appeal may submit any testimony or evidence relevant to the decision or the appeal. Once all testimony in opposition to the appeal has been heard, the appellant may request time to provide rebuttal testimony. At the conclusion of the rebuttal testimony, if any, the Board Chair shall close the hearing.

- (d) When issued in writing according to the requirements of ORS 279B.425, the LCRB's decision and order shall be final.

## **J. Purchases from Federal Catalogs.**

(1) By LCRB Resolution ~~2009/10 R-3 (12/14/09)~~, the LCRB has adopted the following rules for procurement of goods from federal catalogues:

Subject to applicable Board approval requirements stated in the District's Contracting Rules, the District may purchase goods from federal catalogues without competitive bidding when the procurement is pursuant to 10 USC 381, the Electronic Government Act of 2002 (Public Law 107-347). Purchases under other federal laws will be permitted upon a finding by the Local Contract Review Board that the law is similar to such Act in effectuating or promoting transfers of property to contracting agencies.