

Blue Mountain Translator District¹

Board of Directors **Regular Meeting Hearing Provisional** **Minutes** **March 11, 2019**

1. Call to Order and Roll Call Vote	President Wallender called the meeting to order at 12:11 PM. Directors: President Tim Wallender, Director Jean Innerarity, Director Mike Kenny, Director Christina Wood. Staff: Executive Director Alex McHaddad. Members of the Public: Richard Beck. At the request of President Wallender, all in attendance observed a moment of silence in memory of the late Secretary of State Dennis Richardson and La Grande Mayor Daniel Pokorney.
2. Declaration of Conflict of Interest	Asked and none declared.
3.a. Director Report	President Wallender informed the Board that the KATU signal on Beaver Mtn. had been restored. Director Wood noted that the number of complaints on Facebook had decreased since the channel was restored.
3.b. Staff Report	Executive Director McHaddad announced that reminder letters had been mailed out on schedule in February.
4.a. Safety	President Wallender asked if the Secretary/Treasurer had maintained a safe workplace environment since the last meeting. Secretary/Treasurer McHaddad confirmed that he had maintained a safe workplace environment since the last meeting.
5.a. Mt. Fanny Sublease	Executive Director McHaddad reviewed the item as described in the board packet. The District's

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legal counsel was asked to draft a legal opinion regarding BMTD's status as a municipal utility, which Directors had received. The document is privileged, which can only be waived by the Board. Executive Director McHaddad recommended that the board waive privilege because only Oregon Public Broadcasting can challenge the USFS decision to revoke BMTD's local government waiver, and they needed to provide the opinion to OPB. The Board was permitted to enter into executive session to discuss the opinion prior to taking action on the privilege of the document. During executive session, only directors and staff can be present. Alternatively, Directors could simply move to waive privilege without an executive session.

Director Innerarity moved to waive privilege for File No. 9135-001, second by Director Wood.
Yes: President Wallender, Director Innerarity, Director Kenny, Director Wood.
No: N/A.
Abstain: N/A.
Privilege waived for File. No. 9135-001.

Executive Director McHaddad reviewed the legal opinion. The Code of Federal Regulations Title 36 Chapter 11 Section 251.57 references the term "municipal utility" without defining this term. BMTD does not meet the Federal Communications Commission's definition of utility, and nor are translator Districts so defined under Oregon Revised Statutes Chapter 354 or other state laws defining utilities. While neither the FCC nor State of Oregon define translator districts as municipal utilities, the USFS may have another definition, and the legal counsel's request for this definition was forward to USFS. A USFS official replied that the agency's definition for "municipal utility" would be researched.

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	<p>Directors discussed possible changes to the Mt. Fanny site, specifically the construction of a new building on the site leased directly from USFS that can house all of BMTD's equipment. Executive Director McHaddad noted that this project could be considered once the federal government reimbursed the District for repack costs. This would not occur until fall 2020, however.</p> <p>Directors discussed the engineering services budget. Funds are allocated based on available money rather than calculated needs. BMTD's technician inspects all equipment during every site visit to understand maintenance needs.</p>
5.b. Expenditures	<p>Executive Director McHaddad reviewed expenditures.</p> <p>Director Innerarity moved to approve the expenditures, second by Director Wood. Yes: President Wallender, Director Innerarity, Director Kenny, Director Wood. No: N/A. Abstain: N/A. Expenditures approved.</p> <p><i>Legislative update and travel authorization details are included in the Board Packet available online at http://www.bmtd.org/public-notice/</i></p>
5.c. Legislative Update & Travel Authorization	<p>Executive Director McHaddad reviewed the item as described in the board packet. The travel authorization is amended to reflect a decrease in the vehicle price. SB 901 is a newly released bill, but it is unlikely to pass due to its late introduction in the session. Remaining resources to promote the bill are limited. However, even a failed revenue reform bill will be valuable to use during future discussions with property</p>

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owners who express dissatisfaction with the service charge system.

Due to the unpredictable travel schedule, the Executive Director asked for discretion to use travel budget funds as needed. Director Wood stated that the District needs to procure a debit card to pay for such expenses. Executive Director McHaddad clarified that this can be researched, but funding authorization needs were immediate. Director Innerarity expressed that the travel authorization in the board packet, and discretionary use of travel funds, needed to be considered separately.

Director Wood moved to approve the travel authorization as amended, second by Director Innerarity.

Yes: President Wallender, Director Innerarity, Director Kenny, Director Wood.

No: N/A.

Abstain: N/A.

Amended travel authorization approved.

Director Innerarity moved to authorize the Executive Director's discretionary use of travel funds up to the budgeted amount, second by Director Wood.

Yes: President Wallender, Director Innerarity, Director Kenny, Director Wood.

No: N/A.

Abstain: N/A.

Motion approved.

Director Innerarity moved to approve research of a District debit card, second by Director Wood.

Yes: President Wallender, Director Innerarity, Director Kenny, Director Wood.

No: N/A.

Abstain: N/A.

Motion approved.

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<p>5.d. Election Update</p>	<p>Executive Director McHaddad reviewed the item as described in the board packet. The Board could create two classes, A & B, for the different years Director terms begin; create electoral divisions within the district; or create 5 different positions.</p> <p>Director Innerarity inquired about why the Bylaws needed to be amended to create different classes of Directors for the purpose of election. Amending board policies rather than Bylaws is preferable. Executive Director McHaddad clarified that the Baker County Clerk recommended an official change to the Bylaws. This would make the process of filling out candidate forms easier for candidates and the County Clerk. Executive Director McHaddad will prepare the necessary amendment.</p> <p>Directors discussed the difficulties in filing candidate forms, including finding 25 electors registered to vote to fill out candidate forms. Directors discussed the possibility of soliciting donations, including whether viewers could donate an amount if they are unable to pay the full service charge. Executive Director McHaddad clarified that the service charge is referred to as a "minimum tax rate;" viewers can pay more than \$100 per year, but they cannot pay less.</p>
<p>5.e. Bylaws Amendment</p>	<p>Executive Director McHaddad reviewed the item as described in the board packet.</p> <p>Director Innerarity moved to approve the first reading of the amendment, second by Director Wood.</p> <p>Yes: President Wallender, Director Innerarity, Director Kenny, Director Wood.</p> <p>No: N/A.</p> <p>Abstain: N/A.</p> <p>Motion approved.</p>

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<p>5.f. Approval of Minutes</p>	<p>Director Wood moved to approve the minutes, second by Director Innerarity.</p> <p>Yes: President Wallender, Director Innerarity, Director Kenny, Director Wood.</p> <p>No: N/A.</p> <p>Abstain: N/A.</p> <p>Motion approved.</p>
<p>6. Public Comment</p>	<p>Mr. Richard Beck suggested that the District run a more holistic ad campaign, letting people know of the need to pay a service charge. Directors discussed previous ad campaigns, including radio and print ads along with a boosted post on Elkhorn Media Group. Executive Director McHaddad added that the District could begin purchasing ads on the local sports online streams of Brent Clapp Media Services; he also disclosed that he provides services for this firm as an independent contractor. The substance of ads will depend on the decisions about local emergency alerts and other features made by the legislative assembly. Directors discussed different narratives about antennas that could be used in advertising.</p> <p>Directors Innerarity and Kenny noted that their names had been spelled incorrectly on District documents and asked for corrections.</p>
<p>7. Scheduling of Next Meeting and Adjournment</p>	<p>The next meeting will be held on April 9 in La Grande.</p> <p>President Wallender adjourned the meeting at 1:20 PM.</p>