



WASCO COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR SESSION  
FEBRUARY 1, 2012

PRESENT: Rod L. Runyon, Chair of Commission  
Sherry Holliday, County Commissioner  
Scott C. Hege, County Commissioner  
Tyler Stone, Administrative Officer  
Kathy McBride, Executive Assistant

At 9 a.m. Chair Rod Runyon called the meeting to order.

OPEN TO PUBLIC

David Peters, Columbia Cascade Housing Corporation, met with the Board to discuss the Wasco County Home Repair Loan Program.

Peters noted that he just submitted to the County the final draw request. The County asked for and received an extension on the Grant Project. The initial termination date for the Contract was December 31, 2011. The Contract was extended for an additional 60 days.

Peters noted that the Grant has helped 14 homes and 22 residents. The loans were used for the following improvements: reroofing (6), new siding (3), exterior painting (5), ADA accessibility (2), relocation of bathroom (1), and new heating system (4). One loan has already been paid off. A total of \$320,000 was loaned out. The total grant received by the County was in the amount of \$400,000. They used approximately \$33,000 in weatherization funding from Mid-Columbia Community Action Council. The homes that benefitted under this program were located in The Dalles, Mosier, Dufur, Maupin and Shaniko.

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Peters stated that he is putting the word out regarding the acceptance of new applications. There are only 28 applications remaining on the original listing of applicants. He has already received six to seven new applications. The Program has some money potentially to loan out. There is some money that will be paid out for the Sherman County Regional Program. Over \$93,000 has been repaid so far.

The last thing that Peters wished to discuss with the Board of Commissioners is the submittal of a regional grant by the end of March, 2012. He previously discussed the County being the grant applicant and Columbia Cascade Housing Corporation would administer the grant on the County's behalf. Hood River County would be the grant applicant on the next grant. Peters stated that he does not know exactly what will need to be done for a Resolution from the County. He will return within a month with some additional information.

Darrin Eckman, Tenneson Engineering, met with the Board to get a signature on the Notice of Award for the Hunt Park Redevelopment Project. The Contract documents will come before the Board of Commissioners for their approval on February 7, 2012. A preconstruction meeting will be held next week and construction will begin on Monday, February 13, 2012.

Eckman noted that he needs the Board's approval on the Electric Line Right-of-Way Easement with Wasco Electric Cooperative, Inc. The project requires the expansion of the electrical service to the new meter system. It is about 200 feet of electrical line. Wasco Electric will own and maintain the new easement.

**{{{Commissioner Hege moved to approve the Electric Line Right-of-Way Easement between Wasco County and Wasco Electric Cooperative, Inc. Commissioner Holliday seconded the motion; it was then passed unanimously.}}}**

<b>OPEN TO DEPARTMENTS</b>
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Christa Rude, Commission on Children and Families Administrator, met with the Board regarding her memorandum in regards to the Final Wasco County Commission on Children and Families Flexible Funding Stream Allocations for 2011-2012, (Attached as Exhibit A). Rude noted that this is not new money. The Commission last fall wanted to leave a certain amount of funding unallocated to address issues that they are concerned with. They are recommending that we continue to contract for services with existing programs that they are working with currently. Rude noted that this matter has already been discussed with Monica Morris, Finance Manager.



{{{Commissioner Holliday moved to accept the recommendation of the Wasco County Commission on Children and Families in the allocation of 2011-2012 funding to the following programs in the amounts specified: \$1,416.50 from Children Youth & Families Funding for the Teen HAVEN Program; \$2,726.24 from Youth Investment Funding for the Teen HAVEN Program; and \$2,000.00 from Children Youth & Families Funding for the Children's Fair 2012 Program. Commissioner Hege seconded the motion; it was then passed unanimously.}}}

Rude stated in the past two years the Prevention Coalition, YouthThink, has applied for the Sober Truth on Preventing Underage Drinking Act (STOP Act) Grant. She presented to the Board a handout that describes the STOP Act Grant, (Attached as Exhibit B).

Debbie Jones, Prevention Coordinator, stated that they have applied for the grant over the past two years; said grant comes up every three years.

Rude noted that the grant is only available to those entities that have previously received the Drug Free Community Grant. They are requesting permission to apply for the grant which will expand and enhance the existing services. The key purposes for the grant funding were noted at this time.

Some discussion occurred regarding the proposed grant. It was noted that there is no required match under this funding stream.

{{{Commissioner Hege moved to authorize the Wasco County Commission on Children and Families to move forward in applying for the Sober Truth on Preventing Underage Drinking Act (STOP Act) Grant. Commissioner Holliday seconded the motion.

Tyler Stone, Administrative Officer, asked if there is any commitment obligating Wasco County.

Rude stated that there is a commitment from Wasco County that this is a four year grant. The issue is if there is a change in structure. Rude presented to the Board a handout entitled "HHS Grants Policy Statement", (Attached as Exhibit C).

Rude read the paragraph on Page 2 of the handout entitled "Successor-in-interest".

Stone asked if the responsibility would transfer with the new organization.

Rude replied yes.

The vote was called for. The motion passed unanimously.}}

Jones gave a brief update on YouthThink activities. The following is a brief summary of the information provided in the update: YouthThink is under the work plan of the Commission on Children and Families; a meeting will be set up with Stone, Morris and YouthThink's Board of Directors; a Suicide Awareness Training was held in Maupin and at The Dalles/Wahtonka High School; over the past five years they have changed their model to try to provide things for kids to be involved in; they have been making presentations around the community on what our youth are telling us on how they fit into the community; only 19% of the kids felt that they were valued in the community; one of their goals is to have youth more involved in decision making; they are starting a new program at the Chenoweth Elementary School where they are trying to get dads more involved with their kids; and they are offering free movies at the local cinema.

Commissioner Holliday thanked Jones for the outreach to South County and for providing teen suicide training.

Some discussion occurred.

John Roberts, Planning & Development Director, stated that the purpose of the Joint Work Session with the Planning Commission and the Board of Commissioners is to create some communications, to outline issues that the Board might want to have for them and to talk about the ByLaws.

Roberts noted that the Public Hearing on the amendments to the Land Use and Development Ordinance was cancelled last month. Since that time things have evolved. A Land Use Board of Appeals Case came out about 24 hours before the Board cancelled their meeting on January 18, 2012. Roberts needs to enlighten the Board regarding the case.

Roberts stated that they wanted to do a site visit with members of the Board of Commissioners for the Public Hearing on February 15, 2012 on the Appeal by Thomas Delzell. But due to the road conditions it will be impossible to make the site visit.

**PUBLIC HEARING to consider the adoption of an Ordinance regulating Ambulance Service in Wasco County, Oregon.**

Chairman Rod Runyon called the Public Hearing to order.

Chairman Runyon stated as per ORS 203.045 (5) (a) and (b) the Board needs to decide whether to read the Ordinance in full at the hearing. The Board can dispense with said reading since the Ordinance has been provided to members of the Board of Commissioners and to anyone requesting a copy, and the notice of the availability of the



Ordinance has been published twice in The Dalles Chronicle, and has been posted throughout Wasco County.

Chairman Runyon called on Mike Davidson, Emergency Manager, to present the Staff Report.

Mike Davidson stated that in February of last year the Oregon Health Authority sent out letters to Counties indicating that their Ambulance Service Area Plans needed to be updated. The County's original plan was adopted back in December, 1990. Wasco County's Plan was still pretty compliant with the statutory requirements of the state. We needed to update and develop current forms. The County entered into a Contract with Ecology and Environment, Inc.

Davidson noted that the consulting firm had a project kickoff meeting on May 5, 2011. All of the ambulance service providers were invited to attend. Mid-Columbia Fire and Rescue and the Southern Wasco County Ambulance were the only ones who attended. The current plan was reviewed and direction was provided to Ecology and Environment, Inc. The consultant took on the Ambulance Service Area Plan, and Davidson and Commissioner Holliday took on the rewrite of the Ambulance Service Area Ordinance. Davidson informed the Board that there is one additional change in the Plan and that is the change in the address on the Application Form.

Davidson stated that the Board is here to conduct the public hearing on the adoption of the Ambulance Service Area Ordinance. The Plan needs to be approved by the State of Oregon. A certification by the Board of Commissioners is required. The Ambulance Service Area Plan and maps becomes an attachment of the Ordinance under Section 3.

Davidson stated that he has provided the Board with a listing of changes which have been made to the Ambulance Service Area Ordinance, (Attached as Exhibit D).

This document was inadvertently left out of the Board's Packet by Staff. The listing of changes will be provided to the Board prior to the next public hearing.

Davidson stated that Section 4.3.6 is listed as being revised to add one word. The Section number is actually 4.3.7.

Davidson noted that there are two Committees listed in the Plan and Ordinance; Wasco County Ambulance Service Area Review Committee and the Wasco County Quality Assurance Committee. He briefly noted the responsibilities of each Committee. Davidson stated that the memberships of the Committees are up to the Board of Commissioners; the membership of the Committees reflects what was in our previous Plan.

A discussion occurred regarding the proposed makeup of the Committees. Concerns were expressed on the size of the Committees.

Kathy McBride, Executive Assistant, stated that in reviewing the Oregon Revised Statutes and the Oregon Administrative Rules there was no mention as to the required makeup of the two Committees.

Bob Palmer, Mid-Columbia Fire and Rescue, asked what is the purpose of the Quality Assurance Committee?

Commissioner Holliday responded by stating that they will deal with any complaints that have been filed.

Palmer stated that the Review Committee has been fairly functional in the past.

Commissioner Holliday thanked Davidson for taking on this task. She felt it was a great process. There were plenty of opportunities for input. One major change that was made to the updated Plan is that the time requirement to notice the County on discontinuing to provide ambulance service was lengthen. Commissioner Holliday feels the documents are good and more comprehensive.

Davidson stated after adoption, the Plan and Ordinance will be uploaded to the County's website. The Contracts went from three years to five years with an annual update.

Some discussion occurred in regards to the appointment of the Ambulance Service Area Coordinator, who received notification of today's public hearing and that the entire County is covered with an Ambulance Service Area Provider.

Tyler Stone, Administrative Officer, suggested that through the budget process we should add some funding to deal with the responsibility of overseeing the Ambulance Service Area process.

A lengthy discussion occurred regarding the membership on the Review and Quality Assurance Committees.

The Board of Commissioners suggested that Section 5.10.1 in the Ambulance Service Area Plan should be amended to read "The structure of the Review Committee may consist of a representative member from the following groups".

Chairman Runyon asked if we can say "a quorum of the members".

County Counsel Eric Nisley will be consulted to see if this language can be used as suggested by Chairman Runyon.



Chairman Runyon asked if there was anyone wishing to testify in regards to the adoption of the proposed Ambulance Service Area Ordinance.

Bob Palmer, Mid-Columbia Fire & Rescue, testified that Commissioner Hege has a good point. You need to get the people to show up at the Committee meetings. He thanked Davidson and Commissioner Holliday for their work in updating the Ordinance and Plan and for asking for input from the Ambulance Service Area Providers.

Palmer agreed to assist Davidson and Commissioner Holliday in working on the makeup of the Review and Quality Assurance Committees.

**{{{Commissioner Holliday moved to continue the Public Hearing to consider the adoption of an Ordinance regulating Ambulance Service in Wasco County, Oregon to March 7, 2012 at 10 a.m. Commissioner Hege seconded the motion; it was then passed unanimously.}}}**

The Public Hearing recessed at 10:09 a.m.

Stone requested that Item #1 on the Regular Session Consent Agenda of February 1, 2012 be removed and placed on the Discussion List.

Commissioner Holliday noted that Item #2 on the Discussion List will not be discussed today since Marty Matherly, Wasco County Public Works Director/Roadmaster, has requested to come in at a later date to discuss alternative funding for the Public Works Department.

The Board recessed at 10:10 a.m.

The Board reconvened at 10:15 a.m.

**PUBLIC HEARING to hear appeals by the Applicants, Karen Easton and David Kuehn, and the Friends of the Columbia Gorge on the decision of the Wasco County Planning Commission to deny the applicant's request to construct a home and garage on a parcel zoned NSA Special Management Area R-R (5).**

Chairman Runyon called the Public Hearing to order.

Chairman Runyon went over the procedures for today's Public Hearing.

Chairman Runyon asked if there was any member of the Board wishing to disqualify them self for any personal or financial interest in the matter. There was no one.

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Chairman Runyon asked if any Board Member wished to report any significant ex parte or pre-hearing contacts. There was no one.

Chairman Runyon asked if there is any member of the audience wishing to challenge the right of any Board member to hear this matter. There was no one.

Chairman Runyon asked if there is any member of the audience who wishes to question the jurisdiction of this body to act on behalf of Wasco County in this matter. There was no one.

Chair Runyon called on Staff to present the Staff Report.

Gary Kahn, Representing the Friends of the Columbia Gorge, asked if the parties had the right to question other witnesses.

Chairman Runyon stated that he did not see that as a problem.

John Roberts, Wasco County Planning & Development Director, stated that Jeanette Montour, Senior Planner, is the lead planner on this application. Roberts noted that this is a unique planning case. What is at stake is whether this is a taking or not. It is not the County's jurisdiction to decide that. This is a case that needs to get before the Columbia River Gorge Commission to make that decision. There is a District Court Case that has played into this. Roberts noted that this is a one of a kind planning case that we are dealing with. What is unique about this is that it is necessary for the Board to deny it so it moves up to the Gorge Commission.

Commissioner Hege asked if it is unique because it is in the scenic area.

Roberts stated it is in the Scenic Management Area (SMA). The property has a history. What is unique is that the Gorge Commission has not dealt with this type of situation.

Jeanette Montour, Senior Planner, presented the Staff Report at this time. A copy of her presentation is hereto attached, (Attached as Exhibit E).

Roberts stated that he would add that there are four things at play: National Scenic Area Act, National Scenic Area Management Plan, the District Court decision, and the National Scenic Area Code. This application is in conflict with all four. If it is ultimately approved by the Columbia River Gorge Commission, the manner of having it remanded is unclear. The County would open the planning process to process the application if it is remanded back to Wasco County.

There were no questions of staff.

Montour stated that she may need to clarify things after the Appellants speak.



Roberts stated that typically the Planning Commission does not see scenic area development proposals unless they are appealed. We processed it to give the Planning Commission an opportunity to provide comments on development standards. They were not really interested in doing that. The original Staff Report to the Planning Commission had conditions that we would typically add to proposals. They are pretty much immaterial at this point.

Montour stated that Staff would like to remove all proposed conditions of approval to clarify the report to highlight the issue at stake, which is whether the dwelling and structures are permitted to be constructed in the first place. We have done this to address one of the appeals made by Friends of the Columbia Gorge; they requested that all of the conditions be removed.

Chairman Runyon called on Appellants Karen Easton and David Kuehn.

Dr. Karen Easton stated that this has been a three year odyssey. They have tried every possible way to settle this that is fair and equitable to them. They have tried to sale the property to their neighbors; tried to get the Friends of the Columbia Gorge to purchase the property; and have tried to do everything to settle this matter without going through the Courts. They are going through this process to have a jurisdiction say that their property is buildable. They purchased the property in good faith; to build the property. The property they purchased is 3/4 acres. They cannot do anything with the property without putting a home on it; they are not allowed to farm it or forest it. Since they purchased their property there has been several homes that have been developed in the Rowena Dell. They were unaware of any lawsuits or potential problems with this land. They were given a copy of the previous owner's agreement that he was allowed to build from the Gorge Commission on this property. They saw no potential legal problems with building on the land. There were none until this lawsuit came through. They were not aware that the lawsuit was initiated; they were not informed that there was a potential problem until it was a done deal. Easton stated that we are the only one in Rowena Dell that happened to be SMA and that happened to be affected. There were other properties on the west side that were affected but somehow happened to solve their problems.

Easton stated that they are open to any type of resolution that gives them something that is worth something. According to the lawyers this is the only way they have. They would like to proceed to the Gorge Commission to discuss this with them. It all comes back to the fact that it has to be labeled as a buildable property for them to do anything with it. There have been offers from the Forestry Department and the Friends but no one wants it to be a taking because that potentially opens up more problems for everybody. But that seems to be the only resolution. She would like to go forward with this; it is the only avenue, but they want to keep it as very unique. They do not want to open it up to a bunch of other takings cases.



Chairman Runyon asked if there were any questions from members of the Board of Commissioners.

Commissioner Holliday asked when the property was purchased.

Easton replied that the property was purchased in 2001.

Commissioner Holliday inquired as to the offers received.

Easton stated they spoke to the Friends and the Forestry Department about purchasing it. The problem is they can only give you the current market value and because it is non-buildable it is worth nothing.

David Kuehn stated that the assessed value keeps going up; it is around \$120,000. If it is non-buildable then it is \$5,000. That is the type of offers they received. They said if you take the non-buildable price fine. If they knew there was an issue they could have built the house the first six years. Kuehn stated that they were on the property when a Forestry Department employee, he does not know the man's name, gave him a copy of the house that was approved by the previous owner. There is a house above and below in this neighborhood; acre lots. Kuehn knows it goes up against the scenic area. It is in a neighborhood with a fire hydrant on it and it is set up with electrical already. It is not an empty property; that square ended up being SMA.

Commissioner Hege asked if the properties on either side are not in the SMA.

Easton stated that some are and some are not. Some are GMAs and some are SMAs. The only non-built lot that is SMA is theirs.

Easton noted that it is a lot that has hydro, water; it is supposed to be buildable. It was deemed buildable at the County level. They have tried the whole Section 8 thing because the previous owner applied for a Section 8 change to make it a GMA. When the previous owner got permission to build by the Gorge Commission he did not pursue it; instead he sold it to us. Because he sold it to us, it was in that three year window, we are out of luck.

Easton stated that the Forestry Department deemed the property as a non high priority to purchase. Because of that it would have automatically converted to a GMA property. Because it was sold they do not recognize it as the offer going with the property; it was going with the owner.

Easton noted that the Friends said they could not purchase the property because it interferes with their non-profit status. They could put it in a trust until the Forestry Department could purchase it. Easton stated that they cannot do it unless they get it to



a buildable status. They were told the offer would be off the table if they took it to a takings case. Easton noted that it has been a nightmare.

Easton stated that they could not get the Forestry Department to do an assessment since it would cost more to do the assessment than the property is probably worth.

Kuehn stated that if they had any idea they would have built a house five years ago; it would not have been an issue.

Chairman Runyon called on the Friends of the Columbia Gorge, Appellant.

Gary Kahn, Attorney for Friends of the Columbia Gorge, Inc., and Nathan Baker, Staff Attorney for the Friends of the Columbia Gorge, were present.

Kahn stated that they filed their own appeal and they are also a party in the appeal filed by the applicants. He wished to address their appeal first. The decision by the Planning Commission appeared to include conditions of approval in the event that the Gorge Commission ultimately approved a dwelling on this. They felt that it was premature. That should not be attached to the approval unless it gets remanded back from the Gorge Commission. They understand that staff has agreed that the conditions should not be a part of any denial by the County. Staff is recommending that those be deleted. That is what they want under their appeal; no contingent conditions of approval that are attached to an ultimate decision by the Gorge Commission.

Kahn stated the Planning Department indicated that if it did get remanded by the Gorge Commission that they would have a new proceeding, with public notice and an opportunity to comment. That is the time where conditions of approval should be attached; the Friends may weigh in at that time.

Kahn stated as to applicant's appeal; before we started he asked if they would have an opportunity to ask some questions. Kahn has a few questions for clarification to the applicants.

Chairman Runyon indicated that he had no problem with the Friends asking questions of the applicant.

Commissioner Holliday and Kathy McBride, Executive Assistant, stated that the County has never done that before.

Kahn asked Easton several questions at this time. During the questioning Chairman Runyon asked Kahn to address the questions to the Commission. He also advised the applicants that they did not have to answer the questions if they did not want to. The following is a summary of the responses received from the applicants:

- Easton stated that Dan Harkenrider, Forest Service, gave her two names of local fire departments to speak to in regards to whether they could use the property for a fire station. Kuehn stated that the result of the conversation was that they were not interested in building a fire station on the property. Easton has this in an email.
- Easton stated that it was her statement as to the property not being suitable for a community park and playground, and that the neighbors would not use it.
- Easton stated that they were not aware when they purchased the property in 2001 that there was a pending Section 8 (O) offer to the Forest Service.
- Easton stated that her statement regarding not being allowed to farm on the property was based on the documentation of the soil status of the property. They did not file any application to farm the property. It is designated as having the worst possible soil for farming.

Chairman Runyon asked if there were any further questions. There were none.

Chairman Runyon asked if there was anyone wishing to speak in favor of the development request, in opposition to the request, or any rebuttal from the Appellant. There was none.

Commissioner Holliday asked staff what the probability is for a remand.

Roberts stated that he is not sure.

Commissioner Hege asked staff to address the concerns over the conditions.

Roberts stated that we processed the application as we did to the Planning Commission because it was a unique opportunity for them. At the staff level it seemed suitable for development because it is an existing subdivision. He looked at this as a way to expedite the application if it was remanded. The Friends wanted to make sure if it is remanded that there would be an opportunity for public comments. When it was denied, there were no conditions of approval that really applied.

Commissioner Hege stated that this parcel is SMA. Are the adjacent parcels not special management?

Montour stated it is a subdivision; there are also division lots. The Rowena Dell Subdivision is in the special management area.

Easton stated that some are GMA.

Montour stated according to their data the area is identified as SMA. It is possible that there are areas just outside or around the general area that are designated as GMA.



Easton stated that she has a map showing some are designated as SMA and some are GMA, (Attached as Exhibit F).

Montour stated if this is the case what happened here is that the particular parcels that are green would indicate GMA. They used the provision of Section 8 (O) to apply to be considered GMA and not be characterized as SMA. They had to apply to be considered that way. As a default everyone else in the area became SMA during that process. The previous owner applied for a house, was given approval and the approval expired. The property transferred after that time. That person initiated the Section 8 (O) procedure to have the property designated as GMA. They sold the property; with that transfer of land sale that null and voided that agreement that was in the works so it defaulted to SMA.

Commissioner Hege asked if there are residential dwellings on SMA land in this area.

Montour replied yes.

Commissioner Hege asked how were they approved, what has changed?

Montour stated under the previous interpretation, the Planning Department looked at development in this subdivision area that is zoned R-R (5) and elected to interpret major development in a different manner than it is interpreted today. With this interpretation they permitted homes to be developed. That interpretation was clarified with the recent Supreme Court Case. That clarified that no new residential development is permitted in SMA on lots less than 40 acres in size. That is why they needed to look at this and make a new interpretation of our previous interpretation.

Kahn stated to clarify the situation some of the structures on small lots in Rowena Dell predated the Scenic Act. Some people applied for a home at the time; the legal interpretation was even though it was SMA and less than 40 acres because it was designated as residential by the Forest Service, homes were allowed. There were some parcels where people filed asking the Forest Service to purchase it under Section 8 (O). Under that statute if the Forest Service does not purchase it within three years it doesn't become GMA, it still remains SMA, but the GMA rules apply. The land is SMA on the map, but the rules of GMA apply.

Commissioner Hege asked if the rules of GMA apply on this lot the house would be allowed with conditions.

Kahn responded by stating that would be arguable because the land is still SMA. Under the statutes you can't have a major development action, which includes building a house on less than 40 acres. That is a little bit unclear.

Roberts noted that is why this issue is going as a taking to the Gorge Commission.

The Public Hearing was closed to testimony at 10:57 a.m.

Chairman Runyon stated that he would like to help the landowners get to where they need to be. At this time he read out loud the staff recommendation.

{{{Commissioner Holliday moved to deny the applicant's request to construct a 2,400 square foot dwelling and a 576 square foot attached garage with a condition that if the application is remanded from the Columbia River Gorge Commission to the Planning & Development Department, it will be reopened for review and will include standard public pre-notification and notice comment periods. Commissioner Hege seconded the motion; it was then passed unanimously.}}}

The Public Hearing adjourned at 10:59 a.m.

**CONSIDERATION AND APPROVAL of the Regular Session Consent Agenda of February 1, 2012, (Attached as Exhibit G).**

Commissioner Hege expressed an interest in removing from the Consent Agenda the Contract Agreement between Wasco County Community Corrections and Anne Webber in order to allow the Board to discuss the Contract Agreement.

{{{Commissioner Holliday moved to approve the Regular Session Consent Agenda of February 1, 2012, as presented with the exception of Item #1. Commissioner Hege seconded the motion; it was then passed unanimously.}}}

**CONSIDERATION of items listed on the Discussion List of February 1, 2012, (Attached as Exhibit H).**

**Item #2**

Commissioner Holliday noted that Marty Matherly, Wasco County Public Works Director/Roadmaster, would like to put together a packet of information for a more formal presentation in the very near future.

The Board of Commissioners discussed the proposed Contract Agreement with Anne Webber. Tyler Stone, Administrative Officer, stated that this has been a long standing Personal Services Contract with Webber to provide counseling services to the Wasco County Community Corrections Office. Under the Wasco County Contract Review Board Rules the Board of Commissioners can exempt Personal Services Contracts from competitive bidding. That is what Robert Martin, Wasco County Community Corrections Manager, is requesting.



Kathy McBride, Executive Assistant, read out loud Section 26 (1) (a) of the Contract Review Board Rules.

Stone stated that the Board will need to make findings when we approve these types of Contracts.

**{{{Commissioner Hege moved to exempt from competitive bid the Contract Agreement between Wasco County Community Corrections and Anne Webber as authorized by Section 26 (1) (a) of the Wasco County Contract Review Board Rules; and that said Contract Agreement is approved. Commissioner Holliday seconded the motion; it was then passed unanimously.}}}**

Chairman Runyon stated that he and Commissioner Hege were attempting to schedule a time on February 15, 2012 to conduct an inspection of the property which is subject to the Public Hearing on the appeal of the Planning Commission's decision to uphold the decision of the Planning Director to deny a Conditional Use Permit and Subject to Standards Review on property owned by Thomas Delzell and Julia Rouzie. County Counsel Eric Nisley felt it would be better to schedule a time where each of the Commissioners would hear the same thing during an inspection. Chairman Runyon stated that after speaking to John Roberts, Planning & Development Director, it appears that it will be impossible to get to the property due to the current road condition.

Some brief discussion occurred.

Jeanette Montour, Senior Planner, stated that she will make an inquiry with the Public Works Department to see if we can get to the subject property for an inspection.

#### Item #1

Stone stated that the County has received the request from the Oregon Department of Administrative Services, Facilities Division, to extend the term of the Lease Agreement for the Oregon Youth Authority.

Some discussion occurred. Stone noted that the County takes care of the landscaping at the office building located at 606 Court Street. His recommendation is for the County to continue to lease the building to the State of Oregon.

**\*\*\*It was the consensus of the Board of Commissioners to authorize Tyler Stone, Administrative Officer, to negotiate a new Lease with the Oregon Department of Administrative Services, Facilities Division, for the office building located at 606 Court Street in The Dalles, Oregon\*\*\*.**

On Hold Item #2

McBride informed the Board of her conversation with Glenn Pierce, Environmental Health Specialist Supervisor, in regards to the letter of interest received from Jim Winterbottom for the opening on the Wasco County Solid Waste Advisory Committee.

Commissioner Hege asked for an update on property management of the County rental located at the corner of Tenth and Walnut Street.

Stone stated that he will have Fred Davis, Facilities Manager, come back with an update on his discussions with the County's current property manager.

The Board recessed at 11:17 a.m.

The Board reconvened at 1:00 p.m.

**LINDA BROWN, COUNTY CLERK. Discussion on the Clerk's Office Remodel.**

Linda Brown, County Clerk, met with the Board to discuss the remodel of the County Clerk's Office. Brown informed the Board of the Help America Vote Act which allocated funding to the state to upgrade election equipment, etc... In 2010, the Secretary of State allowed the Counties to submit requests for equipment upgrades. Wasco County submitted a request and was awarded a grant in the amount of \$12,000 to make the Clerk's Office counter ADA compliant.

Brown noted that she sought proposals from OM Workspace, Pacific Office Furnishings and Staples Office Furniture. Two of the three companies made on-site evaluations, but only OM Workspace actually turned in a proposal for the County's consideration at the cost of \$14,338.37.

Some discussion occurred in regards to soliciting for proposals, the proposal received from OM Workspace and the funding available to complete the project.

Brown noted that under Capital Outlay in the Elections Division there is \$20,685 available for the project. A portion of those funds is to purchase a new scanner and printer for the Elections Deputy. Brown is requesting approval to spend above the \$12,000 that has been awarded under the grant from the State of Oregon. The cost of purchasing the printer and scanner is \$2,669.73, leaving a balance of \$18,015.27. She noted that they can cover the extra \$2,000 in the Elections Division Capital. They are partnering with Facilities to cover the costs for carpeting and paint.



Brown stated that it came to their attention that they should be looking to acquire more efficient workspace and filing systems for the office since they are remodeling the office. She received another proposal for workstations and printer tables from OM Workspace in the amount of \$10,608. Brown noted that there is \$10,000 in the Clerk's Records Fund that could be used to purchase those workstations. She contacted other County Clerks in the State of Oregon and learned that they have used that money for upgrading workstations for their recording clerks.

Fred Davis, Facilities Manager, stated that early on they obtained their first estimate on the cost of new carpeting. They then asked for a new price estimate, which actually went down from the initial estimate. Davis feels that the workstations and printer tables will offer improvements to their space. He feels that the design that OM Workspace came up with will be very functional in this awkward space.

Davis noted that the cost estimate for the painting is \$750, with the carpeting and tile at \$4,990.35. He is guessing that the electrical work in the Clerk's Office will be roughly \$500.

A lengthy discussion occurred regarding the cost of the Clerk's Office Remodeling Project and for the need of the new workstations and printer tables. Also discussed was the new layout for the Clerk's Office.

Monica Morris, Finance Manager, stated that the County Clerk came to her regarding the project. The County budgeted more than what was anticipated. Morris was not aware that Davis put any money in his budget to assist in this project. The original \$20,000 was to cover equipment, the counter, wiring and carpet. Morris stated that if Brown is spending money under the Special Revenue Fund (Clerk's Recordings) to organize her office to make it more efficient; she has money to do that.

Davis stated that he is currently at 33% spent on this building's repair and maintenance account. The cost of the painting would come out of that account. As to the cost of the carpet; Davis feels he has funding available to cover the cost of the carpet. Davis stated if we go back to his capital lines there has been some work done which did not cost as much as anticipated. He has almost \$6,000 in savings that could be put towards this project.

Morris asked if Brown had obtained additional quotes for the workstations.

Brown stated that she obtained one quote from OM Workspace.

{{{Commissioner Holliday moved to allow the County Clerk to move forward with the Clerk's Office Counter Remodeling Project as discussed and that the proposal from OM Workspace in the amount of \$14,338.37 is approved. Commissioner Hege seconded the motion; it was then passed unanimously.}}}

{{{Commissioner Hege moved that the Board of Commissioners acting as the Contract Review Board for Wasco County finds as follows: that an emergency exists due to the immediate need to acquire workstations and printer tables for installation during the remodeling of the County Clerk's Office and that the Clerk's Office needs to be put back into order prior to the primary election in May; and that the proposal from OM Workspace be approved at the cost of \$10,608. Commissioner Holliday seconded the motion; it was then passed unanimously.}}}

Some discussion occurred regarding the start and ending date for the Clerk's Office remodel.

**CAROL FRIEND, FRIEND & REAGAN, P.C. Presentation on Wasco County's Audit for Fiscal Year 2010-2011.**

Carol Friend, Friend & Reagan, P.C., presented to the Board of Commissioners a presentation on Wasco County's Audit for Fiscal Year 2010-2011.

In the Audit they provide two letters to the County. One letter is called the management comments letter, (Attached as Exhibit I). A couple of things were found while doing the audit. After some budget changes were made the transfer did not match the transfer out amount. The other pertained to the County's bidding procedures. They had trouble figuring out what the County's intent was as to change orders. Friend is recommending that the County's Contract Review Board Policy be reviewed and amended if needed.

Some brief discussion occurred in regards to the transfer under the Public Health Fund #212. Friend noted that one half of the transfer piece did not get put into the budget.

Friend stated that the third comment in the management comments letter was in regards to the North Central Public Health District entering into a Contract to purchase a medical records system without obtaining the approval or signature of the County Commissioners.

Commissioner Hege pointed out that the Intergovernmental Agreement creating the North Central Public Health District grants the authority to the Director to sign Contracts.

Stone stated that Wasco County is still the Contracting Agency for the North Central Public Health District.



Some discussion occurred in regards to this issue.

Friend pointed out that Wasco County is the budgeting agency for the Health District. The County authorizes and appropriates money for the District to spend. The North Central Public Health District is still a part of Wasco County. Friend acknowledged that she knows this is an area that is under discussion at this time.

Friend stated that the second management letter discusses deficiency in internal control, (Attached as Exhibit J). They found two things that were of importance; material weakness is the first. The County does not have a policy to address the oversight and review of all journal entries, or a policy to address the reconciliation of receivable and payable sub-ledgers to the trial balance. Friend referred the Board of Commissioners to Page 104 and 105 of the Audit which discusses in more detail why this is a problem and the response from Monica Morris, Finance Manager, as to how the County is going to address this issue. Friend stated what they found was that the trial balance included \$193,801 in duplicate accounts receivable entries and an incorrect accounting for foreclosure and senior deferral proceeds. The taxing districts that received tax dollars did not receive correct statements.

Friend stated that they prepare the County's financial statements. According to the definition having the Auditor preparing the financial statements is a sufficient deficiency in internal control.

Friend noted that they prepare all financial statements for the audits that they prepare. It is not necessary for Morris to prepare them. She will be putting together training for Morris so that she knows how to do them.

Friend referred the Board to Page 7 and 8 of the Audit. The first paragraph talks about the financial statements are the responsibility of Wasco County. The second paragraph talks about conducting the audit according to standards. Friend stated that they examine information on a test basis. They do not examine all transactions. Friend believes that the process that they go through is sufficient.

Friend stated that they are rewriting the audit report for future years which will hopefully make more sense. The fourth paragraph in the letter talks about internal control. They do not provide an opinion on internal control, on the Management's Discussion and Analysis, or on GASB 45 health insurance benefits for future retirees.

Friend continued with her presentation. She referred the Board of Commissioners to the following pages in the Audit: Pages 16, 18, 32, 33, 43, 24, 49, 50, 94, 96, 97, 100, 101, 102, 103, and 104.

Some discussion occurred in regards to Special Revenue Funds and what constitutes a major fund.

At the conclusion of the presentation Morris stated that the firm of Friend and Reagan has been very professional and has been wonderful to work with. They communicate freely with us.

Stone stated that he would mere what Morris has stated. The County has dealt with complex and interesting issues this year. Having that dialogue has been good.

Friend stated that they feel it is important that our relationship helps the County do a better job. The end goal is to help the County get it right and not just by slapping your hands.

{{{Commissioner Hege moved to approve the Audit for Fiscal Year 2010-2011 as presented. Commissioner Holliday seconded the motion; it was then passed unanimously.}}}

**CONSIDERATION AND ADOPTION of Mobile Communication Device Policy.**

Stone stated that the County has had the Cellular Telephone Policy in place for quite awhile. This Policy has been updated due to new technology coming on line, such as the Mobile Data Terminals (MDTs), cellular telephones and IPads. He noted that the County has had no language in the Policy on how these devices are used or distributed.

Stone noted that this Policy was discussed at Management Meetings along with the use of hands free cellular telephones. The County has the Vehicle Policy that will be addressed more in depth. The Policy is being updated to add the new hardware that we are using. It allows the Board the ability to award a stipend so that folks that are required to have these devices can buy one so that it is a personal piece of equipment which allows flexibility with the ethics rules.

Kathy McBride, Executive Assistant, informed the Board that there was one additional change on Page 4 of the Policy under the "While Driving a Motor Vehicle" Section of the Policy. The words "County owned" were added to the second sentence.

Stone stated that it was the feeling of the Management Team that the use of hands free devices constitutes a distraction while driving.

Commissioner Holliday stated that there was unanimous support from the Management Team to not allow the use of hands free devices.



{{{Chairman Runyon moved to adopt the Wasco County Mobile Communication Device Policy. Commissioner Hege seconded the motion; it was then passed unanimously.}}}

Some discussion occurred on how Policies are distributed to County staff.

#### COMMISSION CALL / REPORTS

Commissioner Hege asked if Commissioner Holliday attended the function at the Warm Springs Reservation.

Commissioner Holliday stated that she did attend. She learned that there are areas on the reservation that do not have telephone service. The Confederated Tribes of Warm Springs has just formed their own telephone company; they will be putting in lines to provide telephone service.

Chairman Runyon stated that Les Logsdon, Veterans Service Officer, has resigned due to health reasons. The Wasco/Hood River County Veterans Services Advisory Committee has formed a Hiring Selection Committee to review the applications received. Les Cochenour has been brought in to be a part of the selection process, along with Mike Benedict from Hood River County. Advisory Committee Member Steve Lawrence reviewed over 60 applications submitted for the Position. He has narrowed down the applications to 17. The Hiring Selection Committee met on Monday. The Committee has narrowed the applications down to five applicants. Interviews have been set up for February 16<sup>th</sup> beginning at 8:30 a.m. Commissioner Runyon and Administrative Officer Stone will be involved in the interviews but they will not be a part of recommending the appointment of the new Veterans Service Officer.

Chairman Runyon noted that Russ Jones is doing a good job in filling in at the Veterans Services Office.

Commissioner Holliday stated that she would urge the Advisory Committee to recommend two candidates if backgrounds are going to be conducted.

Commissioner Runyon stated that Stone will be putting together the questions into a scoring format for the interviews of the five candidates.

The Board signed:

- Regular Session Minutes of September 14, 2011.
- Electric Line Right-of-Way Easement between Wasco County and Wasco Electric Cooperative, Inc.
- Wasco County Mobile Communication Device Policy.

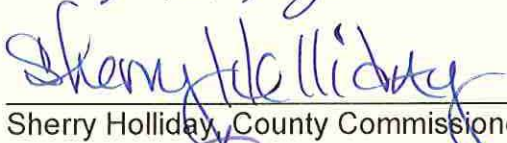
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- Contract Agreement between Wasco County Community Corrections and Anne Webber.

The Board adjourned at 2:30 p.m.

WASCO COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Rod L. Runyon, Chair of Commission

  
\_\_\_\_\_  
Sherry Holliday, County Commissioner

  
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Scott C. Hege, County Commissioner