

**WASCO COUNTY BOARD OF COMMISSIONERS**  
**REGULAR SESSION / AGENDA Wednesday, November 13, 2013**  
**LOCATION: Wasco County Courthouse, Room #302**  
**511 Washington Street, The Dalles, OR 97058**

**Public Comment:** Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments to five minutes, unless extended by the Chair.

**Departments:** Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

**NOTE:** With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. **Meetings are ADA accessible.** For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900.

9:00 a.m.

**CALL TO ORDER**

*Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board.*

- Corrections or Additions to the Agenda
- Administrative Officer - Tyler Stone: Comments
- [Discussion Items](#) (Items of general Commission discussion, not otherwise listed on the Agenda)  
[Generator Installation Project](#), [Wildland Urban Interface Classification Committee Appointments](#),  
[Board Committee Appointments](#), [NORCOR Budget Committee](#), [Justice Reinvestment Program](#)  
[Participation Agreement](#), [2013 Holiday Door Contest](#)
- [Consent Agenda](#) (Items of a routine nature: minutes, documents, items previously discussed.)  
[Minutes: 10.16.2013](#), [White River Watershed Appointments](#), [Cell Phone Policy](#), [HHW Appointments](#)

9:30 a.m.      [Economic Development Commission Appointments](#) – Amanda Hoey

9:40 a.m.      [NWC School District IGA](#) – Molly Rogers

9:50 a.m.      [North Wasco County Parks and Rec](#) – Scott Green & Dean Dollarhide

10:05 a.m.     [Public Health Contracts](#) – Teri Thalhofer

10:20 a.m.     [10-Year Plan to End Homelessness](#) – Jim Slusher

10:40 a.m.     [Mass Gathering Ordinance](#) – John Roberts

11:30 a.m.     [History of the Wasco County Veterans Service Office](#) – Jim Burress

**NEW / OLD BUSINESS**  
**COMMISSION CALL / REPORTS**  
**ADJOURN**

If necessary, Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) – Security Programs, ORS 192.660(2)(n) – Labor Negotiations



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
November 13, 2013

PRESENT: Rod Runyon, Commission Chair  
Scott Hege, County Commissioner  
Steve Kramer, County Commissioner  
Tyler Stone, County Administrator  
Kathy White, Executive Assistant

At 9:00 a.m. Chair Runyon opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance.

**Department Head – Wamic Grade Project Grant Funds Transfer Agreement**

Public Works Director Marty Matherly reminded the Board that in August they signed a match agreement for the Wamic Grade Project. This grant is operating under a new process and he learned only this morning that the funds transfer agreement would need to be signed and returned for the grant to move forward. He explained that the agreement is not a change to the grant, but another step in the grant process.

**\*\*\*The Board was in consensus to sign the Wamic Grade Project Funds Transfer Agreement.\*\*\***

**Open to Public – 2014 Wasco County Fair**

Ken Polehn, a member of the Wasco County Fair Board, invited the Board to represent the County as Grand Marshalls of the 2014 Wasco County Fair which marks the 100<sup>th</sup> anniversary of the Fair at Hunt Park. The Fair will be held the third week of August. The duties of the Grand Marshalls are to participate in the grand entry at the rodeo and to personally promote the Fair.

Mr. Polehn went on to say that they hope to have the National Guard present colors at the Fair again and he is looking for someone to work with him to get

veterans out to the Fair in 2014. The Board responded that they would put him in touch with someone who could help him.

Mr. Polehn added that he has appreciated Commissioner Kramer's help in getting a roof on at the Fair; he has been an asset to the Fair.

**\*\*\*The Board was in consensus to serve as Grand Marshalls for the 2014 Wasco County Fair.\*\***

**Department Heads – Public Works Generator Installation**

Facilities Manager Fred Davis explained that he is requesting a waiver for the bonding requirements for the installation of the Public Works generator; there is no risk since the contract will not be paid until the work is completed and the most expensive portion of the project is the generator which is already onsite and owned by the County. He stated that the contractor will not have to purchase any large quantities of materials. He added that he has already reviewed this with Mr. Stone and Arthur Smith.

**{{{Commissioner Hege moved to waive the bonding requirements for the Public Works Generator Installation Project. Commissioner Kramer seconded the motion which passed unanimously.}}}**

Mr. Davis presented the bids for installation; he had sent requests for bid to three contractors and received replies from two of the three – Hage Electric and Hire Electric. He stated that in his opinion, Hire is the better bid as it addresses all the requirements of the quote whereas Hage does not. To reduce costs, the County has agreed to complete the excavation to lay cable and will work with PUD for a change to the service at Public Works.

Commissioner Hege asked if the 10.23.2013 Hire proposal is higher because of the bonding requirement. Mr. Davis replied that the bonding was not included in that bid but that the ditching and PUD interface will be removed from the contract which will reduce the bid. He pointed out that another difference between the bids is the size of the amperage; Hage offered a high level which far exceeds the needs of the building as well as a quote for lower amperage – neither Hage quote addressed all of the requirements of the quote.

**{{{Commissioner Hege moved to accept the Hire electric bid of \$33,293 for installation of the generator which includes hiring a Kohler technician. Commissioner Kramer seconded the motion which passed unanimously.}}}**

**{{{Commissioner Kramer moved to approve the Wasco County Contract for the Purchase of Services: Public Works Building Kohler Generator Installation Project. Commissioner Hege seconded the motion which passed unanimously.}}}**

**Open to Public – Barn Roofing Project**

Trish Neal, a member of the Fort Dalles Museum Foundation, explained that she had worked with the Museum Board to write for a grant to fund a new roof for the barn at the Ft. Dalles Museum. She stated that the Museum is now looking for approval from the Board to accept the grant which has been awarded to the Museum.

Chair Runyon asked if matching funds were a requirement of the grant. Ms. Neal replied that matching funds are a requirement but the Foundation already has the matching funds and all that is needed from the Board of Commissioners is approval. She explained that the Contractor will submit a bid and the State and Museum Foundation will pay the contractor directly. She said she has overseen larger projects and would be available to provide oversight for the project rather than taking up Mr. Davis' time.

Commissioner Hege asked when the work would be done. Ms. Neal replied that work would begin as soon as the contract comes back from the State.

Sam Woolsey, Chair of the Fort Dalles Museum Commission, added that they have already gotten bids for the roof and selected Brown Roofing as the contractor. He said that Mr. Davis could take a look to make sure it is going through the proper process. Mr. Davis stated that he would be happy to be a resource for Ms. Neal.

**{{{Commissioner Hege moved to approve the Grant Agreement 2013 Preserving Oregon Grant (PO-13-04). Commissioner Kramer seconded the motion which passed unanimously.}}}**

Mr. Woolsey stated that 2013 has been a good year for the Museum – they have gotten more volunteers and have experienced an increase in traffic from the tourist boats docking in The Dalles; Mary Davis and the Floozies are instrumental in directing tourists to the Museum. He encouraged the Board members to volunteer at the Museum. Ms. Neal added that they anticipate more cruise ships next year as well as tour buses. She said that the tourists love the Museum, especially the Anderson Homestead.

**Open to Public – What the Festival**

Dr. David Wehrly, Dufur Valley Road, Dufur, read the following statement into the record:

*It has been just over ninety days since the What-A-Festival invaded our community, and I would like to take this opportunity to give you input with that time separation.*

*When we testified during the permitting hearings, our major concern was fire, and as the Blackburn fire got closer to us last month, those concerns were not unfounded.*

*However, what earlier was mentioned as a lower priority, turned out to be a major disaster, 'Noise Pollution.'*

*For more than three and one-half days, twenty-four hours a day, more than eighty-four hours straight, we were subjected to noise levels that I can only equate to being inside a beating bass drum.*

*Not all noise is equal, nor are decibel levels. The lower the frequency, the longer the wavelength, the further sound and its component vibrations carry. High pitched sounds decay, dissipate, or are absorbed in shorter distances. Low frequencies, such as those associated with the pounding bass of rock music can, and do carry for miles.*

*Examples of this are the manner in which whales communicate over hundreds of miles or the manner in which earthquake propagation is measured or – an example we are all familiar with – the pounding bass audio from a car of teenagers with their windows rolled up invading and vibrating your car with your windows rolled up. Multiply that by orders of magnitude and you will have some*

*idea of what the residents of upper Dufur Valley Road were subjected to and endured for four days.*

*You would measure this not with a decibel-meter, but with a seismograph. We could not sleep, listen to TV at reasonable levels or get away from the constant pounding. My home's walls are poured concrete and twelve inches thick, my neighbors have manufactured or conventional stick-built homes; their residences literally shook.*

*Forget opening a window in late July let alone trying to engage in any outdoor activity or chores. Our domestic animals were fearful, in some cases traumatized for days. One can only imagine what the wildlife in the area, including the National Forest, experienced and tried to escape.*

*Looking at the noise ordinance for cities such as The Dalles, what we experienced would not have been allowed for one minute. In short, we cannot and will not endure this kind of abuse in the future.*

*The What-A-Festival was clearly misrepresented and abused the 'gathering' laws and ordinance. It was clearly and totally a commercial business activity absolutely inconsistent with the agriculture and timber designation and character of the area and its residents. The intent of its owner to make this a regular event further de-legitimizes any claim to gathering protection. Its owner clearly sought to locate in an area where he thought he could overrun and exploit the locals for his own profit.*

*If Wasco County believes such a business activity is of benefit to the County, it is incumbent on the Board and staff to find an appropriate venue. It is our upper Dufur Valley Road agriculture and timber community and we will do whatever it takes to prevent such future activities.*

The Board thanked Dr. Wehrly for his time and assured him that they take his concerns seriously.

#### **Agenda Item – EDC Appointments**

Mid-Columbia Economic Development District Executive Director Amanda Hoey came forward to explain that two Economic Development Commission Commissioners have terms ending at the end of 2013; both are seeking reappointment and have the support of the EDC.

**{{{Commissioner Kramer moved to approve Order #13-155 reappointing Frank Kay to the Wasco County Economic Development Commission Position #3. Commissioner Hege seconded the motion which passed unanimously.}}}**

**{{{Commissioner Hege moved to approve Order #13-154 reappointing Dan Durow to the Wasco County Economic Development Commission Position #5. Commissioner Kramer seconded the motion which passed unanimously.}}}**

Ms. Hoey stated that the next MCEDD meeting will be in Dufur where they will explain the modified Needs & Issues process and how the Agora platform will make it more valuable.

Commissioner Hege asked if the EDC had made any progress in looking at the economic impact of What the Festival. Ms. Hooey said that they have partnered with the University of Oregon to do that work; their honors economics class will be working on that next semester, looking at both direct and indirect impact. The semester begins in January 2014.

Sheriff Rick Eiesland came forward to report that a bomb had been set off at the Jackson County Courthouse at 4:00 a.m. today – no one was hurt.

Sheriff Eiesland also reported that he had gotten a forwarded email from Deputy Sheriff Lane Magill that announced a smaller upcoming event near the WTF site. He stated that he has emailed organizers that the County follows State ordinance and they must observe those ordinances or they will be shut down. The event is planned for the 29<sup>th</sup> & 30<sup>th</sup> of November and the 1<sup>st</sup> of December.

Commissioner Hege noted that the County does not have a sound ordinance. Sheriff Eiesland concurred adding that the County can develop a sound ordinance but currently it is the State ordinance that is being enforced. Commissioner Hege asked that the Sheriff forward a copy of the State ordinance to the Board members.

**Agenda Item – NWC School District IGA**

Youth Services Director Molly Rogers stated that the IGA can be approved today but cannot be signed until a budget adjustment has been prepared which won't be available until December.

Chair Runyon asked where the \$10,000.00 is coming from. Ms. Rogers said that it is part of a \$19,600.00 State award. She noted that the focus has been on Early Learning and so the \$10,000.00 will go to contract with the P-3 group (prenatal to 3<sup>rd</sup> grade) to align services for early learning and will expand those efforts to Dufur and South Wasco County School Districts. She added that many of the providers involved with the P-3 group already provide services to Southern Wasco County.

**\*\*\*After brief discussion the Board was in consensus to place the NWC School District IGA on hold until the budget adjustment has been prepared to allow the funds to be accepted and appropriated.\*\*\***

**Discussion Item – Wildland Urban Interface Classification Committee Appointments**

**\*\*\*After a brief discussion, the Board was in consensus to appoint Commissioner Hege to the Wildland Classification Committee. Ms. White will prepare the appointment for a future session and will advertise for the other two County-appointed positions on the Committee.\*\*\***

**Agenda Item – North Wasco County Parks and Recreation District**

North Wasco County Parks and Recreation District Executive Director Scott Green stated that the District has been discussing how they will use the funding coming to them through the recently approved enterprise zone. He said they think the development of Kramer Fields to host regional and state events would benefit the community by increasing traffic into the area. He added that the ASA is in support of the idea as the weather in The Dalles is good. He went on to say that the District manages Kramer Fields but the land is owned by the County. He said that they would have to make a big investment in the Fields and would like to discuss the possibilities further.

Chair Runyon asked if they had talked with Babe Ruth as well. Mr. Green said that they had and there is room to make the necessary changes for the Babe Ruth League. Chair Runyon stated that this is a good start to the discussion and asked that the District work with Mr. Stone to move the discussion forward.



Dean Dollarhide, District Board member, stated that this is a good opportunity for economic development; it will bring a lot of people into the area.

Commissioner Hege asked about tournaments at Sirosis Park. Mr. Green responded that there is an agreement with the Girls Softball Association which gives them first right to the fields and makes it difficult to schedule anything else there. In addition, he said that the fencing there is not adequate for tournaments.

Chair Runyon asked if Hood River competes. Mr. Green said that they don't do much as they don't have the necessary fields.

Chair Runyon called a recess at 9:58 a.m.

The session reconvened at 10:02 a.m.

#### **Agenda Item - Public Health Contracts**

Public Health Director Teri Thalhofer announced that Four Rivers was not chosen by the state in the first round for Early Learning Hubs; Marion County was the only applicant chosen. Four Rivers meets next week to discuss next steps.

Ms. Thalhofer explained that the 4<sup>th</sup> amendment to the OHA contract is for a \$5,000.00 increase for climate change response and Public Health implementation. She reported that last year Public Health did an assessment of climate change impact for the three counties. She stated that the greatest risks in our region are winter storms and wildfires, both of which can be exacerbated by climate change. She said that the federal framework is not always applicable in rural communities and they have provided feedback to the CDC and they may be making some changes. She stated that the \$5,000.00 will allow Public Health to create a webpage and brochures to increase awareness.

Chair Runyon asked if any matching funds are required. Ms. Thalhofer replied that there is not a match requirement.

**{{{Commissioner Hege moved to approve the Fourth Amendment to Oregon Health Authority 2013-2015 Intergovernmental Agreement for the Financing of Public Health Services Agreement #142025. Commissioner Kramer seconded the motion which passed unanimously.}}}**

Ms. Thalhofer explained that the Prenatal Expansion Agreement with Mid-Columbia Medical Center is for MCMC to provide the match requirement. She said that there will be a discontinuation of this agreement when the State begins to cover the match.

**{{{Commissioner Kramer moved to approve the Amendment to Agreement for CAWEM Prenatal Expansion Program. Commissioner Hege seconded the motion which passed unanimously.}}}**

Ms. Thalhofer stated that the Clinical Affiliation Agreement between North Central Public Health District and Columbia Gorge Community College is for NCPHD to be a preceptor site for training rotations.

- 37 Commissioner Hege asked if this is a continuation of a previous agreement. Ms.
- 38 Thalhofer said that it is new - public health education has not been included in the CGCC nursing curriculum.

**{{{Commissioner Hege moved to approve the Clinical Affiliation Agreement between North Central Public Health District and Columbia Gorge Community College. Commissioner Kramer seconded the motion which passed unanimously.}}}**

Ms. Thalhofer explained that the WIC Interagency Agreement with North Central ESD Early Education allows for an exchange of information for mutual clients when a release has been signed. She added that they also recognize each other's training programs.

**{{{Commissioner Kramer moved to approve the Interagency Agreement between North Central Health District WIC Program and North Central ESD Early Education. Commissioner Hege seconded the motion which passed unanimously.}}}**

Chair Runyon asked if any progress had been made on the smoking policy language revisions. Ms. Thalhofer replied that Ms. Gale has been working on it but had to suspend that work to focus on an upcoming training.

**Agenda Item - 10-Year Plan to End Homelessness**

Community Action Partnership Executive Director Jim Slusher came forward to present the 10-year Plan to End Homelessness (included in Board Packet). He stated that the plan began as a State plan under Governor Kitzhaber; it was later determined that each county needed to have a plan. He said that Wasco has joined Sherman and Hood River counties to create a plan for all three counties. He went on to review some of the highlights of the plan.

Mr. Slusher explained that some of the plan has been completed but our region is in need of more transitional housing to be used while agencies try to help individuals and families return to self-sufficiency. He added that warming centers help but he does not support the idea of a shelter because the needs of his clients vary widely and a shelter cannot meet all those needs. He said some people in need cannot pass the background check to qualify for low-income housing. He went on to explain that some of the dollars his agency receives have constraints on how they are spent. As an example, if someone cannot make their rent due to a temporary injury, CAP has no funds that can be used to help with that.

Mr. Slusher said that he is asking the Board to adopt the plan.

Chair Runyon stated that it is important for local agencies to communicate with each other. Mr. Slusher responded that CAP would like to be the central hub to direct people to the appropriate agency to meet their needs but will have to secure funding to support that initiative.

Chair Runyon asked if a letter of support would be adequate for approval. Mr. Slusher said that it would.

Commissioner Hege asked if Mr. Slusher thinks it is ever going to be possible to totally eliminate homelessness. Mr. Slusher replied that while he thinks it is possible to eradicate some of the issues that cause homelessness, he does not think it is possible to eliminate it altogether – all they can do is continue to try.

**{{{Commissioner Hege moved to endorse Mid-Columbia's Ten Year Plan to End Homelessness in Hood River County, Wasco County & Sherman County. Commissioner Kramer seconded the motion which passed unanimously.}}}**

**Discussion Item – Board Appointments**

Chair Runyon noted that the Hospital Facility Authority Board appointment has been held by former Commissioner Holliday; a sitting Commissioner will need to be appointed to that position.

**\*\*\*After a brief discussion, the Board was in consensus to appoint Commissioner Hege to the Hospital Facility Authority Board. Ms. White will prepare an order to be approved at a future Board session.\*\*\***

Commissioners Hege and Kramer stated that there may be some reconfiguring of their expiring appointments and asked that those be revisited at a future session.

Jay Waterbury's appointment to the NORCOR Budget Committee as Wasco County's lay representative will expire at the end of the year.

**\*\*\*After brief discussion, the Board was in consensus to re-appoint Mr. Waterbury as Wasco County's lay person representative to the NORCOR Budget Committee if he is willing to continue in the position.\*\*\***

Chair Runyon stated that he is willing to be reappointed to his positions on the MCCOG & MCEDD Boards.

**Agenda Item – Mass Gathering Ordinance**

Planning Director John Roberts explained that he and Associate Planner Patricia Neighbor have collaborated with Chief Deputy Lane Magill and Environmental Health Specialist Supervisor John Zalaznik to begin work toward developing a county ordinance for events held within the County that are more than one day in duration and anticipate attendance in excess of 750 but less than 3,000 people. He said that there are already State regulations in place to manage mass gatherings in that are more than one day in duration and anticipate attendance of 3,000 or more people.

Commissioner Hege pointed out that following the What the Festival there had been discussion of imposing OMG fees to cover the costs of County staff hours necessary to monitor those events. Mr. Roberts replied that those changes would be part of planned changes to the codes.

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Mr. Roberts stated that the goal is to encourage the temporary events for economic development but to create safe and reasonable boundaries for the events. He said that they have looked at other counties in Oregon as a starting point. These regulations cannot be part of the code but will need to be enacted by the Board of County Commissioners. He said there are many questions to answer and issues to explore. He said he is looking for support and direction from the Board to move forward in drafting a policy and process.

Chair Runyon stated that noise seems to be the biggest complaint they hear; the Sheriff has informed them that there is a state statute regulating noise. Mr. Roberts responded that the state noise ordinance is what the Sheriff's department has the discretion to enforce. Chair Runyon pointed out that other counties have added noise regulations. Mr. Roberts said that will provide a good place for them to start as they draft an ordinance for Wasco County.

Ms. Neighbors stated that a framework will be good for everyone – the County, the event organizers and the citizens.

Further discussion ensued regarding what other counties might be a good fit to compare for regulations and how they manage the process.

Commissioner Hege asked Mr. Roberts' opinion on the County regulating Outdoor Mass Gatherings. Mr. Roberts replied that other counties have done that without success – it slows the process and opens the counties up to challenges. He noted that they have uncovered some holes in the code and will be addressing those.

Heather Thompson, who lives near the Discovery Center in The Dalles, stated that bike races held in the Gorge often do not have any safety measures in place and said that the regulations for those events need to be tightened up.

Chair Runyon replied that the County is trying to address; we want people to come to our County and want it done safely and reasonably. He asked Mr. Roberts if noise would be addressed in the proposed ordinance. Mr. Roberts replied that it would include a noise threshold.

**\*\*\*The Board was in consensus for the Planning Department to move forward in the development of regulations and processes to manage events as outlined by Mr. Roberts.\*\*\***

City of The Dalles Mayor Steve Lawrence reported having attended a meeting in Gresham where a grant for bicycle tourism was discussed without connecting to the bike system in the Gorge. He said that while he applauds their efforts to encourage tourism he feels they should work with the Gorge Region so that everyone benefits. He reported that he has written to Mr. Solomon and Ms. Liebe at the State to express his concerns. He stated that he is assembling a bicycle task force; there is a new bike shop coming and more races will be planned. He expressed his desire to work with surrounding communities to make this a good experience for everyone.

**Consent Agenda – Minutes, White River Watershed Appointments, Cell Phone Policy, Tri-County Hazardous Waste Steering Committee Appointments**

**{{{Commissioner Hege moved to approve the Consent Agenda.  
Commissioner Kramer seconded the motion which passed unanimously.}}}**

**Discussion Item – Justice Reinvestment Program Participation**

Mr. Stone said that since the last time the Board had seen this program he has met with Youth Services, Parole and Probation, and the Sheriff's Department to discuss how the funds will be allocated. During the first biennium of the program there are few guidelines directing the expenditure of the funds as long as they are spent on community based sanctions/programs that are intended to reduce prison populations. He anticipated that the spending requirements will be further defined in future bienniums. He stated that the result of the discussions is a consensus to spend the funds to further the work crew, support in-custody treatment programs designed to modify behavior and other programs that reduce recidivism. The amount of the grant is \$124,783.00; Mr. Stone noted that the amount was listed in two places on the agreement but the amounts do not agree and the document will need to be corrected.

Commissioner Hege asked if there will have to be a budget adjustment for the funds. Mr. Stone responded that an adjustment would be necessary when the grant comes through but that the participation agreement would need to be approved to move forward.

**{{{Commissioner Kramer moved to accept the 2013-2015 Participation Agreement with corrections. Commissioner Hege seconded the motion which passed unanimously.}}}**

**Discussion Item – Holiday Door Decorating Contest**

Ms. White explained that the Star Team was already promoting the Holiday Door Decorating Contest and would like to have the Board serve as judges for the contest. Judging would take place following the December 18<sup>th</sup> Board session.

**\*\*\*The Board was in consensus to serve as judges for the 2013 Holiday Door Decorating Contest.\*\*\***

**Department Head – CAMI Grant**

Mr. Stone related that Assistant District Attorney Leslie Wolfe had asked him to present the CAMI Grant to the Board for approval. He said that the funds would have to be accepted and appropriated at the December 4<sup>th</sup> session. He said that the grant provides assessment services for the District Attorney's office, paying for staff, interviewers, interpreters, expert witnesses, etc. He said that it is a long-standing grant.

Chair Runyon said that he would prefer that they have time to review the grant and asked if it can wait until the December 4<sup>th</sup> session. Mr. Stone replied that it can.

**\*\*\*After brief discussion, the Board was in consensus to take no action on the CAMI Grant until it is presented to the Board at the December 4<sup>th</sup> session.\*\*\***

**Commission Call**

Commissioner Kramer said he was disappointed to hear that Four Rivers did not make the first round of the Hub selection process. He said they would go back to the drawing board for round two. He went on to say that he had done some volunteer work at the fair grounds and is looking forward to the Board's involvement with the 100<sup>th</sup> Anniversary celebration of the Fair at Hunt Park. He expressed his hope that more good ideas will be forthcoming as plans for the celebration continue.

Commissioner Hege announced that the Community Outreach team wants to become more involved in state and regional issues in addition to their focus on federal issues. He stated that they want to be a presence at the Gorge Commission to encourage a balance for economic growth. He said that yesterday they had attended a Gorge Commission meeting; the Outreach team wants to encourage them to move forward with the urban growth boundary discussions.

Chair Runyon reported that he had attended Challenge Day with more than 100 eighth-graders. He said it is an emotional experience and encouraged the Commissioners to attend next year.

**Agenda Item – History of the Wasco County Veterans Service Office**

Jim Burres came forward to say that he wants to move veterans' claims work to a priority in the County. He stated that in the beginning Wasco County paid \$17,000.00 to Hood River's VSO for services to 6,000 Wasco County veterans and their spouses. He pointed out that now there is a VSO in Wasco County 5 days a week with an intake coordinator as a .75 employee. He said with a group of volunteers and a dedicated staff, the County has seen more success in benefits claims.

Mr. Burres explained that he wants to see the Wasco County Veterans Services Office on a permanent funding level; he wants to see that on the ballot. As he understands it, to get on the May ballot, it must be submitted by January. He contended that the VSO office makes a significant difference in the lives of 6,000 Wasco County voters. He pointed out how fortunate the County is to have the current staff, stating that they win two out of three claims – the national average is one out of three.

Mr. Burres said that the VSO needs someone to manage the files, someone with a legal background. He said the volunteer staff has done a good job of cleaning up the files but managing the files will require skilled staff. He stated that continued success is dependent upon stable funding. He added that the VSO work impacts the county and has been effective in changing the revenue. He pointed out that Klamath County generates \$13 million; he is confident that, with support, Wasco County can meet that level. He said that he wants to put it to a public vote. He noted that the Veterans Home was just paid off and that money could go toward veterans' services.



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Chair Runyon explained that the bond paid for a particular thing and it is done – there is not money left lying there. He suggested that Mr. Burres meet with the County Clerk to learn what is necessary to get a measure on the ballot.

Mr. Burres said that the Board could talk to the District Attorney to write a ballot measure. Chair Runyon replied that he is not sure he understands how this would work. He stated that while he understands Mr. Burres' goal, he does not understand how he plans to get there.

Mr. Burres replied that he would be more than happy to get the answers for the Board.

Chair Runyon noted that he himself volunteers with the veterans. He advised Mr. Burres that he should gather a committee of like-minded people to outline this exactly. He said that today is a start but he needs to take it further and come back to the Board with a more solid plan. He pointed out that the revenue brought into the region by way of veterans' benefits is great and is probably spent in the area. However, none of it comes into the County budget and therefore cannot be turned around and directed towards veterans services. He encouraged Mr. Burres to talk with the County Clerk to learn more about the process and possibilities.

Mr. Burres asked why the Board cannot ask the District Attorney to write a levy.

Mr. Stone said Mr. Burres is referring to the ORS targeting veterans however, what the State said in ORS408720 has been rendered moot by another ORS. He suggested to Mr. Burres that it might be easier for the Veterans Service Officer to make a budget request for increased funding.

Commissioner Hege stated that what it sounds like to him is a need to find a way to create a district. Mr. Burres stated that the VSO is economic development; they bring money into the county – money that buys homes, groceries, goods and services.

Mr. Burres said he would gather more information and return to the Board at a future date.

### **Commission Call Continued**

Chair Runyon expressed his appreciation of the Outreach Team attending the Gorge Commission meetings. Commissioner Hege reported that Gorge Commission has a new chair whose background does not support economic development.

Mr. Stone reported that as a result of the BOCC meeting held in Maupin earlier this year he has done some work toward better communication with the more rural constituents. He said he started to develop an opt-in system for updates and newsletters – it is now active and on the front page of the County website. He said that as the lists are developed it will be a resource for promotion.

Further discussion ensued regarding what information should be included in the opt-in list.

Chair Runyon adjourned the session at 12:05 p.m.

### **Summary of Actions**

#### **Motions Passed**

- **Waive the bonding requirements for the Public Works Generator Installation Project.**
- **Accept the Hire electric bid of \$33,293 for installation of the generator which includes hiring a Kohler technician.**
- **Approve the Wasco County Contract for the Purchase of Services: Public Works Building Kohler Generator Installation Project.**
- **Approve the Grant Agreement 2013 Preserving Oregon Grant (PO-13-04).**
- **Approve Order #13-155 reappointing Frank Kay to the Wasco County Economic Development Commission Position #3.**
- **Approve Order #13-154 reappointing Dan Durow to the Wasco County Economic Development Commission Position #5.**

- Approve the Fourth Amendment to Oregon Health Authority 2013-2015 Intergovernmental Agreement for the Financing of Public Health Services Agreement #142025.
- Approve the Amendment to Agreement for CAWEM Prenatal Expansion Program.
- Approve the Clinical Affiliation Agreement between North Central Public Health District and Columbia Gorge Community College.
- Approve the Interagency Agreement between North Central Health District WIC Program and North Central ESD Early Education.
- Endorse Mid-Columbia's Ten Year Plan to End Homelessness in Hood River County, Wasco County & Sherman County.
- Approve the Consent Agenda.
- Accept the 2013-2015 Participation Agreement with corrections.

#### Consensus

- To sign the Wamic Grade Project Funds Transfer Agreement.
- To serve as Grand Marshalls for the 2014 Wasco County Fair.
- To place the NWC School District IGA on hold until the budget adjustment has been prepared to allow the funds to be accepted and appropriated.
- To appoint Commissioner Hege to the Wildland Classification Committee.
- To re-appoint Mr. Waterbury as Wasco County's lay person representative to the NORCOR Budget Committee if he is willing to continue in the position.
- For the Planning Department to move forward in the development of regulations and processes to manage events as outlined by Mr. Roberts.

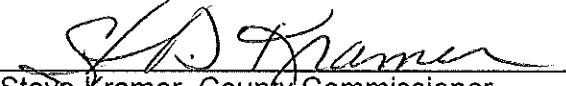
WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 13, 2013  
PAGE 19

- To serve as judges for the 2013 Holiday Door Decorating Contest.
- To take no action on the CAMI Grant until it is presented to the Board at the December 4<sup>th</sup> session.

WASCO COUNTY BOARD  
OF COMMISSIONERS

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

\_\_\_\_\_  
Scott Hege, County Commissioner

  
\_\_\_\_\_  
Steve Kramer, County Commissioner

**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 13, 2013**

**DISCUSSION LIST**

**ACTION AND DISCUSSION ITEMS:**

1. [Generator Installation Project](#) – Fred Davis
2. [Wildland Urban Interface Classification Committee Appointments](#)
3. [Board Committee Appointments](#)
4. [NORCOR Budget Committee Appointment](#)
5. [Justice Reinvestment Program Participation Agreement](#) – Tyler Stone
6. [2013 Holiday Door Contest](#) – Kathy White

**Discussion Item**  
**Generator Installation Project**

- [Project Chronology](#)
- [Findings & Request for Waiver of Bonding Requirements](#)
- [Request for Quote](#)
- [Hage Electric Quote](#)
- [Hire Electric Quote](#)
- [Quotes Comparison](#)
- [Wasco County Public Works Generator Installation Contract 2013](#)



# WASCO COUNTY

## Facilities

**Fred Davis**  
Facilities Operations Manager  
511 Washington St.  
The Dalles, OR 97058-1599  
phone: 541-506-2553  
fax: 541-506-2551  
cel: 541-993-3280  
e-mail-fredd@co.wasco.or.us

November 12, 2013

To: Those it may concern

Re: Project chronology of the Public Works Generator Installation Project

The project, having eventually been supported and funded by the BOCC, formally began with a request for quotes following the acquisition of a federal surplus diesel generator by the Wasco County E.O.C. The RFQ was provided Sept, 17<sup>th</sup> by email to three contractors: *Hire Electric Inc.*, *Coburn Electric* and *Hage Electric and Construction Services Inc.* Only Hire and Hage showed interest in providing quotations; Coburn made no response. A later addendum to the RFQ communicating the requirement of both payment and performance bonds was provided to all three contractors (emailed Sept. 25, 2013). Following that notification, only one quotation was provided; Hage did not choose to continue in the competition.

A quote from Hire Electric Inc was received on Oct. 23<sup>rd</sup> with a number that was above our budgeted project funding and did not include any bonding information. Hire had responded to the notification of required bonding but had failed to include that cost. In the interest of beneficial competition, review of the requirement for bonding began. Separate discussions with County Administrator Tyler Stone and Arthur Smith followed leading to the development of the findings presented to the BOCC requesting the waiver of any requirement for bonding within the execution of the project. In that a waiver of that requirement was requested and in the context of the need to find a method of reducing the project cost, negotiations with both responsive contractors was begun.

Hage Electric was offered the opportunity to submit a quote without the requirements of bonding and was given until the close of work on Nov. 8<sup>th</sup> to provide said quote based on the requirements of the previous RFQ. Hire was reminded of the lack of required bonding in their cost figures and recognized the necessity of reopening the process. At that time other tasks within the project were reassigned to be performed by the County. Some were recognized as being a normal responsibility of the contracting party. Those items included the connection process provided by the PUD (required to be requested by the County as the responsible party of record for the current connection and meter that provides power to the building) and excavation of the trench that will carry the needed buried conduit and provide piping for the exterior placement of the new automatic transfer switch. These changes remove profit mark-up from those tasks and help to bring the project within budget.

All needed documentation will be presented to the BOCC on Nov. 13 for their consideration with the hope of proceeding with the installation process that will provide back-up power to the Public Works Building.



# WASCO COUNTY

## Facilities

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Facilities Operations Manager  
511 Washington St.  
The Dalles, OR 97058-1599  
phone: 541-506-2553  
fax: 541-506-2551  
cel: 541-993-3280  
e-mail-fredd@co.wasco.or.us

November 12, 2013

To: BOCC in its role as Local Contract Review Board  
Re: Public Works Generator Installation Project

Commissioners,

In preparing the documents and the acquisition of quotes for materials and services necessary for this project it brought into question the need for construction bonding. After review of the authorized Wasco County Contracting Rules and discussions with County Administrator Tyler Stone and Arthur Smith I submit the following findings for approval.

1. The purpose of a construction bond is to protect the agency from the risk of financial loss that might be caused by the failure of the "contractor" to deliver goods and services as promised through contractual means. The major risks being in materials purchased but not delivered; subcontracted work being performed but not paid for by the general contractor; delivered goods or systems that fail to perform to the specifications of the contract; incomplete construction involving a remodel of an existing structure that leaves it incapacitated and would require an additional contract with another vendor requiring additional funding to bring completion.
2. The generator installation project generally does not contain such risks in that it is essentially an installation of County owned equipment, not a construction project.
3. The County will not make any payments until the project is satisfactorily completed.
4. The commission has the authority to wave bonding fees.

**General Provision** (p.2)

#### **4. Authority**

Except as expressly delegated under these regulations, the Wasco County Board of Commissioners reserves to itself the exercise of all duties and authority of a Local Contract Review Board and a contracting agency under state law, including but not limited to, the power and authority to:

- (3) Approve the partial or complete waiver of the requirement for the delivery of a performance or payment bond for construction of a public improvement;"

Based on these finding I request that the Contract Review Board waive any and all requirements for bid and construction bonding in the Public Works Generator Installation Project.





# WASCO COUNTY

## Facilities

**Fred Davis**  
Facilities Operations Manager  
511 Washington St.  
The Dalles, OR 97058-1599  
phone: 541-506-2553  
fax: 541-506-2551  
cel: 541-993-3280  
e-mail-fredd@co.wasco.or.us

September 17, 2013

Attention: Electrical Contractors  
Re: Request for Quote

Wasco County is soliciting written quotes for the installation of an owner supplied Kohler 190-600 V, 4 cycle Diesel Generator Model 135ROZJ at the Wasco County Public Works facility at 2705 E. 2<sup>nd</sup> St in The Dalles. Photos of the generator are attached. The system will require a new transfer switch to be provided by contractor.

Spec sheets for the generator can be found at:

[http://media.aaronequipment.com/EquipmentAttachments/43331001\\_kohler\\_135roj\\_135\\_kw\\_spec\\_sheet.pdf](http://media.aaronequipment.com/EquipmentAttachments/43331001_kohler_135roj_135_kw_spec_sheet.pdf)

Written quotes should include:

1. A clearly written scope of work that will produce a fully functional installation;
2. All site preparation and installation costs;
3. Connection to the buildings electrical panel;
4. Start-up and testing;
5. Material costs;
6. Total labor costs;
7. Permit costs;
8. Any additional costs that should be considered.

NOTE: A site visit is required; contact and scheduling information may be found below.\*

Written quotes must be received no later than Thursday, October 31, 2012 and may be submitted by the following methods:

e-mail (preferred) to: [fredd@co.wasco.or.us](mailto:fredd@co.wasco.or.us)

Fax at: 541-506-2551

U.S. Mail at: Wasco County Facilities Division

511 Washington St., Suite 101

The Dalles, OR 97058

ATTN: Fred Davis

\*Questions pertaining to this solicitation for quotes and requests for site visits should be directed to Fred Davis, Wasco County Facilities Operations Manager, at 541-506-2553.



**HAGE ELECTRIC &  
CONSTRUCTION  
SERVICE, INC.**

3701 Klindt Drive  
The Dalles, OR 97058  
p: 541.296.1962  
f: 541.296.2191



**508A Certified Shop**

**ESTIMATOR: Bob Weir**

**email address: bobweir@hageelectric.com**

PROPOSAL SUBMITTED TO <b>Wasco County</b>	FAX	DATE <b>11/8/2013</b>
STREET <b>511 Washington Street</b>	PHONE <b>541-506-2553</b>	
CITY, STATE, AND ZIP <b>The Dalles, OR 97058</b>	JOB NAME <b>Wasco County Public Works</b>	
CONTACT <b>Fred Davis</b>	JOB LOCATION <b>2705 East 2nd St, The Dalles, OR 97058</b>	

**Scope of Work to Include:**

**800-amp Option                      \$21,280.00.**  
Includes 800-amp exterior switch gear with 1-400 amp main and 2-200-amp spare breakers.  
Includes installation of owner provided transfer switch.  
Includes utility fees and installation of utility conduit.  
Includes new feeder conductors to existing switchgear and separation of neutral conductors at existing switchgear

**400-amp Option                      \$18,298.00.**  
Includes 400-amp fused disconnect as service equipment with CT metering.  
Includes installation of owner provided transfer switch.  
Includes utility fees and installation of utility conduit.  
Includes new feeder conductors to existing switchgear and separation of neutral conductors at existing switchgear

**Scope of Work to Exclude:**

Excludes all Excavation, Coring/Boring, Concrete rebar sauna tube, and Bid bond.  
Excludes installation of Generator onto containment pad and cutting wall out of containment pad.  
Excludes Start-up and testing of Generator.

**Special notes and requirements:**

Start-up and test time for generator will be billed at \$82.00 per hour that is required.

Hage Electric proposes hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

**See Scope of Work**

Payment to be made as follows:

**PROGRESS PAYMENTS**

All material guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire and other necessary insurance.

**Authorized Signature:** \_\_\_\_\_  
This proposal may be withdrawn if not accepted within   30   days.

**Acceptance of Proposal-** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_  
Signature \_\_\_\_\_  
Date of Acceptance \_\_\_\_\_



2700 West Second Street  
The Dalles, OR 97058  
Phone (541) 296-5574  
Fax (541) 296-2222

October 23, 2012

**Wasco County**

Attn: Fred Davis

Re: Wasco Co. Public Works Generator

Fred,

Hire Electric offers this design build proposal to install an owner provided generator for Wasco County Public Works.

It appears the existing service for this building is a 1000-Amp, 120/ 240 volt, three phase. Wasco County has purchased a 400-Amp generator and automatic transfer switch which appears to be 120/ 208 volts, three phase. We believe the generator can be configured to 120/240 volts but have been told by Kohler that the ATS switch cannot.

Wasco County is requesting a proposal to provide the wiring of a 400-Amp generator to an existing 1000-Amp service. We have contacted Northern Wasco County PUD and requested your peak load for the last year which appears to be about 200-Amps, therefore your 400-Amp generator and ATS switch maybe enough to handle your current electrical loads. Since the ATS will be installed ahead of this main service panel the ATS will be required to be Service Entrance Rated. The ATS you are providing is not service entrance rated and needs to be replaced with one that is. That being said Hire Electric would not be comfortable in installing a 400-Amp ATS to such a large facility which currently assumed to be 1000-Amps. We propose the following which believe will be large enough to handle your existing loads and possibly any future loads.

- Provide new 600-Amp Service and service entrance rated ATS on the north side of the building. This includes CT enclosure and new electrical meter. This will require new service conduits from the power pole to the new CT enclosure location. NWCPUD has told me that this new service cannot be brought in overhead as they would need to back guide the current pole which would put them in UPRR right of way. Therefore we propose to provide the excavation to bury these conduits in the ground.
- Provide excavation of existing asphalt for installation of conduits from ATS to the generator and installation of concrete pad for the generator.
- The new ATS can be installed either inside or outside which ever you prefer. We will provide concrete coring of concrete wall for electrical conduits.
- Install 600-Amp service conduits for ATS to existing electrical panel.
- Provide Kohler service technician to reassemble the generator to the fuel tank, service the generator and test. After installation service technician will provide service start-up and configure the ATS to your preferences.



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2700 West Second Street  
The Dalles, OR 97058  
Phone (541) 296-5574  
Fax (541) 296-2222

- Includes cost for lift rental and electrical permits.
- Estimated cost to install new Service, ATS and Generator \$29,993.00
- Northern Wasco County PUD \$4,275.00
- Estimated Cost for Excavation, Backfill, Patching & Concrete \$4,400.00
- Estimated cost for Kohler service technician \$3,300.00

**Total Estimated Cost \$41,968.00**

**Exclusions:**

- Plan review and drawings and calculations as maybe required by electrical inspector.
- Diesel Fuel
- Rock Clause should excavation encounter large rock or basalt.

**Note:** Kohler has informed me that this generator may not be UL 2200 compliant. We do not know what that means or if it a requirement by state codes.

This proposal is valid for 30 days from date shown above.

Dan McHale  
Estimator

**PUBLIC WORKS GENERATOR INSTALATION**  
**Quote comparison**

Grading: numerical scale- 1 low 5 high

Criteria	Hire	Hage	Required
1. A clearly written scope of work that will produce a fully functional installation;	Y	N	X
2. All site preparation and installation costs performed or addressed	4	1	X
3. Connection to the buildings electrical panel;	5	4	X
4. Start-up and testing;*	5	0	X
5. Material and labor costs;	4	2	X
6. Permit costs;	5	5	X
7. Any additional costs that should be considered.	4	0	
8. Service size (supporting info to justify options)	5	4	
9. New transfer switch to be provided by contractor	5	0	X
10. Exclusions	4	0	
11. Price is not directly comparable due to differences in goods and services said to be provided. It appears that if G&S were the same the price would be similar.			
<b>Total points</b>	41	16	

\*Shown as an additional hourly rate by Hage Electric

# CONTRACT FORM

## WASCO COUNTY CONTRACT FOR THE PURCHASE OF SERVICES ("Contract")

### PUBLIC WORKS BUILDING KOHLER GENERATOR INSTALLATION PROJECT

This Contract is between Wasco County ("County"), and \_\_\_\_\_ (CCB# \_\_\_\_\_) ("Contractor"). This Contract is effective on the date it has been signed by all parties. This Contract expires 60 days after contract execution. The parties may extend the term of this Contract provided that the total Contract term does not extend beyond 90 days after contract execution. This contract also includes in Exhibit A: Request for quote; Exhibit B: Contractor's Quote.

Contractor agrees to perform, and County agrees to pay for, the services and deliverables described in section 1 (the "Services"). Contractor also agrees to deliver the goods described in section 1 (the "Goods").

#### 1. STATEMENT OF SERVICES.

Contractor shall perform Services as described below.

##### A. GENERAL INFORMATION

The Wasco County Public Works Building is a critical facility providing service to the County road system at all times of year and more importantly during times of local weather emergencies. The County has acquired a Kohler 190-600 V Diesel generator to be installed on site at 2705 E 2<sup>nd</sup> St in The Dalles. All necessary material and labor shall be provided to meet the scope of work expressed in 1B. of this document and any additional items listed in the quote submitted by the contractor (both included herein and to be considered as fully part of this contract) as well as any labor or materials needed to meet current codes and regulations.

##### B. REQUIRED SERVICES, DELIVERABLES AND DELIVERY SCHEDULE.

- Provide new 600-Amp Service and service entrance rated ATS (automatic transfer switch), CT enclosure and new electrical meter on the north side of the Public Works Building.. The location details to be verified before installation.
- Provide and install new buried service conduits from the existing power pole to the new CT enclosure location. (Excavation to be provided by County.)
- Provide and install conduits from ATS to the generator (excavation to be provided by County).
- Install new ATS outside building near other panel. The contractor shall provide required concrete coring for electrical conduit wall penetrations as needed.
- Install 600-Amp service conduits for ATS to existing electrical panel.
- Provide Kohler service technician to reassemble the generator to the fuel tank, service the generator and test. After installation service technician shall provide service start-up and configure the ATS to County preferences.
- Contractor will provide all necessary equipment, labor, materials and permits to complete the installation. (Diesel fuel to be provided by County.)

**Exclusions:** Excavation for buried conduit; PUD meter installation and service connection; installation of additional exhaust piping as may be required; these will be performed or arranged by the County. Any required repairs to other portions of the electrical system are also excluded from the scope of this project.

**Note:** In the event that additional work (as described in “Exclusions” above) is needed for repairs incidental to and ancillary to the installation described herein and contractor possesses the skills and present ability to complete such repairs, contractor shall present a written estimate. The actual amount of cost for the repair shall not exceed the written estimate absent signed written acceptance by the County. The mark up on additional equipment, materials or subcontracted work, if needed, shall be 10% above cost. Labor shall be at contractors standard wage.

In addition as-built electrical line drawings, control wiring schematics and ATS system operation and maintenance manuals will be provided as part of the project.

**Project Schedule.** Contractor will be substantially complete December, 31<sup>st</sup>, 2013.

#### C. ACCEPTANCE CRITERIA AND PROCESS.

**ACCEPTANCE OF DELIVERABLES AND GOODS:** Upon delivery the County shall inspect and either accept or reject each of the Deliverables and Goods (as described in 1 B) within ten (10) calendar days from the date Contractor delivers the deliverable or Goods to County.

If County does not provide written notice of acceptance or rejection of the deliverable of Goods to Contractor within ten (10) calendar days following the date of delivery, County is deemed to have accepted the deliverable or Goods. If County rejects the deliverable or Goods, then County’s written notice of rejection shall, at a minimum, itemize the apparent defects and include:

- i. a description of nonconformance between the deliverable or Goods and the Contract requirements and specifications for that deliverable or Goods, including warranties;
- ii. a description of any other nonconformance of the deliverable or Goods (including late delivery); and
- iii. a statement indicating whether Contractor may cure the nonconformance and if so, the method in which and time period within which Contractor shall cure.

Contractor’s failure to deliver the deliverables and Goods in accordance with the requirements of this Contract is a material breach of this Contract.

**2. COMPENSATION.** The total amount available for payment to Contractor under section 2.A and for authorized reimbursement to Contractor under section 2.C (if any) is \_\_\_\_\_ . This is a guaranteed maximum price.

**A. METHOD OF PAYMENT FOR SERVICES.**

County shall pay Contractor the amounts specified for each of the Services and Deliverables that County has accepted in accordance with sections 1.B and 1.C.

**B. BASIS OF PAYMENT FOR SERVICES.**

Full completion. County shall pay Contractor all amounts due under this Contract in one payment upon County's approval of Contractor's invoice to County but only after County has determined that Contractor has completed, and County has accepted, all Services and Contractor has delivered and County has accepted all Goods required under this Contract in accordance with section 1.C.

**C. EXPENSE REIMBURSEMENT.**

County will not reimburse Contractor for any expenses under this Contract.

**D. GENERAL PAYMENT PROVISIONS.**

i. County's Payment. County shall pay Contractor for Services performed and Goods delivered at the rates and prices specified in section 2. Contractor shall look solely to County for payment of all amounts County owes to Contractor. Contractor shall not be compensated by any County or department of State other than County for Services performed and Goods delivered.

ii. If Contractor is a nonresident alien as defined in 26 USC § 7701(b)(1)(B), then Contractor shall, upon execution of this Contract, deliver to County a completed and signed W-8 form, 8233 form, or W-9 form, as applicable, from the Internal Revenue Service ("IRS"), as evidence that County is not required by 26 USC 1441 to withhold part of Contractor's payment. Such forms are currently available at <http://www.irs.gov>. County may withhold payments to Contractor pending County's receipt from Contractor of the applicable, completed and signed form.

If County does not receive the applicable, completed and signed form from Contractor, or if the IRS provides notice to County that Contractor's information on the form provided is incorrect, County will withhold as federal income tax 30% of all amounts County owes to Contractor under this Contract.

iii. Funds Available and Authorized; Payments. Contractor understands and agrees that County's payment of amounts under this Contract is contingent on County receiving funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to allow County, in the exercise of its reasonable administrative discretion, to make payments under this Contract.

**E. INVOICES.**

i. (Unless required by State or Federal grants) Contractor shall send invoices to County no more often than monthly for Services completed and Goods delivered and accepted by County in accordance with Section 1. Contractor shall include in each invoice:

a. The Solicitation number if any, the Contract number if any;



- b. A detailed description of Services performed, including the name or names of the individuals who performed Services and prepared the deliverables to which the invoice applies, the dates Services were performed, all deliverables delivered during the period of the invoices, the rate or rates for Services performed, and the total cost of Services;
  - c. Itemization and explanation of all expenses for which Contractor claims reimbursement authorized under this Contract;
  - d. The quantity of Goods ordered, the quantity of Goods delivered, the date the Goods were delivered, the price per unit, if applicable; and
  - e. The total amount due and the payment address.
- ii. Contractor shall send all invoices to County's Contract Administrator at the address specified in section 7 or to any other address as County may indicate in writing to Contractor. Contractor's claims to County for overdue payments on invoices are subject to ORS 293.462.

### **3. GENERAL TERMS AND CONDITIONS.**

#### **A. INTELLECTUAL PROPERTY & OPEN SOURCE; TITLE TO GOODS.**

- i. Definitions. As used in this Contract, the following terms have the meanings set forth below:
- a. "Contractor Intellectual Property" means any intellectual property owned by Contractor and developed independently from Services.
  - b. "Open Source Elements" means any Work Product subject to any open source initiative certified license, including Work Product based upon any open source initiative certified licensed work.
  - c. "Third Party Intellectual Property" means any intellectual property owned by parties other than County or Contractor.
  - d. "Work Product" means all Services and Goods Contractor delivers or is required to deliver to County pursuant to this Contract.

i. New Works. All intellectual property rights in the Work Product created by Contractor under this Contract shall be the exclusive property of County. All Work Product authored by Contractor under this Contract shall be deemed "works made for hire" to the extent permitted by the United States Copyright Act. To the extent County is not the owner of the intellectual property rights in such Work Product, Contractor hereby irrevocably assigns to County any and all of its rights, title, and interest in such Work Product. Upon County's reasonable request, Contractor shall execute such further documents and instruments reasonably necessary to fully vest such rights in County.

Contractor forever waives any and all rights relating to such Work Product created under this Contract, including without limitation, any and all rights arising under 17 USC §106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.

ii. Contractor Intellectual Property. If intellectual property rights in the Work Product are Contractor Intellectual Property, Contractor hereby grants to County an irrevocable, non-exclusive, perpetual, royalty-free license to use, make, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Contractor Intellectual Property, and to authorize others to do the same on County's behalf.

iii. Third Party Intellectual Property. To the extent Contractor has the authority, Contractor shall sublicense or pass through to County all Third Party Intellectual Property. Contractor represents and warrants that it has provided written disclosure to County of all Third Party Intellectual Property that must be independently licensed by County to fully enjoy the benefit of the Work Product. If Contractor failed to provide such written disclosure, Contractor shall secure on the County's behalf and in the name of the County, an irrevocable, non-exclusive, perpetual, royalty-free license to use, make, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Third Party Intellectual Property, and to authorize others to do the same on County's behalf.

iv. Open Source Approval and Notice. Any Open Source Elements in the Work Product must be approved in advance and in writing by County. If County approves the use of Open Source Elements, Contractor shall:

- a. Notify County in writing that the Work Product contains Open Source Elements;
- b. Identify the specific portion of the Work Product that contain Open Source Elements; and
- c. Provide a copy of the applicable license for each Open Source Element to County.

vi. Title to Goods. Title to Goods passes to County in accordance with ORS 72.4010.

## B. OTHER REPRESENTATIONS AND WARRANTIES.

i. All express and implied warranties that are applicable to goods under ORS Chapter 72 apply to the Goods delivered under this Contract. Contractor represents and further warrants that:

a. Contractor has the authority to enter into and perform in accordance with this Contract and that this Contract, when executed and delivered, is a valid and binding obligation of Contractor that is enforceable in accordance with its terms;

b. Contractor has the skill and knowledge possessed by well-informed members of its industry, trade or profession and Contractor will apply that skill and knowledge with care and diligence and perform Services in a timely, professional and workmanlike manner in accordance with standards applicable to Contractor's industry, trade or profession;

c. Contractor is and shall be, at all times during the term of this Contract, qualified, professionally competent, and duly licensed to perform Services; and

d. When used as authorized by this Contract, no Work Product infringes nor will County's use, duplication or transfer of the Work Product infringe any copyright, patent, trade secret or other proprietary right of any third party.

ii. The warranties specified in this section are in addition to, and not in lieu of, any other warranties provided. All warranties are cumulative and shall be interpreted broadly to give County the greatest warranty protection available.

#### C. COMPLIANCE WITH APPLICABLE LAWS AND STANDARDS.

i. Contractor shall comply with all federal, state and local laws, regulations, and ordinances applicable to this Contract or to Contractor's obligations under this Contract, as those laws, regulations and ordinances may be adopted or amended from time to time.

ii. County's performance under this Contract is conditioned upon Contractor's compliance with the obligations intended for contractors under ORS 279B.220, 279B.225 (if applicable to this Contract), 279B.230 and 279B.235 (if applicable to this Contract), which are incorporated by reference herein. Contractor shall, to the maximum extent economically feasible in the performance of this Contract, use recycled paper (as defined in ORS 279A.010(1)(ee)), recycled PETE products (as defined in ORS 279A.010(1)(ff)), and other recycled plastic resin products and recycled products (as "recycled product" is defined in ORS 279A.010(1)(gg)).

iii. This project is subject to ORS 279C.800 to 279C.870 (prevailing wage rate). No proposal will be received or considered unless the proposal contains a statement that the existing state prevailing wage rate will be paid to workers in each trade or occupation required for the public works employed in the performance of the contract.

Under ORS 279C.825, the commissioner of the Bureau of Labor and Industries shall establish a fee to be paid by the agency on all qualifying public works contracts. The fee is 0.001 percent of the contract price. The bureau can assess no more than \$5000 and no less than \$250 per contract, regardless of the contract size.

Under ORS 279C.830 (3), the successful contractor and every subcontractor must have a public works bond filed with the Construction Contractors Board before starting work and no proposal will be received or considered unless the proposal contains a statement that the bonds shall be filed if successful.

#### D. AMENDMENTS.

i. All amendments to this Contract are Unanticipated Amendments unless subsections ii and iii of this section D are completed for Anticipated Amendments. OAR 125-246-0560 applies to all Contract amendments.

ii. Circumstances Requiring Amendments. County may request Contractor to provide additional quantities of Work in the event the parties expend the maximum, not-to-exceed compensation payable to Contractor, and additional quantities of Work must be performed to meet County program needs. County may also request Contractor to provide additional quantities of Work that may be required to meet County program needs or may determine a need for Contractor to perform new Work within the scope of the solicitation, to the extent permitted by applicable statutes and administrative rules.

Also, County may request a change in the Statement of Work to conform to legislative, administrative rule requirements or to meet an operational or practice change.

In addition, County may decrease the quantity of Work or delete Work, and correspondingly decrease the maximum, not-to-exceed compensation payable to Contractor if County program needs are less than originally anticipated by County, and/or if legislative action so requires in the exercise of County's reasonable administrative discretion. County may also increase the rate payable to Contractor to meet legislative action, changes in applicable rules, operations and practice, changes in the market place or increases in County standard payment rates.

iii. Amendment Method. Amendments shall be made by written instrument and shall not be in effect until signed by all parties to this Contract.

#### E. TIME IS OF THE ESSENCE.

Contractor agrees that time is of the essence in the performance of this Contract.

#### F. FORCE MAJEURE.

Neither County nor Contractor shall be responsible for any failure to perform or for any delay in the performance of any obligation under this Contract caused by fire, riot, acts of God, terrorism, war, or any other cause which is beyond the breaching party's reasonable control. Contractor shall, however, make all reasonable efforts to remove or eliminate the cause of Contractor's delay or breach and shall, upon the cessation of the cause, continue performing under this Contract. County may terminate this Contract upon written notice to Contractor after reasonably determining that the delay or breach will likely prevent successful performance of this Contract.

#### G. INSURANCE.

Contractor shall obtain the insurance required under section 4 prior to performing under this Contract and shall maintain the required insurance throughout the duration of this Contract and all warranty periods.

#### H. INDEPENDENT CONTRACTOR STATUS; RESPONSIBILITY FOR TAXES AND WITHHOLDING.

i. Contractor shall perform all Services as an independent Contractor. Although County may (a) determine and modify the delivery schedule for Services to be performed and (b) evaluate the quality of the completed performance, County cannot and will not control the means or manner of Contractor's performance. Contractor is responsible for determining the appropriate means and manner of performing any Services required under this Contract. Contractor certifies, represents and warrants that Contractor is an independent contractor of County under all applicable State and federal law. Contractor is not an "officer", "employee", or "agent" of County as those terms are used in ORS 30.265.

ii. If Contractor is currently performing work for State or the federal government, Contractor by signature to this Contract represents and warrants: Contractor's performance of this Contract creates no potential or actual conflict of interest as defined by ORS 244 and that no rules or regulations of Contractor's employing County (state or federal) would prohibit Contractor's performance of this Contract.

iii. Contractor is responsible for all federal and state taxes applicable to compensation or payments paid to Contractor under this Contract, and County will not withhold from compensation or payments to Contractor any amount(s) to cover Contractor's federal or state tax obligations unless Contractor is subject to backup withholding. Contractor is not eligible for any social security, unemployment insurance or workers' compensation benefits from compensation or payments paid to Contractor under this Contract.

#### I. INDEMNIFICATION.

i. GENERAL INDEMNITY. CONTRACTOR SHALL DEFEND, SAVE, HOLD HARMLESS, AND INDEMNIFY COUNTY, ITS AGENCIES, OFFICERS, DIRECTORS, AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER ("CLAIMS") RESULTING FROM, ARISING OUT OF, OR RELATING TO THE ACTS OR OMISSIONS OF CONTRACTOR OR ITS OFFICERS, EMPLOYEES, SUBCONTRACTORS, OR AGENTS UNDER THIS CONTRACT.

ii. INDEMNITY FOR INFRINGEMENT CLAIMS. WITHOUT LIMITING THE GENERALITY OF SECTION 3.I.i, CONTRACTOR SHALL DEFEND, SAVE, HOLD HARMLESS AND INDEMNIFY COUNTY, ITS AGENCIES, OFFICERS, DIRECTORS, AGENTS, AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS, AND EXPENSES, INCLUDING ATTORNEYS FEES, ARISING OUT OF OR RELATING TO ANY CLAIMS THAT THE WORK, THE WORK PRODUCT OR ANY OTHER TANGIBLE OR INTANGIBLE ITEM DELIVERED UNDER THIS CONTRACT BY CONTRACTOR THAT MAY BE THE SUBJECT OF PROTECTION UNDER ANY STATE OR FEDERAL INTELLECTUAL PROPERTY LAW OR DOCTRINE, OR COUNTY'S REASONABLE USE THEREOF, INFRINGES ANY PATENT, COPYRIGHT, TRADE SECRET, TRADEMARK, TRADE DRESS, MASK WORK, UTILITY DESIGN, OR OTHER PROPRIETARY RIGHT OF ANY THIRD PARTY ("INFRINGEMENT CLAIM"); PROVIDED, THAT COUNTY SHALL PROVIDE CONTRACTOR WITH PROMPT WRITTEN NOTICE OF ANY INFRINGEMENT CLAIM.

iii. COUNTY SHALL REASONABLY COOPERATE IN GOOD FAITH, AT CONTRACTOR'S REASONABLE EXPENSE, IN THE DEFENSE OF CLAIMS AND INFRINGEMENT CLAIMS, AND CONTRACTOR SHALL SELECT COUNSEL REASONABLY ACCEPTABLE TO THE WASCO COUNTY DISTRICT ATTORNEY TO DEFEND SUCH CLAIMS AND INFRINGEMENT CLAIMS AND SHALL BEAR ALL COSTS OF SUCH COUNSEL.

COUNSEL MUST ACCEPT APPOINTMENT AS A SPECIAL ASSISTANT, DISTRICT ATTORNEY UNDER ORS CHAPTER 180 BEFORE COUNSEL MAY ACT IN THE NAME OF, OR REPRESENT THE INTERESTS OF, COUNTY, ITS AGENCIES, OFFICERS, EMPLOYEES OR AGENTS. COUNTY MAY ELECT TO ASSUME ITS OWN DEFENSE WITH AN ATTORNEY OF ITS OWN CHOICE AND AT ITS OWN EXPENSE AT ANY TIME COUNTY DETERMINES IMPORTANT GOVERNMENTAL INTERESTS ARE AT STAKE. SUBJECT TO THE LIMITATIONS NOTED ABOVE, CONTRACTOR MAY DEFEND SUCH CLAIMS AND INFRINGEMENT CLAIMS WITH COUNSEL OF ITS OWN CHOOSING PROVIDED THAT NO SETTLEMENT OR COMPROMISE OF ANY SUCH CLAIMS AND INFRINGEMENT CLAIMS SHALL OCCUR WITHOUT THE CONSENT OF COUNTY, WHICH CONSENT SHALL NOT BE UNREASONABLY WITHHELD, CONDITIONED OR DELAYED.

J. ASSIGNMENT OF ANTITRUST RIGHTS.

i. CONTRACTOR IRREVOCABLY ASSIGNS TO COUNTY ANY CLAIM FOR RELIEF OR CAUSE OF ACTION WHICH CONTRACTOR NOW HAS OR WHICH MAY ACCRUE TO CONTRACTOR IN THE FUTURE BY REASON OF ANY VIOLATION OF 15 U.S.C. § 1-15 OR ORS 646.725 OR ORS 646.730, IN CONNECTION WITH ANY GOODS OR SERVICES PROVIDED TO CONTRACTOR FOR THE PURPOSE OF CARRYING OUT CONTRACTOR'S OBLIGATIONS UNDER THIS CONTRACT, INCLUDING, AT COUNTY'S OPTION, THE RIGHT TO CONTROL ANY SUCH LITIGATION ON SUCH CLAIM FOR RELIEF OR CAUSE OF ACTION.

ii. CONTRACTOR SHALL REQUIRE ANY SUBCONTRACTORS HIRED TO PERFORM ANY OF CONTRACTOR'S DUTIES UNDER THIS CONTRACT TO IRREVOCABLY ASSIGN TO COUNTY, AS THIRD PARTY BENEFICIARY, ANY RIGHT, TITLE OR INTEREST THAT HAS ACCRUED OR WHICH MAY ACCRUE IN THE FUTURE BY REASON OF ANY VIOLATION OF 15 U.S.C. § 1-15 OR ORS 646.725 OR ORS 646.730, IN CONNECTION WITH ANY GOODS OR SERVICES PROVIDED TO THE SUBCONTRACTOR FOR THE PURPOSE OF CARRYING OUT THE SUBCONTRACTOR'S OBLIGATIONS TO CONTRACTOR IN PURSUANCE OF THIS CONTRACT, INCLUDING, AT COUNTY'S OPTION, THE RIGHT TO CONTROL ANY SUCH LITIGATION ON SUCH CLAIM FOR RELIEF OR CAUSE OF ACTION.

## K. EVENTS OF BREACH.

### i. Breach by Contractor. Contractor breaches this Contract if:

- a. Contractor institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis;
- b. Contractor no longer holds a license or certificate that is required for Contractor to perform its obligations under this Contract and Contractor has not obtained the license or certificate within fourteen (14) calendar days after County delivers notice of breach to Contractor or a longer period as County may specify in the notice; or
- c. Contractor commits any material breach of any covenant, warranty, obligation or certification under this Contract, fails to perform its obligations under this Contract within the time specified or any extension of that time, and Contractor fails to cure the breach within fourteen (14) calendar days after County delivers notice of breach to Contractor or a longer period as County may specify in the notice.

### ii. Breach by County. County breaches this Contract if:

- a. County fails to pay Contractor any amount pursuant to the terms of this Contract, and County fails to cure its failure to pay within fourteen (14) calendar days after Contractor delivers notice of breach to County or a longer period as Contractor may specify in the notice; or
- b. County commits any material breach of any covenant, warranty, or obligation under this Contract, fails to perform its obligations hereunder within the time specified or any extension thereof, and County fails to cure the breach within fourteen (14) calendar days after Contractor delivers notice of breach to County or a longer period as Contractor may specify in the notice.

## L. REMEDIES.

- i. County's Remedies. If Contractor is in breach under section 3.K.i, then in addition to the remedies afforded elsewhere in this Contract, County shall be entitled to recover for any and all damages suffered as the result of Contractor's breach of this Contract, including but not limited to direct, indirect, incidental and consequential damages. County may, at County's option, pursue any or all of the remedies available under this Contract and at law or in equity, including, but not limited to:
  - a. Termination of this Contract under section 3.M.ii.;
  - b. Withholding payment of all amounts in Contractor's invoices for Services that Contractor is obligated to but has failed to deliver or perform within any scheduled completion dates or has performed inadequately or defectively;

- c. Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief; or
- d. Exercise of the right of setoff, and withholding of amounts otherwise due and owing to Contractor in an amount equal to County's setoff right, without penalty.

These remedies are cumulative to the extent the remedies are not inconsistent, and County may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever.

If it is determined for any reason that Contractor was not in breach under section 3.K.i, the rights and obligations of the parties shall be the same as if this Contract was terminated pursuant to section 3.M.ii.a.

ii. Contractor's Remedies. If County terminates this Contract for convenience under section 3.M.ii.a, or if County is in breach under section 3.K.ii and whether or not Contractor elects to exercise its right to terminate this Contract under section 3.M.iii, Contractor's sole remedy is one of the following, as applicable:

- a. For Services compensable on an hourly basis, a claim against County for unpaid invoices, hours worked but not yet invoiced, and authorized expenses for Services completed and accepted by County less any claims County has against Contractor.
- b. For deliverable-based Services, a claim against County for the sum designated for completing the deliverable multiplied by the percentage of Services completed and accepted by County, less previous amounts paid and any claims County has against Contractor.

If previous amounts paid to Contractor for Services and Goods exceed the amount due to Contractor under this section 3.L.ii, Contractor shall pay the excess amount to County immediately upon written demand.

iii. ATTORNEYS' FEES.

Except for defense costs and expenses pursuant to section 3.I, neither County nor Contractor is entitled to recover attorney's fees, court and investigative costs, or any other fees or expenses associated with pursuing a remedy for damages arising out of or relating to this Contract.

M. TERMINATION.

- i. MUTUAL CONSENT. This Contract may be terminated at any time by mutual written consent of the parties.
- ii. County:
  - a. County may, at its sole discretion, terminate this Contract for its convenience upon 30 days written notice by County to Contractor.



b. County may, in its sole discretion, terminate this Contract, immediately upon notice to Contractor, or at a later date as County may establish in the notice, upon the occurrence of any of the following events:

A. County fails to receive funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to pay for Services;

B. Federal or state laws, regulations, or guidelines are modified or interpreted in a way that either the purchase of Services by County under this Contract is prohibited, or County is prohibited from paying for Services from the planned funding source; or

C. Contractor is in breach under section 3.K.i.

D. County has sufficient funds currently available and authorized for expenditure to finance the costs of this contract. Contractor understands and agrees that County's payment of amounts under this contract attributable to work performed is contingent on the County's budgetary limitations and other expenditure authority sufficient to allow County, in the exercise of its reasonable administrative discretion, to continue to make payments under this contract. County may terminate this contract without penalty or liability to County, effective upon the delivery of written notice to Contractor, with no further liability if County determines that there are insufficient funds available to make payments under this contract.

Contractor shall stop performance under this Contract as directed by County in any written notice of termination delivered to Contractor under this section 3.M.ii.

iii. Contractor: Contractor may terminate this Contract immediately upon written notice to County, or at a later date as Contractor may establish in the notice, if County is in breach pursuant to section 3.K.ii.

#### N. ACCESS TO RECORDS.

Contractor shall retain, maintain, and keep accessible all records relevant to this Contract ("Records") for minimum of six (6) years, or a longer period as may be required by applicable law, following Contract termination or full performance, the period required by applicable law following Contract termination or full performance, or until the conclusion of any audit, controversy or litigation arising out of or related to this Contract, whichever ending is later. Contractor shall maintain all financial Records in accordance with generally accepted accounting principles. During this Record-retention period, Contractor shall permit County, its duly authorized representatives, and the federal government access to the Records at reasonable times and places for purposes of examination and copying.

O. NOTICES.

All notices required under this Contract shall be in writing and addressed to the party's authorized representative. For County, the authorized representative is the County contact person identified in section 7. Contractor's authorized representative is the contact person identified in section 6. Mailed notices are deemed received five (5) days after the post mark date when properly addressed and deposited prepaid into the U.S. postal service. Faxed notices are deemed received upon electronic confirmation of successful transmission to the designated fax number. Notices delivered by personal delivery are deemed received when delivered to the address specified for the receiving party's authorized representative.

P. GOVERNING LAW.

The Contract is governed by and construed in accordance with the laws of State, without regard to principles of conflicts of laws. To the extent not modified by the terms of this Contract, the Uniform Commercial Code as codified in ORS Chapters 71 and 72 governs the Goods sold under this Contract.

Q. VENUE; CONSENT TO JURISDICTION.

Any claim, action, suit or proceeding (collectively, "Proceeding") between County and Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court in the State of Oregon for Wasco County; provided, however, if a Proceeding must be brought in a federal forum, then unless otherwise prohibited by law, it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon.

CONTRACTOR HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF THESE COURTS AND WAIVES ANY OBJECTION TO VENUE IN THESE COURTS AND ANY CLAIM THAT THE FORUM IS AN INCONVENIENT FORUM. Nothing in these provisions shall be construed as a waiver of County's sovereign or governmental immunity, whether derived from the Eleventh Amendment to the United States Constitution or otherwise, or a waiver of any defenses to Proceedings or jurisdiction based thereon.

R. SUBCONTRACTS; ASSIGNMENT; SUCCESSORS.

i. SUBCONTRACTS. Contractor shall not enter into any subcontracts for any of Services required under this Contract without County's prior written consent. In addition to any other provisions County may require, Contractor shall include in any permitted subcontract provisions to ensure that County will receive the benefit of subcontractor's performance as if the subcontractor were Contractor with respect to sections 1.C, 3.A, 3.B, 3.E, 3.I, 3.J, 3.N, 3.P and 3.R. County's consent to any subcontract shall not relieve Contractor of any of its duties or obligations under this Contract.

ii. Contractor shall not assign, delegate or transfer any of its rights or obligations under this Contract without County's prior written consent. County's written consent does not relieve Contractor of any obligations under this Contract, and any assignee, transferee, or delegate is considered Contractor's agent.

iii. The provisions of this Contract are binding upon, and inure to the benefit the parties and their respective successors and permitted assigns, if any.

#### S. THIRD PARTY BENEFICIARIES.

County and Contractor are the only parties to this Contract and are the only parties entitled to enforce the terms of this Contract. Nothing in this Contract gives, is intended to give, or shall be construed to give or provide any benefit or right not held by or made generally available to the public, whether directly, indirectly or otherwise, to third persons unless the third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Contract. County is an intended beneficiary of the terms of this Contract.

#### T. SEVERABILITY.

If any provision of this Contract is declared by a court of competent jurisdiction to be illegal or otherwise invalid, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Contract did not contain the particular provision held to be invalid.

#### U. COUNTERPARTS.

This Contract may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Contract so executed shall constitute an original.

#### V. INTEGRATION AND MERGER.

This Contract constitutes the entire agreement between the parties on the subject matter thereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract.

#### W. AMENDMENTS; WAIVER.

This Contract may be amended to the extent permitted by applicable statutes and administrative rules and as the amendment scope and process may be further described in section 1, Statement of Services. No waiver, consent, or amendment of terms of this Contract shall bind either party unless in writing and signed by County and Contractor, and all necessary approvals have been obtained. Waivers and consents shall be effective only in the specific instance and for the specific purpose given. The failure of County to enforce any provision of this Contract shall not constitute a waiver by County of that or any other provision.

X. SURVIVAL.

In addition to all provisions which by their nature extend beyond Contract termination or full performance, the following provisions shall remain in effect beyond any Contract termination or full performance: sections 2.D, 3.A, 3.B, 3.G, 3.I, 3.J, 3.L, 3.N, 3.P, 3.Q, 3.S, 3.X and 4.

**4 INSURANCE.**

A. **REQUIRED INSURANCE.** Contractor shall obtain the insurance specified in this section prior to performing under this Contract and shall maintain it in full force and at its own expense throughout the duration of this Contract and all warranty periods. Contractor shall obtain the following insurance from insurance companies or entities that are authorized to transact the business of insurance and issue coverage in State and that are acceptable to County.

i. **WORKERS COMPENSATION.** All employers, including Contractor, that employ subject workers who work under this Contract in County shall comply with ORS 656.017 and provide the required workers' compensation coverage, unless the employers are exempt under ORS 656.126(2). Contractor shall require each of its subcontractors, if any, to comply with, and shall ensure that each of its subcontractors, if any, complies with, these requirements.

ii. **PROFESSIONAL LIABILITY**

**Required by County**  **Not required by County.**

Professional Liability Insurance with a combined single limit, or the equivalent, of not less than \$1,000,000.00 each claim, incident or occurrence This is to cover damages caused by error, omission or negligent acts related to the professional services to be provided under this Contract.

iii. **COMMERCIAL GENERAL LIABILITY.**

**Required by County**  **Not required by County.**

Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverage that are satisfactory to County. This insurance shall include personal and advertising injury liability, products liability and completed operations liability. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Combined single limit per occurrence shall not be less than \$ 1,000,000.00 for each job site or location. Each annual aggregate limit shall not be less than \$ 1,000,000.00.

iv. AUTOMOBILE LIABILITY INSURANCE: AUTOMOBILE LIABILITY.

**Required by County**  **Not required by County.**

Automobile Liability Insurance covering all owned, non-owned, and hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance. Combined single limit per occurrence shall not be less than the Oregon Financial Responsibility Law (ORS 806.060) each accident for bodily injury and property damage.

v. EMPLOYERS' LIABILITY.

**Required by County**  **Not required by County.**

If Contractor is a subject employer, as defined in ORS 656.023, Contractor shall obtain employers' liability insurance coverage with combined single limit per occurrence of not less than \$500,000, and annual aggregate limits of not less than \$1 million.

vi. POLLUTION LIABILITY.

**Required by County**  **Not required by County.**

Pollution Liability Insurance covering Contractor's liability for bodily injury, property damage and environmental damage resulting from either sudden or gradual accidental pollution and related cleanup costs incurred by Contractor, all arising out of the Goods delivered or Services (including transportation risk) performed under this Contract.

Combined single limit per occurrence shall not be less than \$[enter amount], or the equivalent. Annual aggregate limit shall not be less than \$[enter amount].

B. ADDITIONAL INSURED.

The commercial general liability insurance and automobile liability insurance required under this Contract shall include County, and its agencies, departments, divisions, commissions, branches, officers and employees as Additional Insureds with respect to Contractor's performance obligations under this Contract. Contractor shall ensure that coverage is primary and non-contributory with any other insurance and self-insurance.

C. "TAIL" COVERAGE.

If any of the required liability insurance is on a "claims made" basis, Contractor shall either maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of this Contract, for a minimum of 24 months following the later of (i) Contractor's completion of all Services and County's acceptance of all Services required under this Contract, or (iii) the expiration of all warranty periods provided under this Contract. Notwithstanding the foregoing 24-month requirement, if Contractor elects to maintain "tail" coverage and if the maximum time period "tail" coverage reasonably available in the marketplace is less than the 24-month period described above, then Contractor shall maintain "tail" coverage for the maximum time period that "tail" coverage is reasonably available in the marketplace for the coverage required under this Contract. Contractor shall provide to County, upon County's request, certification of the coverage required under this section 4.C.

D. NOTICE OF CANCELLATION OR CHANGE.

There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without sixty (60) days' written notice from this Contractor or its insurer(s) to County. Any failure to comply with the reporting provisions of this clause shall constitute a material breach of Contract and shall be grounds for immediate termination of this Contract by County.

E. CERTIFICATE(S) OF INSURANCE.

Contractor shall provide to County Certificate(s) of Insurance for all required insurance before delivering any Goods and performing any Services required under this Contract. The Certificate(s) must specify all entities and individuals who are endorsed on the policy as Additional Insured (or Loss Payees). Contractor shall pay for all deductibles, self-insured retention and self-insurance, if any.

**6. CERTIFICATIONS AND SIGNATURE OF CONTRACTOR'S AUTHORIZED REPRESENTATIVE.**

THIS CONTRACT MUST BE SIGNED IN INK BY AN AUTHORIZED REPRESENTATIVE OF CONTRACTOR.

The undersigned certifies under penalty of perjury both individually and on behalf of Contractor that:

- A. The undersigned is a duly authorized representative of Contractor, has been authorized by Contractor to make all representations, attestations, and certifications contained in this Contract and to execute this Contract on behalf of Contractor;

B. The undersigned is authorized to act on behalf of Contractor and that Contractor is, to the best of the undersigned's knowledge, not in violation of any Oregon Tax Laws. For purposes of this certification, "Oregon Tax Laws" means a state tax imposed by ORS 401.792 to 401.816 (Tax For Emergency Communications), 118 (Inheritance Tax), 314 (Income Tax), 316 (Personal Income Tax), 317 (Corporation Excise Tax), 318 (Corporation Income Tax), 320 (Amusement Device and Transient Lodging Taxes), 321 (Timber and Forestland Tax), 323 (Cigarettes and Tobacco Products Tax), and the elderly rental assistance program under ORS 310.630 to 310.706; and any local taxes administered by the Department of Revenue under ORS 305.620.

C. To the best of the undersigned's knowledge, Contractor has not discriminated against and will not discriminate against minority, women or emerging small business enterprises certified under ORS 200.055 in obtaining any required subcontracts.

D. Contractor and Contractor's employees and agents are not included on the list titled "Specially Designated Nationals and Blocked Persons" maintained by the Office of Foreign Assets Control of the United States Department of the Treasury and currently found at <http://www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf>;

E. Contractor's Federal Employee Identification Number or Social Security Number specified below is correct;

F. Contractor is bound by and will comply with all requirements, terms and conditions contained in this Contract; and

G. Contractor \_\_\_ is / \_\_\_ is not a nonresident alien as defined in 26 USC § 7701(b)(1) (check one). See section 2.D.ii.

Contractor (print Contractor's name): \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

By (print name): \_\_\_\_\_

Title: \_\_\_\_\_ Date \_\_\_\_\_

FEIN ID# or SSN# (required): \_\_\_\_\_

Contact Person (Type or Print): \_\_\_\_\_

Contact Telephone Number: (\_\_\_\_\_) \_\_\_\_\_

Contact Fax Number: (\_\_\_\_\_) \_\_\_\_\_

Contact E-Mail Address: \_\_\_\_\_

**7. SIGNATURE OF COUNTY'S AUTHORIZED REPRESENTATIVES.**

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

WASCO COUNTY BOARD OF  
COUNTY COMMISSIONERS

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

\_\_\_\_\_  
Scott Hege, County Commissioner

\_\_\_\_\_  
Steve Kramer, County Commissioner

APPROVED AS TO FORM:

\_\_\_\_\_  
Eric J. Nisley  
Wasco County District Attorney

County Contact Person (Type or Print): Fred Davis  
Contact Telephone Number: (541) 506-2553  
Fax Number: (541) 506-2551  
E-Mail Address: fredd@co.wasco.or.us





**Discussion List Item**  
**Wildland Urban Interface Classification Committee**  
**Appointments**

- [Memo](#)
- [Email](#)

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**MEMORANDUM**

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**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** KATHY WHITE  
**SUBJECT:** WILDLAND URBAN INTERFACE CLASSIFICATION COMMITTEE APPOINTMENTS  
**DATE:** 11/9/2013

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BACKGROUND INFORMATION

At the 9.4.2013, BOCC Session, representatives from ODF requested that the BOCC appoint three members to a Wasco County Wildland Urban Interface Classification Committee. A discussion ensued regarding the possibility of two County Commissioners serving on the committee – one as a representative of the Board and the other as a citizen residing within the zone. The Board decided to request and opinion from County Counsel (see attached email response).

I am seeking a decision from the Board as to next steps regarding a Commissioner(s) serving on this committee so that I can go forward with the recruitment of the final appointee(s).



Kathy White <kathyw@co.wasco.or.us>

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## Point of Concern

5 messages

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**Kathy White** <kathyw@co.wasco.or.us>

Mon, Sep 9, 2013 at 6:21 AM

To: Eric Nisley <EricN@co.wasco.or.us>

Cc: Rod Runyon <rodr@co.wasco.or.us>, Scott Hege <scoth@co.wasco.or.us>, Steve Kramer <stevek@co.wasco.or.us>, Tyler Stone <tylers@co.wasco.or.us>

Good Morning, Eric-

At the 9.4.2013 BOCC Session the Oregon Department of Forestry approached the Board to reform the Wildland Urban Interface Classification Committee which included the following discussion regarding appointments:

**Chair Runyon asked if a Commissioner needs to participate on the Wildland Interface Classification Committee. Mr. Andrade replied that while not mandatory, it is desirable. Chair Runyon asked if there is a process in place for appointing the other two county appointees. Mr. Andrade responded that it varies from county to county, the only requirement is that one member must be a landowner subject to the provisions of the law. If a county has difficulty finding committee members, the agency can help with recruitment. He has seen up to seven members on a committee. Commissioner Hege expressed interest in serving on the Wasco County Wildland Urban Interface Committee. Commissioner Kramer is also interested.**

**Chair Runyon suggested that Commissioner Hege could serve as a landowner and Commissioner Kramer as a member of the Commission since the Committee is not a decision-making body. Mr. Andrade stated that the Committee actually has power to make rules that are implemented by the State. Mr. Jacobs added that the County Board of Commissioners does not vote on the actual classifications; that is established and run by the State and filed with the County Clerk. Any complaints would go through the committee and if not resolved by the committee would then go to Circuit Court.**

**Mr. Stone suggested that County Counsel be consulted regarding the possibility of two commissioners serving in different capacities on the committee.**

The Board would appreciate your opinion. Please let me know if you need further information.

Thank you,

Kathy White  
Executive Assistant  
Wasco County  
Board of County Commissioners  
511 Washington Street  
The Dalles, OR 97058  
work 541.506.2520  
fax 541.506.2551

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**Eric Nisley** <ericn@co.wasco.or.us>

Thu, Sep 26, 2013 at 10:44 AM

To: Kathy White <kathyw@co.wasco.or.us>

Cc: Rod Runyon <rodr@co.wasco.or.us>, Scott Hege <scoth@co.wasco.or.us>, Steve Kramer <stevek@co.wasco.or.us>, Tyler Stone <tylers@co.wasco.or.us>

I had not seen this email before you printed it out and sent it in the packet to me today.

I need to know a few more things. Is this a legislative body or quasi-judicial. If the latter, then no. If the former, then I would need to know if the commission could be required to interpret or apply the rules adopted by the two commissioners on the Classification Committee. In theory one could engage in such administration but it is fraught with problems both legal and political. (I will leave the politics out of this opinion).

Imagine if a legislator drafts and lobbies for the passage of a criminal law prohibiting x and votes in favor of its passage. Then that legislator gets appointed to be a judge. If you were a litigant or a party appearing before that judge, how would you perceive the process? You might think the judge already decided what the law means, even if you don't agree. And yes, often people draft legislation that is interpreted entirely differently by Judges (and police and prosecutors or other governmental administrators) than they intend it to be interpreted. In fact, the Judge probably has an ethical duty to withdraw.

Bottom line, if we were a private corporation, this might not be a bad idea. Because we are not, I would advise against it.

Eric

[Quoted text hidden]

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Eric Nisley, DA Wasco County 541 506-2680

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**Kathy White** <kathyw@co.wasco.or.us>

Thu, Sep 26, 2013 at 10:48 AM

To: Rod Runyon <rodr@co.wasco.or.us>, Scott Hege <scoth@co.wasco.or.us>, Steve Kramer <stevek@co.wasco.or.us>, Tyler Stone <tylers@co.wasco.or.us>

Good Morning, Gentlemen-

Please see Eric's response to your concerns about appointing two Commissioners to the Wildlife Interface Classification Committee. I await your direction for moving forward with the appointment process.

Thank you,

Kathy White  
Executive Assistant  
Wasco County  
Board of County Commissioners  
511 Washington Street  
The Dalles, OR 97058  
work 541.506.2520  
fax 541.506.2551

[Quoted text hidden]

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[Redacted]

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[Redacted]

**Discussion List Item**  
**Board Committee Appointments**

- [Memo](#)

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**MEMORANDUM**

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**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** KATHY WHITE  
**SUBJECT:** BOCC COMMITTEE APPOINTMENTS  
**DATE:** 11/9/2013

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BACKGROUND INFORMATION

Several appointments held by members of the BOCC will expire at the end of this year:

Commissioner Runyon – MCCOG & MCEDD

Commissioner Hege – Board of Health

Commissioner Kramer – MCCOG

Previously held by former Commissioner Holliday – Hospital Facility Authority Board of Directors

A Commissioner will need to fill the HFA position vacated by Sherry Holliday and a determination made as to whether Commissioners are interested in continuing their current appointments or if changes will be made. Once those decisions have been made, I will write the appropriate orders and bring them to the Board before current appointments expire.

**Discussion List Item**  
**NORCOR Budget Committee Appointment**

- [Memo](#)



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**MEMORANDUM**

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**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** KATHY WHITE  
**SUBJECT:** NORCOR BUDGET COMMITTEE APPOINTMENT  
**DATE:** 11/12/2013

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BACKGROUND INFORMATION

In the process of bringing all appointments up-to-date, I discovered that the Wasco County lay-person appointment to the NORCOR Budget Committee had lapsed in 2011. In February of this year, I presented to the Board an appointment for the previous appointee (Jay Waterbury) to finish the term that would expire at the end of 2013. The appointment will expire in 7 weeks and I am seeking direction from the Board as to how they would like to proceed.

In addition, the NORCOR bylaws require that a County Commissioner serve on the Budget Committee. Appointments for both the layperson and Commissioner are one-year terms. The BOCC will need to appoint one of its members to serve.

**Discussion List Item**  
**Justice Reinvestment Grant Program Participation**  
**Agreement**

- [Agreement](#)

2013-2015 Participation Agreement

Wasco County's initial funding award is \$124,783 for the 2013-2015 biennium.

Justice Reinvestment Grant Program funds must be spent on community-based sanctions, services and programs.

Please indicate how your county intends to use these funds:

**Community-based sanctions (Please describe below or in an attachment)**

Work Crew

**Community-based services (Please describe below or in an attachment)**

In-custody treatment programming

**Community-based Programs**

Work release programs

Evidence-based programs designed to reduce recidivism that include a balanced administration of sanctions, supervision and treatment

Structured transitional programs

Reentry courts HB 3194 §29

Specialty courts aimed at medium-risk and high-risk offenders.

Wasco County intends to participate in the Justice Reinvestment Grant Program and requests an award in the amount of \$128,783 for use during the 2013-2015 biennium.

Signatures of County Commissioners

Rod Runyon, Chair

Scott Hege, Commissioner

Steve Kramer, Commissioner

November 13, 2013

Date

93-6002315

Federal Tax ID Number

93-6002315

State Tax ID Number

**Approved by Criminal Justice Commission**

Signature

Date

Name/Title

Printed Name/Title

**Discussion List Item**  
**Holiday Door Contest**

- [No documents have been submitted for this item](#)  
[– RETURN TO AGENDA](#)

**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
NOVEMBER 13, 2013**

**CONSENT AGENDA**

1. [Minutes – 10.16.2013 Regular Session](#)
2. [White River Watershed Appointments](#)
3. [Cell Phone Policy](#)
4. [Tri-County Hazardous Waste Appointments](#)

**Consent Agenda Item  
Minutes**

- [10.16.2013 Regular Session Minutes](#)



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
October 16, 2013

PRESENT: Rod Runyon, Commission Chair  
Scott Hege, County Commissioner  
Steve Kramer, County Commissioner  
Tyler Stone, County Administrator  
Kathy White, Executive Assistant

At 12:30 p.m. Chair Runyon opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance.

**Department Head – Surplus Vehicles**

Chief Deputy Lane Magill learned last week that a local car dealer would be holding an auto auction at the end of October. The dealer offered to include County surplussed vehicles in the auction. Chief Deputy Magill negotiated the same commission the County pays at the spring auction. The vehicles need to be surplussed by the Board in order to be placed for auction.

Chair Runyon asked if other local dealers hold auctions. Chief Magill replied that he is not aware of any, but that if there are, he would be happy to rotate surplussed vehicles through any local dealer at the same commission rate.

**{{{Commissioner Hege moved to approve Order #13-135 surplussing Sheriff's Department Vehicles: Unit #03-08 2003 Dodge Durango VIN #1DHS48N63F568941, Unit #04-03 2004 Dodge Durango VIN #1DHB48D94F145314, Unit #04-19 2004 Ford Taurus VIN #1FAFP53U44A102621. Commissioner Kramer seconded the motion which passed unanimously.}}}**

**Open to Public – MCCOG Complaint**

Wayne Lease, 2178S State of Oregon Master Electrician and resident of White Salmon, Washington, came forward to advise the Board of his filed grievance

with the State of Oregon against Mid-Columbia Council of Governments. He suggested that all members of the Board read the services policy mandated to be sent to the Secretary of State. He stated that a March 30, 2010, revised Services Policy corrected errors in the original January 1, 2008 Services Policy. He commended the Wasco County Commissioners who sit on the MCCOG Board for voting against the recently proposed increase in building codes fees, saying they upheld the law in doing so. He assured the Board that he would not give them any information for which he cannot provide supporting documentation.

Mr. Lease stated that there is over \$1 million dollars of funds mismanaged by MCCOG and \$400,000 of funds unaccounted for; he called the alleged misconduct "Wind Gate" and said he has an inside source he has dubbed "Water Spout." He suggested that someone with the necessary background in finance needs to review the MCCOG budget process. He explained that MCCOG actions affect everyone in his profession – a profession that contributes to the bottom line of the local economy.

Barbara Pashek, resident of The Dalles, OR, asked if the Building Codes Department could be absorbed by another entity. Mr. Lease responded that it can be done publicly or contracted to a private entity. Ms. Pashek asked if it could be put under the Wasco County Planning Department. Mr. Lease responded that it could. Mr. Lease cautioned that if the MCCOG Building Codes experiences a short fall, the counties have to make up the difference.

Ms. Pashek asked if a majority vote of the MCCOG Board would be all that is required to move the Building Codes out of MCCOG. Mr. Lease said he could not speak to that. He advised the BOCC that the County could freeze the fees if put to a vote. He added that MCCOG has made some loans that are not paying back fast enough.

The Board thanked Mr. Lease for coming.

#### **Agenda Item – 6 Rivers Mediation**

6 Rivers Executive Director Marti Kantola distributed informational pamphlets to the Board (attached), thanking Wasco County for their support - both financial and in volunteer hours. She explained that 6 Rivers' services are used in a wide variety of ways, from nuisance neighbor disputes to community partner negotiations to working with schools and students on a variety of issues,



including truancy. She noted that as a result of the economic crisis they have been doing a lot of foreclosure mediation.

Ms. Kantola explained that they are currently housed under MCCOG but that at the November 11<sup>th</sup> MCCOG meeting, 6 Rivers Mediation will propose a resolution to separate from MCCOG. She stated that the 6 Rivers Mission is no longer a good fit with MCCOG; in addition, the administrative costs at MCCOG are becoming too costly. She said their funding streams will be transferred to another entity.

Ms. Kantola went on to say that Wasco County is part of a five-county group that participates in a funding process to obtain state funds administered by Oregon State University for community mediation. She stated that she has been notified by the University that additional funding is available. She will be submitting a proposal for how those funds could be used and she will be asking for the County's support.

Chair Runyon asked if 6 Rivers' main office is in Hood River and if they have office space in The Dalles. Ms. Kantola replied that their main office is in Hood River; in The Dalles they use conference rooms provided by MCCOG. He asked if the separation from MCCOG will create a need to relocate. Ms. Kantola said that they will have to restructure everything and secure new office space. Chair Runyon suggested that she talk with Mr. Stone about County space available for rent.

Commissioner Hege asked for an overview of what they have been doing in Wasco County. Ms. Kantola reported that they have worked on a variety of issues including custody issues, rental disputes and work with juveniles. She added that every time she reads the paper she sees two or three cases in which they could have been of assistance had the issues been brought to mediation. She encouraged the Board to keep mediation services in mind as they move through the community.

**Agenda Item – Youth Think/Youth Services Contracts**

Youth Services Assistant Sandra Silva came forward with three contracts to be considered by the Board. With the assistance of Public Health Director Teri Thalsofer, she explained that Amendment A1 is to fill the funding gap during the transition from the Commission system to the Early Learning Hub. This amendment will ensure that existing programs will continue to be funded until

such time as the ELC HUB is established and prepared to administrate the funding. Once that transition is complete this contract will be replaced.

**{{{Commissioner Hege moved to approve the State of Oregon Intergovernmental Contract for Professional Services Amendment #A1. Commissioner Kramer seconded the motion which passed unanimously.}}}**

Ms. Silva and Ms. Thalhoffer explained that the AMA Foundation grant was applied for through Youth Think; Finance Manager Monica Morris has advised them that a budget adjustment will not be necessary – the grant money will just need to be accepted and appropriated.

Brief discussion ensued regarding a discrepancy in the awarded amount and a lesser amount outlined in the grant application. It was determined that the greater amount awarded is not affected by the application.

**{{{Chair Runyon moved to approve the AMA Healthy Grant Agreement pending formalization by Prevention Coordinator Debby Jones to accept and appropriate the funds. Commissioner Hege seconded the motion which passed unanimously.}}}**

Ms. Silva and Ms. Thalhoffer explained that the Marketing Consultant Grant is the same as has been executed in the past; Ms. Griswold helps with marketing and other work for Youth Think.

**{{{Commissioner Kramer moved to approve the AD70 Marketing Consultant Grant Agreement with Linda Griswold. Commissioner Hege seconded the motion which passed unanimously.}}}**

#### **Agenda Item – Wasco County Tobacco Policy**

Mary Gale handed out an article published in *The Dalles Chronicle* entitled “The Economics of Addiction.” (attached) She also provided a tobacco fact sheet (attached). She introduced Barbara Pashek who read a prepared statement:

“For an example, ‘Can an employer make a rule banning chewing tobacco in the employer’s buildings? We have several employees who chew and they often use a soda can for disposal. We’ve had to deal with these gooey, disgusting messes when the pop cans are tossed into the recycling bin and management views this as a health issue. If we cannot forbid chewing on the premises, can we require

these individuals to bring in a different type of receptacle that they remove from their area after work?" She said it goes on . . . it's called HR, the Employer's Forum, regarding chewing tobacco.

Ms. Pashek continued reading: "You have a perfume free ban downstairs. I believe very firmly that you need to put a total non-smoking ban in the whole of Wasco County. You have some people chewing; sometimes it ends up in some sinks that other people in the building and other employees run into. You have some employees that are spitting in cups in County trucks. Wouldn't that be fun to climb into and sit down and start driving? You also have some employees who are spitting outside of the County buildings. Be fun to step in that wouldn't it? You have the right to ban all smoking products and I would like to see you do it."

Commissioner Kramer asked Ms. Pashek to clarify if she meant all smoking products or all tobacco products. Ms. Pashek replied that she meant all tobacco products. Ms. Pashek pointed out that Major League Baseball and the National Collegiate Athletic Association have banned tobacco products.

Commissioner Hege asked Ms. Pashek if she has personally experienced any of these occurrences. Ms. Pashek responded that she has not but that she has been told about it by several people.

Ms. Gale stated that what Ms. Pashek is referring to is the same thing they discovered in their survey. She then reviewed the items outlined in the presentation that is included in the Board Packet. She stated that the strength of the current policy is signage and an increase in calls to the quit lines; in July there were fifteen calls to the quit line from Wasco County compared to an historical average of one.

She went on to say that Directors and employees are not required to communicate the policy but should be encouraged to do so. She said that they have cards that can be handed out that help the encounter to be a friendly one. Center for Living (CFL) has been a great partner in this effort; they communicate directly with their clients. She added that there is a need for a designated smoking area for CFL.

Ms. Gale said it will take persistence to let people know that the County is serious about the policy. She asked that the BOCC help by strengthening the

language in the policy. She reported that they are waiting for improved language and will bring that to the Board as soon as it is available. While the State suggests imposing fines, Public Health believes that a friendly approach will be more successful; the end goal is to train clients to not come onto the property with a tobacco product.

Chair Runyon asked about the gray object next to a pole in the photograph of the designated smoking area. Ms. Gale replied that it is a receptacle for discarded cigarettes. Chair Runyon asked what someone would do if they were chewing tobacco. Ms. Gale responded that it is a good question; however, the predominant issue is smoking. She asked for the Board's support.

Chair Runyon asked if she would be returning with the language revisions. Ms. Thalsofer responded that they would but wanted to know if they have the support of the Board before moving forward with the work.

Chair Runyon stated that the BOCC had agreed to support the policy in the beginning. He said that if this is strengthening the language without changing the policy, he can support that. He asked how long it had been since the initial survey. Ms. Gale replied that it has been 18 months. Chair Runyon observed that it may be time to run a new survey. Commissioner Hege suggested they include questions to determine how employees feel about the policy and its enforcement. Ms. Gale asked if she might include questions about employees' opinions regarding the insurance costs. Chair Runyon suggested that they add questions and present them to the Board for feedback.

Ms. Thalsofer said that some of the employee resistance they get from Parole and Probation is a feeling that their clients already have too much to deal with and do not need the additional burden of a no-smoking policy. She pointed out that studies show that if you treat nicotine addiction along with other addictions, people are 25% more likely to stay clean.

Chair Runyon stated that Public Health does not have to wait until a Board session to provide the Board with information regarding the survey and policy language; that information can be sent at any time. Ms. Gale stated that they will need the support of Parole and Probation in order to be successful.

Commissioner Hege said that he believes we need to continue to change the norm without fines. He has mentioned the policy to people and most have been receptive but it takes several times for some people to make the change.

**Agenda Item – Public Health Contracts**

Ms. Thalhoffer explained that up to now undocumented pregnant women could receive an emergency waiver for delivery coverage but no prenatal care. Oregon has decided that prenatal care saves money in the delivery and produces healthier babies that need less postnatal care. She pointed out that it has not been an issue in our community; Wasco County enjoys a high rate of prenatal care participation even among the undocumented women. She explained that the local women's clinic has a contract program for uninsured women.

Ms. Thalhoffer said that the new contract will cover not only delivery but prenatal care as well; it begins July 1, 2013 and ends June 30, 2015 – covering the biennium. She explained that this contract will soon be replaced with a new one that designates the State of Oregon to pay the match.

**{{{Commissioner Hege moved to approve OHA Agreement Number 135200 Amendment to State of Oregon Intergovernmental Agreement CAWEM Prenatal Expansion Program. Commissioner Kramer seconded the motion which passed unanimously.}}}**

Ms. Thalhoffer explained that the OHSU research grant covers the cost of the Health Officer who staffs the Community Connections Network Clinic. Commissioner Kramer asked about the institutional conflict of interest clause. Ms. Thalhoffer responded that if for instance, Dr. Harpole has a grant from Pfizer, he would have to declare that.

**{{{Commissioner Hege moved to approve the Research Subaward Agreement Amendment. Commissioner Kramer seconded the motion which passed unanimously.}}}**

Ms. Thalhoffer reported that they are running into difficulties with the EDEN system set-up. She said that Finance Manager Monica Morris has raised concerns about releasing employee information to anyone outside the County. She explained that in order to set the system up they need to set up a parallel process in which the information in the new system matches exactly the information in the existing system for the Public Health employees.

Mr. Stone observed that the information will have to be gathered in any case as the Public Health employees will all have to submit new W-4 forms to Public Health. Ms. Thalhofer restated that the information must match exactly. Mr. Stone suggested that the County and Public Health meet to come to an understanding of what is necessary and how best to achieve the desired outcome.

Ms. Thalhofer said she has been working through the Commission as she had been asked to do. She said she needs operational agreements to be in place as Wasco County's commitment has been minimal. Chair Runyon stated that a meeting needs to occur in which cooperation runs in both directions.

Ms. Thalhofer stated that the 9 commissioners agreed that this is the direction to go and asked if the Board wanted to pass that process to staff. She noted that all of this is in the Board of Health minutes and being negotiated by the Commissioners on the Board of Health. Commissioner Kramer suggested that if that is the process, perhaps it is the Board of Health who needs to be communicating with Wasco County.

**Discussion List Item – Warm Springs Noxious Weed Agreement**

Commissioner Kramer explained that he had spoken to Weed Superintendent Merle Keys who advised that the issue with the timing of the agreement is at a higher level in the Tribes' administration and suggested that the Board might communicate to the Tribes the need to have this come through a little sooner. Ms. White said that she had pushed for an early signature based on an email from the Tribe indicating they had to meet a fiscal deadline. She had been able to have Commissioner Kramer sign the agreement but had then learned from Public Works Director Marty Matherly that he had already communicated with the Tribes that the County has an approval process and they would not be getting the signed agreement until it had gone through that process. Based on that information, Ms. White held the contract until it could be brought to the Board for approval.

Commissioner Hege said that he hopes that the County is seeing a profit from this work. Mr. Stone said that he believes he has that information and would get it to the Board following the meeting.

**{{{Chair Runyon moved to approve the Contract Agreement between the Confederated Tribes of the Warm Springs Reservation of Oregon and the Wasco County Weed & Pest Control. Commissioner Kramer seconded the motion which passed unanimously.}}}**

**Agenda Item – Watson Hearing**

Chair Runyon explained that they were now gathered for the purpose of considering appeals of the Planning Commission's decision to deny a non-farm dwelling, shed, sealed vault toilet, variance to property line setbacks, floodplain development review and modification to fire safety standards in the Exclusive Farm Use zone. The property is described as 7S 14E 8 D, tax lot 300.

Before opening the public hearing, the Board must determine whether to hold the hearing on the record or "partial denovo." The property owner requested a partial de novo hearing to submit more information. Per the Staff Summary contained in the October 16, 2013 Board packet the Board will choose to restrict review to the record. Particularly in light of evaluating the findings required per the Wasco County Land Use and Development ordinance, Section 2.180.C for a DeNovo hearing. Restricting review to the record eliminates the addition of new evidence, but allows comments from interested parties. We feel this option is most appropriate when there are no changes to the proposal that were not previously considered at the prior Planning Commission public hearing.

**{{{Chair Runyon moved to deny the request for a partial DeNovo hearing. Commissioner Hege seconded the motion which passed unanimously.}}}**

Further discussion ensued clarifying the decision of the Board which concluded that this hearing will be based on materials already on record.

Chair Runyon opened the hearing at 1:57 p.m.:

"We will now commence and open the public hearing on the agenda to concurrently hear appeals PLAAPL-13-08-0001 & PLAAPL-13-08-0002 (original application PLAQJR-12-08-0001) to consider appeals of the planning commission's decision to deny: a non-farm dwelling, shed, sealed vault toilet, variance to property line setbacks, floodplain development review and

modification to fire safety standards in the Exclusive Farm Use zone. The property is described as 7S 14E 8 D, tax lot 300.

The criteria for approval of a land use decision are contained in the Wasco County Land Use and Development Ordinance ("LUDO" as amended). The specific criteria applicable to this request are contained in Chapter 3 (Exclusive Farm Use Zone Section 3.210, Flood Hazard Overlay Section 3.740 and Natural Areas Overlay Section 3.910), Chapter 5 (Conditional Use Review), Chapter 6 (Variances) and Chapter 10 (Fire Safety Standards). The proposed development must comply with applicable provisions contained in the Wasco County Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the LUDO it is considered consistent with the Comprehensive Plan.

The procedure I would like to follow is:

Disclosure of Interest, Ex Parte Contact or Potential Conflicts

Recognize Parties

Reading of the Rules of Evidence

Planning department will present some background and their Staff Summary

Applicant I (Watson) testimony to speak in favor of the proposal

Applicant II (Robertson) testimony to speak opposition of the proposal

Any other party who wishes to speak in favor or opposition of the proposal

Close the hearing for question and deliberation

If enough information is available the County Commission will render a decision.

Testimony needs to be limited to applicable criteria.

Chair Runyon asked if any Board member wished to disqualify themselves for any personal or financial interest in this matter. There was no positive response.



Chair Runyon asked if any Board member wished to report any significant ex parte or pre-hearing contacts. Commissioner Hege stated that he went on a site visit.

Chair Runyon asked Commissioner Hege what the substance was of what he saw, who he talked to and the substance of any conversations he had.

Commissioner Hege said he drove to the site with Senior Planner Joey Shearer, Planning Director John Roberts and County Administrator Tyler Stone. He stated that they viewed the site and he heard the facts of the case as presented by staff.

Chair Runyon asked if any member of the audience wished to challenge the right of any Board member to hear this matter. There were no challenges.

Chair Runyon asked if any member of the audience wished to question the jurisdiction of this body to act on behalf of Wasco County in this matter. There were no challenges.

Chair Runyon went on to say: "Anyone can speak for or against the proposal today. However, only those who have "party" status will be able to appeal a decision reached by this Board.

"A party is defined in section 1.090 as:

- The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- All property owners of record, as provided in (a) above, within the notifications area, as described in section 2.080 A.2, of the property which is the subject of the application.
- A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.

- Any affected unit of local government or public district or state or federal agency.
- Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority.

If you want party status, please state so at the beginning of your testimony. At the end of the public testimony, the planning commission will deliberate about granting party status to each person who requested it.

The Rules of Evidence are as follows:

- No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- Evidence received shall be of a quality that reasonable persons rely upon in the conduct of their daily affairs.
- Testimony and evidence must be directed toward the criteria applicable to the subject hearing or to criteria that the party believes apply to the decision.
- Failure to raise an issue with sufficient specificity may preclude raising it before the Land Use Board of Appeals.
- Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow Wasco County to respond to the issue precludes an action for damages in Circuit Court.

Failure of persons to participate in the public hearing, either orally or in writing, precludes that person's right of appeal to the City Council or LUBA. Written testimony submitted prior to the hearing constitutes participation in the hearing. "

Chair Runyon asked staff to present some background and the Staff Summary.

Planning Director John Roberts began by saying that this application has a complicated history. He explained that the area is a small, sort-of residential area and there is a lot of tension between some of the neighbors there – a lot of emotions were very transparent during this process; there are a lot of strong feelings about the community and land use there. He said the application, started over three and a half years ago, is sloppy. He said that it has been through three senior planners; by the time he and Mr. Shearer became involved it was well along in the process. That made it difficult to package the application and move it forward to the Planning Commission. Another challenging and interesting aspect was the involvement of the Oregon Parks and Recreation Department. He said they do not usually interact with that department who is involved because the lot in question is located in the Wild and Scenic River Overlay. Another complication was the participation of five attorneys and one paralegal which created the need for the Planning Department to engage counsel to help navigate the legal complexities; legal counsel was significantly involved with the Planning Commission as they worked toward a decision. There were seven public hearings for this – one hearing with six continuances. The actual Planning Commission hearing was over 5 hours. He said that his goal was to put a proposal before the Planning Commission that could be objectively evaluated.

Mr. Roberts went on to explain that his department is solution-oriented; at one point in the process he had some hope that the various parties involved were going to be able to find some solutions that would allow this to be approved which was a significant factor in allowing the many continuances. Unfortunately, with the number of legal parties involved it proved to not be possible.

Mr. Roberts stated that while the record is massive, the Board is not responsible to consider everything in the record. Specific items are being brought for appeal and those are the items of focus for the Board. Mr. Roberts reviewed some of the items excluded from this hearing: rules governing the Parks and Recreation

Department, visual impact issues, sanitation, land use compatibility, variance criteria, modifications to fire safety standards, the status of the caboose, the delineation of the flood plain, the cutting of trees, and impact to agriculture. He said that he and Mr. Shearer are here to present the nine specific grounds for appeal being made as a result of the Planning Commission decision. Both the Applicant's grounds for appeal and the Opponent's grounds for appeal are listed along with Staff Responses in the Staff Report included in the Board Packet.

Mr. Roberts said that they would be happy to explore any of the record with the Board if they found that information useful to their deliberations. He said focusing on the nine grounds for appeal should help the Board achieve a straightforward decision. He turned over the floor to Mr. Shearer to provide some context.

Mr. Shearer displayed a map of the area saying that it is an eight acre area about twenty miles south of Maupin by an access road that tracks alongside the river; it consists of eight tax lots with nine dwellings. The area has been developed since about the 1940's. There is BLM land that the access road crosses in and out of along its path; Warm Springs is across the river. He then displayed the zoning map. The underlying zone is A-1 (160), exclusive farm use and is a major factor in the application decision. The other zoning issue that will be addressed today is the location in the EPD7 Wild and Scenic Rivers. He showed a photo provided by the applicant which illustrates that his is the last undeveloped lot in the area. The tax lot is a quarter acre lot, 100 feet by 110 feet, flat and rocky, not much vegetation and currently no structures.

Mr. Roberts reviewed each ground for appeal submitted by the Applicant along with the Staff Response included in the Staff Summary which is part of the Board Packet. Mr. Shearer explained that Douglas Robertson, the Opponent, basically agrees with the decision of the Planning Commission but has filed an appeal to preserve his right to address certain issues should the decision continue through

further appeals. He then reviewed each of the Opponent's grounds for appeal and the Staff Response included in the Staff Summary which is part of the Board Packet. The Planning Department staff rebutted the first three of the Opponent's grounds for appeal. In regards to the Opponent's #4 grounds for appeal, Mr. Shearer explained that the Planning Commission had not spent a lot of time on this issue; they felt that since they were already denying the application, there was not a need to delve further into this particular issue. However, since the issue has been raised by the opponent, the Planning Department has explored it more thoroughly. He said that the Board would be well served to come to a more pointed decision regarding this issue. He reviewed the Staff Response included in the Staff Summary.

Regarding the Staff Response to Opponent's grounds for appeal #4, Commissioner Hege asked for clarification that the Planning Department agrees with the Opponent. Mr. Shearer responded that the Planning Department does agree with the Opponent regarding their 4<sup>th</sup> listed ground for appeal.

Commissioner Hege pointed out that Wasco is not the only county with Wild & Scenic Area designations; he asked if the Planning Department had looked at other counties to see how they were applying that. Mr. Shearer said that he had not done so and while legal counsel may have made that comparison, she did not provide that information to the Planning Department. Mr. Roberts said that if they are directed to amend the comprehensive plan that would be the kind of research they would do with other counties. He added that it is his experience that counties east of Wasco County are very liberal in the interpretation of their Comprehensive Plans.

Chair Runyon asked what specifically, in their opinion, could the land be used for. Mr. Shearer stated that it would need to be uses that are customarily provided in conjunction with farm use. Commissioner Hege pointed out that a ¼ acre is not

typical farm use size. Mr. Shearer agreed adding that there are several different ways that would potentially allow development here: making updates to the Comprehensive Plan or the Land Use Ordinance or rezoning the area. Short of those steps there aren't many options – there is no discretion staff can exercise here to make this happen; the legal language here seems very clear with the amount of scrutiny that has been placed on these specific provisions. Chair Runyon observed that that would be a whole other process entirely.

Commissioner Hege asked that if it were rezoned wouldn't the Wild & Scenic Overlay still impact their ability to grant the application. Mr. Roberts replied that it would play into the rezoning and complicate things; there is no way to predict the outcome. He added that it was zoned in the 1970's and he speculated that the intent was probably to come back and take a closer look and rezone, but it never happened. He said that did happen with other communities like Wamic and Tygh Valley.

Mr. Shearer explained that the Planning Commission made a determination in regards to the Wild & Scenic Area Overlay. In the Land Use Ordinance there is a list of uses that are allowed in this area. What the Planning Commission decided is that uses that are allowed conditionally in the underlying zone, like a non-farm dwelling in the exclusive farm zone as a conditional use - all of those types of conditional uses are not allowed. He said that is probably the strongest reason the Planning Commission denied this application. He pointed out that that decision is not before the Board for appeal today but it relates directly to the challenges of the site, specifically relating to the Wild & Scenic Overlay.

Commissioner Hege asked if the Wild & Scenic Overlay goes into and through Maupin. Mr. Shearer replied that there are areas of varying regulations along the Deschutes River, different classifications of the Wild & Scenic Area. Mr. Roberts added that cities are exempt from the Overlay.

Chair Runyon asked if there were any further questions of staff or further comments from staff. Mr. Shearer stated that while it has been a long and complex case, the issues before the Board today are relatively narrow.

Commissioner Hege, referring to the exemption for cities, asked if there was a process for exempting other areas from the Wild & Scenic Overlay. Mr. Roberts replied that the Oregon Administrative Rules would have to be amended to accomplish that.

Commissioner Hege asked what the impact of this is on the existing dwellings. Mr. Shearer replied that Wasco County has issued very few permits in these areas over the years. Most of those that have been issued were grandfathered in for structures replacing existing structures that had been built in the 1930's and 1940's and were lawfully established, non-conforming uses. He said that they do not see a lot of applications in this area or other areas in the Wild & Scenic Overlay. Mr. Roberts said that in regards to building additions or accessory structures, even fences, this decision will have an impact. Commissioner Hege asked that if an existing structure were to burn down could it be replaced. Mr. Roberts replied that it could.

Chair Runyon opened the hearing for public testimony asking speakers to sign in and limit comments to the specific appeals or criteria that are applicable to the request. He called upon those speaking on behalf of the Applicant to begin.

Tim Ramis came forward as an attorney representing Applicant Gabriel Watson. He began by saying that Mr. Watson would also be testifying. He stated that what is being requested is to put a structure back that had a structure removed in 1996 by a flood. He stated that fundamentally there are two policy questions to be addressed:

1. Do you think it is a good idea to reverse over two decades of historical interpretation by the County allowing non-farm dwellings to be sited in these areas?
2. If you do want to do that, do you want to do it here or through a legislative process where the public can weigh in?

Mr. Ramis stated that their position is that the County should stay with historic policy. He pointed out that even Planning Department staff say that upholding the decision will have unintended consequences that will limit land owners ability to use their land. He outlined a number of uses that would not be permitted under this decision and asked the Board to consider if that is what they want to do. He stated that if this is the decision they want to make, they should do so legislatively where those who will be affected will have a voice.

Mr. Ramis said that there are four paths the Board can take:

1. Impose change in policy by upholding the Planning Commissions position.
2. Employ a legislative process to open the question to the public through the Planning Commission.
3. Approve the application with no change in policy; allow them to write findings that would codify prior practice.
4. Open a legislative proceeding with the direction that ambiguities be fixed to allow the County to continue the prior interpretation.

He stated that the application complies with the Scenic River Act. the State has not denied the application; the problem is with the visual corridor which is ambiguous in the extreme. He added that the State interprets it that if you can screen it, it is not visible.



Commissioner Hege commented that he was under the impression that this could not get through under the Wild & Scenic Act. Mr. Ramis replied that compliance with the Act is not before the Board today; it is a State process. He added that a prior design was approved and then approval was withdrawn. A second design was not acted upon; if the State does not act in a certain time frame, it is automatically approved – that is the case here.

Gabriel Watson came forward to say that he would like to impress upon the Board his willingness to do whatever would be necessary to make the neighbors happy. He stated that he has been cooperative all the way through the process and done what has been asked of him. He said that he is willing to do what is necessary to screen it for the visual corridor. He added that equity demands that the interpretation for him has to be in line with the historical interpretation. He predicted that there would be no landslide of development as the result of the approval of his application.

Chair Runyon asked about the original dwelling. Mr. Watson said there had been a caboose that was thrown on its side by the flood; a neighbor moved it to its current location where it is in violation. He added that the house next to his lot was approved to be placed further back than where it is and is in violation. Both of these occurred post-scenic waterways.

Chair Runyon asked if the access road is a County road. Mr. Roberts replied that it is a private road. Mr. Ramis noted that the code makes no delineation between public and private.

Commissioner Hege noted that Mr. Watson had mentioned screening but during his site visit it looked like the trees that had been planted had died. Mr. Watson said that he had been asked to plant that particular species, but he has a longer list of what he can plant now. He added that he is willing to plant whatever they

want; they have asked that the plantings be a minimum of six tall feet to start. He added that he has moved the proposed site back so it is really hard to see from the river.

With nothing further from the Applicant, Chair Runyon asked for testimony from the Opponent. Andrew Stamp came forward, identifying himself as the attorney representing the Opponent Douglas Robertson. He explained that Mr. Robertson filed an appeal for procedural reasons in order to preserve his right to appeal should this go before LUBA. He said that there are two points he would like to make:

1. The applicant wants to have the County have a policy that you can have a single family dwelling without water. They say that it is a proposal for a recreational cabin and 2,000 gallons is good enough. This is an application for a non-farm dwelling that they can live in year round. A holding tank is not a water supply; a well is a water supply. The Planning Commission decision does not set policy but provides guidance for staff.

Commissioner Hege asked if Mr. Robertson has a water supply. Mr. Stamp replied that Mr. Robertson has a well and he does not believe you can get water rights on the Deschutes. Chair Runyon asked how the other houses are getting water. Mr. Stamp said he thinks they have wells, but new wells cannot be drilled. Commissioner Hege said that he is also curious about waste water.

Mr. Stamp continued:

2. Regarding the degraded natural value – the Planning Commission says that land shall be maintained with provisions for agriculture and recreation. There is not an exception for areas that are already degraded.

Mr. Stamp stated that other owners who lost structures in the flood rebuilt in a timely fashion.

Chair Runyon asked how long it took for the other owners to rebuild. Mr. Stamp replied that if a landowner applied within 6 months, they were allowed numerous extensions to complete the work. He added that the current code allows one year to rebuild for nonconforming uses. He restated that his point in filing on this ground is that there is not an exception for areas that already have a degraded natural value; the hope is that all these nonconforming uses will eventually go away.

Lastly, Mr. Stamp said that in the Measure 5C non-farm dwellings are prohibited in the visual corridor which is not necessarily defined by what you can see. He explained that according to the State interpretation, if you can put your house behind a hill it is outside the corridor but trees are not sufficient screening. Commissioner Hege said it is difficult to understand why neighbors who are in violation would be complaining. Mr. Stamp proffered that if his client's house burned and he did not redevelop in a year, he could not come back 5 years later to rebuild – it would not be allowed.

Commissioner Hege asked Mr. Stamp what his thoughts are on taking the issue down the legislative road. He then asked that if the policy shift happens, would Mr. Stamp agree that it would have far-reaching implications.

Mr. Stamp responded that there would not be a policy change but rather the existing policy would begin to be accurately applied. He said he and his client are asking that it be applied as written. He stated that while it is true that that under Goal 5 the Board can exercise a measure of discretion, Wild and Scenic areas are required to be protected; the DLC would not allow this.

Adjacent property owner John Hartung stated that his structure was destroyed by the 1996 flood. During the rebuilding of his cabin he worked with Ms. Welsh, the owner of the property on which the caboose had been located prior to the flood – there had been a partnership between her and Mr. Watson’s family but that had been dissolved prior to the flood. He said he had offered to help get the caboose back onto the property but she declined his offer. He offered to help her get some structure up on the property, but she said she did not care about it. He reported that he jacked up the caboose and put it on the highest point; it now loosely belongs to everyone there.

Mr. Hartung said he is wondering where the easement and parking would be for Mr. Watson’s lot; everything that happens will have an impact on Mr. Hartung’s property. He stated that he gets water from a well that serves three of the lots and nine buildings – many of the buildings are from the railroad days, i.e., telegraph shack and crew quarters, all of which were grandfathered in before the scenic water act.

Chair Runyon asked Mr. Hartung to more clearly define his objections. Mr. Hartung stated that his objection would be to any easement that negatively impacted his property.

Mark Whitland came forward and identified himself to have been Mr. Robertson’s lawyer prior to Mr. Stamp. He said that since Mr. Robertson was unable to be here due to a medical procedure, he is here to represent him as his attorney-in-fact. He explained that some of the buildings go back to 1910. When the Scenic Waterways were established they trumped zoning; everyone who lost dwellings in the flood were given 6 months to a year to rebuild - it is unfair to those who complied at hardship and expense to allow someone to come back 17 years later to rebuild. He added that the Watson knew when they purchased the land that they could not build.

Mr. Stamp concurred saying that the DOJ says that the applicant does not meet the requirements – subsection C applies, additional dwellings are not permitted. He said that subsection B has been followed, but it is subsection C that applies – new dwellings are just not permitted. The state did not approve Mr. Watson's plan, they just took no action. He stated that fish and wildlife should be managed in accordance with the Oregon State Fish and Wildlife Plan; The Deschutes River has been identified as worth protecting – only buildings with farm use are allowed. He asked that the Board deny Mr. Watson's appeal.

Mr. Ramis reminded the Board that while Mr. Watson's application was not explicitly approved by the State, neither was it denied; the lack of action on the part of the State resulted in an assumed approval.

Commissioner Hege drew Mr. Ramis' attention to the February 5, 2013, letter (included in the Board Packet) from Oregon Parks and Recreation citing the opinion of the DOJ that the applicant's request to construct a new recreational dwelling on the Deschutes River Scenic Waterway is not consistent with applicable state law. He asked Mr. Ramis what he believes that letter means.

Mr. Ramis stated that that letter is interesting because the opinion cites an additional dwelling; it is open to interpretation as to whether Mr. Watson's application is for existing use or for an additional dwelling. He maintains that because there was a structure on the site prior to the flood, it is for existing use. He reminded the Board that they are not here to determine non-conforming use.

Mr. Ramis explained that the Welsh's owned the land subject to a life estate which was granted to Mr. Watson's grandfather – throughout the process, Mr. Watson continued to have an interest in the land. He had the right to come onto the land and to use it in partnership with the Welshes – there was never a break

in his right to the property. Mr. Ramis reminded the Board that it is within the Board's prevue to determine the degree to which the area is to be protected.

Mr. Watson stated that saying there are wells in the area is misleading. He said that the "wells" are simply holes dug in the ground with a draft; per the Water Master, that does not count as a well. The reason there are no wells in this area is because it is impossible for the equipment to clear the trestle to access the property. He said they have been working hard to find a way to get a well in there.

Mr. Watson went on to explain that his grandfather supplied the caboose and the Welsh's the land; his grandfather used the caboose but turned over maintenance to the Welshes. He said he is willing to put the caboose back.

Chair Runyon asked if anyone else had testimony. Hearing none, he turned the floor back to staff for concluding remarks.

Mr. Roberts said that while there is a lot to this application, he would ask that the Board focus on the 9 grounds for appeal. He said that while he would like the opportunity to pursue a legislative process, staffing challenges are significant and there are no assurances as to the outcome. Even if the Board determines a need to pursue the legislative process, that does not negate the need for a decision today.

Mr. Stamp stated that he does not believe the issues raised by Mr. Watson are significant enough to support an appeal to LUBA should he fail here.

Mr. Ramis reminded the Board that Goal 5 does not absolutely prohibit this application; it allows some exceptions.

Mr. Shearer stated that much of the testimony presented went far afield and had nothing to do with the appeals before the Board.

Chair Runyon closed the hearing at 4:01 p.m.

Some discussion ensued regarding the proper process. Mr. Shearer stated that if the Board denies the appeal they can do it all in one motion. If they decide to override the Planning Commission, it will require a review of some of the finer points.

Commissioner Hege stated that in general he is in favor of property rights. He said it is disappointing to have these neighborhood conflicts that could not be resolved locally.

Chair Runyon said that while he is sympathetic to some of the points made by Mr. Watson, if there is a rule it should be enforced – it has been 17 years since the flood and that cannot be ignored and left open forever.

Commissioner Kramer said that he was going to follow staff recommendation as well.

Chair Runyon read the choices before the Board:

- a. **Uphold** the decision of the Planning Commission rendered final on August 14, 2013 and respective findings to deny the request for the non-farm dwelling
- b. **Uphold** the decision of the Planning Commission rendered final on August 14, 2013 & **amend** one finding that states “*Allow only...*” represent mandatory language which makes WCCP Chapter 15, Policy 5, Implementation Measure C a clear and compulsory review criteria. Such a

finding would also prohibit the establishment of non-farm buildings within the visual corridor of the Deschutes River.

- c. **Overturn** the decision of the Planning Commission, approve the proposal and make the amended findings and conclusions: Particularly, the application shall be approve because the proposed use, a non-farm dwelling is “permitted outright” or “allowed” in the EFU Zone per Section 3.910 B of the LUDO.
  
- d. **Continue:** If additional information is needed, continue the hearing to a date and time certain to allow the submittal of additional information.

Commissioner Kramer moved to adopt the choice a. Mr. Roberts pointed out that the staff recommendation would be choice b. The motion died for lack of a second.

Mr. Roberts explained that choice b is easier to defend in an appeal.

**{{{Chair Runyon moved to Uphold the decision of the Planning Commission rendered final on August 14, 2013 & amend one finding that states “Allow only...” represent mandatory language which makes WCCP Chapter 15, Policy 5, Implementation Measure C a clear and compulsory review criteria. Such a finding would also prohibit the establishment of non-farm buildings within the visual corridor of the Deschutes River. Commissioner Kramer seconded the motion. Commissioner Hege stated that he feels the unintended consequences will be wide-spread and although he understands the position of the Planning Commission, he would prefer the legislative process. Chair Runyon called for a vote. Chair Runyon voted “Aye,” Commissioner Kramer voted “Aye,” Commissioner Hege voted “No” – motion passed.}}}**



After a brief discussion with Planning Staff, the Board elected to postpone the Outdoor Mass Gathering agenda item to a future Board session.

Chair Runyon recessed the session at 4:12 p.m.

The session reconvened at 5:01 p.m.

#### **Discussion Item – Treasurer’s Report**

Commissioner Hege noted that there is a significant difference in balance from last year at this time. Mr. Tyler noted that the ending fund balance is going to be much better than expected. Chair Runyon observed that that indicates a good job was done managing funds. A brief discussion ensued regarding the budget.

Commissioner Hege said he thought there was going to be some revisions to the investment policy. Ms. White explained that the County Treasurer was reluctant to attend one of the evening sessions and had not yet proposed a new date to present the revised investment policy.

#### **Discussion Item – November BOCC Meeting Schedule**

Chair Runyon outlined the issue stating that the Board would be attending the AOC fall conference during second regularly scheduled BOCC meeting.

Commissioner Kramer added that he would not be available to attend the first meeting of the month and suggested that they might reschedule for the second and fourth Wednesdays of the month.

Commissioner Hege stated that while he is fine with moving the meeting he is not sure that it is a good idea to have a meeting the day before Thanksgiving. He proposed having only one meeting in the month of November and have that on the 13<sup>th</sup>.

Chair Runyon noted that the public is accustomed to the first and third Wednesdays and moving it to the 13<sup>th</sup> would miss both of those days. Commissioner Hege pointed out that there is very little public attendance at the meetings and he would prefer to schedule the one planned meeting to a date where all three Commissioners would be available to attend.

**\*\*\*The consensus of the Board is to schedule only one BOCC meeting for the month of November, that meeting being on November 13<sup>th</sup>. If an emergency arises a second session will be scheduled accordingly.\*\*\***

**Discussion Item – ODFW Letter of Support**

Chair Runyon asked Ms. White to notify the press of the scheduling change. Commissioner Kramer explained that he had talked with Jeremy from Fish and Wildlife who asked him for a letter of support from the Board. Commissioner Kramer is in favor of providing the letter and read it into the record:

“The Wasco County Board of Commissioners supports the proposed acquisition of the Limmeroth River Ranch in the Deschutes River corridor. The addition of this land to the current holdings of the Oregon Department of Fish & Wildlife (ODFW) will be of significant benefit to the citizens of Wasco County.

The Deschutes hosts a wide variety of fish and wildlife species; ensuring that these species have secure habitats will allow them to thrive within the region. The parcel proposed for purchase provides excellent habitat for many species such as mule deer, bighorn sheep and summer steelhead, important to Wasco County residents.

Most land ownership along the boundaries of the Deschutes corridor is private, limiting public access to the river canyon. ODFW ownership of this property will provide the best opportunity for habitat protection, as well as increasing the public’s opportunity to enjoy the landscape and fauna present in the area.

Another public access point within the county will provide for more public recreation opportunities, and ultimately increase revenue brought into the County.”

Commissioner Hege said he is always a little skeptical of government owning land, but he likes the proposal outlined in the letter.

**\*\*\*The Board was in consensus to provide a letter of support for ODFW to acquire the Limmeroth River Ranch.\*\*\***

#### **Open Discussion**

Chair Runyon encouraged Board members to meet with Ms. Gale individually regarding the upcoming revisions to the Wasco County Tobacco Policy. Mr. Stone noted that he believes that when the policy was originally adopted the Board decided on a 6 month review. He suggested they follow through with that decision.

#### **Agenda Item – Mission Ridge Road Vacation**

Public Works Director Marty Matherly explained that in July he had received a petition from the Cherry Heights area to vacate Mission Ridge Road; in August the Board directed him to provide a report regarding the proposed vacation. The report is included in the Board packet. He reviewed the report saying that the gravel road has been well-maintained with private funds and is 18-20 feet wide at its widest; the section of the road running north to south is narrower and shorter than the section running east to west. NW PUD and Century Link have rights of way and are not opposed to the vacation so long as they maintain their rights of way. The County will experience no impact as a result of the vacation and no public hearing is required as all adjacent property owners have signed the petition. Mr. Matherly recommends the vacation with the retention of rights of way for the utilities and access easement to adjacent property owners.

Chair Runyon asked if there is anything else that might result from the vacation. Mr. Matherly replied that it will be a private road and the owners can do what they want with it.

Ron McHale of Mission Ridge Road said that he built the road in 1982 and thought it was his; he was not aware that it involved three pieces of property which is the standard for a public road. He reported that there are four people who use the road and it really doesn't go anywhere – it just provides access to homes. He stated that he needs to have some control over the traffic so it does not overwhelm their ability to maintain it.

Further discussion occurred regarding the history of the road. Mr. McHale said that he had named it Mission Ridge as it had been a real mission to get it approved by the Gorge Commission.

Chair Runyon asked if vacating the road will prevent anyone from accessing their property. Mr. Matherly replied that they all have deeded easements.

**{{{Commissioner Kramer moved to approve Order #13-134 in the matter of vacating Mission Ridge Road, No. 3087 in Wasco County, Oregon. Commissioner Hege seconded the motion which passed unanimously.}}}**

**Agenda Item – Wasco County Roads**

Chair Runyon noted that on October 2, the Board held a similar meeting which was well-attended in Maupin. He asked how many members of the Wasco County Roads Advisory Committee (RAC) were present this evening; five members raised their hands.

Mr. Matherly introduced Keith Mobley, a member of the RAC, to make the presentation. Mr. Mobley reviewed the information contained in the Power Point presentation included in the Board Packet. He explained that the 9-member RAC

had been formed in January and is nearing the end of the process. He added that the RAC has good representation from various stakeholder groups throughout the County – agriculture, business, law, etc.

Chair Runyon asked if there are dollar amounts attached to the various recommendations. Mr. Matherly said there are, but they are only estimates – no one of the proposals would completely fill the need.

Mr. Mobley said that Lee Weinstein has volunteered to help educate the public – there is a Face Book page he encouraged everyone to like so the word can be spread further. He said that if no action is taken we risk losing our good road system which will impact all residents of the County. He stated that the RAC is asking for direction from the Board as to what recommendation to pursue.

Chair Runyon said that the County embarked on this effort in January because while it is easy to say you need more money, it is important that the public understands the need. He said the public should have a role in this decision; the Maupin meeting yielded a better understanding of public opinion as well as some new ideas to meet the challenge. He reminded everyone that the Board is not here to make a decision tonight but to gather input. He asked everyone present to fill out the questionnaire and talk to their friends and neighbors about filling out a questionnaire.

Commissioner Kramer, who has been attending RAC meetings from the beginning, pointed out that contact information for all the RAC members is available in the presentation and they can be contacted directly to answer questions or hear opinions and suggestions.

Commissioner Hege asked if the gas tax option is no longer on the table; people will want to know why it is no longer an option. Mr. Matherly replied that it was

determined that the City of The Dalles already has a 3¢ tax and wants to tack on an additional 3¢; if the County adds an addition 3¢ it would be difficult getting that through the voters – the City has experienced significant push-back on their proposed increase . He also pointed out that the tax would not raise nearly enough money to address the issue. Mr. Mobely added that the City will have it on the ballot in May, 2014. Chair Runyon stated that there was a joint meeting with the City and they are waiting to hear the results of our efforts.

Dave Dixon of Antelope said that he is concerned about the funding cuts and said that he believes the usage tax is a good idea; he asked how they could tax the buses that come in from Washington.

Paula Christy of The Dalles thanked the Commission and the RAC for their proactive approach. She asked what is happening around the State in other counties facing the same budget shortfall. Chair Runyon replied that past and current management has put Wasco in a better position than many Oregon counties whose road systems have already experienced significant deterioration. Mr. Matherly said that some are using their road reserves. The Association of Oregon Counties has suggested that Wasco County could be a model for other counties to follow; other counties are beginning to follow the path Wasco County began at the start of the year.

Dan Erickson, former County Commissioner and resident of The Dalles, noted that a road district would have to come to a public vote and asked if the other proposed solutions would also need to be voted upon by the public. Mr. Matherly responded that they would. Mr. Erickson said that he sees the road district as the only solution with the potential to generate the necessary revenue. He stated that it is his opinion that it will be very difficult to get more than one item through and the County should focus on the solution that has the best chance of providing the needed funds. While the road district will be the most difficult one to get through,

he said he would fully support a County road district, excluding incorporated areas. He added that it is extremely important to keep the emergency fund intact – using that jeopardizes our future. This is a serious situation and it requires serious solutions.

Bob McNary of The Dalles asked that if they elected to try to impose a vehicle registration tax, would there be a limit on how long that tax would remain in place. As to the gas tax, he asked how they would recover that from farm diesel users; would they exempt farmers. Mr. Matherly responded that registration fees would be ongoing as they are looking for something sustainable. As far as a gas tax, the County could only impose what is allowed by law; some of the farm applications are not taxable and off road is not taxable.

Paul Shanno of Dufur observed that one of the heaviest users of the road system is the landfill; a lot of heavy trucks use that road. He suggested that they should be paying for that. He stated that another industry that is a heavy user is wind farms; he asked when the County would be getting a wind farm. He noted that Sherman County has wind farms and the industry has to pay to reinforce and maintain those roads. Chair Runyon replied that both Summit Ridge and Brush Canyon are early in the application process - a long way from approval. Mr. Shanno said that if they go forward at Summit Ridge there is no way to do it without building a new road. Chair Runyon stated that the landfill is already the second largest revenue producer as it is and there is a limit to how much they can be asked to pay. Mr. Stone noted that the landfill revenue goes to services; if it is reallocated to roads a choice will have to be made as to what service will be eliminated.

Rosemary Ross of The Dalles asked which option would allow them to do both road maintenance and road improvement. Mr. Matherly replied that it would be the road district; the other two would fall short. Ms. Ross said that she believes

the roads to be essential just for the school buses and children as well as a host of other reasons. She said if the County nickel and dimes the voter it would not be effective; the County needs to figure out what one thing will work and then market it – inform everyone and carefully explain what is needed and why; explain the consequences of inaction and the benefits of action, leaving out no part of the County. She cautioned that a neighboring county had tried to form a district and focused on only one part of their county; it did not pass. She added that it would be worth it to pay someone to help. She said that she doesn't like to pay more taxes but would pay more for the roads.

Dennis James of Pleasant Ridge, a member of the RAC, stated that he has been talking to Representative Huffman about some ideas at the State level i.e., licensing bicycles and licensing riders, adding a dollar or two to hunting license fees and assessing property taxes to the federal government for the lands they have removed from timber harvest. He said that if a larger number of people weigh in, they might get some action. He commended the committee for all their work and added that if we don't take action now, it will cost a lot more in the future.

Mr. Erickson thanked the Board for taking on the issue – it is hard to bring this to the public. He said Wasco County is an agricultural community and needs good roads.

Lee Weinstein, marketing consultant and Wasco County landowner, said he is on a gravel road; he is proud of the roads and the people who maintain them – they are important. He said an incredible investment has been made in the road system and needs to be supported.

Commissioner Hege said that there is some revenue through the Google expansion that could be used but it is in the future. He said that in 7 years the full



value of the original Google facility will go on the tax rolls but that is also in the future and the problem is here and now. He said that each year they work on the premise that it will be the last year for federal subsidies and each year the federal government has extended and reduced the payments – it makes it difficult to plan. He said that with the new enterprise zone agreement the Discovery Center bond will be paid off which will bring money back into the general fund; there are little bits and pieces, but not the full amount. He concluded by saying that if a road district is formed he would want language that would dismantle the district should funds start coming in from timber receipts. Chair Runyon concurred, stating that there would need to be a clause that would reduce the tax should other revenues be identified.

Mr. Matherly said that even with the SRS funds extension, we are a long way from where we need to be.

Commissioner Hege said that if you look back to when lumber was being cut in the County and the feds were paying as they promised, we got \$2 million a year; if we can get back into the forest we can get at least a half a million dollars. Mr. Matherly agreed, saying that the public is in support of getting back into the forest.

Dan Crouse, a member of the RAC, observed that although there is talk of money that will come in down the road, the need is now; roads will not stop deteriorating while we wait for those funds. Even with the half million from the Feds, we will be \$1 million short. He said that he believes Google will depreciate quickly and therefore pay less in taxes. Commissioner Hege said he expects Google to continue to reinvest in their site and although it will fluctuate, he estimates it will bring in approximately \$3 million of revenue throughout the taxing districts.

Mr. McNary asked if the Google agreement could be renegotiated. Commissioner Hege replied that it cannot. Mr. McNary asked if Google could leave. Commissioner Hege responded that it is very unlikely. Mr. Weinstein added that there are 80 acres next door to the Google site that they could buy and develop. Commissioner Hege stated that even if they leave, unless they clear the property, they would still have to pay taxes. He asked everyone to think about what they have heard at this meeting. He noted that the Boards contact information is on the web and they would like to hear from the public.

Chair Runyon adjourned the session at 6:42 p.m.

### Summary of Actions

#### Motions Passed

- **Approve Order #13-135 surplussing Sheriff's Department Vehicles: Unit #03-08 2003 Dodge Durango VIN #1DHS48N63F568941, Unit #04-03 2004 Dodge Durango VIN #1DHB48D94F145314, Unit #04-19 2004 Ford Taurus VIN #1FAFP53U44A102621.**
- **Approve the State of Oregon Intergovernmental Contract for Professional Services Amendment #A1.**
- **Approve the AMA Healthy Grant Agreement pending formalization by Prevention Coordinator Debby Jones to accept and appropriate the funds.**
- **Approve the AD70 Marketing Consultant Grant Agreement with Linda Griswold.**
- **Approve OHA Agreement Number 135200 Amendment to State of Oregon Intergovernmental Agreement CAWEM Prenatal Expansion Program.**
- **Approve the Research Subaward Agreement Amendment.**

- **Approve the Contract Agreement between the Confederated Tribes of the Warm Springs Reservation of Oregon and the Wasco County Weed & Pest Control.**
- **Deny the request for a partial DeNovo hearing.**
- **Uphold the decision of the Planning Commission rendered final on August 14, 2013 & amend one finding that states “*Allow only...*” represent mandatory language which makes WCCP Chapter 15, Policy 5, Implementation Measure C a clear and compulsory review criteria. Such a finding would also prohibit the establishment of non-farm buildings within the visual corridor of the Deschutes River.**
- **Approve Order #13-134 in the matter of vacating Mission Ridge Road, No. 3087 in Wasco County, Oregon.**

**Consensus**

- **Schedule only one BOCC meeting for the month of November, that meeting being on November 13<sup>th</sup>. If an emergency arises a second session will be scheduled accordingly.**
- **Provide a letter of support for ODFW to acquire the Limmeroth River Ranch.**

WASCO COUNTY BOARD  
OF COMMISSIONERS

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Rod L. Runyon, Commission Chair

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Scott Hege, County Commissioner

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Steve Kramer, County Commissioner

**Consent Agenda Item**  
**White River Watershed Appointments**

- [Memo](#)
- [Email](#)
- [Appointment List](#)
- [Order #13-149 Appointing Pat Davis](#)
- [Order #13-150 Appointing John McElheran](#)
- [Order #13-151 Appointing Robert Larsell](#)
- [Order #13-152 Appointing Roy Groce](#)
- [Order #13-153 Appointing Kenneth Martin](#)

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**MEMORANDUM**

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**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** KATHY WHITE  
**SUBJECT:** WATERSHED APPOINTMENTS  
**DATE:** 11/9/2013

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BACKGROUND INFORMATION

At the beginning of this calendar year I set out to bring all the watershed appointments up-to-date. Included in this packet are the appointments for the White River Watershed which is an active watershed council whose appointees are supported by the Water & Soil Conservation District.



Kathy White <kathyw@co.wasco.or.us>

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## Appointments

5 messages

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**Kathy White** <kathyw@co.wasco.or.us>

Tue, Aug 6, 2013 at 9:48 AM

To: Anna Buckley <Anna.Buckley@oacd.org>

Good Morning, Anna-

Thought I would check in to see if there has been any progress toward the appointments for the remaining Watershed Councils.

Thank you,

Kathy White  
Executive Assistant  
Wasco County  
Board of County Commissioners  
511 Washington Street  
The Dalles, OR 97058  
work 541.506.2520  
fax 541.506.2551

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**Buckley, Anna - NRCS - The Dalles, OR** <Anna.Buckley@or.nacdn.net>

Tue, Aug 6, 2013 at 4:15 PM

To: Kathy White <kathyw@co.wasco.or.us>

Hi Kathy –I'll be meeting with the White River WC on September 24<sup>th</sup> to get approval from the board on the proposed appointment list and will email you the list shortly after that.

The Bakeoven/Buck Hollow watershed is pretty much inactive at this point, so no need to make appointments. I'll let you know if that changes in the future.

The Mosier WC's by-law's are set up to allow any body living in the watershed to be a member but the executive board consists of two co-chairs:

Kristen McNall, co-chair

PO Box 305

Mosier, OR 97040

Issac (Peter) Kinsey, co-chair

1225 Root Road  
Mosier, OR 97040

Thanks for your persistence !

Anna

Anna Buckley  
Wasco Area Watershed Councils Coordinator  
Wasco County Soil and Water Conservation District  
2325 River Road, Suite 3  
The Dalles, OR 97058  
(541)296-6178 x119  
[anna.buckley@or.nacdnet.net](mailto:anna.buckley@or.nacdnet.net)

**From:** Kathy White [mailto:[kathyw@co.wasco.or.us](mailto:kathyw@co.wasco.or.us)]  
**Sent:** Tuesday, August 06, 2013 9:49 AM  
**To:** Anna Buckley  
**Subject:** Appointments

[Quoted text hidden]

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

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**Kathy White** <[kathyw@co.wasco.or.us](mailto:kathyw@co.wasco.or.us)>  
To: "Buckley, Anna - NRCS - The Dalles, OR" <[Anna.Buckley@or.nacdnet.net](mailto:Anna.Buckley@or.nacdnet.net)>

Wed, Oct 9, 2013 at 7:23 AM

Good Morning, Anna-

Time for me to check in on the White River Watershed Council appointments . . . were you able to get approval for the proposed appointment list? I would like to get the appointments prepared and before the Board in November.

Thank you for your help.

Thank you,

Kathy White  
Executive Assistant  
Wasco County  
Board of County Commissioners  
511 Washington Street  
The Dalles, OR 97058  
work 541.506.2520  
fax 541.506.2551

[Quoted text hidden]

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**Buckley, Anna - NRCS - The Dalles, OR** <Anna.Buckley@or.nacdnet.net>  
To: Kathy White <kathyw@co.wasco.or.us>

Fri, Oct 25, 2013 at 4:25 PM

Hi Kathy – Here are the White River appointments.

Thank you!

Anna

Anna Buckley  
Wasco Area Watershed Councils Coordinator  
Wasco County Soil and Water Conservation District  
2325 River Road, Suite 3  
The Dalles, OR 97058  
(541)296-6178 x119  
[anna.buckley@or.nacdnet.net](mailto:anna.buckley@or.nacdnet.net)



**From:** Kathy White [mailto:[kathyw@co.wasco.or.us](mailto:kathyw@co.wasco.or.us)]  
**Sent:** Wednesday, October 09, 2013 7:24 AM  
**To:** Buckley, Anna - NRCS - The Dalles, OR  
**Subject:** Re: Appointments

[Quoted text hidden]

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 **members130924.doc**  
41K

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**Kathy White** <[kathyw@co.wasco.or.us](mailto:kathyw@co.wasco.or.us)>  
To: "Buckley, Anna - NRCS - The Dalles, OR" <[Anna.Buckley@or.nacdnet.net](mailto:Anna.Buckley@or.nacdnet.net)>

Sat, Oct 26, 2013 at 7:25 PM

Thank you, Anna. I will get these before the Board and send you copies of the filed orders. :-)

-Kathy White

[Quoted text hidden]

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[Quoted text hidden]

White River Watershed Council

<b>The White River Watershed Council Members (as of 9/24/2013)</b>	<b>Affiliation</b>	<b>Address</b>	<b>Phone</b>	<b>Email</b>
Pat Davis, Chair (May 2011) Executive Board	Rock Creek Ditch Company	[REDACTED]	[REDACTED]	[REDACTED]
John McElheran, Vice Chair (May 2011) Executive Board	Juniper Flat Irrigation District	[REDACTED]	[REDACTED]	[REDACTED]
Robert S. Larsell	Lost & Boulder District Improvement Company	[REDACTED]		[REDACTED]
Roy Groce		[REDACTED]		
Kenneth Martin Member	ODFW White River Wildlife Area	[REDACTED]	[REDACTED]	[REDACTED]

Executive Board: Five positions. Three-year staggered terms. Recognized by the County Board of Commissioners.  
 Officers: Chair & Vice Chair. Annual term. Elected from Executive Board.  
 Member: All landowners/area residents eligible.

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT     )  
OF PAT DAVIS TO THE WHITE RIVER     )     ORDER  
WATERSHED COUNCIL                     )     #13-149

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present; and

IT APPEARING TO THE BOARD: That the Wasco County Soil & Water Conservation District has requested that the Wasco County Board of Commissioners appoint individuals to the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That the Board has received a recommendation from the Wasco County Soil & Water Conservation District to appoint specific individuals to specific terms on the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That Pat Davis is willing and is qualified to be appointed to the White River Watershed Council.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Pat Davis be and hereby is appointed to White River Watershed Council for a term to expire on December 31, 2015.

DATED this 13<sup>th</sup> day of November, 2013.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott C. Hege, County Commissioner

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Eric J. Nisley, District Attorney

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Steve D. Kramer, County Commissioner

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT )  
OF JOHN MC ELHERAN TO THE WHITE ) ORDER  
RIVER WATERSHED COUNCIL ) #13-150

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present; and

IT APPEARING TO THE BOARD: That the Wasco County Soil & Water Conservation District has requested that the Wasco County Board of Commissioners appoint individuals to the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That the Board has received a recommendation from the Wasco County Soil & Water Conservation District to appoint specific individuals to specific terms on the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That John McElheran is willing and is qualified to be appointed to the White River Watershed Council.

NOW, THEREFORE, IT IS HEREBY ORDERED: That John McElheran be and hereby is appointed to White River Watershed Council for a term to expire on December 31, 2015.

DATED this 13<sup>th</sup> day of November, 2013.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott C. Hege, County Commissioner

\_\_\_\_\_  
Eric J. Nisley, District Attorney

\_\_\_\_\_  
Steve D. Kramer, County Commissioner

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT )  
OF ROBERT LARSELL TO THE WHITE ) ORDER  
RIVER WATERSHED COUNCIL ) #13-151

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present; and

IT APPEARING TO THE BOARD: That the Wasco County Soil & Water Conservation District has requested that the Wasco County Board of Commissioners appoint individuals to the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That the Board has received a recommendation from the Wasco County Soil & Water Conservation District to appoint specific individuals to specific terms on the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That Robert Larsell is willing and is qualified to be appointed to the White River Watershed Council.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Robert Larsell be and hereby is appointed to White River Watershed Council for a term to expire on December 31, 2015.

DATED this 13<sup>th</sup> day of November, 2013.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott C. Hege, County Commissioner

\_\_\_\_\_  
Eric J. Nisley, District Attorney

\_\_\_\_\_  
Steve D. Kramer, County Commissioner



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT        )  
OF ROY GROCE TO THE WHITE                 )  
RIVER WATERSHED COUNCIL                 )       ORDER  
#13-152

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present; and

IT APPEARING TO THE BOARD: That the Wasco County Soil & Water Conservation District has requested that the Wasco County Board of Commissioners appoint individuals to the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That the Board has received a recommendation from the Wasco County Soil & Water Conservation District to appoint specific individuals to specific terms on the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That Roy Groce is willing and is qualified to be appointed to the White River Watershed Council.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Roy Groce be and hereby is appointed to White River Watershed Council for a term to expire on December 31, 2016.

DATED this 13<sup>th</sup> day of November, 2013.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott C. Hege, County Commissioner

\_\_\_\_\_  
Eric J. Nisley, District Attorney

\_\_\_\_\_  
Steve D. Kramer, County Commissioner

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT )  
OF KENNETH MARTIN TO THE WHITE ) ORDER  
RIVER WATERSHED COUNCIL ) #13-153

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of County Commissioners being present;  
and

IT APPEARING TO THE BOARD: That the Wasco County Soil & Water Conservation District has requested that the Wasco County Board of Commissioners appoint individuals to the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That the Board has received a recommendation from the Wasco County Soil & Water Conservation District to appoint specific individuals to specific terms on the White River Watershed Council; and

IT FURTHER APPEARING TO THE BOARD: That Kenneth Martin is willing and is qualified to be appointed to the White River Watershed Council.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Kenneth Martin be and hereby is appointed to White River Watershed Council for a term to expire on December 31, 2016.

DATED this 13<sup>th</sup> day of November, 2013.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott C. Hege, County Commissioner

\_\_\_\_\_  
Eric J. Nisley, District Attorney

\_\_\_\_\_  
Steve D. Kramer, County Commissioner

**Consent Agenda Item**  
**Cell Phone Policy**

- [Memo](#)
- [2003 Cell Phone Policy](#)
- [2007 Amended Cell Phone Policy](#)
- [2012 Mobile Communication Policy](#)
- [Resolution #13-19 Replacing Cell Phone Policy  
with Mobile Communication Policy](#)

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**MEMORANDUM**

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**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** KATHY WHITE  
**SUBJECT:** MOBILE COMMUNICATION POLICY  
**DATE:** 11/9/2013

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BACKGROUND INFORMATION

In 2003 the Wasco County Court adopted a Cellular Telephone Policy which was amended by the Court in 2007 (both are included in the packet).

On February 1, 2012, the Wasco County Board of Commissioners adopted a Mobile Communication Device Policy which was intended to replace the Cellular Telephone Policy but included no language terminating the previous policy. Resolution 13-019 is intended to correct that oversight so there is no confusion as to which policy currently applies.

**Wasco County  
Cellular Telephone Policy**

FILED  
WASCO COUNTY

2003 APR 25 P 1:49

**Policy:**

KAREN LEBRETON COATS  
COUNTY CLERK

This policy establishes guidelines for the use of County assigned cellular telephones in Wasco County by all County employees. It is the policy of Wasco County that all County equipment be managed and used to conduct the business of Wasco County in a safe, efficient, and cost-effective manner.

Cellular telephones assigned to County officials, employees or volunteers are intended to provide for the efficient conduct of business related to the County. Generally, cellular phones should be utilized for County business and work related calls.

**Distribution.**

Cellular telephones shall be assigned at the direction of the Department Director.

Cellular telephones may be assigned to the following:

**Vehicle:** Department Directors may authorize the installation of a cellular phone into a County owned vehicle or vehicle used in conjunction with the County Vehicle Allowance Policy.

**Department Pool:** Department Directors may authorize the purchase of cellular telephones for use by all employees of a specific department.

**Volunteers:** Department Directors may authorize certain County volunteers who are required to respond to after-hour emergencies.

**Individual:** Department Directors may assign a cellular telephone to an individual who is required to remain in contact with other employees and/or officials.

**Cellular Phone Assigned to Individuals**

Individuals will be assigned Cellular phones in one (1) of three (3) categories. Employees are required to follow the rules regarding cellular phone use as outlined. The three (3) categories are as follows:

**A. County supplied phone (not primary office phone):**

Most employees with a business need for a cellular phone will be assigned a County owned phone. Cellular phone use on phones supplied by the County is restricted to County business.

2003 - 0138(4)

Personal cellular calls (outgoing or incoming) will only be allowed in limited and infrequent (maximum 2-3 times per month) cases for instances of family emergencies if these calls cannot be made from a land line phone in a reasonable period of time. These calls should be of short duration and reported to the Department Director.

**NO OTHER PERSONAL USE IS ALLOWED, EVEN IF REIMBURSED.** The aforementioned emergency calls do not need to be reimbursed.

**B. County supplied phone (Only office phone):**

Wasco County's policy is taken directly from the Oregon Government Standards and Practices Commission (OGSPC) Advisory Opinion 01A-1004:

"If the agency is providing the employees with cellular telephones only and not regular desk telephones we believe that the rules cited under Telephones in advisory opinion 98A-1003 also apply to cellular telephones. The employer may allow employees to use the cellular telephones to talk to family members, make medical appointments, schedule service technicians, confer with a child's school and take care of any of a variety of other matters which can only be accomplished during regular working hours without such usage being prohibited by law. In this situation it would be less disruptive to permit employees to make such personal calls from the cellular telephones than to require an employee to take a break or leave from work to take care of personal matters.

Personal telephone calls made during working hours from public employers' telephones should be brief and infrequent. Personal long distance calls, even if the employee reimburses the agency for the cost of such calls, may not be made on agency telephones.

If the agency chooses a cellular telephone plan that includes long distance telephone calls at no extra charge the employees would be prohibited from using this service for personal calls. If the employee used this service the employee would be receiving a financial gain or avoiding a financial detriment and would be in violation of ORS 244.040(1)(a)."

Employees who have limited access to a desk phone must comply with the rules set forth under Category A of this policy i.e. cellular phones are for business use and personal calls are restricted to emergencies at a maximum of 2-3 times per month. Wasco County cannot expand on the OGSPC opinion to allow more flexibility.



**C. Personal cellular phone provided as an employment benefit:**

The County recognizes that due to the nature of some non-represented positions, both elected and appointed, certain employees should have a cellular phone allowance provided. The County Court, in conjunction with Department Directors, may designate non-represented employees who will receive \$25.00 per month of additional taxable income for the specific purpose of obtaining a personal cellular phone.

This monthly allowance amount may be adjusted periodically by the County Court. This cellular phone would be used for business, but would not have the same restrictions on personal use since it is a personal phone.

Employees receiving this benefit are required to maintain an active cellular phone account.

**Work Sites**

Employees are prohibited from engaging the use of a cellular phone while at any work site during which the operation of a cellular phone will be a distraction to the user and/or may create an unsafe work environment. Such work sites include but are not limited to: Road repair, maintenance and construction, operating or repairing energized equipment such as electrical panels, motors, or energized circuits. Such work sites must be secured or the cellular phone used only by an employee while out of harms way of such work environments.

**Off-Road Equipment**

Employees are prohibited from engaging the use of a cellular phone while operating moving motorized off-road (maintenance/construction type) equipment. Even hands-free cellular phone use will not be authorized while operating this type of equipment, unless the equipment has been properly stopped and taken out of gear or turned off.

***This policy will take effect immediately and may from time to time be revised. All revisions, as recommended and adopted by The Wasco County Court, shall be made part of this policy as if said revisions were fully written hereunder.***

***"Failure to comply with any provision of this policy may result in disciplinary action up to and including termination."***

**References:**

Oregon Ethics Law, Oregon Revised Statutes 244.010- 244.045, in relevant part:  
244.040 (1)(a) No public official [or employee] shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's [or employee's] holding of the official position or office.

Oregon Government Standards and Practices Commission, Technology Advisory Opinion, 7/9/98: Public agencies provide cellular phones to their employees specifically to facilitate the carrying out of official business. Public agencies' cellular phones are not for the convenience or personal use of employees.

If public employees desire to have the convenience of a cellular telephone while on duty to make the types of routine personal called cited in the section relating to telephones, the employees must acquire and pay for their own personal cellular service.

Oregon Government Standards and Practices Commission Advisory Opinion 01A-1004, 6/1/01. Please refer to section D above.

**Adopted this 2nd day of April, 2003.**

**Wasco County Court**



**Dan Ericksen, County Judge**



**Scott McKay, County Commissioner**



**Sherry Holliday, County Commissioner**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Eric J. Nisley**  
**Wasco County**  
**Legal Counsel**

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WASCO COUNTY  
AMENDED CELLULAR TELEPHONE POLICY

FILED  
WASCO COUNTY  
2007 APR 13 P 3:18

**Policy:**

This policy establishes guidelines for the use of County assigned cellular telephones in Wasco County by all County employees. It is the policy of Wasco County that all County equipment be managed and used to conduct the business of Wasco County in a safe, efficient, and cost-effective manner.

Cellular telephones assigned to County officials, employees or volunteers are intended to provide for the efficient conduct of business related to the County. Generally, cellular phones should be utilized for County business and work related calls.

**Distribution:**

Cellular telephones shall be assigned at the direction of the Department Director.

Cellular telephones may be assigned to the following:

**Vehicle:** Department Directors may authorize the installation of a cellular phone into a County owned vehicle or vehicle used in conjunction with the County Vehicle Allowance Policy.

**Department Pool:** Department Directors may authorize the purchase of cellular telephones for use by all employees of a specific department.

**Volunteers:** Department Directors may authorize certain County volunteers who are required to respond to after-hour emergencies.

**Individual:** Department Directors may assign a cellular telephone to an individual who is required to remain in contact with other employees and/or officials.

**Cellular Phone Assigned to Individuals**

Individuals will be assigned cellular phones in one (1) of three (3) categories. Employees are required to follow the rules regarding cellular phone use as outlined. The three (3) categories are as follows:

- A. County supplied phone (not primary office phone):

2007-0156(4)

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Most employees with a business need for a cellular phone will be assigned a County owned phone. Cellular phone use on phones supplied by the County is restricted to County business.

Personal cellular calls (outgoing or incoming) will only be allowed in limited and infrequent (maximum 2-3 times per month) cases for instances of family emergencies if these calls cannot be made from a land line phone in a reasonable period of time. These calls should be of short duration and reported to the Department Director.

**NO OTHER PERSONAL USE IS ALLOWED, EVEN IF REIMBURSED.** The aforementioned emergency calls do not need to be reimbursed.

B. County supplied phone (only office phone):

Wasco County's policy is taken directly from the Oregon Government Standards and Practices Commission (OGSPC) Advisory Opinion 01A-1004:

"If the agency is providing the employees with cellular telephones only and not regular desk telephones we believe that the rules cited under Telephones in Advisory Opinion 98A-1003 also apply to cellular telephones. The employer may allow employees to use the cellular telephones to talk to family members, make medical appointments, schedule service technicians, confer with a child's school and take care of any of a variety of other matters which can only be accomplished during regular working hours without such usage being prohibited by law. In this situation it would be less disruptive to permit employees to make such personal calls from the cellular telephones than to require an employee to take a break or leave from work to take care of personal matters.

Personal telephone calls made during working hours from public employers' telephones should be brief and infrequent. Personal long distance calls, even if the employee reimburses the agency for the cost of such calls, may not be made on agency telephones.

If the agency chooses a cellular telephone plan that includes long distance telephone calls at no extra charge the employees would be prohibited from using this service for personal calls. If the employee used this service the employee would be receiving a financial gain or avoiding a financial detriment and would be in violation of ORS 244.040(1) (a)."

02007-0156 (4)

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Employees who have limited access to a desk phone must comply with the rules set forth under Category A of this policy i.e. cellular phones are for business use and personal calls are restricted to emergencies at a maximum of 2-3 times per month. Wasco County cannot expand on the OGSPC opinion to allow more flexibility.

C. Personal cellular phone provided as an employment benefit:

The County recognizes that due to the nature of some non-represented positions, both elected and appointed, certain employees should have a cellular phone allowance provided. The County Court, in conjunction with Department Directors, may designate non-represented employees who will receive \$50.00 per month of additional taxable income for the specific purpose of obtaining a personal cellular phone.

This monthly allowance amount may be adjusted periodically by the County Court. This cellular phone would be used for business, but would not have the same restrictions on personal use since it is a personal phone.

Employees receiving this benefit are required to maintain an active cellular phone account.

**Work Sites:**

Employees are prohibited from engaging the use of a cellular phone while at work site during which the operation of a cellular phone will be distraction to the user and/or may create an unsafe work environment. Such work sites include but are not limited to: road repair, maintenance and construction, operating or repairing energized equipment such as electrical panels, motors, or energized circuits. Such work sites must be secured or the cellular phone used only by an employee while out of harms way of such work environments.

**Off-Road Equipment**

Employees are prohibited from engaging the use of a cellular phone while operating moving motorized off-road (maintenance/construction type) equipment. Even hands-free cellular phone use will not be authorized while operating this type of equipment, unless the equipment has been properly stopped and taken out of gear or turned off.

D2007-0156 (4)

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This policy will take effect immediately and may from time to time be revised. All revisions, as recommended and adopted by the Wasco County Court, shall be made part of this policy as if said revisions were fully written hereunder.

“Failure to comply with any provision of this policy may result in disciplinary action up to and including termination.”

References:

Oregon Ethics Law, Oregon Revised Statutes 244.010 – 244.045, in relevant part: 244.040 (1)(a) No public official [or employee] shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official’s [or employee’s] holding of the official position or office.

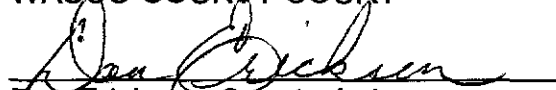
Oregon Government Standards and Practices Commission, Technology Advisory Opinion, 7/9/98: Public agencies provide cellular phones to their employees specifically to facilitate the carrying out of official business. Public agencies’ cellular phones are not for the convenience or personal use of employees.

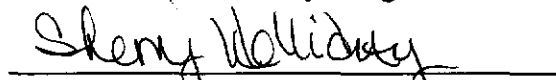
If public employees desire to have the convenience of a cellular telephone while on duty to make the types of routine personal calls cited in the section relating to telephones, the employees must acquire and pay for their own personal cellular service.

Oregon Government Standards and Practices Commission Advisory Opinion 01A-1004, 6/1/01. Please refer to Section D above.

ADOPTED this 28<sup>th</sup> day of March, 2007.

WASCO COUNTY COURT

  
Dan Ericksen, County Judge

  
Sherry Holliday, County Commissioner

  
Bill Lennox, County Commissioner

02007-0136(4)

2012 FEB -2 A 8:48

LINDA BROWN  
COUNTY CLERK

WASCO COUNTY  
MOBILE COMMUNICATION DEVICE POLICY

**Policy:**

This policy establishes guidelines for the use of mobile communication devices (cellular phone, tablet, pagers, mobile data terminals) in Wasco County by all County employees. It is the policy of Wasco County that all County equipment be managed and used to conduct the business of Wasco County in a safe, efficient, and cost-effective manner.

**Distribution:**

Mobile communication devices shall be assigned at the direction of the Department Director with approval from the Administrative Officer or Board of County Commissioners.

Mobile communication devices may be assigned to the following:

**Vehicle:** Department Directors may authorize the installation of a cellular phone, or mobile data terminal into a County owned vehicle or vehicle used in conjunction with the County Vehicle Allowance Policy.

**Department Pool:** Department Directors may authorize the purchase of mobile communication devices for use by all employees of a specific department.

**Volunteers:** Department Directors may authorize certain County volunteers who are required to respond to after-hour emergencies.

**Individual:** Department Directors may assign a mobile communication device to an individual who is required to remain in contact with other employees and/or officials.

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**Cellular Telephones Assigned to Individuals**

Individuals will be assigned cellular telephones in one (1) of three (3) categories. Employees are required to follow the rules regarding cellular telephone use as outlined. The three (3) categories are as follows:

A. County supplied cellular telephones:

Most employees with a business need for a cellular telephone will be assigned a County owned cellular phone. Cellular telephone use on devices supplied by the County is restricted to County business.

Personal cellular calls (outgoing or incoming) will only be allowed in limited and infrequent cases for instances of family emergencies if these calls cannot be made from a land line phone in a reasonable period of time. These calls should be of short duration.

NO OTHER PERSONAL USE IS ALLOWED, EVEN IF REIMBURSED. The aforementioned emergency calls do not need to be reimbursed.

B. County supplied cellular phone (used as the only available phone to the employee):

Wasco County's policy is taken directly from the Oregon Government Standards and Practices Commission (OGSPC) Advisory Opinion 01A-1004:

"If the agency is providing the employees with cellular telephones only and not regular desk telephones we believe that the rules cited under Telephones in Advisory Opinion 98A-1003 also apply to cellular telephones. The employer may allow employees to use the cellular telephones to talk to family members, make medical appointments, schedule service technicians, confer with a child's school and take care of any of a variety of other matters which can only be accomplished during regular working hours without such usage being prohibited by law. In this situation it would be less disruptive to permit employees to make such personal calls from the cellular telephones than to require an employee to take a break or leave from work to take care of personal matters.

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Personal telephone calls made during working hours from public employers' telephones should be brief and infrequent. Personal long distance calls, even if the employee reimburses the agency for the cost of such calls, may not be made on agency telephones.

If the agency chooses a cellular telephone plan that includes long distance telephone calls at no extra charge the employees would be prohibited from using this service for personal calls. If the employee used this service the employee would be receiving a financial gain or avoiding a financial detriment and would be in violation of ORS 244.040(1) (a)."

Employees who have access to a desk phone must comply with the rules set forth under Category A of this policy i.e. cellular phones are for business use and personal calls are restricted to emergencies calls. Wasco County cannot expand on the OGSPC opinion to allow more flexibility.

C. Personal cellular phone provided as an employment benefit:

The County recognizes that due to the nature of some positions, both elected and appointed, certain employees should have a cellular phone allowance provided. The Board of County Commissioners or Administrative Officer, in conjunction with Department Directors, may designate employees who will receive a monthly stipend; as set by the Board of County Commissioners, of additional taxable income for the specific purpose of obtaining a personal cellular phone.

This monthly allowance amount may be adjusted periodically by the Board of County Commissioners. This cellular phone would be used for business, but would not have the same restrictions on personal use since it is a personal phone.

Employees receiving this benefit are required to maintain an active cellular phone account.

**Work Sites:**

Employees are prohibited from engaging the use of a cellular phone while at a work site during which the operation of a cellular phone will be distraction to the user and/or may create an unsafe work environment. Such work sites include but are not limited to: road repair, maintenance and construction, operating or repairing energized

1 equipment such as electrical panels, motors, or energized circuits.  
2 Such work sites must be secured or the cellular phone used only by  
3 an employee while out of harms way of such work environments.

### 4 Off-Road Equipment

5 Employees are prohibited from engaging the use of a cellular phone  
6 while operating moving motorized off-road (maintenance/construction  
7 type) equipment. Even hands-free cellular phone use will not be  
8 authorized while operating this type of equipment, unless the  
9 equipment has been properly stopped and taken out of gear or turned  
10 off.

### 11 While Driving a Motor Vehicle

12 Wasco County follows State Law as it pertains to using a mobile  
13 communication device while operating a motor vehicle. Other than  
14 emergency service vehicles and some other exceptions it is the policy  
15 of Wasco County that operation of a mobile communication device is  
16 prohibited while operating a County owned motor vehicle. This  
17 includes the use of hands free devices.

### 18 Other Mobile Communication Devices

19 As it pertains to this policy other mobile communication devices is defined as  
20 but not limited to: pagers, tablets, mobile data terminals, and other data  
21 devices as may become available.

22 Mobile communication devices will be kept up to date on the normal  
23 computer rotation as defined by the Information Technology Department.  
24 The County will not be responsible for maintaining personal applications  
25 loaded on any mobile communication device.

26 Individuals will be assigned mobile communication devices in one of two (2)  
categories. Employees are required to follow the rules regarding mobile  
communication devices use as outlined herein. The two (2) categories are  
as follows:

#### 27 A. County supplied mobile communication device:

28 Most employees with a business need for a mobile  
29 communication device will be assigned a County owned mobile  
30 communication device. Mobile communication device use on  
31 devices supplied by the County is restricted to County business  
32 only.

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Personal use of mobile communication devices will only be allowed in limited and infrequent cases or for instances of emergencies, or for personal communications or applications incidental to otherwise acceptable use before and after scheduled work hours.

County supplied mobile communication devices are subject to the same provisions as a county provided cellular telephone as described above and as further outlined in the Wasco County Computer Policy, and Wasco County Internet/ Intranet Policy.

B. Personal communication devices provided as an employment benefit:

The County recognizes that due to the nature of some positions, both elected and appointed, certain employees should have a mobile communication allowance provided. The Board of County Commissioners or Administrative Officer, in conjunction with Department Directors, may designate employees who will receive a stipend; as set by the Board of County Commissioners, of additional taxable income for the specific purpose of obtaining a personal mobile communication device. This stipend will be based as a onetime purchase stipend that will reoccur no sooner than the timeline set forth by the computer rotation plan in use by the County. Additionally a monthly stipend for usage or other data charges may be appropriate as determined by the Board of County Commissioners. This monthly allowance amount may be adjusted periodically by the Board of County Commissioners. This mobile communication device would be used for business, but would not have the same restrictions on personal use since it is a personal device.

All restrictions as to safe use as described above apply to mobile communication devices.

**This policy will take effect immediately and may from time to time be revised. All revisions, as recommended and adopted by the Wasco County Board of Commissioners, shall be made part of this policy as if said revisions were fully written hereunder.**

**“Failure to comply with any provision of this policy may result in disciplinary action up to and including termination.”**

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**References:**

Oregon Ethics Law, Oregon Revised Statutes 244.010 – 244.045, in relevant part: 244.040 (1)(a) No public official [or employee] shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's [or employee's] holding of the official position or office.


Oregon Government Standards and Practices Commission, Technology Advisory Opinion, 7/9/98: Public agencies provide cellular phones to their employees specifically to facilitate the carrying out of official business. Public agencies' cellular phones are not for the convenience or personal use of employees.


If public employees desire to have the convenience of a cellular telephone while on duty to make the types of routine personal calls cited in the section relating to telephones, the employees must acquire and pay for their own personal cellular service.

Oregon Government Standards and Practices Commission Advisory Opinion 01A-1004, 6/1/01. Please refer to Section D above.

ADOPTED this 1st day of February, 2012.


WASCO COUNTY BOARD  
OF COMMISSIONERS

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

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

  
\_\_\_\_\_  
Scott C. Hege, County Commissioner

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Eric J. Nisley  
Wasco County District Attorney

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF REPLACING THE 2007 )  
AMENDED WASCO COUNTY CELLULAR ) RESOLUTION  
TELEPHONE POLICY WITH THE 2012 ) #13-019  
WASCO COUNTY MOBILE )  
COMMUNICATION DEVICE POLICY )

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board being present; and

WHEREAS, in 2007 the Wasco County Court adopted the Wasco County Amended Cellular Telephone Policy; and

WHEREAS, in 2012 the Wasco County Board of Commissioners adopted the Wasco County Mobile Communications Device Policy; and

WHEREAS, the 2012 Wasco County Mobile Communications Device Policy is a more comprehensive, updated policy.

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMISSIONERS  
HEREBY RESOLVES to terminate the 2007 Wasco County Amended Cellular  
Telephone Policy and replace it with the 2012 Wasco County Mobile Communications  
Device Policy.

DATED this 6<sup>th</sup> day of November, 2013.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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Rod Runyon, Commission Chair

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Scott Hege, County Commissioner

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Steve Kramer, County Commissioner

APPROVED AS TO FORM:

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Eric J. Nisley  
Wasco County District Attorney

**Consent Agenda Item**  
**Tri- County Hazardous Waste Appointments**

- [Memo](#)
- [Order #13-156 Appointing John Zalaznik](#)
- [Order #13-157 Appointing Bruce Lumper](#)

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**MEMORANDUM**

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**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** KATHY WHITE  
**SUBJECT:** TRI-COUNTY HAZARDOUS WASTE APPOINTMENTS  
**DATE:** 11/9/2013

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BACKGROUND INFORMATION

At the last meeting of the Tri-County Hazardous Waste Steering Committee they decided to add two non-voting members to their committee. These appointments formalize that decision.



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF JOHN )  
ZALAZNIK TO THE TRI-COUNTY HOUSEHOLD ) ORDER  
HAZARDOUS WASTE STEERING COMMITTEE ) #13-156  
AS A NON-VOTING MEMBER )

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

IT APPEARING TO THE BOARD: That the Tri-County Household Hazardous Waste Steering Committee (HHW) has determined the Committee will benefit from the input of non-voting members; and

IT FURTHER APPEARING TO THE BOARD: That John Zalaznik is willing and is qualified to be appointed to the Tri-County Household Hazardous Waste Committee as a non-voting member and has been nominated for this appointment by the HHW.

NOW, THEREFORE, IT IS HEREBY ORDERED: That John Zalaznik be and is hereby appointed to the Tri-County Household Hazardous Waste Steering Committee as a non-voting member; said term to expire on December 31, 2015.

DATED this 13<sup>th</sup> Day of November, 2013

WASCO COUNTY BOARD  
OF COMMISSIONERS

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Rod L. Runyon, Commission Chair

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Scott C. Hege, County Commissioner

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Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

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Eric J. Nisley  
Wasco County District Attorney

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF BRUCE )  
LUMPER TO THE TRI-COUNTY HOUSEHOLD ) ORDER  
HAZARDOUS WASTE STEERING COMMITTEE ) #13-157  
AS A NON-VOTING MEMBER )

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

IT APPEARING TO THE BOARD: That the Tri-County Household Hazardous Waste Steering Committee (HHW) has determined the Committee will benefit from the input of non-voting members; and

IT FURTHER APPEARING TO THE BOARD: That Bruce Lumper is willing and is qualified to be appointed to the Tri-County Household Hazardous Waste Committee as a non-voting member and has been nominated for this appointment by the HHW.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Bruce Lumper be and is hereby appointed to the Tri-County Household Hazardous Waste Steering Committee as a non-voting member; said term to expire on December 31, 2015.

DATED this 13<sup>th</sup> Day of November, 2013

WASCO COUNTY BOARD  
OF COMMISSIONERS

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Rod L. Runyon, Commission Chair

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Scott C. Hege, County Commissioner

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Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

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Eric J. Nisley  
Wasco County District Attorney

## **Agenda Item**

### **Economic Development Commission Appointments**

- [Memo](#)
- [Order #13-154 Re-Appointing Dan Durow](#)
- [Order #13-155 Re-Appointing Frank Kay](#)

## Memorandum

**Date:** October 18, 2013  
**To:** Wasco County Board of Commissioners  
**From:** Amanda Hoey, Wasco County EDC Staff  
**Re:** EDC Terms: Positions 3 and 5

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### **Recommendation**

There are two terms on the Wasco County Economic Development Commission which will end December 31, 2013: Frank Kay (Position 3) and Dan Durow (Position 5). Frank and Dan have both indicated they are willing to seek reappointment. The Wasco County Economic Development Commission met October 17, 2013 to review options for candidates and have recommended reappointment.

### **Request**

Final appointments are made by the Wasco County Board of Commissioners. The EDC recommends reappointment of **Frank Kay** for Position 3 and **Dan Durow** for Position 5. These would both be for new four year terms ending December 31, 2017.

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE REAPPOINTMENT OF DAN )  
DUROW TO THE WASCO COUNTY ECONOMIC ) ORDER  
DEVELOPMENT COMMISSION POSITION #5 ) #13-154

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

IT APPEARING TO THE BOARD: That a Dan Durow's appointment to the Wasco County Economic Development Commission (EDC) expires December 31, 2013; and

IT FURTHER APPEARING TO THE BOARD: That Dan Durow is willing and is qualified to be reappointed to the Wasco Economic Development Commission and has been nominated for reappointment by the EDC.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Dan Durow be and is hereby appointed to the Wasco County Economic Development Commission in Position #5; said term to expire on December 31, 2017.

DATED this 13<sup>th</sup> Day of November, 2013

WASCO COUNTY BOARD  
OF COMMISSIONERS

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Rod L. Runyon, Commission Chair

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Scott C. Hege, County Commissioner

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Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

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Eric J. Nisley  
Wasco County District Attorney



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE REAPPOINTMENT OF FRANK )  
KAY TO THE WASCO COUNTY ECONOMIC ) ORDER  
DEVELOPMENT COMMISSION POSITION #3 ) #13-155

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

IT APPEARING TO THE BOARD: That a Frank Kay's appointment to the Wasco County Economic Development Commission (EDC) expires December 31, 2013; and

IT FURTHER APPEARING TO THE BOARD: That Frank Kay is willing and is qualified to be reappointed to the Wasco Economic Development Commission and has been nominated for reappointment by the EDC.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Frank Kay be and is hereby appointed to the Wasco County Economic Development Commission in Position #3; said term to expire on December 31, 2017.

DATED this 13<sup>th</sup> Day of November, 2013

WASCO COUNTY BOARD  
OF COMMISSIONERS

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Rod L. Runyon, Commission Chair

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Scott C. Hege, County Commissioner

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Steve D. Kramer, County Commissioner

APPROVED AS TO FORM:

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Eric J. Nisley  
Wasco County District Attorney

**Agenda Item**  
**NWC School District IGA**

- [P3 IGA](#)

**North Wasco County School District 21**  
**THE DALLES, OREGON**

**INTERGOVERNMENTAL AGREEMENT**

THIS AGREEMENT entered into this 1st day of November 2013 by and between **North Wasco County School District 21**, hereinafter referred to as the "District," and **Wasco County, Oregon**, hereinafter referred to as the "County."

The County desires to engage the District to provide, on behalf of the County, assistance with coordination and facilitation of the Wasco County P-3 Workgroup to act as an Advisory Council to the Wasco County Board of Commissioners and the Four Rivers Early Learning Hub on matters concerning services to children from Pre-Natal through age eight.

1. **Scope of Services.** The District shall provide coordination, facilitation, and implementation of a Wasco County P-3 Workgroup. The Wasco County P-3 Workgroup shall provide information and recommendations concerning service delivery and early childhood outcome indicators to the Wasco County Board of Commissioners and the Four Rivers Early Learning Hub. The role of the Wasco County P-3 Workgroup is to work collaboratively toward alignment of early childhood education/support and K-12 education/ support systems.
2. **Time of Performance.** The services of the District are to commence on **November 1, 2013**, and shall be undertaken and completed in such sequence as to assure their expedient completion in the light of the purposes of this contract; but in any event, all the services required hereunder shall be completed by **June 30, 2014**.
3. **Compensation.**

Ten thousand (\$10,000) dollars.
4. **Method of Payment.**

Scheduled payments of \$3,300 due December 1, 2013, \$3,300 due March 1, 2014 and \$3,400 due June 1, 2014.
5. **Indemnification.** To the extent legally possible, the County shall indemnify, defend and hold harmless District and its officers, agents and employees from any and all claims, actions, suits, liabilities and costs, including attorney fees and other costs of

defense, resulting from and arising out of the activities or omissions of the District or its subcontractors, officers, agents or employees in connection with this agreement.

6. **Assignment.** Neither party shall assign this agreement, in whole or in part, or any right or obligation hereunder, without the other party's prior written approval.
7. **Integration.** This agreement embodies the entire agreement of the parties. There are no promises terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either oral or written, between the parties. This agreement shall not be amended except in writing, signed by both parties.
8. **Interpretation.** This agreement shall be governed by and interpreted in accordance with the laws of the State of Oregon.

IN WITNESS WHEREOF, the District and the County have executed this agreement as of the date first written.

North Wasco County School District 21  
3632 W 10<sup>th</sup> Street  
The Dalles, OR 97058

Wasco County, Oregon  
511 Washington Street, Suite 302  
The Dalles, OR 97058

By \_\_\_\_\_  
Superintendent

By \_\_\_\_\_  
Rod Runyon, Chair  
Wasco County Board of Commissioners

**Agenda Item**  
**North Wasco County Parks & Rec**

- [No documents have been presented for this item](#)  
[– RETURN TO AGENDA](#)

**Agenda Item**  
**Public Health Contracts**

- [Agreement #142025 Amendment #4](#)
- [Amendment to Agreement for CAWEM Prenatal Expansion Program](#)
- [CGCC Clinical Affiliation Agreement](#)
- [Interagency Agreement between North Central Health District WIC Program & North Central ESD Early Education](#)

Agreement #142025

**FOURTH AMENDMENT TO OREGON HEALTH AUTHORITY  
2013-2015 INTERGOVERNMENTAL AGREEMENT FOR THE  
FINANCING OF PUBLIC HEALTH SERVICES**

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to [dhs-oha.publicationrequest@state.or.us](mailto:dhs-oha.publicationrequest@state.or.us) or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

This Fourth Amendment to Oregon Health Authority 2013-2015 Intergovernmental Agreement for the Financing of Public Health Services, effective July 1, 2013 (as amended the "Agreement"), is between the State of Oregon acting by and through its Oregon Health Authority ("OHA") and Gilliam, Wasco, and Sherman Counties, acting by and through its Gilliam, Wasco, and Sherman Counties North Central Public Health District ("LPHA"), the entity designated, pursuant to ORS 431.375(2), as the Local Public Health Authority for Gilliam, Wasco, and Sherman Counties.

**RECITALS**

WHEREAS, OHA and LPHA wish to modify the set of Program Element Descriptions set forth in Exhibit B of the Agreement;

WHEREAS, OHA and LPHA wish to modify the Financial Assistance Award set forth in Exhibit C of the Agreement and...

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows.

**AGREEMENT**

1. Exhibit B "Program Element Descriptions", Program Element #11 "Climate Change and Public Health Program: Building Capacity to Address the Public Health Impacts of Climate Change at the Local Level" only is hereby added by Exhibit 1 "Program Element #11 - Climate Change and Public Health Program: Building Capacity to Address the Public Health Impacts of Climate Change at the Local Level" attached hereto and incorporated herein by this reference.
2. Section 1 of Exhibit C entitled "Financial Assistance Award" of the Agreement is hereby superseded and replaced in its entirety by Exhibit 2 attached hereto and incorporated herein by



this reference. Exhibit 2 must be read in conjunction with Section 4 of Exhibit C, entitled "Explanation of Financial Assistance Award" of the Agreement.

3. LPHA represents and warrants to OHA that the representations and warranties of LPHA set forth in Section 2 of Exhibit E of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.
4. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.
5. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
6. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.
7. This Amendment becomes effective on the date of the last signature below.

*THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK*

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below their respective signatures.

**8. Signatures.**

**STATE OF OREGON ACTING BY AND THROUGH ITS OREGON HEALTH AUTHORITY (OHA)**

By: \_\_\_\_\_  
Name: Bobby L. Green, Sr.  
Title: Interim Deputy Public Health Director  
  
Date: \_\_\_\_\_

**GILLIAM, WASCO, AND SHERMAN COUNTIES ACTING BY AND THROUGH THE NORTH CENTRAL PUBLIC HEALTH DISTRICT (LPHA)**

By: \_\_\_\_\_  
Name: Teri Thalhofer  
Title: NCPHD Director  
  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Rod L. Runyon  
Title: Wasco County BOC Chair  
  
Date: November 13, 2013

DEPARTMENT OF JUSTICE-APPROVED FOR LEGAL SUFFICIENCY  
*Approved by D. Kevin Carlson, Senior Assistant Attorney General on May 21, 2013. Copy of approval on file at OHA, OC&P.*

REVIEWED:  
OFFICE OF CONTRACTS & PROCUREMENT

By: \_\_\_\_\_  
Name: Phillip G. McCoy, OPBC, OCAC  
Title: Contract Specialist  
  
Date: \_\_\_\_\_

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Eric J. Nisley  
Wasco County District Attorney

## EXHIBIT 1

### **Program Element #11: Climate Change and Public Health Program: Building Capacity to Address the Public Health Impacts of Climate Change at the Local Level**

1. **Description.** Funds provided under the Financial Assistance Agreement for this Program Element may only be used, in accordance with and subject to the requirements and limitations set forth below, to build local capacity to address the public health impacts of climate change.
2. **Local Activities in Support of Building Climate Change Capacity.** To comply with the performance standards of this program, LPHA must engage in the activities as described in subsections 2.a. through 2.d. below. The purpose of these activities is to build local capacity to address the public health impacts of climate change. NOTE: LPHA's must demonstrate substantial progress toward completing the activities described below before April 30, 2014 to retain eligibility to receive funding under this Program Element in future years.
  - a. **Participate in trainings identified by OHA.** Through this Program Element, LPHA will attend and participate in trainings identified by OHA through a needs assessment. Trainings may cover, but are not limited to, climate change, mitigation, adaptation, public health hazard vulnerability assessments, and health impact assessment.
  - b. **Develop a climate change adaptation plan.** LPHA will develop a climate change adaptation plan for their jurisdiction by applying the steps of the CDC Building Resilience against Climate Effects (BRACE) framework and other strategies.

The BRACE is a framework intended to help state and local health departments anticipate and respond to the public health impacts of climate change. Since the BRACE is a recently developed tool of the CDC, it will be tested and evaluated by LPHA. During the project period, LPHA's will receive training on the steps of the BRACE and will apply the steps, to the extent possible, in their local county health jurisdiction.
  - c. **Engage and collaborate with partners and stakeholders.** Convene and facilitate a group of internal and external partners/stakeholders to advance climate change capacity and develop a climate change adaptation plan. As much as possible, this group should include partners that can influence adaptation plans and strategies that prevent and reduce the public health risks of climate change.
  - d. **Prepare written reports for OHA.** Document and share major accomplishments and outcomes that are the result of this funding, annually. Reports should include a description of methods or strategies employed for building local climate change capacity, engaging partners/stakeholders, and applying the BRACE framework. LPHA should also discuss approaches that worked well, challenges, and limitations.
3. **Procedural and Operational Requirements.** By accepting and using the financial assistance funding provided by OHA under the Financial Assistance Agreement and this Program Element, LPHA agrees to conduct these climate change capacity building activities in accordance with the following requirements:

- a. LPHA will conduct all climate change capacity building activities as described in this Program Element.
  - b. LPHA will assure that its local program is staffed at the appropriate level to address subsections 2.a. through 2.d. of this Program Element. Funds for this program element must be directed to personnel and other expenses in support of subsections 2.a. through 2.d.
  - c. LPHA will participate in monthly conference calls with OHA and the other mini-grantees to discuss ongoing progress.
  - d. LPHA must attend all in-person meetings, as reasonably required by OHA. LPHA must participate in program evaluation activities, as reasonably required by OHA.
4. **Performance measures.** LPHAs that complete fewer than 75% of the planned activities for two consecutive calendar quarters in one state fiscal year will not be eligible to receive funding under this Program Element in the next state fiscal year.

**EXHIBIT 2**

**2013-2015 AGREEMENT FOR THE FINANCING OF PUBLIC HEALTH SERVICES  
142025-4 PGM.DOC - NORTH CENTRAL PUBLIC HEALTH DISTRICT**

**PAGE 6 OF 8 PAGES**

**State of Oregon  
Oregon Health Authority  
Public Health Division**

<b>1) Grantee</b> Name: North Central Public Health District  Street: 419 E. 7th Street, Room 100 City: The Dalles State: OR Zip Code: 97058-2676	<b>2) Issue Date</b> September 17, 2013	<b>This Action</b> AMENDMENT FY2014
<b>3) Award Period</b> From July 1, 2013 Through June 30, 2014		

4) DHS Public Health Funds Approved	Previous Award	Increase/ (Decrease)	Grant Award
<b>Program</b>			
PE 01 State Support for Public Health	32,300	0	32,300 ( a )
PE 03 TB Case Management	608	0	608
PE 11 Climate Change and Public Health	0	5,000	5,000
PE 12 Public Health Emergency Preparedness	151,499	0	151,499
PE 13 Tobacco Prevention & Education	93,616	0	93,616
PE 40 Women, Infants and Children FAMILY HEALTH SERVICES	173,808	0	173,808 (cdgh)
PE 41 Family Planning Agency Grant FAMILY HEALTH SERVICES	32,841	0	32,841 ( e,i )
PE 42 MCH/Child & Adolescent Health -- General Fund FAMILY HEALTH SERVICES	8,786	0	8,786 ( b )
PE 42 MCH-TitleV -- Child & Adolescent Health FAMILY HEALTH SERVICES	12,745	0	12,745 ( b )
PE 42 MCH-TitleV -- Flexible Funds FAMILY HEALTH SERVICES	29,726	0	29,726 ( b )
PE 42 MCH/Perinatal Health -- General Fund FAMILY HEALTH SERVICES	4,682	0	4,682 ( b )
PE 42 Babies First FAMILY HEALTH SERVICES	14,825	0	14,825

**5) FOOTNOTES:**

- a) Based on the certified population estimate of July 1, 2012. Prepared by the Portland State University Population Research center.
- b) Funds will not be shifted between categories or fund types. The same program may be funded by more than one fund type, however, federal funds may not be used as match for other federal funds ( such as Medicaid ).
- c) July -September grant is \$46,680 ; and includes \$9,336 of minimum Nutrition Education; and \$2,044 for Breastfeeding Promotion.
- d) October-June grant is \$127,128 ; and includes \$25,426 of minimum Nutrition Education amount and \$6,133 for Breastfeeding Promotion.
- e) Please note that Chlamydia and High Cost Contraceptives funds have been folded into the Title X funds and are no longer a separate line item.
- f) Immunization Special Payments are funded by State General Fund and matched dollar for dollar with Medicaid.

**6) Capital Outlay Requested in This Action:**

Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of \$5,000 and a life expectancy greater than one year.

PROGRAM	ITEM DESCRIPTION	COST	PROG. APPROV

State of Oregon  
Oregon Health Authority  
Public Health Division

<b>1) Grantee</b> Name: North Central Public Health District  Street: 419 E. 7th Street, Room 100 City: The Dalles State: OR Zip Code: 97058-2676	<b>2) Issue Date</b> September 17, 2013	<b>This Action</b> AMENDMENT FY2014
<b>3) Award Period</b> From July 1, 2013 Through June 30, 2014		

4) DHS Public Health Funds Approved	Previous Award	Increase/ (Decrease)	Grant Award
PE 42 Oregon MothersCare FAMILY HEALTH SERVICES	8,701	0	8,701
PE 43 Immunization Special Payments FAMILY HEALTH SERVICES	17,559	0	17,559 (f)
PE 43 Immunization - Conference Travel FAMILY HEALTH SERVICES	600	0	600
PE 50 Safe Drinking Water Program	42,184	0	42,184
<b>TOTAL</b>	<b>624,480</b>	<b>5,000</b>	<b>629,480</b>

**5) FOOTNOTES:**  
 g) \$3,857 represents year-end one time funding at \$3.50 per assigned caseload.  
 h) \$447 Represents fresh Fruits and Veggies grant to local agencies in State Fiscal Year 2014.  
 i) -\$1,210 Award reduction due to sequestration cuts.

**6) Capital Outlay Requested in This Action:**  
 Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of \$5,000 and a life expectancy greater than one year.

PROGRAM	ITEM DESCRIPTION	COST	PROG. APPROV

AMENDMENT TO AGREEMENT for CAWEM PRENATAL EXPANSION PROGRAM

**Parties:** Wasco County, represented by the North Central Public Health District (NCPHD), and Mid Columbia Medical Center (MCMC).

**IN CONSIDERATION OF** the mutual agreements hereinafter set forth, the parties agree as follows:

NCPHD and MCMC agree that their agreement for CAWEM Prenatal Expansion Program that expired on June 30, 2013, will be renewed for another year.

NCPHD will invoice MCMC in the amount of \$2923.08 for one quarter of the 2013-2015 biennial amount (\$23,384.62/8 quarters). DMAP will provide the match for the remaining seven quarters. MCMC will pay the invoiced amount within 10 days of NCPHD's invoice. All other conditions of the original agreement (see attached) apply and are to remain in full force and effect.

This addendum to the original agreement, signed and dated below will run from July 1, 2013 through June 30, 2014.

IN WITNESS WHEREOF, the parties hereto execute this Agreement as of the dates written below.

Approved by MCMC

[Signature] CFO 10-22-2013  
Authorized Signature Title Date

NORTH CENTRAL PUBLIC HEALTH DISTRICT

[Signature] 10/29/2013  
Teri Thalhofer, Director Date

Wasco County Board of Commissioners

[Signature] 11.13.2013  
Rod L. Runyon Date  
Commission Chair

APPROVED AS TO FORM:

[Signature] Date  
Eric Nisley, County Counsel



## CLINICAL AFFILIATION AGREEMENT

THIS AGREEMENT is made and entered into this 3rd day of October 2013, by and between NORTH CENTRAL PUBLIC HEALTH DISTRICT, hereinafter known as Facility, and COLUMBIA GORGE COMMUNITY COLLEGE, hereinafter known as the College.

The purpose of this Agreement is to provide guidelines regarding the clinical experience of students enrolled in the nursing/health occupation programs offered by the College. It is to the mutual benefit of the College and Facility to provide satisfactory clinical experiences for students enrolled in the Associate Degree Nursing, Practical Nursing, Nursing Assistant, Medical Assisting, and Emergency Medical Services (EMS) classes and programs/classes of the College. The College and the Facility agree to the following provisions:

1. Students assigned to the Facility will have the status of "learners" and will not replace the Facility's staff employees or have final responsibility for patient care. The Facility will maintain a sufficient level of staff employees to the extent that Facility is able, to carry out its regular duties and, when appropriate, to provide adequate supervision of students. The Facility will retain complete responsibility for patient care. It is the expectation and desire of the parties that students will observe, assist, and apply skills and techniques in accordance with their abilities and skills, as developed during the course of their study.
2. Students are subject to the policies and regulations of the College, and during clinical assignments, students will abide by the standards set for the Facility's employees in matters relating to patient care, along with the Facility's practices and policies, including confidentiality of all patient and employee related information.
3. The College agrees to provide "core" HIPAA (Health Insurance Portability and Accountability Act), Blood Borne Pathogen/Standard Precautions and fire safety training to meet OSHA and JCAHO requirements. The College will provide this training to students and faculty on a yearly basis. The College will provide to the Facility a list of completed trainings and related names upon request. The Facility agrees to provide facility-specific training in these same areas.
4. Facility personnel will orient College instructors with the Facility's policies and practices prior to the arrival of students for patient care assignments.
5. The Facility will provide dress code expectations to both CGCC and the student. The College will encourage students to carefully adhere to the dress code policy of the agency. Students will be in the uniform stipulated by the College while in the clinical area. Students will wear their College name pin or picture badge, unless otherwise directed by the Facility.

6. The Facility will designate an appropriate staff member to coordinate educational activities with the College. The College faculty will retain overall responsibility for the selection of appropriate learning experiences for students and the evaluation of student performance.
7. When in the clinical area with students, the College faculty are not considered facility employees and are responsible for the student teaching/learning activities and not for direct patient care.
8. If requested by the College, the Facility will agree to designate specific staff as preceptors (RNs for Associate Degree Nursing students; LPNs or RNs for Practical Nursing students; Nursing Assistant, LPNs or RNs for Nursing Assistant students; Medication Aides or LPNs or RNs for Medication Aide students; Medical Assistants or RNs for Medical Assisting students; and EMTs or RNs for EMS students) to facilitate the College students' learning during agreed upon clinical term(s). For example, in the Nursing Program, a formal "Preceptorship" occurs in the sixth term during spring of the second year. Use of preceptors will be agreed upon between the Facility and the College on a term-to-term basis specific to course objectives and arrangements for clinical instruction. The Facility will recommend staff as preceptors based on the Preceptor Qualifications developed by the College. The staff preceptors and College instructors will function according to role guidelines developed collaboratively by the College and Facility.
9. The College will provide the Facility with copies of clinical schedules and objectives in advance of the beginning of clinical assignments upon request. The College will also provide verification of any of the following applicable facility requirements if requested: student immunization status, current CPR certification, 10-panel drug screen, and criminal history and sex offender background checks.
10. The Facility will maintain all standards, to the extent that Facility is able, that make it eligible for approval as a clinical area for instruction in a state accredited program. The Facility, at Facility's convenience, may permit authorities responsible for accreditation of the College's curriculum to inspect the Facility's clinical facilities and services as necessary.
11. The College and the Facility will establish a procedure for notifying the other if a student is unable or fails for any reason to report for clinical training.
12. Reasonable parking and meeting space for College students and faculty will be provided at the Facility.
13. Patient records, procedures manuals, and reasonable reference materials will be available to students and College faculty for learning purposes at times that are convenient for the College's students and faculty to access them.
14. The College will use all reasonable efforts to cause Students to comply with Facility's policies, procedures, work rules and regulations, including preservation

of the confidentiality of patient care and patient care records. College will, prior to allowing a student to participate in the Field Internship Experience, review patient confidentiality as well as the Facility's policies, procedures, work rules, and regulations with Student and secure Student's agreement to abide by all such rules and regulations. Students will be permanently dismissed, for issues involving College matters, from participation in clinical experiences at the Facility only after the appropriate disciplinary policies and procedures of the College have been followed. The Facility reserves the right to discontinue participation in clinical experiences and require any student, with or without cause, to immediately leave its premises. Circumstances surrounding issues of unlawful discrimination shall be thoroughly investigated prior to action being taken. The Facility and College will immediately notify the other of the removal of a student from clinical practice sessions. If the Facility is providing notice to College, it will provide an explanation of the basis for removal.

15. It is understood and agreed that students are not employed by the Facility and therefore are not eligible for employee benefits including Workers' Compensation, life insurance, health insurance, or retirement benefits. The College will provide Workers' Compensation insurance for College faculty and students in connection with their activities under this contract. The College also provides liability and malpractice insurance for bodily injury, property damage, and personal injury, and in connection with the College's activities and the activities of students of the College. The College will provide the Nursing Facility with certificates of insurance evidencing compliance with this paragraph upon request.
16. The College agrees to indemnify and hold harmless the Facility, its directors, trustees, officers, and employees from and against all claims and liabilities (including reasonable attorney's fees and expenses incurred in the defense or appeal thereof) relating to bodily injury or property damage to the extent arising out of the negligent acts or omissions of the College's student, faculty members, employees, or agents in connection with their duties under the program, as limited by the ORS. The Facility agrees to indemnify and hold harmless the College, its students, faculty members, employees, or agents from and against all claims and liabilities (including reasonable attorney's fees and expenses incurred in the defense or appeal thereof) relating to bodily injury or property damage to the extent arising out of the negligent acts or omissions of the Facility, its directors, trustees, officers, or employees in connection with their duties under the program.
17. The Facility will provide or refer for emergency medical treatment for students (and faculty, if applicable) in the event of accident or injury during assigned clinical experience. The College instructor will provide the Facility with the name, phone number, and address of the College's Worker Compensation carrier in the event of a student or faculty member injury.
18. The Facility will notify the College and the College will notify the Facility of any change in accreditation status.

19. The parties will cooperate to fulfill the following mutual responsibilities:
- a. Each party will comply with all federal, state, and municipal laws, advice, rules and regulations that are applicable to the performance of this Agreement, including OAR Chapter 411, Division 009 (Senior and Disabled Services Division) rules regarding active monitoring of students and criminal history checks.
  - b. Students will be treated as trainees who have no expectation of receiving compensation or future employment from the Facility or the College.
  - c. Any courtesy appointments to faculty or staff by either the Nursing Facility or the College will be without entitlement of the individual to compensation or benefits from the appointing party.
  - d. The parties agree to comply with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, Executive Order 11,246, the Americans with Disabilities Act of 1990, and the related regulations to each. Each party assures that it will not discriminate against any individual including, but not limited to, employees or applicants for employment and/or students because of race, religion, creed, color, sex, age, disability, veteran status, or national origin.

The parties also agree to take affirmative action to ensure that applicants are employed and that employees are treated during their employment without regard to their race, religion, creed, color, sex, disability, or national origin. Such action will include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection available to employees and applicants for employment.

- e. The confidentiality of patient records and student records will be maintained at all times.
20. This Agreement may be terminated by either party upon written notice to the other given not less than six (6) months in advance of the end of the academic year. Until such notice is given, the parties will continue the agreement.
21. The following terms will apply in the interpretation and performance of this Agreement:
- a. Neither party will be responsible for personal injury or property damage or loss except that resulting from its own negligence or the negligence of its employees or others for whom the party is legally responsible.

- b. The delay or failure of performance by either party will not constitute default under the terms of this Agreement, nor will it give rise to any claims against either party for damages. The sole remedy for breach of this Agreement will be immediate termination.
- c. This Agreement will in no way be interpreted as creating an agency or employment relationship between the parties.

COLUMBIA GORGE COMMUNITY COLLEGE

NORTH CENTRAL PUBLIC HEALTH DISTRICT

\_\_\_\_\_  
Dr. Frank K. Toda

\_\_\_\_\_  
Administrator

President

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

WASCO COUNTY BOARD OF COMMISSIONERS

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Eric J. Nisley  
Wasco County District Attorney

\_\_\_\_\_  
Date

**MAIL NOTICES AND CORRESPONDENCE TO:**

Doris R. Jepson, Director Nursing & Health Occupations  
400 E Scenic Drive  
The Dalles, OR 97058  
541-506-6140  
djepson@cgcc.edu



# North Central ESD Early Education

PO Box 591 ~ 135 S. Main Street  
Condon, Oregon 97823 - Phone 384-3808

OREGON  
PRE-KINDERGARTEN  
PROGRAM  
SERVING...  
Gilliam  
Sherman  
and  
Wheeler Counties

A USDA  
SPONSORED  
PROGRAM  
SERVING...  
Gilliam  
Sherman  
and  
Wheeler Counties

Gilliam County  
Family Network  
Healthy Start

## Interagency Agreement Between North Central Health District WIC Program and North Central ESD Early Education

This agreement is between North Central ESD Early Education and North Central Health District

### Purpose

The purpose of this agreement is to set the responsibilities of the North Central Health District and North Central ESD Early Education in ensuring the maximum utilization of resources, services and staff; eliminate duplication of services; and to ensure timely delivery of services to clients who are served by both programs.

### Responsibilities of Each Agency

1. Exchange and share nutritional information, growth/development information on mutual clients for which a release of information has been obtained.
2. Recognize and accept nutritional education training provided by either agency as meeting required agency performance standards.
3. Maintain confidentiality of records at each agency.

### Responsibilities of North Central ESD Early Education

Obtain a written release to exchange and share information will be obtained by North Central ESD Early Education from mutual enrollees and maintained in individual files. Copies of the release will be forwarded to North Central Health District along with requests for information.

This agreement is arranged for the 2013-2014 school year and will be reviewed by each agency and updated every two years.

### Signatures

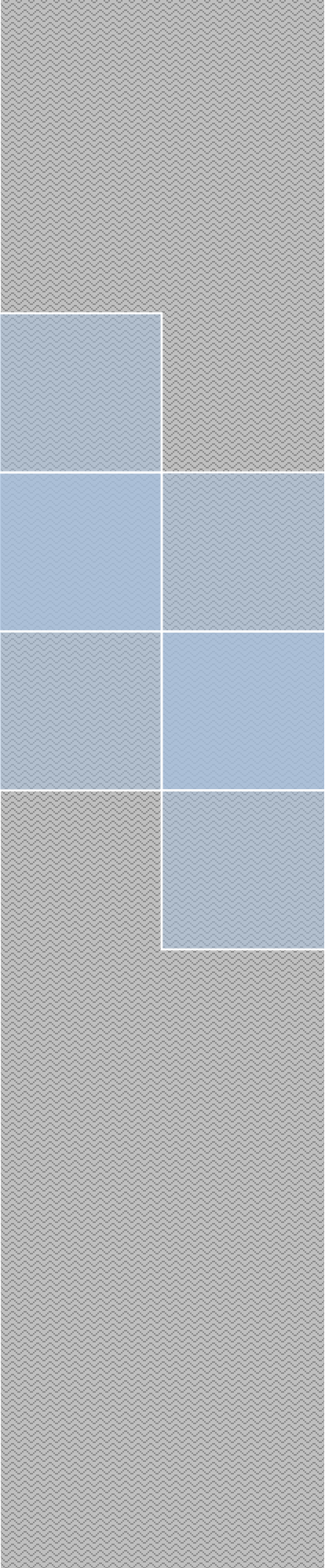
Each agency, by the signature below of its authorized representative, hereby acknowledges that he/she has read this agreement, understands it, and agrees to be bound by its terms. This agreement is executed on behalf of North Central Health District and North Central ESD Early Education through the undersigned representatives on the dates indicated after their signature.



**Agenda Item**  
**10-Year Plan to End Homelessness**

- [Plan](#)





# Mid-Columbia's Ten Year Plan to End Homelessness

*In Hood River County, Wasco County,  
& Sherman County*

*Prepared by the Mid-Columbia Ten Year  
Housing Committee Members*



## **Executive Summary**

The goal of this plan is to address the serious, largely invisible, debilitating conditions of homelessness as it relates to the citizens of Hood River, Wasco and Sherman counties and to propose ideas and a plan for mitigating it.

Individuals and organizations in Hood River, Wasco, and Sherman counties collaboratively drafted the Mid-Columbia 10 Year Plan to End Homelessness, under the guidance of Oregon's Housing and Community Services, with input from local and regional citizens and nonprofit groups dedicated to serving vulnerable, low-income people.

Most homelessness in the Mid-Columbia region is hidden and can be easy to overlook. Some of our community's homeless live in cars, travel trailers or tents. Others are victims of violence and are temporarily lodged in domestic violence shelters. Some must leave the community, pulling their children out of school and finding temporary refuge in shelters across the river in Washington state or in Portland. Others are "doubled up" with family or friends and cannot stay long. Some are young adults who have aged out of the foster care system. Some are veterans, who gave of themselves for their country, returning home to find jobs and affordable housing scarce. Some recently-homeless citizens struggled for years to maintain their homes but ultimately lost them because of aging, long-term unemployment or debilitating health conditions. These people are members of our community. They are friends, family members, neighbors, employees, and co-workers. They are homeless, and as a community, we must collaborate to address their needs.

Homelessness is not pretty. Homelessness can become a trap. It can also lead to increasing debilitation, and to increasing crime. Homelessness typically invokes prejudice, isolation, fear, and shame. Homelessness impacts everyone, and it is bad for our local economy. Within Hood River, Wasco, and Sherman counties, tourism is a large industry. However, behind the face of tourism, there is a hidden population of people who are struggling: People who cannot find, afford, or qualify for housing, and many of these people are the backbone of the tourism industry. We, the creators of this plan, believe it is crucial that we implement on a local level programs and services that can effectively combat homelessness.

Nationally as well as locally we see that there is a direct link between homelessness, addiction and mental illness. Therefore any plan to end or prevent homelessness must include a plan to ensure our citizens have access to mental health care, physical health care, and addictions recovery services.

There is no emergency shelter for the homeless in Hood River, Wasco, and Sherman counties. Warming centers, operated by caring volunteers and open during the coldest months of the year in Wasco and Hood River counties, attempt to fill that gap. But warming centers alone are not enough. Moreover shelters while helpful are not a solution to homelessness. This is evidenced by larger communities and cities whose shelters stay full throughout the year with the same families unable to transition beyond that shelter environment.

We currently have no shelter for runaway/homeless youth. This is a problem. Runaway youth are some of the most vulnerable members of our homeless community, falling into the clutches of sex traffickers and other exploiters often within 48 hours of landing on the streets, according to recent studies.

We suggest that in our area several big factors contribute to homelessness. They are: A shortage of affordable housing; a dearth of living wage jobs; limited public transportation options for commuting to and from work; rigid management screening practices that prevent those most needy from accessing the most affordable living arrangements. Because of the above conditions and more, people lucky enough to have secured affordable housing have little ability or motivation to progress beyond it.

Federal housing funders require communities to draft plans to address homelessness so that resources are used effectively. The Mid-Columbia 10 Year Plan to End Homelessness focuses on identifying and filling in the gaps in our local continuum of care so that our most vulnerable citizens have both incentive and opportunity to reach and maintain independence and housing stability.

In short, this plan briefly describes the current situation and offers initial steps and ideas for mitigating both the problem and its root causes. It is a living, working document that ought to be regularly updated by community members.



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# What Is Homelessness?

Homelessness can be defined as *being without a safe, stable, and permanent place to live that is fit for human habitation.*<sup>1</sup> Within various communities, homelessness acquires different characteristics, and as a result, the definition of homelessness may vary from community to community. As citizens of Hood River, Wasco, and Sherman counties, we recognize that homelessness in our communities goes beyond the Federal (HUD) definition which states that a person must be sleeping outside, sleeping in a place not meant for habitation, or sleeping in an emergency shelter bed. Hood River, Wasco, and Sherman counties do not have shelters or tent villages. We consider the following situations and scenarios examples of homelessness in Hood River, Wasco, and Sherman counties.

- Camping out in a tent, due to inability to afford something more permanent
- “Doubled up” or sharing the housing of other persons (without being on the lease), thereby jeopardizing the housing of all involved
- Fleeing domestic violence (including mental, physical, sexual violence)
- Living with person(s) who is/are using drugs and/or alcohol and lacking the resources to secure alternative housing, thereby jeopardizing one’s own safety, health and sobriety
- “Doubled up” with people who are engaged in criminal activity and thereby jeopardizing one’s own safety and compliance with parole or probation
- Living temporarily in a room, motel, or hotel on an emergency voucher and lacking the personal resources to continue the arrangement or move out into permanent housing
- Living in camp trailers, motor homes, or other temporary housing without access to plumbing, electricity, or heat
- Living in an emergency shelter or transitional housing program
- “Graduating” from the need/ability to remain in a hospital or skilled nursing facility and lacking the resources for moving out into something permanent.
- Children or vulnerable adults who have been removed from or must leave a family or other caregiver’s home and are awaiting foster care placement
- Sleeping in a public or private place not designed for or ordinarily used as a sleeping place for humans such as cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, and any other similar settings
- Facing impending eviction and lacking the resources and support networks needed to stay or to obtain stable housing
- Facing discharge from an institution such as a jail, prison, substance abuse treatment facility, domestic violence shelter, or mental health facility and lacking the resources and support networks needed to obtain permanent housing after discharge

We have recognized in our area a trend of increased unemployment, higher rents, higher utilities, reduced subsidies, and more families reporting that they cannot find stable, affordable housing. This plan hopes to address not only homelessness but also its root causes, including shortage of affordable housing with reasonable access to employment centers.

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<sup>1</sup> Oregon’s Ending Homelessness Advisory Council

## What is Affordable Housing?

The term “affordable housing” can refer to housing, either rented or purchased, that has been deemed affordable for those with a median household income.

But this definition alone leaves many citizens *out in the cold*.

A more practicable guideline or definition for housing affordability is *a housing cost that does not exceed 30% of a household's gross income*. When the monthly carrying costs of a home exceed 30–35% of household income, then the housing is considered unaffordable for that household. People who live in affordable housing can not only afford their housing but also other basic needs.

Nearly half of the renters in Oregon are unable to afford a two-bedroom apartment at market rates. In the 2009-10 school year, at least one child in almost every classroom in Oregon experienced homelessness. A worker earning a minimum wage in Oregon had to work more than ten hours a day, seven days a week to afford a two bedroom apartment.

## Why is building more affordable housing in our communities a solution for the Mid-Columbia Region?

There is a significant shortage of affordable housing in the Mid-Columbia Region, a shortage that is forcing people into the types of homeless situations outlined above. This shortage of housing has been repeatedly affirmed by regional forums, survey responses, and conversations with local citizens and leaders. This shortage of affordable housing is a crucial point to address, because without stable housing, families cannot provide their children with the home they need to be successful in school and eventually become productive citizens. Without stable housing, the region will not be able to retain a strong workforce.

We have investigated our region’s affordable housing needs through various means and as a result have identified two key barriers to developing affordable housing:

- **High cost of land**
- **Lack of financing for projects**

There is a strong housing market in the Gorge for both owner-occupied and vacation rental housing, and as a result, many have been priced out of the means available to many of our local citizens. Furthermore, it is proving difficult to find financing for projects, especially after the housing bubble.

## Unfortunately, Housing Alone Is Not Enough

Because of this, we also identified the following needed resources for our region:

- **Better access to medical care** for people who, lacking health insurance, are falling through the cracks. Many of our area citizens do not qualify for public health insurance and therefore cannot get treatment or medicine for their healthcare needs.
- **Better access to psychiatric care** including psychiatric case management for everyone who needs it.
- **Better access to addictions recovery programs** for people with and without health insurance who want to get and stay clean and sober.
- **More short- and medium-term transitional housing options** to interrupt a person's or family's homelessness and assist with eliminating the causes that created it
- **Transitional programs that employ a housing-first model of care.** These allow for a 'come as you are' approach to housing those most needy, and they support participants along a spectrum of care with eventual graduation to permanent, stable housing.
- **Oxford Houses.** An "Oxford House" is a community-based drug-free housing model that is democratically-run and self-supporting.
- **'Felony-friendly' employers and landlords,** especially landlords offering affordable rentals
- **Affordable, accessible adult foster homes** for vulnerable, aging adults
- **A runaway and homeless youth shelter,** to help keep our youth from entering Portland and other larger city street populations where they can inevitably fall victim to sex and labor trafficking operations. In 2011, a third of homeless youth were approached by sex traffickers within the first 48 hours of being on the street.
- **Better access to disability advocacy,** someone trained and skilled at assisting our most vulnerable, zero-income citizens with successful applications for Social Security Disability and/or Supplemental Security Income
- **Increased and more accessible home repair and weatherization programs.** This is vital to maintaining safe, affordable housing and will reduce heating bills and increase the likelihood that residents finding housing without assistance will be safe and comfortable.
- **Transitional housing opportunities** to support residents as they move from literal homelessness into permanent, stable housing.
- **Increased opportunities for low-income and workforce residents to secure affordable housing.** Through investment in projects to support these groups, the region will be able to support the needs of our residents and improve the economic outlook for the Mid-Columbia.
- **More senior housing and assisted living units** This will support the aging population in our region and allow them to continue to contribute to the community as they age.

## More about the “Homeless” Situation

The National Alliance to End Homelessness provides some sobering statistics regarding homelessness and jobs. Their discoveries apply to our local citizens as well as to people across the US. In a 2011 press release the Alliance reported the following statistics:

- Working poor people are more likely to experience **severe housing cost burden**. In 2008, *37.6 percent of the working poor population* spent more than 50 percent of their monthly income on rent compared to just *3.8 percent of the general working population*.
- Working poor people are more likely to be **doubled up** than the general working population. In 2008, an estimated *7.8 percent of the working poor population* is doubled up with family or friends as compared to *less than 6.5 percent of the general working population*.
- Working poor people are more **tenuously tied to the workforce**. On average, the working poor population works *46.2 weeks per year* compared to the general working population’s *49.1 weeks per year*.
- The occupations that **employ working poor people are volatile**. In 2008, the top five occupations for working poor people were: *cashiers, waiters or waitresses, cooks, maids/housekeeping staff, and retail salespersons*. These industries are particularly vulnerable to seasonal or economic change. Workers in these five occupations worked an average of *30.6 hours per week* compared to the *national average of 40.1 hours*.

These factors -- job loss, sudden and significant decrease of income, housing cost burden, and doubled up living arrangements-- are all precursors to homelessness and, as the data demonstrates, are common experiences among working poor people.

Nan Roman, president of the Alliance, said, “As the economy struggles to recover, unemployment, underemployment, and poverty threaten working poor people with the prospect of homelessness. It is imperative that we take action to prevent this from happening. The federal stimulus investment in the Homelessness Prevention and Rapid Re-Housing Program (HPRP) has been extremely successful to date. We must continue to provide the necessary resources to stabilize and ensure housing for working poor people so that the legacy of this challenging economy is not a new generation of homeless people.”

To call this a tall order is to grossly underestimate the magnitude of the housing problem as it relates to income and housing costs in our three-county region. Historically, Hood River County’s housing costs have been far higher than Wasco County’s. Consequently, many of Hood River County’s homeless end up migrating east to The Dalles, or west to Portland. Such migrations disrupt children’s educational experiences and separate families and friends, contributing to a community’s discontinuity.

Meanwhile, the economic recession has affected more than the availability of jobs in our three counties. Foreclosures have caused more home owning families to end up in rental properties, thereby increasing demand and competition for the limited number of affordable units. Landlords in such housing climates need only rent to the so-called “cream of the crop.” This makes it harder than ever for vulnerable citizens to get into and maintain affordable housing options.



Also, landlords struggling to maintain rental housing and pay mortgages against the foundering economy, are raising rents in all counties as they increase screening criteria for rental housing.

We know housing gives people an opportunity to build better lives. Our communities are better and stronger when everyone has a safe and affordable place to call home. The following Oregon Housing Alliance data illustrates the issues across our three counties.

According to the 2010 Annual Homeless Assessment Report (AHAR) to Congress, homelessness increased 1.1% nationally between 2009 and 2010. There are a number of ways that homelessness is recorded. For example, there is a “sheltered” homeless count and an “unsheltered” homeless count: the former counts people living in shelters and transitional housing projects; the latter, people who are homeless but not in a shelter or transitional housing project. Between 2009 and 2010, the sheltered homeless count remained the same while the unsheltered homeless count increased 2.8%. In January 2010, one of the coldest months of the year, approximately 80,000 families in the United States were homeless.

These national numbers provide a framework for examining the homeless situation within Oregon. In Oregon, homelessness has followed national trends and has increased in the past two years.

In Hood River, Wasco, and Sherman counties, 15% of 49,324 people (or 7,564 people) live at or below the federal poverty level. Mid-Columbia Housing Authority (MCHA) provides the following overview:

<b>County</b>	<b>Current Subsidized Housing Units</b>	<b>Number of people on Wait List as of 1/8/13</b>	<b>MCHA estimate of housing units needed</b>
Hood River	254	72 families	300 - 400
Sherman	12	11 families	20 - 30
Wasco	230	252 families	300 - 400

Some people are not eligible for subsidized housing because of bad credit, criminal history, etc. and are therefore not included on the MCHA estimate. The Department of Human Services (DHS) provides SNAP (food stamps) and TANF (cash payments) to many low income residents, and they estimate the following housing needs:

Hood River 20 units of housing for single mothers with small children.

Sherman 5 units of housing needed for single parents with small children.

Wasco 20 units of housing for single parents with small children.

Ideally these could be pod type units with small living units that have a common area for tenants to meet and provide support to each other, like shared rides to work, shared daycare for those who work outside the home.

People become homeless for a variety of reasons including unemployment, underemployment, economic downturns, mental illness, addiction, domestic violence, and abusive relationships. According to a January 2011 Point –in-Time (PIT) Count, a count that records the number of homeless at a particular point in time, unemployment was reported as the chief cause of homelessness followed closely by underemployment and inability to afford rent.

In January 2012 there were 194 people identified as homeless in Hood River County and 330 in Wasco County. In total 524 people were counted as homeless in 2012, including 13 families with children who reported as literally homeless. In the 2011 count, 481 people were identified as homeless. From 2011 to 2012 there was an 8% increase in homelessness in Hood River and Wasco Counties.

In that same count, Sherman County identified 11 people as homeless despite its small population. We should keep in mind that the Point-in-time Homeless count (PIT) does not capture the full picture of homelessness in the Mid-Columbia. Keeping in mind the full list of conditions that we consider to be homeless, there are many more homeless families here, most of whom go unreported. To give but one example, in 2012 Mid-Columbia Community Action Council (MCCAC) used state and federal homeless prevention funds to purchase propane for a gentleman in Sherman County who was living in a camper trailer without plumbing or lights. We are certain that there are other homeless individuals and families in Sherman County, just as we suspect that there are more homeless individuals and families in Hood River and Wasco Counties than the PIT recorded.

## Goals & Strategies

As stated earlier, this report attempts to highlight the worsening housing situation across our region, and develop a plan for fixing it. This next section outlines strategies to address and end homelessness. Our hope is that this plan will help Hood River, Wasco, and Sherman Counties develop services, practices, and housing units to meet the needs of county residents. Committee members designed the plan to address the unique needs of the three counties according to best practices and local input.

The following chart outlines the primary goals within the three counties, the strategies to reach the goals, the people or organizations responsible for implementing the strategies to reach the goals, and a reasonable timeline for each goal.

Goal	Strategy	Who	Timeline
1. Complete a regional plan to end homelessness in Hood River, Wasco, & Sherman Counties	Attend Regional training, convene planning group, hold community meetings, and draft plan	Committee Members	Draft completed September 2012 for community input
	Invite new and ongoing community partners to review and comment on the plan	Committee Members	Completed November 2012
	Expand Committee with representatives from each county to reflect the diversity and leadership of each. Key players include: <ul style="list-style-type: none"> <li>o homeless and formerly homeless people</li> <li>o faith community</li> <li>o businesses</li> <li>o healthcare providers</li> <li>o law enforcement</li> <li>o veteran's services</li> <li>o jail representatives</li> <li>o addictions/recovery community</li> <li>o school districts (including homeless liaisons)</li> <li>o landlords and property management companies</li> </ul>	Committee Members and Boards of Commissioners	Quarterly meetings set starting January 2013  <i>Mid-Columbia Community Action Council (MCCAC) will organize quarterly meetings</i>
	Have draft plan approved by each county's Board of Commissioners	Committee Members	February 2013
	Report progress on implementation of this plan	Committee Members	October 2013 <i>annual meetings</i>
2. Encourage all entities	Apply for state funds to	MCCAC	Completed January 1,

Goal	Strategy	Who	Timeline
involved with serving the homeless to adopt a uniform data management system.	implement a local data system		2013 <i>MCCAC homeless information has been input into Service Point</i>
<i>MCCAC recommends the system adopted be Service Point since it is the most comprehensive and effective data system available.</i>	Identify homeless people in the state Point In Time (PIT) Homeless Count and improve the count's accuracy by involving more community members so no one is left behind.	All social service agencies, churches, schools, etc. led by MCCAC	January 2013
3. Maintain and expand a system of homelessness prevention programs	Provide training about existing homeless services (eligibility criteria, limitations, etc.)	MCCAC and Mid-Columbia Housing Authority (MCHA) will offer training at each quarterly meeting	Quarterly, starting in January 2013
4. Integrate statewide systemic changes to prevent homelessness and support the re-housed	Create a clear path to housing from state-run institutions, jail, foster care, mental health programs, and medical care facilities. Require state programs to include housing in exit plans prior to sending institutionalized people "home."	Governor Kitzhaber	June 30, 2013
	Track housing from institution exits and incorporate the tracking into the Coordinated Care Organization (CCO) and OIEB data systems	State agencies releasing clients, Coordinated Care Organization (CCO)	June 30, 2013
	Connect chronically ill to CCO homeless services	CCO, DHS, health departments, hospitals	June 2014
5. Develop effective targeting and outreach programs	Develop outreach system to "connect" with homeless	MCCAC	Completed
	Refer SSI eligible applicants to DHS and/or Mid-Columbia Center for Living (MCCFL)	DHS, MCCFL	On-going
6. Reduce the duration of homelessness	Develop incentives embedded into homeless assistance system	MCCAC, MCHA	On-going
7. Utilize community resources to quickly re-house the homeless	Build relationships with existing landlords to build options for subsidized housing	MCCAC, County Planning Departments	On-going
8. Coordinate and improve access to necessary documentation and services	Hold triage among agencies and groups serving the same low- and zero-income population, to ensure a comprehensive, supportive process. Poverty and homelessness are exhausting. How can we make it less so for the people we serve?	All agencies, medical providers, schools, etc. that are serving low-income people  Include MCCAC/homeless rep with CCO/ELC planning groups to	Ongoing

Goal	Strategy	Who	Timeline
		incorporate homeless resources into support services.	
<p>9. Create and ensure an adequate supply of permanent affordable housing</p> <p>By 2025, develop 500 regional affordable housing units: 200 in Hood River 50 in Sherman 250 in Wasco</p>	<p>Increase integrated income affordable/workforce housing</p> <p>Develop 200 units of new affordable housing per year with 10%?? subsidized housing included in each housing project.</p>	Boards of Commissioners, Planning Departments, MCHA, MCCAC, City Councils, Ports	January 2015
	Develop Morrison Park affordable housing in HR	Hood River City Council, City Administrator, MCHA, HRC-BOC	June 2014 have a proposed plan developed?
	Develop CGCC affordable housing in HR	City Council, HR City Administrator	On-going
	Develop affordable housing in Wasco County	The Dalles City Council, The Dalles City Manager, Wasco BOC, MCHA, MCCAC	Perhaps a NORCOR housing project? 2015
	Develop affordable housing in Sherman County	Sherman County Court, MCHA, MCCAC	
<p>10. Assist and support homeless or low-income re-housed individuals in obtaining or increasing income</p>	<p>Identify and develop a concentrated plan for removing barriers that people face to obtaining income, whether earned income or sustaining benefits income (SS, SSDI)</p> <p>Reinforce partnerships between homeless providers and employment developers, vocational rehabilitation providers, and disability advocates so that low-income people have better support systems for attaining and keeping jobs.</p> <p>Recruit volunteers to become trained as disability advocates so that people eligible for SSI and SSDI can get it.</p>	MCCAC, Health Departments, Hospitals, DHS, MCCFL, MCCOG, DHS Vocational Rehabilitation	April 2014
	Develop referral system to ensure wrap-around services for	MCCAC, Health Departments, CCO,	June 2013

Goal	Strategy	Who	Timeline
	SSI/SSDI qualified homeless	Hospitals, DHS, MCCFL, One Community Health, NDI, MCHA, MCCOG, State Employment Division.	

Type	Current	Need	Future	Cost
Warming Shelter	One is located in Hood River and one is located in The Dalles.	Having these shelters available has been filling a need, especially when it is extremely cold. More volunteers are needed.	Hood River would like to expand and acquire a permanent site.  Expand days and hours for the warming center in The Dalles.	A grant is being applied for to develop a permanent warming shelter in Hood River.  Not sure what cost would be\$???
Homeless Shelter and Homeless Youth Shelter	None exists at this time, other than the DV shelters, which only accommodate women and children victims of DV. Older male children are not allowed in the DV shelters currently. Likewise, adult male victims of violence have no shelter option.	These shelters are needed although Federal funding is not always available for shelter operations	Funding would likely have to come from private and public sources other than HUD.	\$???
Transitional Housing	The Hamilton in The Dalles 8 units  Wind River Combined Transitional, serves 7 households across three counties, 5 single-person and 2 families with	There is a definite need for additional units to help people transition to more permanent housing. Perhaps as many as 500 more units in the gorge area.	This is do-able if the land and or a building could be purchased at a reasonable price.	\$4 M ???

	children. Turnover in these programs is very slow.			
Affordable Subsidized Housing	Approximately 500 units.	MCHA still determines they need an additional 800 for people on their waiting list.	Coordinate on building or obtaining 800 more units.	\$10M???
Affordable Housing, Workforce	Some workforce housing exists especially farmworker housing.	Employers continue to express concern about the lack of affordable housing for their workers.	500 units or more of workforce housing is needed to help with future employer needs.	\$10M???
Oxford House(s)	None yet	Great. The Oxford model is working very well in Portland and we need it here in our community too.	Up to 4 Oxford Houses in three counties, 2 for women/women and children and 2 for men.	0 \$ cost. Requires landlords willing to lease their home to a group of tenants who pay their own rent and utilities; who pledge to remain clean and sober and who hold each other accountable for all of the above.

## Appendix A: Demographics

### County Demographics

County	Population	% in Poverty	Renter Median Household Income	Owner Median Household Income	Homeless Households
Hood River	22,346	10%	\$31,266	63,502	204
Sherman	1,765	20%	\$42,969	\$40,729	?
Wasco	25,213	15%	\$29,583	\$48,955	277
OREGON	3,831,074	14%	\$30,535	\$63,443	22,116

### Average Incomes of Mid-Columbia County's Most Vulnerable Citizens

County	Annual income required to afford a 1-bedroom apartment	Average annual social security payment for retired workers	Average Annual SSI for the Disabled	Average Annual Pension for Veterans	Annual income of one worker earning Oregon's minimum wage \$8.80/hr
Hood River	\$23,360	\$13,384	\$8,088	\$11,820	\$18,304
Sherman	\$23,040	\$13,412	\$8,088	\$11,820	\$18,304
Wasco	\$21,680	\$13,489	\$8,088	\$11,820	\$18,304

### Average Incomes of Mid-Columbia County's Working Families

*Please keep in mind when viewing the incomes listed below that these figures imply a person is working 40 hours per week. The overwhelming majority of positions in the job categories listed below, along with many other job categories available to the people in our communities, do not offer full-time work. Indeed, a worker is lucky to get 27 hours/week average. So, take the annual salaries and reduce them by almost one-half and you have the more accurate picture of our area's working poor.*

County	Annual income required to afford a 2-bedroom apartment	Home Health Aide	Janitor	Retail Sales Clerk	Fast Food Cook
Hood River	\$29,080	\$22,170	\$23,486	\$24,992	
Sherman	\$26,600	\$22,170	\$23,486		\$19,748
Wasco	\$27,000	\$22,170	\$23,486	\$24,992	



### Average Home Price that Mid-Columbia Working Families Could Afford

County	Median Sale Price for a House	Teacher	Nurse	Construction Worker
Hood River	\$279,500	\$200,880	\$170,259	\$198,240
Sherman	\$169,900	\$170,268	\$143,680	\$113,803
Wasco	\$150,000	\$192,932	\$143,680	\$113,803

### Fair Market Rents

County	Studio	1 bedroom	2 bedroom	3 bedroom	4 bedroom
Hood River (2013 rates)	\$671	\$701	\$831	\$1225	\$1335
Sherman (2012 rates)	\$425	\$498	\$601	\$814	\$953
Wasco	\$462	\$518	\$645	\$917	\$1,135

### Public Assistance

County	Units Funded by OHCS	Students on free/reduced lunches	Population receiving SNAP (food stamps)	Population receiving TANF (cash assistance)	Very Low income households (under 50% of median household income)
Hood River	73	58%	22%	2%	1,451
Sherman	0	55%	24%	3%	180
Wasco	6	57%	29%	4%	1,802

## Appendix B: Community Resources

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
<b>SOCIAL SERVICES</b>						
Mid-Columbia Community Action Council (MCCAC)	One-time rent assistance for eviction prevention	All, though some funds require income limits and/or valid citizenship	State, federal and very small amount of private funds-status always fluctuates	x	x	x
	Employment-related needs such as gasoline, car insurance, work clothes, phone minutes, IDs, birth certificates or drivers license	Very limited, generally reserved for people enrolled in one or another transitional program with us	State the federal; small private -status always fluctuates	x	x	x
	Security deposit and/or first month's rent	Income limits etc. influence who and if we can help	State the federal; small private-status always fluctuates	x	x	x
	Hamilton Transitional Housing	Low income and very low income; homeless; clean and sober; must participate in case management; site-based housing owned by MCCAC, located at 1301 W. 2 <sup>nd</sup> St. The Dalles, but open to anyone coming from any of our other counties and/or also open to people from other states, if homeless in our 3-county area at the time of application	State, typically		x	
	Wind River Continuum of Care	Low income and very low income; homeless; clean and sober; must participate in case management; scattered site leasing in any of our three counties; limited by HUD FMR	Federal	x	x	x

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
		minus utility allowances				
	Advocacy and linkage	any	state	x	x	x
	Information and referral	any	state	x	x	x
	Outreach	Homeless and at-risk	Fed and state	x	x	x
DHS – Department of Human Services	Food Stamps	Financial and eligibility requirements	Federal	x	x	x
	TANF – (cash assistance)	Financial and eligibility requirements	State and Federal	x	x	x
	Medical (OHP – Oregon Health Plan)	Financial and eligibility requirements	State and Federal	x	x	x
	Referrals to housing agency, St. Vincent de Paul, Salvation Army, food banks, churches, community meals, HOPE, Haven & Helping Hands if applicable.					
<b>HEALTH CARE</b>						
PHRMH	Vouchers for Hotel Star, Groceries/Food, Gasoline, Bus Fare, etc.	Requestors must present at Providence Hood River Memorial Hospital Emergency Room between 2:00-4:00. They are interviewed by chaplains. Per policy, recipients can only receive up to \$75 of voucher value per year. Many recipients are from out-of-town, but primarily identify the Gorge communities as home. Gasoline is only provided with proof of DL and insurance.	Primarily through contributions of local churches. Some Hood River County Emergency Food and Shelter dollars. Salvation Army vouchers are integrated into the program. Significant in-kind from Providence staff.	x	x	
	Referrals to other community resources		Providence staff time is contributed in-kind			
	Use of Mobile Health Unit, staff person and	Uninsured, low-income guests of the Warming	Providence Hood River	x		

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
	medical supplies December through March (2012), in association with the Warming Shelter	Shelter and members of congregations identified by faith leaders in hosting churches.	Memorial Hospital provides these services as part of our Community Benefit			
	Laundry for Warming Shelter linens, sleeping bags	Guests of the HR Warming Shelter	PHRMH provides these services as part of our Community Benefit	x		
	Comprehensive Medical Services for homeless	Provided to all members of the population. Low-income and uninsured have generous qualifications for financial assistance. Most homeless would qualify for free or greatly reduced costs of care.	PHRMH provides these services as part of our Community Benefit	x		
One Community Health del Carino	Comprehensive Primary Medical Care	Everyone in our community, regardless of ability to pay.	Federally Qualifies Health Center	x	x	x
	Dental Care			x	x	
HRC Health Department	Oregon Housing Opportunities (OHOP)	People living with HIV/AIDS	Federal Ryan White Funding	x		
	Reproductive Health, Immunizations, School Health, STD services and TB, Acute and Communicable Disease	Program specific eligibility	State of Federal funding passed through OHA	x		
	Referral Services to assistance programs, social services	All	State of County General Funds	x		
	Case Management	Pregnant women, families with infants, children or children with special health needs and PLWHIV/AIDS	State funds, OHP, MAC	x		
Mid-	Celilo Garden supported	Must have Mental	Most of our	x	x	x

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
Columbia Center for Living	housing if available as well as Court Royal supported housing.	Illness and want to participate in treatment.	funding is state funded, with some federal. Currently funding is unknown as we change from MHO to CCO for all programs listed.			
	Case management services to help with filling out applications, get to food bank, fill out food stamp applications, buy a tent, fill out section 8 application, show showering facilities, obtain representative payee if indicated, CM also includes referrals to other places, CAP, HUD, Food Bank, DSHS, warming shelters, St Vincent's meals, Salvation Army, Bread and Blessings, homeless shelter, DV shelter, referrals to chaplain services	Must be a MCCFL client to get Case Management services. Usually CM clients are SPMI; homelessness alone does not qualify for case management.		x	x	x
	Crisis Respite	Clients in mental health crisis must be screened by crisis worker or MCCFL staff for admission, limited to 30 days or less		x	x	x
	Hotel funding, limited short term	Usually a client who needs temporary break or a night or two between places, most likely enrolled with MCCFL or in MH crisis.		x	x	x
	Transportation funds limited	Usually a client who needs to access services		x	x	x

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
		to maintain during current life events can be to/from MH appointments or to services to assist with housing. Have funded transport for mentally ill clients stranded in the Gorge to the Portland area				
	Campground funding	MCCFL client who would decompensate without this assistance.		x	x	x
	AMHI funding	Can help pay rent but must be AMHI enrolled, meet commitment status or recent state hospital stay for mental illness		x	x	x
<b>NON-PROFITS</b>						
The Next Door, Inc.	Oregon Trail Youth Transitional Housing	Age 17-21, male and female, capacity 6	Federal Housing subsidy and youth contributions from earnings		x	
	Housing for homeless youth – operated by Columbia Cascade Housing & NDI	Can accommodate youth with a child; drug and alcohol-free setting; onsite property manager				
WINGS	Transitional housing for 4	Voluntary for 18-23 year old young men	Local & grants & work	x	x	
	life skills training;	“	Local & grants & work	x	x	
	Medical, dental & eyeglasses	“	W Providence & Lions	x	x	
	Mental health & drug & alcohol assessment & treatment	“	W MCCFL	x	x	
	Work & job training	“	Local & grants & work	x	x	
	Continuing education	“	In assoc with CGCC	x	x	
	Rx	“	Grant from	x	x	

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
			MCMC			
	Coming Sept.2012 7 permanent housing units	Permanent housing for chronically homeless	HUD Grant	x	x	
Helping Hands Against Violence	Shelter	Emergency shelter (30 day) for victims fleeing from DV, SA or Stalking	Federal non-competitive	x	x	x
	Food	Victims of DV, SA Stalking	(same)	x	x	x
	Advocacy	Victims (past or present) of DV, SA, Stalking	(same)	x	x	x
	Transitional Housing	Housing available for up to 6 months to help homeless women and children to become self-sufficient. Preference given to survivors coming out of our Emergency Shelter.	No funding, program ran from unrestricted fundraising funds	x	x	x
	Community Referral	none	none	x	x	x
Freedom House	Two Programs: The first, called Freedom House, offers three slots in a one-year transitional housing program for single women or women with children to 13 years of age.	Women seeking freedom from anything, including addiction, domestic violence, regardless of income	Donation-based; some small grants, including United way	x	x	x
	Marcie's House, 4 rooms in clean and sober housing	Women struggling with addiction and/or fleeing domestic violence, who have an income	Donation-based, and low rent from ladies living in house	x	x	x
	Both programs offer transitional housing, along with personal support that includes linkage to services; dental care; employment support; life skills; educational support, including GED prep and application for college financial aid, etc.	Programs/housing are located in The Dalles, but anyone from any of our three-county region is eligible to enroll				
	Program is (Christian)					

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
	faith, but would-be participants need not be Christian.					
<b>EDUCATION (EARLY CHILDHOOD / PRESCHOOLS / SCHOOLS)</b>						
Mid Columbia Children's Council (Head Start)	Resource Referral to Housing, Food, Health Care Resources in the Community. We provide child development, case management, health screenings and referrals for all families in our programs.	At least 90% of the families we serve are below 100% of the Federal Poverty Guidelines. Homeless families are categorically eligible, so income is not a factor for them.	Our funding is through federal and state funding. Our current funding should continue into the next program year. Head Start funding has been stable, but not increasing with inflation. Oregon Pre-Kindergarten has changed over the last two years, but should be stable for the next year's funding.	x	x	
OCDC – Oregon Child Development Coalition (Migrant Head Start)	Formally, we can refer people to the local CAP office, etc. Informally, during our peak program in The Dalles, if a family arrives without housing (i.e. without a job), staff will call local orchardists to see if they have any openings.	Yes, we provide services (Head Start) to migrant and seasonal farm worker families. Basic requirements: under poverty level, over 50% of income from agriculture, for migrant services – also mandatory move within last 24 months.	Primary funding is federal Head Start funds. During the migrant programs, (June/July in Wasco & July-Oct in HR) also receive some CCD (state) funds for wrap-around childcare	x	x	
Hood River Early Intervention Program (at HRC School	Developmental screening and evaluation and specialized services for children suspected of having a developmental	Children ages 0-2, 3-5 years of age. There are no eligibility requirements for developmental	Hood River County School District	x		



Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
District)	delay in: communication, problem solving, fine or gross motor, social emotional/behavioral skills. Facilitation of these services for children who are here temporarily who might be relocating to other areas.	screening and evaluation. Specific eligibility criteria must be met for specialized services provision.				
HRC School District	Free lunch and breakfast at school; purchase coats and warm clothing	Grade School children	State funding & local grants (clothing)	x		
Sherman County Early Intervention & Early Childhood Special Education	<p>Provides specialized services to children with disabilities, their families and other caregivers (such as child care and preschool teachers and other family members) to support the child's development. Services/plan are individualized and based upon the unique needs of the child and his or her family. A team of professionals and the child's parents develop the plan. This is a written plan and includes.</p> <ul style="list-style-type: none"> <li>• The child's disabilities and needs</li> <li>• Services for the child and family</li> <li>• Family outcomes related to the child's needs</li> <li>• Goals and objectives reflecting both the child's developmental and special</li> </ul>	<p>All children with developmental delays or disabilities from birth to kindergarten age.</p> <p>Children may be referred by:</p> <ul style="list-style-type: none"> <li>• Families</li> <li>• Child care providers</li> <li>• Preschools</li> <li>• Friends</li> <li>• Physicians</li> <li>• Any community agency</li> </ul>	Federal and State funds		x	

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
	<p>education needs.</p> <p>The focus is to build the families capacity to meet the special needs of the child. This is accomplished by incorporating strategies for promoting the child's development into family and community daily activities. Family members, preschool teachers and caregivers are given strategies for teaching the child in situations where and when learning occurs every day.</p> <ul style="list-style-type: none"> <li>• Provide family with specific information about the child's delay.</li> <li>• Incorporating the child's special needs into family routines.</li> <li>• Connecting the family to community resources, including classes</li> <li>• Coaching parents, family and caregivers on specific child skills.</li> </ul> <p>Screenings are provided at each of Sherman County's two preschools each fall and at ABC Huskies Day Care and Little Wheat's Day Care.</p>					
Sherman	Free and reduced meals	Must meet income	Federal		x	

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
County School District	(breakfast & lunch)	eligibility – parents fill out form				
	Free and reduced meals (breakfast & lunch)	Direct Service List from DHS - auto qualify	Federal		x	
	Free or reduced school/athletic fees	Based on receiving free or reduced meals	In-Kind from school district		x	
	Counseling Services	Any student based on need	School district		x	
New Parent Services and Families First, The Next Door, Inc.	Refer to housing-related services in the area (HUD, Helping Hands, HAVEN, warming shelters, etc.)	Healthy Start~Healthy Families: provide all services described. Eligibility for HS~HF limited to higher-risk first time parents, enrolling prenatally or before baby is 3 months old.	Mostly state general funds, supplemented with flex funds from HRCCCF, MCMC, PHRMH, CTFO, and fundraising. Funds 2.5 FTE home visitors. 2012-13 GF will be 15% less than 2011-12.	x	x	
	Assist with applications, enrollment, paperwork for linkages to services/assistance	Family Support & Connections: provide all services described. Eligibility restricted to families on TANF.	State-funded. Slight decrease for 2012-13. Funds .375 FTE home visitor/family advocate.	x	x	x
	Search for low-income rentals, drive person to look at rentals (throughout the Gorge), help them fill out applications	Expanded Home Visiting: provide all services described. Eligibility restricted to high-risk parents in Wasco County.	WCCCF flex funds. Funds .275 FTE home visitor. 2012-13 funds will be 15% less than 2011-12.		x	
	Assist with rental application fees and credit checks (i.e. pay for them when unable)					
<b>CHURCHES</b>						
HR Warming Shelter	Shelter for the night, bed & sleeping bag. Dinner	No requirements	Local, state, federal,	x	x	

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
	and Sandwich to go; shower passes; clothing vouchers; medical exam for uninsured		volunteers			
St. Mary's Catholic Church (HR)	We send people to the hospital for assistance.	We ask for identification and why they need the service.	We don't have any funding	x		
	We always provide them with food.					
	We sometimes provide them with bus tickets.					
1 <sup>st</sup> Baptist Church Grass Valley	Services are provided on a case by case basis. Have agreements with motel in Moro, Grass Valley Market and gas station in Grass Valley to provide 1 night motel stay, purchase a meal and fuel. Provide transportation to motel in Moro.	People who are stranded in the county, hitch hikers, people whose vehicles have been impounded or are broke down.	Church funds		x	
	Services for those residing in the community: (They do not have anything official that they provide on a regular basis – all is dependent upon need) <ul style="list-style-type: none"> <li>• Help with electric bill</li> <li>• Groceries</li> <li>• Heating oil</li> </ul>	Identified through church members and pastor.	Deacons Fund - for community emergency needs		x	
Church of Christ	Services are provided on a case by case basis. 1 night motel stay, purchase a meal at the local café, purchase gas for their vehicle, (as a policy – do not give cash)	People who are stranded in the county, hitch hikers, people whose vehicles have been impounded.	Church funds		x	
	Services for those residing in the community: (They do not	Identified through church members and pastor.	Church funds		x	

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
	<p>have anything official that they provide on a regular basis – all is dependent upon need)</p> <ul style="list-style-type: none"> <li>• Help with electric bill</li> <li>• Groceries, etc.</li> <li>• Provide Transportation</li> </ul>					
FISH Food Bank	Emergency food assistance, provide a 5 to 7 day supply of food once a month.	Food is provided for all individuals in need of emergency food assistance that live in Hood River County, Mosier or are homeless. Proof of residence is required, unless they state they are homeless, and then none required. There is an income requirement (same as SNAP) however it is self reporting that they are at or below the income requirements, no proof required.	Funding is totally donations and a few small grants. No local, state or federal funding.	x		
Sherman County Food Bank	<p>Food Bank is available in the city of Wasco at the Methodist Church on the third Saturday of each month from 9:30 a.m. to 1:00 p.m. Supplies are picked up the 2<sup>nd</sup> Thursday of each month in The Dalles. Average 40 lbs of food each month.</p> <p>Items available include:</p> <ul style="list-style-type: none"> <li>• Food – peanut butter, rice, beans, tuna, canned corn, green beans, etc.</li> <li>• Try to give out some type of meat each</li> </ul>	Federal Guidelines, but no one is turned away.	Donations – food drives – Husky Hygiene Hustle, Private county donations. USDA through Oregon Food Bank and Mid-Columbia Action Council		x	

Agency	Resource/Service Description	Population & Eligibility	Funding Source & Status	Hood River	Sherman	Wasco
	month along with fresh or frozen fruit or vegetables <ul style="list-style-type: none"> <li>• Limited personal care items available</li> <li>• Have given out turkeys at Thanksgiving and hams at Christmas</li> </ul>					
Moro Presbyterian Church	Services are provided on a case-by-case basis – usually 3-5 times per year. 1 night motel stay, purchase a meal at the local café, purchase groceries at local market, purchase gas (as a policy – do not give cash)	People who are stranded in the county, hitch hikers, people whose vehicles have been impounded.  Referral may come from local Sheriff's Office	Deacons fund		x	
	Services for those residing in the community: <ul style="list-style-type: none"> <li>• Help with glasses purchase</li> <li>• Groceries, etc.</li> <li>• Have purchased a washing machine</li> <li>• Provide special offering at Christmas for local needy families</li> </ul>	Identified through church members and deacons committee.	Deacons fund and special offering at Christmas		x	
Sherman County Emergency Services	None, other than a trip to the hospital in the ambulance	None	None		x	

## **Appendix C: Mid-Columbia Community Action Council, Inc.**

Mid-Columbia Community Action Council inc. (MCCAC) has the following mission: "To alleviate the causes and conditions of poverty in Wasco, Hood River and Sherman Counties."

The purpose of this Corporation is the promotion of self sufficiency in families and individuals within the low income economic range residing in the three county area, consisting of Wasco, Hood River and Sherman Counties in Oregon. MCCAC serves as a primary community leader in the effort to end homelessness as a cause and result of poverty. MCCAC attempts to:

1. Focus available Federal, State and local government and private resources.
2. Provide planning and program developing assistance.
3. Develop and implement innovative approaches to alleviate the causes and consequences of poverty.
4. Evaluate and improve the efficiency and effectiveness of programs.
5. Encourage beneficiaries of such programs to take advantage of opportunities for employment and self advancement.
6. Stimulate the interest and meaningful participation of low income families and individuals.
7. Encourage a more active role by public officials, private, religious, charitable and neighborhood organizations, individual citizens and others able to provide employment and self advancement opportunities or otherwise influence the quality of services of concern to the poor.

With such a lofty mission and over thirty-five years of experience working with community members living in poverty, MCCAC identified the following gaps and needs in our three-county region:

1. No overnight shelters in our area. New warming centers were opened this winter in The Dalles and Hood River.
2. More short term transitional housing needed.
3. Housing for homeless coming out of Corrections facilities or for families who need to stay in the area because a family member is in a corrections facility here.
4. Housing for people with background issues – evictions on their records, criminal background issues (sex offenders), etc.
5. 100% of the affordable housing is already full, additional affordable housing is needed.
6. Low turnover rate in low-income housing keeps others from obtaining housing of this type. Example, some in Wy'east are still there after 18 years and haven't moved on to more permanent housing to open up a space for someone new needing an affordable place.
7. Domestic Violence shelters are always full or filled over-capacity and need more room.
8. Persons released from a medical facility or with medical issues often have no place to go.
9. Housing for Veterans, both short and long term.
10. Casa Vida - need \$ to help subsidize the tenants who are coming out of recovery and have no money to help with the rent.
11. Adequate pay and available jobs so people can afford their housing.
12. The high cost of housing and our area median income don't match up.
13. Homeless and runaway youth have little or no access to housing or jobs. Likewise teen parents after leaving high school find it tough to work or secure housing.

14. Rent is often close to or even higher than people's monthly incomes.
15. Federal HUD Section 8 voucher program is full and has a large waiting list.
16. Federal HOME-TBA program funding has been reduced.
17. MCCAC's Funding for rent assistance has been greatly reduced this past year.
18. Young men and women who are coming out of foster care with no place to go; more transitional housing is needed.



## Appendix D: Best Practices

The National Alliance to End Homelessness lists four key elements that are necessary for an effective plan to end homelessness:

1. **Plan for Outcomes:** Currently, homelessness is treated as an acute disease. When an actual symptom arises, a service, program, or organization can step in and treat the current symptom without giving much thought to the underlying disease. To successfully end the issue of homelessness, programs and systems must be designed with that end in mind. With the adoption of the Housing First paradigm, services, agencies, and programs must plan for the outcome of that person remaining housed permanently and structure services and assistance to support and maintain the re-housed individual. And the Continuum of Care providers must also tailor their services to represent and support the long-term goal of permanent housing and ending homelessness.
2. **Close the Front Door:** To end homelessness, it is essential to focus on preventing those at risk of homelessness from becoming homeless. Homelessness prevention programs must be streamlined and information more widely distributed regarding tools available to help individuals and families maintain their housing. Outreach is also an essential tool to making sure that barriers to information and access are removed.
3. **Open the Back Door:** For those who have lost housing, it is essential that they be re-housed rapidly. The longer a person or family remains homeless, the greater the need for services and the greater the likelihood that they will cease to be a transitionally or episodically homeless person and become chronically homeless.
4. **Build the Infrastructure:** The purposeful dismantling of the system of institutions and services which supported the poor has led to the rise of homelessness as an issue today. To successfully end homelessness, something approximating this system must be recreated at a community level with innovative and flexible partnerships between public, private, non-profit, and faith-based entities to prevent homelessness among the at-risk currently housed as well as re-housing those experiencing homelessness and offer the support and services necessary for them to maintain their housing.

The Alliance also outlines ten components necessary for a successful plan to end homelessness. They cover the most important strategies for success: prevention, re-housing options, access to housing and services, and efficient use of data.

1. **Create and implement a 10-Year plan to end homelessness:** This document is an attempt to do just that. It is by nature a work in progress and will evolve with time and as we become better at implementing strategies of mitigation, as funding streams change, and as new programs get up and running. A community plan for ending homelessness requires buy-in from all levels of the community. Homelessness is a community problem, and its solution must involve everyone for maximum effectiveness.
2. **Adopt a uniform management system:** The recommendation here is that all agencies adopt Service Point as their data collection system and that HUD-required HMISD data is gathered for all clients receiving housing program funds. The challenge to this is getting agencies that do not receive HUD money to nonetheless enter their data into Service Point/ HMIS. There is a licensure cost, but no monetary incentive. IDEA:

MCCAC pays for Service Point licensure and could perhaps agree to take on the responsibility of data entry for other community agencies (including faith-based) and programs serving the homeless who do not get HUD funds. This is a question only our director and fiscal could resolve. The state of Oregon may have funds available to help agencies purchase the Service Point licenses and pay for training and data entry. It is likely that MCCAC will be the direct grantee for state-funded HMIS activity costs, and it may be possible for MCCAC to share the resource with other entities (acting as sub-grantees), to best ensure accurate data on homelessness and homeless program enrollment/clients is gathered by the entire community.

3. **Establish a system of homelessness prevention programs:** As with most things, the most economical and efficient way to end homelessness is to prevent it from happening in the first place. Consider enacting programs and policies that will do just that. Many existing social programs connect vulnerable populations with emergency services, temporary cash assistance, and case management. Consider ways to integrate with these existing systems or adopt your own.
4. **Integrate systematic changes to prevent homelessness and support the re-housed:** Many people who fall into homelessness do so after release from state-run institutions, including jail and the foster care system. Still others come to homelessness from mental health programs and other medical care facilities. By creating a clear path to housing from those institutions -- in the form of case management, access to services, or housing assistance programs -- we can reduce the role that state-run institutions play in creating homelessness.
5. **Develop targeting and effective outreach programs:** An important role in ending homelessness is outreach to people experiencing homelessness. A key ingredient to this outreach is the ability to connect the homeless population to housing and services. When considering outreach efforts, it's important to understand that many people living on the streets exhibit mental illness, substance addiction, and other negative behavior patterns. As such, it's important to consider low-demand housing that does not mandate sobriety or treatment.
6. **Reduce the duration of homelessness:** A successful homeless assistance program not only works to end homelessness, but minimizes the length of stay in shelter and reduces repeat homeless episodes. In order to do this, assistance programs must align resources to ensure that families and individuals have access to the services necessary to achieve independence as quickly as possible. This often requires immediate access to housing, home-based case management, and incentives embedded into the homeless assistance system to promote these outcomes.
7. **Utilize community resources to quickly re-house the homeless:** Navigating the housing market, especially on behalf of clients with lower incomes and higher needs, is a difficult task. A successful homeless assistance program has housing staff that help with just that. Housing locators search local housing markets and build relationships with landlords. Successful program components include incentives to landlords to rent to homeless households, creative uses of housing vouchers and subsidies to help homeless individuals and families afford their rental unit, and links to resources to help clients maintain their housing.

8. **Coordinate and improve access to necessary documentation and services:** Services are actually more accessible than they sound – many of them already exist in the community. By and large, homeless individuals can access mainstream programs, including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, and other existing federal assistance programs. Connecting families and individuals exiting homelessness to these programs is imperative to ensuring their continued independence.
9. **Create and ensure an adequate supply of permanent affordable housing:** At its root, homelessness is the result of the inability to afford and maintain housing. Remember that any plan to end homelessness must incorporate an investment in creating affordable housing. This includes supportive housing, which is permanent housing coupled with supportive services. This is often used for the chronically homeless population - that is, people experiencing long-term or repeated homelessness who also have mental or physical disabilities.
10. **Assist people to obtain earned income or sustained benefits income, thereby enabling them to attain or maintain housing:** In order to maintain housing, people exiting homelessness must have income. Cash assistance programs are available through federal and state government, and career-based employment services can help formerly homeless people build the skills necessary to increase their income. Mainstream services, including the Workforce Investment Act, should be used for this purpose.

## Appendix D: Testimonies

*The data provided above helps the reader understand housing issues in the Mid-Columbia Region, but actually stories about local residents and how a little goes a long way personalizes our shared goal of ending homelessness*

When Mr. D. entered the Mid-Columbia Community Action Council (MCCAC) office last year in frosty mid-December, it was his oxygen tank that preceded him through the doorway. One week earlier, this quiet-spoken, articulate Veteran had been sleeping in a dark, unheated shed, his life's belongings in a knapsack. Next thing, he was in the hospital emergency room, unable to breathe on his own. Doctors examined the stately, 57-year-old man who was too weak to stand and diagnosed pneumonia. They administered antibiotics, in the process uncovering what would turn out to be chronic obstructive pulmonary disease and fibrosis of the lungs. When Mr. D's condition stabilized, the hospital sent him down the hill with a prescription for pulmonary therapy and a long phone list of resources for the medically disabled. They also directed him to MCCAC for help with housing. *Mr. D. could NOT, the doctors and nurses emphasized, continue living in that shed. At the very least, he would need a heated place, and an electric outlet for the breathing equipment he would now require for life.* Through advocacy and partnering with a variety of local and state entities -- plus a modest housing grant from the federal department of Housing and Urban Development -- Mr. D.'s life and health could begin to improve. Today, just two months later, Mr. D. has a warm, permanent place to call home. A comfy bed, telephone, refrigerator, and microwave oven make up some of his household furnishings. Meals on Wheels deliver hot, fresh dinners every day of the week. Mr. D. applied for social security disability benefits and will soon have a steady income, based on his work history before becoming disabled. He will also likely be eligible for services through the VA Medical clinic. Meanwhile, Mr. D. was approved for Oregon's medical insurance for disabled adults, which means he can see doctors and therapists as needed, and travel freely to health care facilities here in The Dalles and in the Portland area.

B. was a homemaker for 17 years, nurturing her husband, raising her daughters, keeping their home and yard beautiful, and cooking balanced, nutritious meals. But her marriage ended, and now B. is a single mom attending college and in her senior year of a bachelor program. She is also currently unemployed, receives a very small child support payment, and is actively seeking work. When B.'s Oregon U/C benefits ended, she was at a loss for how to pay rent. Luckily, both daughters had part-time jobs and were very willing to contribute toward the household bills. A little time passed, and things were stabilized briefly. Then, B.'s landlord informed her he was losing the house she rented from him due to a bank foreclosure. The family would need to move. But to where? With what money? B.'s oldest daughter graduated high school and moved in with a friend. Shortly after that B. and her younger daughter joined them, thereby jeopardizing the rental safety of the entire group. No longer literally homeless, B and her children joined the ranks of yet another unstable population: the 'doubled up.' B. was determined not to become just another statistic. She went to MCCAC requesting help. When Housing Authority had HOME-TBA vouchers to give out, B. rushed to the office to complete paperwork. In less than a week, B. was approved for HOME-TBA. B. now has a voucher and is looking for an apartment for herself and her youngest daughter. She is still unemployed, and hopes to graduate from college sometime this fall. The HOME-TBA program will enable B. and her family to find and keep housing, despite the lack of jobs and the dismal economy.

K. is a young, single mom who lives in a subsidized housing complex in the Mid-Columbia Region. A master at budgeting, K. expertly juggles rent, car insurance, phone and utility bills against her small income from a local supermarket. Indeed, in the five years she has been a tenant of her complex, K. never paid rent late, her landlord said. But last month, through a fluke related to fewer job hours and automatic payment deductions via Bill Pay, K.'s bank account was overdrawn. The resulting fees sent K.'s delicate budget into a spiral. Grasping her toddler with one hand, and clutching the first 72-hour-notice of her life with the other hand, K. turned to MCCAC with the hope she would find help. A case worker met with K., went over her budget, and then called her landlord, who confirmed K. is a responsible tenant with a solid payment history. It made sense to use United Way funds to prevent eviction and preserve K.'s affordable housing. They wrote a voucher for \$304. K.'s landlord then recertified her rent, which, based on K.'s more recent income, increased her subsidy to \$436/month, dropping her own rent portion to \$224 starting September. Few would dispute the idea that hard working people deserve a roof over their heads and that little children should not have to camp on the street. But what about the economics of such assistance-- in business terms, the so-called Return on Investment that results from a small payment like K. received? If K. had lost her housing, it is likely she would also not have kept her job. Loss of the job would have resulted in K. and her daughter falling back onto public assistance benefits, with an increase in food stamps by some \$200/month and a TANF grant of approximately \$400/month. The \$16 investment in case management, along with \$304 United Way grant funds (total \$320) salvaged roughly \$10,000 in K.'s earned income for one year, plus \$5,200 in K.'s rent subsidy for that year, avoiding K. having to draw \$7,000 in public benefits (estimated TANF plus food stamps for one year). Overall return on investment of \$320 was approximately \$22,200. And K. is a taxpayer, so figure that in, along with the Earned Income Tax Credit benefits she'll get and use to support her family. We always hear about trickle-down economics, but what about the trickle up? When low-income, working families get a break, they spend more money on consumer goods, pay more bills more often, keep up on more financial commitments and generally function as more productive, viable citizens, modeling solid, traditional American values to their children, while helping to keep homeowners and store owners in business.

MCCAC staff is privileged to share first-hand in the toils, sorrows, joys and triumphs of low-income people. So many of their stories engender great hope, and put life in perspective. Today I opened an envelope containing a money order for \$325. It was October rent from one of our Hamilton Transitional tenants. At surface, the \$325 may sound reasonable, even low. But this previously homeless family of three, a mom, dad and little baby, live entirely on a \$432 TANF check, plus food stamps. Dad, who is just a few credits shy of a BA from the university, has been searching for a job for more than a year. He combs the newspaper ads daily, keeps an active registration with the Oregon Department of Employment's I-Match database, and participates in the local jobs program, riding his bicycle three times a week to the Mid-Columbia Council of Governments (MCCOG) office for classes on interviewing, resume writing and job search tactics. From the Hamilton apartment complex, located at the edge of the "west side" of town, the bike ride to and from MCCOG is more than 5 miles. Quite often, Mom may be seen pushing her baby carriage along the busy arterial, past Taco Bell and Subway and McDonalds and O'Reilly Auto Parts, on her way to the grocery store. The family has a landline telephone; uses the library's Internet service and accesses the food banks when their food stamps run out. In a year, their HUD Section 8 voucher might kick in. For now, they pay more than 75 percent of their income for rent.

D. was in eviction status when he first entered MCCAC doors last January. After a layoff and months of looking, he'd finally landed a commission-based job selling Charter telephone and Internet service door-to-door. Sadly, few people in our rural community were buying new cable packages, and the job was not yielding much pay. D. had to pick between paying child support or paying his rent. D.'s daughter stays with him every weekend and every other holiday, so D. chose rent, thereby avoiding homelessness. Time went by, and in March 2011 D. was again in eviction status. MCCAC used EHA funds to pay one month's rent but the economy didn't recover, and D.'s wages remained low. Meanwhile, Child Support Enforcement suspended D.'s license, due to nonpayment. Fast forward to November/December 2011: D. got a bicycle, and found a new part-time job at a local burger establishment. Child Support Enforcement now garnishes \$169 of his \$368 paycheck twice a month. He is again behind on rent, and worries that his daughter will have nowhere to visit her father. We met with D. to see if anything could be done to prevent a third eviction notice. The case worker and D. looked at CSED's website and D. educated himself on his rights as the child support obligor. He discovered his payment was much higher than the on-line calculator said it should be, and he read about what he could do to possibly adjust it. After some phone calls, Child Support officials agreed to re-issue D.'s license. MCCAC will use United Way funds to pay D.'s \$75 license reinstatement fee. Meanwhile, D. is requesting an adjustment to the garnishments. If D.'s child support payment can be lowered by even \$100, it will enable him to remain in good standing with his landlord. D. is also eligible for a LIHEAP payment, which will credit his electric bill, saving money he can therefore use toward rent. D. is not out of the woods yet, but through the past year of struggles he has managed to establish a relationship of trust with the landlord, and the landlord is being patient. D. is just one of many hard-working, taxpaying fathers affected by the current economic crisis. His story exemplifies the power of advocacy and partnerships to effect change and prevent homelessness, while empowering people to become their own best advocates.

**Agenda Item**  
**Mass Gathering Ordinance**

- [Memo](#)



# Wasco County Planning Department

*“Service, Sustainability & Solutions”*

2705 East Second St. • The Dalles, OR 97058  
Phone: (541) 506-2560 • [wcpplanning@co.wasco.or.us](mailto:wcpplanning@co.wasco.or.us)  
[www.co.wasco.or.us/planning](http://www.co.wasco.or.us/planning)

**To:** Board of County Commissioners

**From:** Planning Department

**Date:** For October 16, 2103 Meeting

**Re:** Regulating Mass Gatherings, Outdoor Gatherings or Social Events

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**PURPOSE:** The purpose of the October 16 meeting is to create a starting point to discuss regulating outdoor gatherings in the county. Moreover, make the Board aware of:

- The state’s definition and thresholds for outdoor gatherings.
- Provide examples of how other counties in the state regulate gatherings.
- Existing House and Senate bills that regulate agri-tourism and commercial events on EFU zoned land.

It is anticipated staff from the Sheriff’s, Environmental Health and Planning departments will be present at the meeting to provide thoughts and options. The memo is accompanied by some succinct attachments/tables. It is suggested the Board focus on the **highlighted information** in the tables. Lastly, it is requested at the meeting the Board provide direction on whether to move forward with developing outdoor gathering regulations for the county to possibly adopt.

**BACKGROUND:** In July, on separate weekends, a 3-day motorcycle rally called “*Run 21*” and indie music festival called “*What the Festival*” were held. While *Run 21* was a “*truly bonafide old-school biker rally,*” *What the Festival* was part Burning Man and Sasquatch Music Festival. Despite many people’s assumptions, between the County’s Land Use and Development Ordinance and the state’s regulations, Wasco County had limited authority over the events (particularly *Run 21*). Nevertheless, the county did its best to coordinate the event organizers with the sheriff, environmental health, planning, road, and fire districts.

Many other counties in the state have regulations to clearly facilitate and permit/regulate in planning circles what are called “social gatherings”, “gatherings”, “limited gatherings.”

## **ATTACHED – Analysis of Outdoor Gathering Research**

- **Table 1. Explanation of ORS requirements for outdoor gatherings**
- **Table 2. Examples of Oregon Counties’ Outdoor Gathering Administration**
- **Table 3. Oregon’s Senate Bill 960 and House Bill 3280**



## Analysis of Outdoor Gathering Research

Prepared for: October 16, 2013 Board Meeting

Prepared by: Patricia Neighbor, Associate Planner

### Oregon Revised Statutes (ORSs) related to

**ORS 422.745** requires a county permit to hold, conduct, advertise, or otherwise promote an outdoor mass gathering.

**ORS 433.735** defines “*outdoor mass gathering*”

**ORS 433.745** Requires board hearing for outdoor mass gatherings (the board is the decision-maker).

**ORS 433.750** Mass gathering permit appeals go to county circuit court

**Table I. Explanation of ORS requirements for outdoor gatherings**

Hours in a 3-month period	< 3,000 People Small Gatherings	> 3,000 People Large Gatherings
1 gathering of < 24 hours	County may expand definition of outdoor mass gathering to include these events (ORS 197.015 (10)(d) says not a land use decision)	County may expand definition of outdoor mass gathering to include these events (No specific treatment in ORS)
1 gathering of 24 - 120 hours	County may expand definition of outdoor mass gathering to include these events (ORS 197.015 (10)(d) says not a land use decision)	Outdoor Mass Gathering (ORS 433.750 - health and safety only)(ORS 197.015 (10)(10)(d) says not a land use decision)
1 gathering of > 120 hours	County may expand definition of outdoor mass gathering to include these events (no specific treatment in ORS)	Gatherings subject to land use regulation (ORS 433.763)

**Key:**

Not treated in ORS; may be subject to health and safety regs
Subject to health and safety regs.
Subject to land use regs.
May not be reviewed as a land use decision, but may be made subject to health and safety regs.

**Table II. Examples of Oregon Counties’ Outdoor Gathering Administration**

County	Event title	Number of Attendees	Duration in Hours	Submittal Timeline	Administering Entity	Fee	Other
Clackamas	"Limited Gathering"	300 +	Over 24 hours, 1 per 3 months	90 days prior	Planning Director	Yes. Established by Board. Application fee and possible deposit fee for Dept. services.	Uses OAR Ch 333, Div 039 to provide rules for mass gatherings. Written notice to properties within 500 ft. is required.
	"Limited Gathering"	500 +	Any length of time, 1 per 3 months				
	"Outdoor Mass Gathering"	3000 +	24 - 120, 1 per 3 months	180 days prior	Board holds hearing and issues decision.		
	"Extended Outdoor Mass Gathering"	3000 +	120 +, 1 per 3 months		Planning Commission, appeals to Board		
Crook	Unspecified*	101 - Over 50,000	12 - 72	90 days prior	County court reviews applications and issues decision, decides upon disputes.	101 to 50,000 persons: \$80 - \$2500 Additional \$20 possible for ea. departmental review	No gathering allowed within 1,000 feet of residence between 12:01 and 9:00 am and in all other areas between 2:00 and 9:00 am. Regulation of amplification, unless written consent is obtained (No more than 69 decibels prior to 10 pm, or 49 after 10 pm allowed). Alcohol/drug regs.
Clatsop	"Social Gathering"	Unspecified	8 - 120, within any 6 month period	60 days prior	County Administrator provides recommendation, notice to county departments. Board holds hearing and issues decision.	Established by board. No more than \$5k.	Land use approval through Community Development Department for property site of 5 or more events in 12 months. No gathering within 1,000 ft. of a residence between 12:01 am and 9:00 am or other areas between 2:00 am and 9:00 am unless written consent is provided. Sound must be 70 decibels or under prior to 10:00 pm and 50 or under after 10:00 pm.
	"Social Gathering"	1000 - 2999	8 or more				
	"Social Gathering"	3000 +	8 - 24				
	"Outdoor Mass Gathering"	3000 +	24 - 120				
Deschutes	"Event": in public right-of-way	51 - 499		90 days prior, later doubles fee except for extended OMG	Board holds hearing and issues decision. County Administrator. Submit app to Risk Management.	Unknown.	Mass gatherings are on private property. Exceptions are funeral processions, regularly scheduled religious services, activities by the school district or any County program, or any city or athletic contests organized by the park and recreation district. Fee doubles if application is submitted less than 90 days prior. Permit required to hold, advertise, promote event.
	"Outdoor Mass Gathering"	Less than 3000	Over 4 - 240, in 3-month period		Board hears, issues decision. Submit app to Community Development Appeals to Circuit Court.		
	"Extended Mass Gathering"	3000 +	Any		PC approves. Appeals: Board. Submit to Comm. Dev. Dept.		
	"Extended Mass Gathering"	500 +	240 or more, in 3-month period				

County	Event title	Number of Attendees	Duration in Hours	Submittal Timeline	Administering Entity	Fee	Other
Douglas	"Temporary Event"	Less than 1000	Less than 3 days within 3 month period	Unspecified	Unspecified	\$1,100	Are not agri-tourism events or OMG. Refer to LUDO "TUP" 3.41.050. Exempt from administrative review w/compliance with standards.
	"Outdoor Event"	Any	More than 3 days in 3 months			Unspecified	
	"Outdoor Event"	1,001 - 3,000	Any				
	"OMG"	As defined in 433.735					
Jackson	"Temporary Outdoor Mass Gathering"	500 +	24 - 119	60 days prior	Administrator establishes fee, makes recommendation, etc.. Board hears and issues decision. County Counsel or D.A. may 'maintain action' related.	Varies, based on # of participants, no more than \$5,000.	Occurs in part outdoors or in temporary structures. Gatherings of under 500 pp are not regulated. Extended gathering may be allowed as a conditional use.
	"Extended Outdoor Mass Gathering"	500 +	120 +				
Josephine	"Mass Gathering"	100 + (in definition)		Unavailable online	Unavailable online	Unavailable online	It is a mass gathering 'when not authorized by some other planning permit approval.' Excludes 'family weddings, reunions and funeral gatherings.' Allowed as permitted temporary use.
	"Temporary Event"	1 - 999	No more than 3 days in 3 month period				
	"Outdoor Event"	1001 - 2999	Unspecified in code				
	"Outdoor Event"		Event of more than 3 days in three months				
	"Mass Gathering"	3000 + (in code)	120 + within any 3 month period		Planning Commission reviews and issues decision per ORS 433.763.		Temporary use- ministerial review.
Marion	"Small Gathering"	500 +	24 - 119 hrs	45 days prior	Unknown	Small: \$2.5 k plus possible dept review fees. Noise variance fee waived if submitted at same time as app.	No permit for 750 or less; winery/state park events with less than or equal to 3000 but over 750 (exempted); preexisting non-conforming use; events with a valid land use permit. Separate noise permit; noise variance applications due 35 days prior. No amplified noise between 11 pm and 9:00 am (modification available with written consent from neighbors). CUP (Planning Dept) required in addition to large event permit.
	"Small Gathering"	751-3000	6 to 120, within continuous 3 months				
	"Large Gathering"	750 +	On each of 3 calendar days that continues, or is expected to continue, for more than 120 hours				

County	Event title	Number of Attendees	Duration in Hours	Submittal Timeline	Administering Entity	Fee	Other
	"Large Gathering"	3001+				same time as app.	
<b>Morrow</b>	Unspecified	3000 +	120 +, within any 3 month period	Unspecified	Planning Commission reviews and issues decision.	Unspecified	Code follows state late, verbatim.
<b>Yamhill</b>	"Special Event": on public road	Unspecified	Unknown	30 days prior	Unknown	Yes. Single event: Same as CUP. Multiple events: CUP fee plus \$100. Exception to statewide planning rules req'd in some cases (Ch 660, Div. 4).	No more than 5 OMG for any applicant or property. New permit for each 24 hour period (??) (5.b.ii)
	"Mass Gathering"	1000 - 3000		Same as CUP fee.			
	"Mass Gathering"	3,000 +		For multiple events, CUP fee + \$100 per event			
<b>Wasco</b>	Home Occupation to Host Commercial Events (EFU only)	1-300	Unspecified frequency. Hours Limited to 7am-10pm.	Conditional Use Review	Planning Director or Planning Commission	\$821 for Conditional Use Permit	
	"Outdoor Mass Gathering" per ORS 433.735	3,001 +	24 to 119 hours within any 3 month period	Unspecified	Board of County Commissioners	\$5,000	Wasco County LUDO does not list process or standards, but refers to ORS 433.735

\*"Unspecified" means it was not available in code or online.

**Table III. Oregon’s Senate Bill 960 and House Bill 3280**

<b>SB 960</b>	<b>HB 3280 (SB 841 updates HB 3280)</b>
Intent: Protect farmland for farm uses, to prevent conflicts of use from occurring, prevent '1000 cuts' to farm land.	
Re: <b>Agri-tourism</b> and other commercial events (may apply to wineries instead of applying 3280)	Re: <b>Wineries</b> and associated events
<b>Wineries:</b> Either SB 960 OR HB 3280, not both, can apply.	
<b>Optional</b> for counties to adopt	<b>Mandatory</b> for counties to adopt
In order to adopt, must be written into County code	Is not required to be included in code; is recommended by practice.
Key terms: "related to" and "supportive of" agriculture. Uses must be supportive of farm use to 'pass the test.'	Relates only to wineries and associated events, including restaurants, tasting rooms, etc..
More intensive uses must be 'necessary' for support farm use in the area.	More intensive uses are grandfathered in or allowed for wineries producing 150k + gallons
Addresses fairs, festivals, and farm-to-table events related to farm use.	Relates only to wineries and associated events, including restaurants, tasting rooms, etc..
Gross income limit of "incidental" and "supportive" items and services is 25%	
<b>Both:</b> Mass gatherings can be applied for in addition to events that meet the requirements of these bills, unless code specifies that only one is allowed.	
<b>Both:</b> Likely to be revisited in the future: counties often put ORS language directly into code to avoid future complications.	

## **Agenda Item**

### **History of the Wasco County Veterans' Service Office**

- [No documents have been presented for this item](#)  
[– RETURN TO AGENDA](#)

## White River Watershed Council Meeting

September 24, 2013

6:30 – 8:30 PM

Tygh School Community Center

### MINUTES

#### Attendees:

Pat Davis, <i>co-chair</i>	Anna Buckley, <i>Coordinator</i>	Josh Thompson, <i>SWCD</i>
Rebecca Briggs, <i>NRCS</i>	John McElheran, <i>co-chair</i>	Bob Larsell
Abbie Simmons, <i>SWCD</i>	Roy Groce	Kenneth Martin, <i>ODFW White River Management Area</i>
	Rod French, <i>ODFW</i>	

#### Call to Order and Introductions

Pat Davis called the meeting to order and led introductions. The council reviewed minutes from the last council meeting, Bob moved to accept the minutes, John seconded and the motion passed.

#### County Appointments for Watershed Council Board members

Pat shared a list of possible members for the council from the by-laws and Anna discussed the by-laws for council membership, as well as board membership. She pointed out the requirements for term length and told the board they would need to serve a 3 year term. Pat shared that he would prefer a board member from each irrigation district for possible members to consider. The council discussed different options for potential members and held an election based on those in attendance. Volunteers included Bob Larsell from Juniper Flat, Kenneth Martin from the White River Wildlife Area, Pat Davis, Rob Groce, and John McElheran. Pat asked for a motion to accept the board members listed above. John moved to approve, Kenneth seconded and the motion passed.

#### Council Self-Evaluation Subcommittee Appointment

Anna presented the board with a brief explanation of the self-evaluation that occurs every 2 years that OWEB requires each Watershed Council to complete in order to keep receiving council support funds. The evaluation is designed to help the coordinator develop future work plans and to identify opportunities for improvement.

Anna broke down the elements involved in the self-evaluation to the council page-by-page. Pat and Anna took turns going down the lists and had the council members rate each action. The council agreed on the self-evaluation packet while they discussed each topic and sub-section.

The members also shared opinions on their personal "to do" list for the Watershed Council. Many of the members expressed that they would like to reach out to a more diverse group to make the council more well-rounded, since it consists now of irrigation districts and the White River Management area. Pat also added that he would like to be more competitive for grants by getting the city of Maupin involved, and possibly the Warm Springs tribe, instead of having the vast majority of the council be irrigators. Rod French made the point that if the council would like a stronger proposal, they would really need to focus on the conservation benefits of a project to open up some more opportunities for funding.

### **Work Plan Review and Approval: July 1, 2013-June 30, 2014**

Anna gave a quick overview of what a work plan is and how the council may prioritize each project. She also gave a method of voting that the council agreed upon. All attending members reviewed the work plan with a lot of different discussions to figure out what they thought should be the main focus now. The council agreed all irrigation ditch piping is a high priority; water quantity projects were rated as a high priority level; and habitat wetland restoration was voted as a low priority. Even though Juniper thinning is a big problem with the trees sucking up all of the water, it was eventually rated as a medium priority level.

### **Upcoming Funding Opportunities**

Anna shared the following upcoming funding opportunities: the Lower Deschutes OWEB Small Grant Program; Wasco County Soil and Water Conservation District (SWCD) Cost-Share Program; OWEB Restoration & Technical Assistance Grants; and NRCS Technical & Financial Assistance for Water Management Conservation in the White River Watershed. Each of the programs were listed in the agenda with details concerning how much money is available, deadlines, and a brief description of what each grant entails. For more information, contact Anna Buckley at 541-296-6178 x119.

### **Announcements**

Josh Thompson gave a quick breakdown of the current projects going on in the conservation district for the White River Watershed. He showed the council just how complex these projects can be. The main example was the funding for the piping of Rock Creek. He stated that once Rock Creek is completed, half of the cubic feet per second (cfs) will run to the Three Mile Creek diversion. Another fraction of the cfs is going out to Round Prairie, which is currently at max capacity. The new option is to move Rock Creek and marry it with the Round Prairie diversion to simplify things. If Rock Creek receives funding, it will provide funds for the fish screens, which will free up more money for more projects.

### **Next Meeting and Agenda**

The next meeting is set for December 3<sup>rd</sup> 2013 at the Tygh School Community Center at 57594 Tygh Valley Road, in Tygh Valley. Potential topics for the agenda were discussed including a presentation from FEMA to talk about flood plains.