

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION / AGENDA Wednesday, April 2, 2014
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) [State Funding Opportunities](#), [HB4015](#), [ODOT Contract Amendment](#), [Early Learning](#)
- [Consent Agenda](#) (Items of a routine nature: minutes, documents, items previously discussed.) [Minutes: 3.19.2014 Regular Session](#)

9:30 a.m. [United Way](#) – Jeff Heater

10:00 a.m. [USFS Law Enforcement Patrol Contract](#) – Lane Magill

Reconvening at PUD Meeting Room – 2345 River Front Road, The Dalles, OR

5:00 p.m. [Outdoor Mass Gathering Permit Hearing Continued](#)

NEW / OLD BUSINESS
COMMISSION CALL / REPORTS
ADJOURN



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
April 2, 2014

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

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

Changes to the Agenda

Chair Hege added the Jackson Ranch events, the Strategic Plan, the Assessor, and AOC dues to the discussion list. Commissioner Runyon added the Fort Dalles Museum to the Discussion List. Commissioner Kramer added an update on the Wolf Compensation Committee to the Discussion List. Mr. Stone added an update on the Compensation Policy roll-out to the Discussion List.

Discussion Item: State/Federal Funding Opportunities

Mr. Stone reported that he had not received any project submissions from department heads. He suggested that the County could use assistance with homeless vouchers. Commissioner Runyon said online certification for Veterans Service Office volunteers would allow them to provide more support for the Veterans Service Officer. Mr. Stone mentioned that he is not sure if the Federal Government would get involved in a parkland project; that would probably fall to Regional Solutions.

Chair Hege said he would forward these suggestions to the State.

Discussion Item: HB4015

Chair Hege commented that the language in the AOC memo did not make clear the request being made of counties. Commissioner Runyon wondered what impact, if any, this would have on the Regional Solutions Team. Mr. Stone suggested that if any member of the Board has an interest, that name should be submitted just so Wasco County has a name on the list.

Further discussion ensued speculating on the intent of the AOC memo. Commissioner Runyon expressed an interest in having his name submitted as long as it does not affect his position on the Regional Solutions Team.

Department Head: District Attorney

District Attorney Eric Nisley reported that the Administrative Rules for a marijuana dispensary ban were completed yesterday. He stated that he has reviewed an ordinance drafted by the City of the Dalles and recommends the County develop a similar ordinance with emergency passage prior to May 1st. Commissioner Runyon interjected that Planning Director John Roberts does not think anyone will apply but that is not a reason to not have an ordinance in place. DA Nisley added that he has spoken to the Sheriff who is in favor of the ordinance.

Chair Hege noted that the State law allows the prohibition of the applications for a year and asked the purpose of that. DA Nisley responded that it gives counties some time. He said some municipalities are going to draft ordinances to prohibit the dispensaries completely. He stated that he could share many stories of homes broken into for their medical marijuana grows. He added that he has provided a copy of the City's draft ordinance to Ms. White for modification for a County ordinance. The Board expressed their appreciation for DA Nisley's assistance.

Discussion Item: ODOT Contract Amendment

Chair Hege noted that the amendment increases the dollar amount of the original contract and asked if any portion of the contract funding stays within the County budget. Mr. Stone replied that he believes that the \$38,000 passes through the County to MCCOG and the \$2,000 comes to the County for administration; he will follow-up to confirm.

{{{Commissioner Kramer moved to approve Amendment Number 1 to the ODOT Agreement No. 29535 with Wasco County. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion Item: Early Learning

Commissioner Kramer reported that he had spoken with Youth Services Director Molly Rogers about the ODE transition letter; it will affect one member of Haven who works at DHS – this was an expected outcome. He said Ms. Rogers does not feel it will be an issue for the County.

Chair Hege asked if we have an approved Hub. Commissioner Kramer responded that the group is working on an RFP response which is due sometime in mid-April or early May. Mr. Stone added that this is Phase II for counties who were not selected as part of Hub in Phase I.

Chair Hege asked if we will have a Hub in place by July 1st. Commissioner Kramer replied that that is the goal; it will depend upon acceptance by State of the submitted response to their RFP.

Commissioner Runyon pointed out that there is a contingency paragraph for those who do not have a Hub. Commissioner Kramer acknowledged that as a possibility.

Discussion Item: Fort Dalles Museum

Commissioner Runyon reminded the Board members that at a previous session there had been some discussion regarding the undesirability of dual appointments to the Museum Board and the Foundation Board, although it was not included in the appointment order. After further consideration, he stated that he is withdrawing that request and leaving it for the Museum Board to address within their bylaws.

Mr. Stone reported that he had attended last night's Museum Board meeting because the Museum and Foundation are facing some challenges regarding roles and responsibilities. He said that without a central coordinator or director they are going in too many directions at once which creates issues for both organizations. He said he had offered two suggestions to the Museum's Board:

1. They work with staff from both entities to develop a list of roles and responsibilities for each and then bring them together for a discussion to iron out the issues; he offered to act as facilitator.
2. His preferred option is that each entity contributes funding to bring in Six Rivers Mediation to work with the groups to find common ground.

He said that they had voted to seek proposals for mediation to facilitate a discussion around roles and responsibilities.

Commissioner Runyon observed that this effort comes back around to his original push for them to establish a set of bylaws. Mr. Stone responded that he believes they voted on bylaws last night.

Discussion Item: Strategic Planning

Mr. Stone reported that last month the Management Team met for two days – day 1 was spent on the performance evaluation process and how that ties to compensation; day 2 was spent on strategic planning – validating the mission, vision and values developed four years ago; some minor changes were made. They went on to examine overriding focus areas and strategic direction. The County has been on-track with what was decided four years ago and the management team added some to that. At next week's management team meeting they will schedule a day to complete that work.

Chief Deputy Lane Magill interjected that the 2-day work sessions were valuable. Mr. Stone added that within the County, the Sheriff's and Planning Departments have been early adopters of the process; both have developed strategic plans which they use to guide their direction. Chief Deputy Magill added that he is working with Ms. Rogers as her department develops their strategic plan.

Agenda Item: United Way

Jeff Heater handed out United Way brochures to the Board and showed a video outlining the work supported throughout the Gorge with United Way funding. He explained that a lot of new people are re-energizing the local effort and asked if they could make a presentation to employees to get one-time donations or ongoing payroll deduction donations. He explained that 99¢ of every dollar donated in the Gorge remains in the Gorge to support area programs. Through their recent allocations process they allocated \$185,000 to local programs – an increase of \$30,000 over last year.

Mr. Stone said that in the past the County has attached donation forms to paychecks but have not done payroll deductions. He asked if United Way directly interacts with the employees. Mr. Heater replied that the employee can designate a particular organization or allow United Way to place funding according to need. He explained that they would like to make a personal appeal as they find it to be more effective

than just sending out the forms. He added that donation commitments must be renewed annually which allows the employee to determine each year whether or not they wish to continue their contribution.

Commissioner Runyon suggested that it be brought to a Management Team meeting. Mr. Heater said he would make arrangements for someone to be there.

Chair Hege called for a recess at 9:50 a.m.

The Session reconvened at 9:55 a.m.

Agenda Item: USFS Contract

Chief Deputy Magill explained that this is an annually renewed contract. The only difference over last year's contract is a reduction in funding due to a Region 6 issue. Chair Hege noted that this means we will be doing the same work with fewer resources. Chief Deputy Magill said that with changes in the Courthouse Security budget, they will be able to compensate for the loss.

Commissioner Runyon asked if they would be using Reserve Officers. Chief Deputy Magill replied that this dedicated funding stream requires a sworn deputy. Mr. Stone asked if these will be overtime hours. Chief Deputy Magill replied that historically the work has been overtime but with the shift from Courthouse Security, they will be able to do it on regular time.

Commissioner Runyon asked about reimbursements. Chief Deputy Magill explained that damages to equipment along with water or meals during a search are reimbursable.

{{{Commissioner Runyon moved to approve USDA Contract FS Agreement No. 12-LE-11060600-010 M2 Cooperative Law Enforcement Annual Operating Plan and Financial Plan between the Wasco County Sheriff's Department and the USDA, Forest Service Mt. Hood Forest. Commissioner Kramer seconded the motion which passed unanimously.}}}

Chair Hege noted that the contract for State Parks should be coming through soon. Chief Magill stated that he has received the finalized draft which counsel has approved as to form and it has been returned to Parks and Recreation. He said they hope to have someone on the river by May 1st. He added that they will be moving someone out of the deputy pool and will then hire to fill the vacated position. He said

that he anticipates the loss of an additional deputy to another agency and will be hiring for that position as well.

Discussion Item: Assessor

Chair Hege reported that he and Mr. Stone will be meeting with Jill Filla-Amery on Thursday; she is the only candidate for Assessor. He said he is encouraging her to work with Interim Director Tom Linhares to develop a transition plan.

Discussion Item: AOC Dues

Mr. Stone asked the Board if they had an interest in being part of any of the voluntary items for which additional dues are paid. He observed that they have participated intermittently in the past depending on the interests of the Board. The additional dues will go toward lobbying efforts for those particular items. Some discussion ensued regarding the merits of each of the three funds.

{{{Commissioner Runyon moved to approve the AOC dues, including the three voluntary funds. Commissioner Kramer seconded the motion. Chair Hege said he is fine with that decision as long as the funds are available. Commissioner Runyon amended his motion to be subject to the availability of funds. Commissioner Kramer seconded the amended motion which passed unanimously.}}}}

Discussion Item: Jackson Ranch

Chair Hege said that the latest information is that the Jackson's are soliciting volunteers to help prepare for an event for which they do not have a permit. He stated he has spoken to Mr. Roberts who believes the County may be able to secure an injunction against them. He said he believes that there is a requirement for a public hearing for any outdoor mass gathering and he does not believe there is enough time to accomplish that prior to the planned event.

Commissioner Runyon said he had spoken to Senior Planner Joey Shearer who had said there is not enough time at this point to complete the application process. He pointed out that the Planning Department is not a police force and therefore has turned the matter over to the District Attorney and Sheriff's Office. Mr. Stone conferred with DA Nisley and reported that the District Attorney will have an opportunity to bring this issue to a judge next week.

Discussion Item: Wolf Compensation Committee

Commissioner Kramer reported that he is working with a group to set-up the Wolf Compensation Committee. There will be a meeting with the Oregon Cattlemen's Association at 6:00 p.m. on April 9th at the Imperial River Company in Maupin. He said he has slowed the process a bit to allow more time for thoughtful progression. The resulting committee will be responsible for confirming loss of livestock eligible for compensation.

Discussion Item: Compensation Survey

Mr. Stone reported that management is in the process of rolling out the new Compensation Policy and have had mixed feedback. He said they are working with the unions and waiting to see their reaction. He said if it doesn't pass, he believes it will be due to a resistance to change rather than dissatisfaction with pay.

Chair Hege asked about the schedule for implementation. Mr. Stone stated that May 1st is the target date for the salary component for non-represented employees. He explained that it will take 3 years for full implementation – next year they will jump steps for those who were not fully brought up to market this year and in year 3 they will begin pay for performance.

Discussion Item: Regional Solutions

Commissioner Runyon reported that Regional Solutions has a new Coordinator – Kate Sinner. She will be here today and Thursday; he offered to have her visit with each of the Board members if they are available. He said that he has asked State Director Annette Liebe about addressing the Pine Hollow boat ramp through Regional Solutions; she agrees that it is a good project. Commissioner Runyon would like to put together all the information and send it to her for review. He noted that for at least part of the year, Pine Hollow is the second largest community in the County.

Commissioner Kramer stated that there is an organization that has expressed interest in managing the ramps. He is working to build a file for the State Marine Board; when that is complete he will look to Regional Solutions for help.

Discussion Item: Armory Site

Mr. Stone announced that April 17th is the opening of the new Armory. He is meeting with a representative from the Oregon Military as well as someone from the

demolition crew for the old armory site; in the next 60 days that site will be cleared. He asked if any member of the Board has an interest in joining him in the process of determining the possible uses for the property. Chair Hege said he would be interested.

Mr. Stone stated that Angelo Planning is working to resolve zoning issues to clear the way forward to look at lot line adjustments.

Commission Call

Commissioner Runyon announced that the tour for the Veterans Committee and State Representatives' staff has been rescheduled for April 11th, with 17 confirmed attendees who will tour various facilities throughout the County.

Consent Agenda

Chair Hege noted some corrections to the 3.19.2014 minutes:

- Page 23 – Chris Carey should be identified with “she” rather than “he.”
- The threat to Commissioners regarding not being re-elected if they approve the WTF OMG permit application should be noted in the minutes.
- The WTF OMG Public Hearing portion of the minutes should be reviewed by Planning for accuracy.

{{{Commissioner Kramer moved to approve the Consent Agenda with noted corrections to the minutes. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege recessed the session at 10:55 a.m. to be reconvened at 5:00 p.m. at the PUD meeting room for the continuation of the What the Festival Open Mass Gathering Application Public Hearing.

Chair Hege reconvened the session at 5:00 p.m. and immediately re-opened the What the Festival Open Mass Gathering Application Public Hearing. He explained that public testimony had been accepted up to and throughout the March 19th public hearing during which the public record was closed and they have reconvened for deliberations.

Chair Hege asked if any Board member wished to disclose any interest, financial or otherwise, that would disqualify them from deliberations regarding the application. There were none.

Chair Hege asked if anyone challenged the right of any member of the Board to act on the application. There were none.

Chair Hege asked if anyone questioned the jurisdiction of the Board to hear and act upon this application. There were none.

Chair Hege asked if any member of the Board wished to disclose any ex parte communication regarding the application. There were none.

Chair Hege called upon staff to present any additional information received since the close of the 3.19.2014 hearing. Senior Planner Joey Shearer reported that on March 26, 2014, the Planning Department had received an email from the applicant's counsel offering a voluntary agreement to a condition that would limit the hours of operation and amplified music on the main stages to midnight which addresses concerns expressed by both staff and the public. He explained that they are agreeing to this in advance; should the Board move to grant the permit, this condition should be included in the motion. He said this was summarized in a memo sent to the Board and included in their packet.

Chair Hege said that one of the reasons the hearing was continued was to allow time to confer with counsel. Commissioner Kramer stated that he has had an opportunity to do that and it appears to him that Moonshine, Inc. has met all the requirements and are set to meet future requirements which satisfied his questions.

Chair Hege asked if any member of the Board had further questions of staff. Commissioner Runyon asked for clarification regarding the new condition for amplified sound. Mr. Shearer read from the staff memo:

- 1) Amplified noise will cease at the main stages (the WTF Stage and the Effin Stage) at midnight on Friday, Saturday and Sunday.
- 2) Moonshine will work with its sound engineers to direct all stage speakers in a way that minimizes, to the extent possible, off-property noise attenuation while maintaining sound quality for festival goers.

Commissioner Runyon pointed out that these are not part of state or local statute, but are voluntary. Taking that into consideration, he asked if the Board is within their prevue to add them as a condition. Mr. Shearer responded that since they are voluntarily agreeing to these conditions in advance, it is not an issue.

Commissioner Runyon noted that this had been of particular concern to him and he very much appreciates efforts by the organizers to address the expressed concerns regarding noise.

Chair Hege asked DA Nisley if he had anything to add. DA Nisley replied that he had provided an opinion in writing and was here to answer any questions the Board might have. The Board thanked him for his input.

Chair Hege asked if there were any further comments or questions from the Board. Commissioner Runyon stated that the Board has substantially explored the state requirements and regulations and have heard from all departments regarding the areas under their jurisdiction – the organizers have met or exceeded all of those items. In addition they have gone the extra mile to address concerns regarding noise.

Commissioner Kramer agreed that the organizers are in compliance above and beyond the requirements which leaves the Board no discretion to withhold the permit.

{{{Commissioner Kramer moved to approve the application PLAOMG-14-02-0001 for What the Festival Outdoor Mass Gathering with the amended Condition K. Noise listed in the staff report and added to the record. Commissioner Runyon seconded the motion and reaffirmed his appreciation of the organizers response to expressed concerns regarding noise and commended them on their professional attitude and approach. Chair Hege concurred with Commissioner Runyon's comments. The motion passed unanimously.}}}

Chair Hege closed the hearing at 5:12 p.m.

Ms. White stated that the 3.19.2014 minutes have been reviewed by Planning and corrected and are ready for signature.

Chair Hege adjourned the session at 5:13 p.m.

Summary of Actions

Motions Passed

- To approve Amendment Number 1 to the ODOT Agreement No. 29535 with Wasco County.
- To approve USDA Contract FS Agreement No. 12-LE-11060600-010 M2 Cooperative Law Enforcement Annual Operating Plan and Financial Plan between the Wasco County Sheriff's Department and the USDA, Forest Service Mt. Hood Forest.
- To approve the AOC dues, including the three voluntary funds subject to the availability of funding.
- To approve the Consent Agenda with noted corrections to the minutes.
- To approve the application PLAOMG-14-02-0001 for What the Festival Outdoor Mass Gathering with the amended Condition K. Noise listed in the staff report and added to the record.

WASCO COUNTY BOARD
OF COMMISSIONERS



Scott Hege, Commission Chair



Rod Runyon, County Commissioner



Steve Kramer, County Commissioner

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
APRIL 2, 2014**

DISCUSSION LIST

ACTION AND DISCUSSION ITEMS:

1. [State Funding Opportunities](#)
2. [HB4015](#)
3. [ODOT Contract Agreement](#)
4. [Early Learning](#)

Discussion Item
State Funding Opportunities

- [Explanatory Email](#)



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

Fwd: Approps info

2 messages

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

Tue, Mar 4, 2014 at 1:27 AM

Possible agenda item/discussion for a future meeting.

Scott

----- Forwarded message -----

From: **Julber, Susanna (Merkley)** <Susanna_Julber@merkley.senate.gov>

Date: Fri, Feb 28, 2014 at 2:40 PM

Subject: Approps info

To: "Rod Runyon (rodr@co.wasco.or.us)" <rodr@co.wasco.or.us>, "Steve Kramer (stevek@co.wasco.or.us)" <stevek@co.wasco.or.us>, Scott Hege <scotth@co.wasco.or.us>

Cc: Tyler Stone <tylers@co.wasco.or.us>

Hi Everyone,

I hope all is well. I wanted to touch base with you about the Appropriations process for the upcoming fiscal year (FY15). With the budget deal agreed to in Congress earlier this year, legislators still need to go through the traditional appropriations process to fund various programs. Because Senator Merkley sits on the Appropriations Committee, he asked me to reach out to community leaders to see if there are program areas or programs in the federal budget that are of specific concern to you and/or those you work with.

While we still can't advocate for specific earmark projects, I was thinking of some programs that might benefit Wasco County- i.e., HHS Mental Health programs or grants, fuels reduction and other USFS programs, EDA, Veterans programs, etc.... If there are programs that the County might benefit from, or more broadly have regional benefits, could you let me know? I'm happy to meet with you too, but I know everyone's time is tight and you could just email me also- I think you are all in DC next week too. We are obviously pushing hard on a stronger approp for the Gorge NSA this year as well.

No promises that we will be able to secure funding, obviously. But we can at least be weighing in on some programs that would help local and regional priorities. We ideally would like to get this info compiled by March 4, but I have a little flexibility with that date too.

Best, Susanna

Discussion Item

HB4015

- [3.18.2014 AOC Memo](#)
- [Current Oregon Solutions Network – Regional Advisory Committees](#)
- [House Bill 4015B](#)
- [Regional Solutions Region Map](#)
- [Oregon County Districts Map](#)



DATE: March 18, 2014

TO: Commissioner Gary Thompson, Commissioner Tom McCoy, Commissioner Mike Smith, Commissioner Ron Rivers, Commissioner Bob Benton, Commissioner Karen Joplin, Commissioner Maui Meyer, Commissioner Les Perkins, Commissioner Scott Hege, Commissioner Steve Kramer, Commissioner Rod Runyon

CC: Gary Thompson, David Meriwether, Lisa Howard, Annette Liebe

FROM: Mike McArthur, Executive Director

SUBJECT: HB 4015 – AOC Districts to Convene for Regional Recommendations by April 4

REGIONAL SOLUTIONS: Central Oregon – North Central Region (Counties – Sherman, Hood River, Wasco)

ATTACHMENTS: Current Oregon Solutions Network – Regional Advisory Committees, House Bill 4015B, Regional Solutions region map, Oregon county districts map

The 2014 legislature passed HB 4015B:

<https://olis.leg.state.or.us/liz/2014R1/Measures/Text/HB4015/Enrolled>

The bill directs certain state agencies to use regional priorities for community and economic development in consideration of project funding decisions made in connection with grant, loan or incentive programs.

AOC requests AOC district chairs make a recommendation, from the county commissioners and judges from each AOC district, for appointment as one of 11 Regional Solutions Advisory Committee members. I realize some boundaries are different between districts and Regional Solutions regions, but do the best to accommodate that in making your recommendation.

With recommendations received from AOC district chairs, the AOC board will forward the AOC district recommendations from the county commissioners and judges from each of the 11 Regional Solutions regions to the Governor for appointment as one of the 11 Regional Solutions Advisory Committee members.

For your information, it is anticipated that the 11 Regional Solutions Advisory Committees, once in place, will add other members (including a commissioner/judge from each county in the region) to a larger work group for the region.

Please submit your recommendations to Doris Penwell (dpenwell@aocweb.org) by April 4 in anticipation of the April 14, 2014 AOC board meeting.

Do not hesitate to contact Mike McArthur at (541) 980-2089 or Doris Penwell at (503) 884-2431 if you have any questions.

OREGON SOLUTIONS NETWORK

Regional Advisory Committees

January 13, 2014

North Coast Region

Betsy	Johnson	Oregon State Senate	Senator	Convener
Kurt	Englund	Englund Marine & Industrial Supply Co, Inc		
Larry	Galizio	Clatsop Community College	President	
Tony	Hyde	Columbia County Board of Commissioners	Commissioner	
Shirley	Kalkhoven	City of Nehalem	Mayor	
Mark	Labhart	Tillamook County Board of Commissioners	Commissioner	
Don	Larson	City of Seaside	Mayor	
Hal	Snow, Esp.	Snow & Snow		

Mid-Willamette Valley Region

Jackie	Winters	Oregon State Senate	Senator	Convener
Jim	Bernau	Willamette Valley Vineyards	President	
Sam	Brentano	Marion County Board of Commissioners	Commissioner	
Jody	Christensen	McMinnville Economic Development Partnership	Executive Director	
Chane	Dillard Griggs	Oregon Community Foundation	Regional Director, Northern Willamette Valley	
Kathryn	Figley	City of Woodburn	Mayor	
Chad	Freeman	SEDCOR	President	
John	McArdle	City of Independence	Mayor	
Linda	Norris	City of Salem	City Manager	
Craig	Pope	Polk County Board of Commissioners	Commissioner	
Cheryl	Roberts, Ed.D.	Chemeketa Community College	President	
George	Smith	NORPAC Foods, Inc.	President & CEO	
Mary	Stern	Yamhill County & Mid-Valley Council of Governments	Commissioner	
Mark	Weiss	Western Oregon University	President	

OREGON SOLUTIONS NETWORK

Regional Advisory Committees

January 13, 2014

South Willamette Valley Region

Lee	Beyer	Oregon State Senate	Senator	Convener
Kimberly	Andrews Espy, Ph.D.	University of Oregon	Vice President for Research & Innovation	
Kathleen	Cornett	Oregon Community Foundation	Vice President for Grants & Programs	
Nick	Fowler	Perpetua Power Source Technologies	CEO	
Gregory	Hamann, Ph.D.	Linn-Benton Community College	President	
Don	Mann	Port of Newport	General Manager	
Julie	Manning	City of Corvallis	Mayor	
John	Pascone	AMEDC	President	
Kitty	Piercy	City of Eugene	Mayor	
Richard	Spinrad, Ph.D.	Oregon State University	Vice President for Research	
Faye	Stewart	Lane County Board of Commissioners	Commissioner	
Vacant		Lane Metro Partnership	Executive Director	

South Coast/Umpqua Region

Keith	Tymchuk	City of Reedsport	Mayor	Convener
Dave	Itzen	Curry County Board of Commissioners	Commissioner	
Dave	Kronsteiner	West Coast Contractors		
Susan	Morgan	Douglas County Board of Commissioners	Commissioner	
Patty	Scott	Southwestern Oregon Community College	President	
Jim	Seeley	Wild Rivers Coast Alliance	Executive Director	
John	Sweet	Coos County Board of Commissioners	Commissioner	

OREGON SOLUTIONS NETWORK

Regional Advisory Committees

January 13, 2014

Southern Region

Bill	Thorndike	Medford Fabrication	President	Convener
Mary	Cullinan	Southern Oregon University	President	
Simon	Hare	Josephine County Board of Commissioners	Commissioner	
David	Lohman	Oregon Transportation Commission	Commissioner	
Emily	Mostue	The Carpenter Foundation	President	
John	Roberts	Water Resources Commission	Commissioner	
Ann	Root	Business Development Corp. & Oregon Business Development Commission member		
Don	Skundrick	Jackson County Board of Commissioners	Commissioner	
Dan	Thorndike	Oregon Watershed Enhancement Board	Commissioner	
Judy	Uherbelau	Environmental Quality Commission	Commissioner	

Metro Region

Bill	Wyatt	Port of Portland	Executive Director	Convener
Nick	Fish	City of Portland	City Commissioner	
Tom	Hughes	Metro	Council President	
Diane	McKeel	Multnomah County Board of Commissioners	Commissioner	
Sean	Robbins	Greater Portland, Inc.	CEO	
Dave	Robertson	Portland General Electric	Vice President for Public Policy	
Roy	Rogers	Washington County Board of Commissioners	Commissioner	
Martha	Schrader	Clackamas County Board of Commissioners	Commissioner	
Doug	Stamm	Meyer Memorial Trust	CEO	
Carl	Talton	Portland Family of Funds	CEO	

OREGON SOLUTIONS NETWORK

Regional Advisory Committees

January 13, 2014

Wim	Wiewel	Portland State University	President	
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North Central Region

Mike	McArthur	Association of Oregon Counties	Executive Director	Convener
Jeff	Anderson	Oregon Community Foundation	Executive Vice President, Chief Operating Officer	
Ken	Bailey	Orchard View Farms		
Mike	Courtney	Port of The Dalles		
Cliff	Jett	City of Rufus	Mayor	
Steve	Lawrence	City of The Dalles	Mayor	
Lonny	Macy	Confederated Tribes of Warm Springs	Economic Development Planner	
Jeff	Nicol	Gorge Tech Alliance		
Rod	Runyon	Wasco County Board of Commissioners	Commissioner	
Frank	Toda	Columbia Gorge Community College	President	

Central Region

Michael	Hollern	Brooks Resources Corporation	CEO	Convener
Julie	Gregory	Oregon Community Foundation	Regional Director	
John	Hatfield	Jefferson County Board of Commissioners	Commissioner	
Rebecca "Becky"	Johnson	Oregon State University, Cascades Campus	Vice President	
Ken	Mulenex	City of La Pine	Mayor	
Betty	Roppe	City of Prineville	Mayor	
Amy	Tykeson	Bend Broadband	President/CEO	
Alan	Unger	Deschutes County Board of Commissioners	Commissioner	

OREGON SOLUTIONS NETWORK

Regional Advisory Committees

January 13, 2014

South Central Region

Jane	O'Keeffe			Convener
Ed	Case, IV	The Klamath Tribe	Planning Director	
Bridgitte	Griffin	South Valley Bank & Trust	VP/Regional Credit Administrator	
Dennis	Linthicum	Klamath County	Commissioner	
Chris	Maples	Oregon Institute of Technology	President	
Ken	McCoy	City of Bonanza	City Councilor	
Trish	Seiler	City of Klamath Falls	City Councilor	
Ray	Simms	Town of Lakeview	Town Manager	
Brad	Winters	Lake County Board of Commissioners	Commissioner	

Greater Eastern Region

Bob	Davies	Eastern Oregon University	President	Convener
Art	Andrews	Malheur Lumber Company		
Steve	Grasty	Harney County	Judge	
Phil	Houk	City of Pendleton	Mayor	
Bob	Levy	L & L Farms		
Mike	McLoughlan	City of Vale	Mayor	
Gary	Neal	Port of Morrow	General Manager	
Steve	Shaffer	Gilliam County	Judge	

Northeast Region

Bob	Davies	Eastern Oregon University	President	Convener
Jim	Jones	Northwood Manufacturing	CEO	
Daniel	Pokorney	City of La Grande	Mayor	
Dennis	Sands	City of Joseph	Mayor	
Fred	Warner	Baker County Board of Commissioners	Commissioner	

B-Engrossed House Bill 4015

Ordered by the House March 3
Including House Amendments dated February 14 and March 3

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Rural Communities)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs certain state agencies to use regional priorities for community and economic development in consideration of project funding decisions made in connection with grant, loan or incentive programs. Specifies other considerations **certain** state agencies are to use in making decisions about which projects to undertake.

[Requires state agencies to collaborate with Regional Solutions Program to integrate state investments, services and resources.]

Directs natural resource agencies to collaborate to develop and deliver plan to Governor describing how natural resource agencies shall participate in regional solutions teams.

Directs regional solutions coordinators to convene affected stakeholders with assistance of Oregon Consensus Program in Mark O. Hatfield School of Government to seek to resolve disputed issues with respect to regional implementation project proposals that involve significant environmental issues.

Requires regional solutions advisory committees to consider whether regional implementation project proposals seek to address state's economically, socially and environmentally sustainable goals and objectives.

Directs Governor and Director of Oregon Department of Administrative Services to develop process to provide public notice and opportunity for public comment, and for consideration of public comments, at regional solutions advisory committee meetings where establishment of regional priorities and regional implementation project proposals are being considered.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to state agency alignment with regional community and economic development priorities; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 3 of this 2014 Act:

(1) "Community and economic development" means development that:

(a) Relates to, supports and promotes the policies and objectives of the Regional Solutions Program established under section 3 of this 2014 Act;

(b) Promotes, expands or prevents the decline of local, regional and statewide industries and businesses located or to be located in Oregon;

(c) Creates jobs or prevents the loss of jobs in Oregon; and

(d) Improves the economy in Oregon.

(2) "Grant, loan or incentive program" means any program or other type of undertaking that a state agency has been authorized by the Legislative Assembly to establish, implement and fund and that has as one or more of its purposes community and economic development in a region, or that will affect community and economic development in a region of this state.

NOTE: Matter in boldfaced type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in boldfaced type.

1 (3) "Local government" means a city, county, authority or entity organized under state
2 statute or city or county charter, and includes any council of governments created under
3 ORS chapter 190.

4 (4) "Natural resource agency" means the State Department of Agriculture, the Water
5 Resources Department, the State Department of Fish and Wildlife, the State Forestry De-
6 partment, the Department of State Lands, the State Department of Geology and Mineral
7 Industries and the State Marine Board.

8 (5) "Region" means an economic development district in Oregon, created by the Eco-
9 nomic Development Administration of the United States Department of Commerce, for which
10 a regional solutions center has been established under section 3 of this 2014 Act.

11 (6) "State agency" means an officer, board, commission, department, division, institution,
12 branch or agency in the executive or administrative branch of state government.

13 SECTION 2. In awarding grants, loans or incentive funds for projects undertaken in
14 connection with grant, loan or incentive programs, state agencies listed in section 3 (3)(a)(A)
15 to (E) of this 2014 Act shall, consistent with the programs' enabling legislation, rules and
16 regulations, use regional priorities for community and economic development as described
17 in section 3 of this 2014 Act in the consideration of project funding decisions and base deci-
18 sions of which projects to undertake upon whether the project will:

19 (1) Use regional and community-based problem solving.

20 (2) Support regional and community-based means of integrating state and local resources
21 and services.

22 (3) Create jobs in relation to the economy and population of the region directly impacted
23 by the project.

24 (4) Involve investment of capital in relation to the economy and population of the region
25 directly impacted by the project.

26 (5) Have community support, as indicated by the support of the governing body of the
27 local government.

28 (6) Have obtained appropriate land use and environmental reviews and authorizations
29 prior to utilization of funds.

30 SECTION 3. (1) The Regional Solutions Program is established within the office of the
31 Governor, in collaboration with state agencies, consisting of regional solutions centers de-
32 scribed in subsection (2) of this section, regional solutions teams described in subsection (3)
33 of this section and regional solutions advisory committees described in subsection (4) of this
34 section. The program shall work with state agencies, local governments, public and private
35 entities, philanthropic organizations and academic institutions, as appropriate, to develop
36 and coordinate regional implementation projects, identify regional priorities for community
37 and economic development, address issues and seize opportunities.

38 (2) The Regional Solutions Program includes regional solutions centers located through-
39 out this state. The centers provide a physical location for, and serve as the primary place
40 for the business and operations of, the regional solutions teams and the regional solutions
41 advisory committees.

42 (3)(a) Each regional solutions team shall include a regional solutions coordinator and
43 staff. Staff may include, but is not limited to, employees and representatives of the following
44 state agencies:

45 (A) The Department of Environmental Quality;

1 (B) The Department of Land Conservation and Development;

2 (C) The Department of Transportation;

3 (D) The Housing and Community Services Department;

4 (E) The Oregon Business Development Department; and

5 (F) Other state agencies identified by the regional solutions coordinator and the regional
6 solutions advisory committee to participate as necessary.

7 (b) Regional solutions teams shall operate in conjunction and consultation with regional
8 solutions advisory committees.

9 (c) Regional solutions teams shall address community and economic development by
10 working to address regional issues, priorities and opportunities and leveraging funding op-
11 portunities for sound and long-term economic growth.

12 (d) The directors and staff of the state agencies listed in paragraph (a) of this subsection
13 and natural resource agencies shall work with regional solutions coordinators and regional
14 solutions teams to fulfill regional priorities, in coordination with the office of the Governor.

15 (e) Regional solutions teams shall review and evaluate regional implementation project
16 proposals submitted in consultation with regional solutions advisory committees.

17 (f) In considering, reviewing or undertaking regional implementation project proposals
18 or projects that involve significant environmental issues, regional solutions coordinators
19 shall convene all affected stakeholders with the assistance of the Oregon Consensus Program
20 established within the Mark O. Hatfield School of Government for the purpose of providing
21 alternative dispute resolution services to seek to resolve disputed issues, if any.

22 (4)(a) A regional solutions advisory committee shall be appointed for each region. Each
23 committee shall consist of a minimum of five members appointed by the Governor, and
24 serving at the pleasure of the Governor, as follows:

25 (A) One local convenor who represents the region, who shall serve as chairperson of the
26 committee;

27 (B) One representative recommended by the executive body of the Association of Oregon
28 Counties;

29 (C) One representative recommended by the executive body of the League of Oregon
30 Cities;

31 (D) One person who represents local and regional business and industry interests; and

32 (E) One person who represents philanthropic organizations.

33 (b) Regional solutions advisory committees shall:

34 (A) Establish regional priorities for community and economic development in the region;

35 (B) Assist regional solutions coordinators and regional solutions teams with obtaining,
36 and connecting to, resources and funding; and

37 (C) Consider, review and recommend regional implementation project proposals.

38 (c) In considering, reviewing and recommending regional implementation project pro-
39 posals under this subsection, regional solutions advisory committees shall consider whether
40 the project proposal seeks to address the state's economically, socially and environmentally
41 sustainable goals and objectives described in ORS 184.423.

42 (d) Members of the regional solutions advisory committees are not entitled to compen-
43 sation for the performance of official duties and responsibilities.

44 (e) The regional solutions coordinators and regional solutions teams shall provide staff
45 to the regional solutions advisory committees as necessary to allow the committees to carry

1 out the provisions of paragraph (b) of this subsection.

2 **SECTION 4.** On or before July 1, 2014, natural resource agencies as defined in section 1
3 of this 2014 Act shall collaborate to develop and deliver a plan to the Governor that describes
4 how natural resource agencies shall participate in regional solutions teams.

5 **SECTION 5.** Before the beginning of the 2015 regular legislative session, the Governor
6 and the Director of the Oregon Department of Administrative Services shall develop a pro-
7 cess to provide public notice and the opportunity for public comment, and for consideration
8 of public comments, at regional solutions advisory committee meetings where the establish-
9 ment of regional priorities for community and economic development and regional imple-
10 mentation project proposals are being considered.

11 **SECTION 6.** This 2014 Act being necessary for the immediate preservation of the public
12 peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect
13 on its passage.
14



JOHN A. KITZHABER, M.D.

GOVERNOR

Valley North Coast

- North Coast Region
- Mid-Valley Region
- South Valley Region

Southern Oregon

- South Coast Region
- Southern Oregon Region

Metro

- Metro Region

Central Oregon

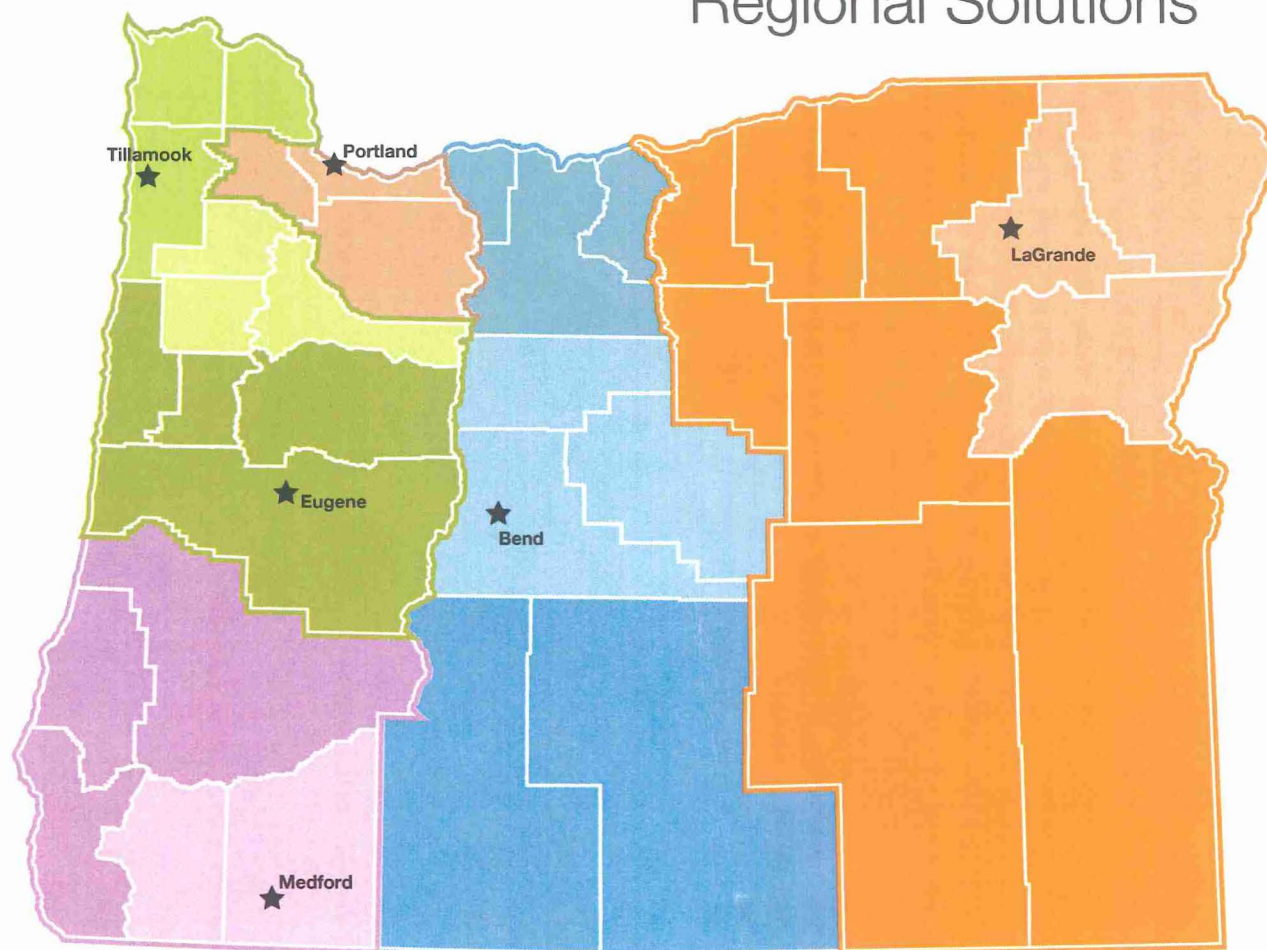
- Central Region
- North Central Region
- South Central Region

Eastern Oregon

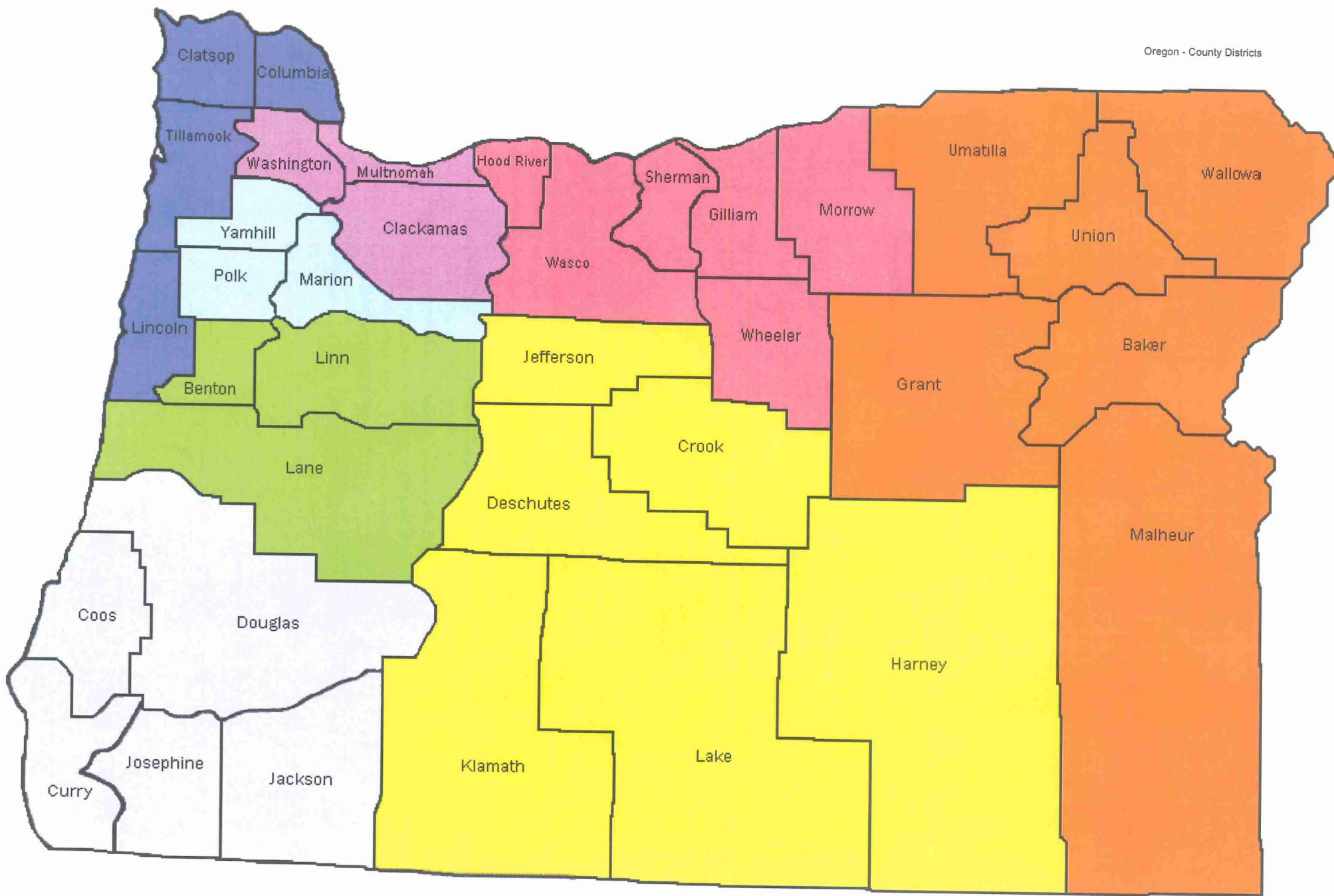
- Greater Eastern Oregon Region
- Northeast Oregon Region

★ Regional Solutions Center

Regional Solutions



Oregon - County Districts



Discussion Item
ODOT Contract Amendment

- [Explanatory Email](#)
- [Original Contract 29535](#)
- [Contract 29535 Amendment 1](#)



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

Fwd: Ready for signature: Amendment No. 1 to Agreement 29535 - Wasco County

1 message

Teresa Chavez <teresac@co.wasco.or.us>

Thu, Mar 20, 2014 at 3:22 PM

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

Kathy,
See below the email I received from ODOT. Once the agreement is signed would you send it to me.
Thank you!

----- Forwarded message -----

From: **ODOTPTDReporting** <ODOTPublicTransitReporting@odot.state.or.us>

Date: Wed, Mar 19, 2014 at 1:22 PM

Subject: Ready for signature: Amendment No. 1 to Agreement 29535 - Wasco County

To: "teresac@co.wasco.or.us" <teresac@co.wasco.or.us>

Cc: BRAMLETT Joni D <Joni.D.BRAMLETT@odot.state.or.us>

Ms. Teresa Chavez
Wasco County

Re: ODOT Agreement Number 29535

Dear Ms. Chavez:

Please find Amendment No. 1 of Agreement Number 29535 between ODOT Rail and Public Transit Division and Wasco County attached to this email.

ODOT Rail and Public Transit Division needs only one signed original of this Amendment for execution.

After the Amendment is reviewed and the signature page is signed and dated by the appropriate person(s), you may scan and email the signature page with original signature(s), to ODOTPTDReporting@odot.state.or.us. (You may also fax or mail the Amendment if you prefer. The Division's contact information is at the end of this message.)

ODOT Rail and Public Transit Division personnel will review, then sign and date, the Amendment. When this is complete, our representative will send a complete original to your agency via postal mail. Please be aware that the Amendment is not executed until all required parties have signed and dated the Amendment.

Please call 503-986-3300 if you have questions or if we can assist you in any way.

Thank you,

FILED
WASCO COUNTY

Misc. Contracts and Agreements
Agreement No. 29535
Operating STATE

2013 SEP 10 A 8:11 PUBLIC TRANSIT DIVISION
OREGON DEPARTMENT OF TRANSPORTATION

LINDA BROWN
COUNTY CLERK

This Agreement is made and entered into by and between the **State of Oregon**, acting by and through its Department of Transportation, Public Transit Division, hereinafter referred to as "State," and **Wasco County**, hereinafter referred to as "Recipient," and collectively referred to as the "Parties." Recipient is an "STF Agency" as that term is defined in OAR 732-005-0010.

AGREEMENT

1. **Effective Date.** This Agreement shall become effective on the later of **July 1, 2013** or the date when this Agreement is fully executed and approved as required by applicable law. Unless otherwise terminated or extended, Grant Funds under this Agreement shall be available for Project Costs incurred on or before **June 30, 2015** (Expiration Date). No Grant Funds are available for any expenditures after the Expiration Date. State's obligation to disburse Grant Funds under this Agreement shall end as provided in Section 6.b.iv of this Agreement.
2. **Agreement Documents.** This Agreement consists of this document and the following documents, all of which are attached hereto and incorporated herein by reference:

Exhibit A: Project Description and Budget

Exhibit B: Financial Information

Exhibit C: Subcontractor Insurance

In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The precedence of each of the documents comprising this Agreement is as follows, listed from highest precedence to lowest precedence: this Agreement without Exhibits; Exhibit A; Exhibit B; Exhibit C.



3. **Project Cost; Grant Funds.** State shall provide Recipient Grant Funds in an amount not to exceed **\$111,599.00**. Recipient acknowledges and agrees that State may change the amount of Grant Funds available under this Agreement, based on availability of funds and other factors as determined by State, upon notification to Recipient in accordance with Section 11.g of this agreement. State and Recipient agree that in no event shall the amount State provides to Recipient be less than the Minimum Allocation determined as provided in OAR 732-010-0010.
4. **Project.** The Grant Funds shall be used solely for the Project described in Exhibit A and shall not be used for any other purpose. No Grant Funds will be disbursed for any changes to the Project unless such changes are approved by State by amendment pursuant to Section 11.d hereof.
5. **Progress Reports.** Recipient shall submit quarterly progress reports to State no later than 45 days after the close of each quarterly reporting period. Reporting periods are July through September, October through December, January through March, and April through June. Reports must be in a format acceptable to State and must be entered into the Oregon Public Transit Information System (OPTIS), which may be accessed at <http://www.oregon.gov/odot/pt/>. If Recipient is unable to access OPTIS, reports must be sent to ODOTPTDReporting@odot.state.or.us. Reports shall include a statement of revenues and expenditures for each quarter, including documentation of local match contributions and expenditures. State reserves the right to request such additional information as may be necessary to comply with federal or state reporting requirements.
6. **Disbursement and Recovery of Grant Funds.**
 - a. **Disbursement Generally.** Disbursement Generally. State shall make quarterly installment payments to Recipient within 30 days of the beginning of each calendar quarter described in Section 5. State shall determine the amount of each quarterly payment based on the Grant Funds stated in Section 3 divided by the number of

calendar quarters for which payments are scheduled to be made, with any adjustments as may be determined by State if Grant Funds are adjusted as provided in Section 3.

- b. **Conditions Precedent to Disbursement.** State's obligation to disburse Grant Funds to Recipient is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:
 - i. State has received funding, appropriations, limitations, allotments or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to make the disbursement.
 - ii. Recipient is in compliance with the terms of this Agreement.
 - iii. Recipient's representations and warranties set forth in Section 7 hereof are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.
 - iv. All Grant Funds previously disbursed have been used in accordance with OAR Chapter 732.
 - v. Any audit findings relating to Recipient's use of funds under this Agreement or any other agreement with State have been resolved.
- c. **Recovery of Grant Funds.** Any funds disbursed to Recipient under this Agreement that are expended in violation or contravention of one or more of the provisions of this Agreement ("Misexpended Funds") or that remain unexpended on the earlier of termination or expiration of this Agreement must be returned to State. Recipient shall return all Misexpended Funds to State promptly after State's written demand and no later than 15 days after State's written demand. Recipient shall return all Unexpended Funds to State within 14 days after the earlier of expiration or termination of this Agreement.

7. **Representations and Warranties of Recipient.** Recipient represents and warrants to State as follows:

- a. **Organization and Authority.** Recipient is duly organized and validly existing under the laws of the State of Oregon and is eligible to receive the Grant Funds. Recipient has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder, and the making and performance by Recipient of this Agreement (1) have been duly authorized by all necessary action of Recipient and (2) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Recipient's Articles of Incorporation or Bylaws, if applicable, (3) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Recipient is a party or by which Recipient or any of its properties may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Recipient of this Agreement.
- b. **Binding Obligation.** This Agreement has been duly executed and delivered by Recipient and constitutes a legal, valid and binding obligation of Recipient, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.
- c. **No Solicitation.** Recipient's officers, employees, and agents shall neither solicit nor accept gratuities, favors, or any item of monetary value from contractors, potential contractors, or parties to subagreements, except as permitted by applicable law. No member or delegate to the Congress of the United States or State of Oregon employee shall be admitted to any share or part of this Agreement or any benefit arising therefrom.
- d. **No Debarment.** Neither Recipient nor its principals is presently debarred, suspended, or voluntarily excluded from this federally-assisted transaction, or proposed for debarment, declared ineligible or voluntarily excluded from participating

in this Agreement by any state or federal agency. Recipient agrees to notify State immediately if it is debarred, suspended or otherwise excluded from this federally-assisted transaction for any reason or if circumstances change that may affect this status, including without limitation upon any relevant indictments or convictions of crimes.

The warranties set in this section are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

8. **Records Maintenance and Access; Audit.**

- a. **Records, Access to Records and Facilities.** Recipient shall make and retain proper and complete books of record and account and maintain all fiscal records related to this Agreement and the Project in accordance with all applicable generally accepted accounting principles, generally accepted governmental auditing standards and state minimum standards for audits of municipal corporations. Recipient shall require that each of its subrecipients and subcontractors complies with these requirements. State, the Secretary of State of the State of Oregon (Secretary), the United States Department of Transportation (USDOT), the Federal Transit Administration (FTA) and their duly authorized representatives shall have access to the books, documents, papers and records of Recipient that are directly related to this Agreement, the funds provided hereunder, or the Project for the purpose of making audits and examinations. In addition, State, the Secretary, USDOT, FTA and their duly authorized representatives may make and retain excerpts, copies, and transcriptions of the foregoing books, documents, papers, and records. Recipient shall permit authorized representatives of State, the Secretary, USDOT and FTA to perform site reviews of the Project, and to inspect all vehicles, real property, facilities and equipment purchased by Recipient as part of the Project, and any transportation services rendered by Recipient.
- b. **Retention of Records.** Recipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the Grant Funds or the Project for a minimum of six (6) years, or such longer period as may be required by other provisions of this Agreement or applicable law, following the Expiration Date. If there are unresolved audit questions at the end of the six-year period, Recipient shall retain the records until the questions are resolved.
- c. **Expenditure Records.** Recipient shall document the expenditure of all Grant Funds disbursed by State under this Agreement. Recipient shall create and maintain all expenditure records in accordance with generally accepted accounting principles and in sufficient detail to permit State to verify how the Grant Funds were expended.
- d. **Audit Requirements.**
 - i. Recipient shall, at Recipient's own expense, submit to State, Public Transit Division, 555 13th Street NE, Suite 3, Salem, Oregon, 97301-4179 or to ODOTPTDreporting@odot.state.or.us, a copy of, or electronic link to, any annual audit covering the funds expended under this Agreement by Recipient or a party to any subagreement with Recipient, as well as the annual audit of any subrecipient(s), contractor(s), or subcontractor(s) of Recipient responsible for the financial management of funds received under this Agreement.
 - ii. Recipient shall save, protect and hold harmless State from the cost of any audits or special investigations performed by the Secretary with respect to the funds expended under this Agreement. Recipient acknowledges and agrees that any audit costs incurred by Recipient as a result of allegations of fraud, waste or abuse are ineligible for reimbursement under this or any other agreement between Recipient and State.

9. **Recipient Subagreements and Procurements**

- a. **Subagreements.** Recipient may enter into agreements with sub-recipients, contractors or subcontractors (collectively, "subagreements") for performance of the Project.

- i. All subagreements must be in writing executed by Recipient and must incorporate and pass through all of the applicable requirements of this Agreement to the other party or parties to the subagreement(s). Use of a subagreement does not relieve Recipient of its responsibilities under this Agreement.
- ii. Recipient agrees to provide State with a copy of any signed subagreement upon request by State. Any substantial breach of a term or condition of a subagreement relating to funds covered by this Agreement must be reported by Recipient to State within ten (10) days of its being discovered.

b. **Subagreement indemnity; insurance.**

Recipient's subagreement(s) shall require the other party to such subagreements(s) that is not a unit of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless State and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the other party to Recipient's subagreement or any of such party's officers, agents, employees or subcontractors ("Claims"). It is the specific intention of the Parties that the State shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the State, be indemnified by the other party to Recipient's subagreement(s) from and against any and all Claims.

Any such indemnification shall also provide that neither Recipient's subrecipient(s), contractor(s) nor subcontractor(s) (collectively "Subrecipients"), nor any attorney engaged by Recipient's Subrecipient(s), shall defend any claim in the name of the State or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State may, at any time at its election, assume its own defense and settlement in the event that it determines that Recipient's Subrecipient is prohibited from defending State or that Recipient's Subrecipient is not adequately defending State's interests, or that an important governmental principle is at issue or that it is in the best interests of State to do so. State reserves all rights to pursue claims it may have against Recipient's Subrecipient if State elects to assume its own defense.

Recipient shall require the other party, or parties, to each of its subagreements that are not units of local government as defined in ORS 190.003 to obtain and maintain insurance of the types and in the amounts provided in Exhibit C to this Agreement.

- c. **Procurements.** Recipient shall make purchases of any equipment, materials, or services for the Project under procedures that comply with Oregon law, including all applicable provisions of the Oregon Public Contracting Code and rules.

10. **Termination**

- a. **Termination by State.** State may terminate this Agreement effective upon delivery of written notice of termination to Recipient, or at such later date as may be established by State in such written notice, if:
 - i. Recipient fails to perform the Project within the time specified herein or any extension thereof or commencement, continuation or timely completion of the Project by Recipient is, for any reason, rendered improbable, impossible, or illegal; or
 - ii. State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement; or
 - iii.

Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement; or

- iv. The Project would not produce results commensurate with the further expenditure of funds; or
 - v. Recipient takes any action pertaining to this Agreement without the approval of State and which under the provisions of this Agreement would have required the approval of State.
- b. **Termination by Recipient.** Recipient may terminate this Agreement effective upon delivery of written notice of termination to State, or at such later date as may be established by Recipient in such written notice,:
- i. Upon notification to State of its desire to withdraw from eligibility to receive the Grant Funds and providing to State a reason acceptable to State for the withdrawal; or
 - ii. If federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement.
- c. **Termination by Either Party.** Either Party may terminate this Agreement upon at least ten days notice to the other Party and failure of the other Party to cure within the period provided in the notice, if the other Party fails to comply with any of the terms of this Agreement.

11. **General Provisions**

- a. **Dispute Resolution.** The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
- b. **Reserved.**
- c. **Amendments.** This Agreement may be amended or extended only by a written instrument signed by both Parties and approved as required by applicable law.
- d. **Duplicate Payment.** Recipient is not entitled to compensation or any other form of duplicate, overlapping or multiple payments for the same work performed under this Agreement from any agency of the State of Oregon or the United States of America or any other party, organization or individual.
- e. **No Third Party Beneficiaries.** State and Recipient are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly, to a third person unless such a third person is individually identified by name herein and expressly described as an intended beneficiary of the terms of this Agreement.

Recipient acknowledges and agrees that the Federal Government, absent express written consent by the Federal Government, is not a party to this Agreement and shall not be subject to any obligations or liabilities to the Recipient, contractor or any other party (whether or not a party to the Agreement) pertaining to any matter resulting from the this Agreement.

- f. **Notices.** Except as otherwise expressly provided in this Agreement, any communications between the Parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile, email, or mailing the same, postage prepaid, to Recipient Contact or State Contact at the address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either Party may hereafter indicate pursuant to this Section 11.g. Any communication or notice personally delivered shall be deemed to be given when actually delivered. Any communication or notice delivered by facsimile shall be deemed to be given when

receipt of the transmission is generated by the transmitting machine, and to be effective against State, such facsimile transmission must be confirmed by telephone notice to State Contact. Any communication by email shall be deemed to be given when the recipient of the email acknowledges receipt of the email. Any communication or notice mailed shall be deemed to be given when received.

- g. **Governing Law, Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between State (or any other agency or department of the State of Oregon) and Recipient that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County in the State of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. EACH PARTY HEREBY CONSENTS TO THE EXCLUSIVE JURISDICTION OF SUCH COURT, WAIVES ANY OBJECTION TO VENUE, AND WAIVES ANY CLAIM THAT SUCH FORUM IS AN INCONVENIENT FORUM.
- h. **Compliance with Law.** Recipient shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Agreement or to the implementation of the Project, including without limitation as described in Exhibit D. Without limiting the generality of the foregoing, Recipient expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
- i. **Insurance; Workers' Compensation.** All employers, including Recipient, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. Employer's liability insurance with coverage limits of not less than \$500,000 must be included. Recipient shall ensure that each of its subrecipient(s), contractor(s), and subcontractor(s) complies with these requirements.
- j. **Independent Contractor.** Recipient shall perform the Project as an independent contractor and not as an agent or employee of State. Recipient has no right or authority to incur or create any obligation for or legally bind State in any way. State cannot and will not control the means or manner by which Recipient performs the Project, except as specifically set forth in this Agreement. Recipient is responsible for determining the appropriate means and manner of performing the Project. Recipient acknowledges and agrees that Recipient is not an "officer", "employee", or "agent" of State, as those terms are used in ORS 30.265, and shall not make representations to third parties to the contrary.
- k. **Severability.** If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, 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 Agreement did not contain the particular term or provision held to be invalid.
- l. **Counterparts.** This Agreement may be executed in two or more counterparts (by facsimile or otherwise), each of which is an original and all of which together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
- m. **Integration and Waiver.** This Agreement, including all Exhibits, constitutes the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein

regarding this Agreement. The delay or failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by that Party of that or any other provision. Recipient, by the signature below of its authorized representative, hereby acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

The Parties, by execution of this Agreement, hereby acknowledge that each Party has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

The Oregon Transportation Commission on October 20, 2010, approved Delegation Order Number OTC-01, which authorizes the Director of the Oregon Department of Transportation to administer programs related to public transit.

On March 1, 2012, the Director approved Delegation Order Number DIR-04, which delegates the authority to approve this Agreement to the Public Transit Division Administrator.

SIGNATURE PAGE TO FOLLOW

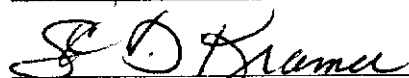
Wasco County/State of Oregon
Agreement No. 29535

Wasco County, by and through its

By 
(Legally designated representative)

Name Rod L. Runyon
(printed)

Date 8/21/2013

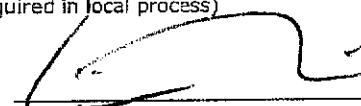
By 

Name STEVEN D. KRAMER
(printed)

Date 8/21/13

APPROVED AS TO LEGAL SUFFICIENCY

(If required in local process)

By 
Recipient's Legal Counsel

Date 8-14-13

Recipient Contact:

Teresa Chavez
511 Washington Street, Suite 207
The Dalles, OR 97058
1 (541) 506-~~2677~~ 2777
teresac@wasco.co.or.us

State Contact:

Joni Bramlett
555 13th St. NE, Ste. 3
Salem, OR 97301-4179
1 (541) 388-6185
Joni.D.BRAMLETT@odot.state.or.us

State of Oregon, by and through its
Department of Transportation

By 
H. A. (Hal) Gard
Rail and Public Transit Division Administrator

Date 29 August 2013

APPROVAL RECOMMENDED

By 

Date 7/17/2013

By _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

(For funding over \$150,000)

By N/A
Assistant Attorney General

Name _____
(printed)

Date _____

EXHIBIT A

Project Description and Budget

Project Description/Statement of Work

Project Title: Wasco County STF Formula and STO Funds 13-15				
<i>13-15 STF Formula & STO Funds</i>				
Item #1: Operating				
	Total	Grant Amount	Local Match	Match Type(s)
	\$81,599.00	\$81,599.00	\$0.00	
Item #1: Operating				
	Total	Grant Amount	Local Match	Match Type(s)
	\$30,000.00	\$30,000.00	\$0.00	
Sub Total	\$111,599.00	\$111,599.00	\$0.00	
Grand Total	\$111,599.00	\$111,599.00	\$0.00	

• **1. PROJECT DESCRIPTION**

Provide financial support for special transportation services benefiting seniors and individuals with disabilities in Wasco County. Funding may be used for the following purposes: maintenance of existing transportation programs; expansion of existing transportation programs; creation of new programs and services; planning for, and development of, access to transportation; capital purchases; and as matching funds for state and federal programs also providing transportation and services to seniors and individuals with disabilities.

2. PROJECT DELIVERABLES, TASKS and SCHEDULE

STF Agency will distribute funds to the following approved subrecipients and projects. STF Agency retains authority over costs and allocations of STF dollars accepted and may shift STF dollars between the subrecipients and projects identified in this Exhibit A, as the STF Agency deems necessary. An amendment to this Agreement will be required if there are additional subrecipients or projects.

STF FORMULA SUBRECIPIENT BUDGET JULY 1, 2013 THROUGH JUNE 30, 2014

SUBRECIPIENT: Wasco County
Administration: \$2,000

SUBRECIPIENT: Mid-Columbia Council of Governments
Operating: \$38,800

SUBRECIPIENT BUDGET JULY 1, 2014 THROUGH JUNE 30, 2015

SUBRECIPIENT: Wasco County
Administration: \$2,000

SUBRECIPIENT: Mid-Columbia Council of Governments
Operating: \$38,799

3. PROJECT ACCOUNTING and SPENDING PLAN

STF Agency will receive and disburse STF moneys from a separate governmental fund. Any money realized as a result of interest accrued will be added to the moneys and will be reported to State.

See distribution above for estimated spending plan.

4. SPECIAL TRANSPORTATION OPERATING (STO):

The STF Agency will distribute STO funds (availability of funds is contingent on budget action by the State of Oregon Legislature) to the following approved subrecipients and projects. The STF Agency retains authority over costs and allocations of STF dollars accepted and may shift STF dollars between subrecipients and projects identified in this Exhibit A, as the STF Agency deems necessary. An amendment to this Agreement will be required if there are additional subrecipients or projects.

The uses of funds of Special Transportation Operating funds are limited to operating expenses defined by OAR 732-005-0010(19): "Operating Expense" means the costs associated with the provision of transportation services. Operating expense does not include expenses associated with procuring or leasing capital equipment. Common operating expenses include, and are not limited to: personnel, insurance, utilities, vehicle and facility maintenance, professional and technical services, security, fuel and tires, purchased transportation services, personnel training, communication and technology maintenance, marketing/public information, and planning integral to the provision of transit services.

STF OPERATIONS - SUBRECIPIENT BUDGET JULY 1, 2013 THROUGH JUNE 30, 2015

*SUBRECIPIENT: Mid-Columbia Council of Governments
Operating: \$30,000*

•

EXHIBIT B

Financial Information

The information below will assist auditors to prepare a report in compliance with the requirements of the Office of Management and Budget (OMB) Circular A-133.

This Agreement is financed by the funding source indicated below:

State Program	State Funding Agency		Total State Funding
ORS 391.800 through ORS 390.830 and OAR Chapter 732, Divisions 5, 10, and 30	Oregon Department of Transportation 355 Capitol St. N.E. Salem, OR 97301-3871		\$111,599.00

Administered By Public Transit Division 555 13th St. NE, Ste. 3 Salem, OR 97301-4179
--

EXHIBIT C

Subagreement Insurance Requirements

GENERAL.

Recipient shall require in its first tier subagreements with entities that are not units of local government as defined in ORS 190.003, if any, to: i) obtain insurance specified under TYPES AND AMOUNTS and meeting the requirements under ADDITIONAL INSURED, "TAIL" COVERAGE, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before performance under the subagreement commences, and ii) maintain the insurance in full force throughout the duration of the subagreement. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to State. Recipient shall not authorize work to begin under subagreements until the insurance is in full force. Thereafter, Recipient shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. Recipient shall incorporate appropriate provisions in the subagreement permitting it to enforce compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. In no event shall Recipient permit work under a subagreement when Recipient is aware that the contractor is not in compliance with the insurance requirements. As used in this section, "first tier" means a subagreement in which the Recipient is a Party.

TYPES AND AMOUNTS.

i. **WORKERS COMPENSATION.** Insurance in compliance with ORS 656.017, which requires all employers that employ subject workers, as defined in ORS 656.027, to provide workers' compensation coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Employers liability insurance with coverage limits of not less than \$500,000 must be included.

ii. **COMMERCIAL GENERAL LIABILITY.** Commercial General Liability Insurance covering bodily injury, death, and property damage in a form and with coverages that are satisfactory to State. This insurance shall include personal injury liability, products and completed operations. Coverage shall be written on an occurrence form basis, with not less than the following amounts as determined by State:

Bodily Injury, Death and Property Damage:

\$1,000,000 per occurrence (for all claimants for claims arising out of a single accident or occurrence).

iii. **AUTOMOBILE Liability Insurance:** Automobile Liability. Automobile Liability Insurance covering all owned, non-owned and hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for "Commercial General Liability" and "Automobile Liability"). Automobile Liability Insurance must be in not less than the following amounts as determined by State:

Bodily Injury, Death and Property Damage:

\$1,000,000 per occurrence (for all claimants for claims arising out of a single accident or occurrence).

ADDITIONAL INSURED. The Commercial General Liability Insurance and Automobile Liability insurance must include State, its officers, employees and agents as Additional Insureds but only with respect to the contractor's activities to be performed under the Subcontract. Coverage must be primary and non-contributory with any other insurance and self-insurance.

"TAIL" COVERAGE. If any of the required insurance policies is on a "claims made" basis, such as professional liability insurance, the contractor shall 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 the Subcontract, for a minimum of 24 months following the later of: (i) the contractor's completion and Recipient's acceptance of all Services required under the Subcontract or, (ii) the expiration of all warranty periods provided under the Subcontract. Notwithstanding the foregoing 24-month requirement, if the 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 the contractor may request and State may grant approval of the maximum "tail" coverage period reasonably available in the marketplace. If State approval is granted, the contractor shall maintain "tail" coverage for the maximum time period that "tail" coverage is reasonably available in the marketplace.

NOTICE OF CANCELLATION OR CHANGE. The contractor or its insurer must provide 30 days' written notice to Recipient before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

CERTIFICATE(S) OF INSURANCE. Recipient shall obtain from the contractor a certificate(s) of insurance for all required insurance before the contractor performs under the Subcontract. The certificate(s) or an attached endorsement must specify: i) all entities and individuals who are endorsed on the policy as Additional Insured and ii) for insurance on a "claims made" basis, the extended reporting period applicable to "tail" or continuous "claims made" coverage.

AMENDMENT NUMBER 1
ODOT GRANT AGREEMENT NO. 29535
WASCO COUNTY

The **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as **State**, and **Wasco County**, hereinafter referred to as **Recipient**, entered into an agreement on **August 29, 2013**. Said Agreement is to secure financial assistance to complete the activities described in Exhibit A.

It has now been determined by State and Recipient that the agreement referenced above, although remaining in full force and effect, shall be amended to add funds.

Page 1, Agreement, Paragraph 3, which reads:

Project Cost; Grant Funds. State shall provide Recipient Grant Funds in an amount not to exceed **\$111,599.00**. Recipient acknowledges and agrees that State may change the amount of Grant Funds available under this Agreement, based on availability of funds and other factors as determined by State, upon notification to Recipient in accordance with Section 11.g of this agreement. State and Recipient agree that in no event shall the amount State provides to Recipient be less than the Minimum Allocation determined as provided in OAR 732-010-0010.

Shall be deleted in its entirety and replaced with the following:

Project Cost; Grant Funds. State shall provide Recipient Grant Funds in an amount not to exceed **\$141,599.00**. Recipient acknowledges and agrees that State may change the amount of Grant Funds available under this Agreement, based on availability of funds and other factors as determined by State, upon notification to Recipient in accordance with Section 11.g of this agreement. State and Recipient agree that in no event shall the amount State provides to Recipient be less than the Minimum Allocation determined as provided in OAR 732-010-0010.

Exhibit A shall be deleted in its entirety and replaced with the attached Revised Exhibit A. All references to "Exhibit A" shall hereinafter be referred to as "Revised Exhibit A."

Exhibit B shall be deleted in its entirety and replaced with the attached Revised Exhibit B. All references to "Exhibit B" shall hereinafter be referred to as "Revised Exhibit B."

This Amendment may be executed in several counterparts (facsimile or otherwise) 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.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

SIGNATURE PAGE TO FOLLOW

Wasco County, by and through its

By _____
(Legally designated representative)

Name _____
(printed)

Date _____

By _____

Name _____
(printed)

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

(If required in local process)

By _____
Recipient's Legal Counsel

Date _____

Recipient Contact:

Teresa Chavez
511 Washington Street, Suite 207
The Dalles, OR 97058
1 (541) 506-2677
teresac@co.wasco.or.us

State Contact:

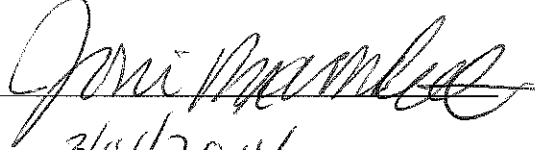
Joni Bramlett
555 13th St. NE, Ste. 3
Salem, OR 97301-4179
1 (541) 388-6185
Joni.D.BRAMLETT@odot.state.or.us

State of Oregon, by and through its
Department of Transportation

By _____
H. A. (Hal) Gard
Rail and Public Transit Division Administrator

Date _____

APPROVAL RECOMMENDED

By 
Date 3/14/2014

By _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

(For funding over \$150,000)

By _____
Assistant Attorney General

Name _____
(printed)

Date _____

N/A

Revised Exhibit A

Project Description and Budget

Project Description/Statement of Work

Project Title: Wasco County STF Formula and STO Funds 13-15 <i>13-15 STF Formula & STO Funds</i>				
Item #1: Operating				
	Total	Grant Amount	Local Match	Match Type(s)
	\$81,599.00	\$81,599.00	\$0.00	
Item #2: Operating				
	\$30,000.00	\$30,000.00	\$0.00	
Item #1: Operating				
	Total	Grant Amount	Local Match	Match Type(s)
	\$30,000.00	\$30,000.00	\$0.00	
Sub Total	\$141,599.00	\$141,599.00	\$0.00	
Grand Total	\$141,599.00	\$141,599.00	\$0.00	

• **1. PROJECT DESCRIPTION**

Provide financial support for special transportation services benefiting seniors and individuals with disabilities in Wasco County. Funding may be used for the following purposes: maintenance of existing transportation programs; expansion of existing transportation programs; creation of new programs and services; planning for, and development of, access to transportation; capital purchases; and as matching funds for state and federal programs also providing transportation and services to seniors and individuals with disabilities.

2. PROJECT DELIVERABLES, TASKS and SCHEDULE

STF Agency will distribute funds to the following approved subrecipients and projects. STF Agency retains authority over costs and allocations of STF dollars accepted and may shift STF dollars between the subrecipients and projects identified in this Exhibit A as the STF Agency deems necessary. An amendment to this Agreement will be required if there are additional subrecipients or projects.

SUBRECIPIENT BUDGET JULY 1, 2013 THROUGH JUNE 30, 2014

*SUBRECIPIENT: Wasco County
Administration: \$2,000*

*SUBRECIPIENT: Mid-Columbia Council of Governments
Administration: \$38,800*

SUBRECIPIENT BUDGET JULY 1, 2014 THROUGH JUNE 30, 2015

*SUBRECIPIENT: Wasco County
Administration: \$2,000*

*SUBRECIPIENT: Mid-Columbia Council of Governments
Administration: \$38,799*

STF SUPPLEMENTAL BUDGET UPON AMENDMENT THROUGH JUNE 30, 2015

The 2013 special session of the State of Oregon Legislature allocated additional funds to the STF program. The STF agency will distribute funds to the following approved project to support operations of the existing transportation program for the elderly, persons with disabilities, and the general public on a seat-available basis:

*SUBRECIPIENT: Wasco County
Operations: \$30,000*

3. PROJECT ACCOUNTING and SPENDING PLAN

STF Agency will receive and disburse STF moneys from a separate governmental fund. Any money realized as a result of interest accrued will be added to the moneys and will be reported to State.

See distribution above for estimated spending plan.

4. SPECIAL TRANSPORTATION OPERATING (STO):

The STF Agency will distribute STO funds (availability of funds is contingent on budget action by the State of Oregon Legislature) to the following approved subrecipients and projects. The STF Agency retains authority over costs and allocations of STF dollars accepted and may shift STF dollars between subrecipients and projects identified in this Exhibit A as the STF Agency deems necessary. An amendment to this Agreement will be required if there are additional subrecipients or projects.

The uses of funds of Special Transportation Operating funds are limited to operating expense defined by OAR 732-005-0010(19): "Operating Expense" means the costs associated with the provision of transportation services. Operating Expense does not include expenses associated with procuring or leasing capital equipment. Common Operating Expenses include and are not limited to: personnel, insurance, utilities, vehicle and facility maintenance, professional and technical services, security, fuel and tires, purchased transportation services, personnel training, communication and technology maintenance, marketing/public information, and planning integral to the provision of transit services.

SUBRECIPIENT BUDGET JULY 1, 2013 THROUGH JUNE 30, 2015

*SUBRECIPIENT: Wasco County
Operations: \$30,000*

•

Revised Exhibit B

Financial Information

The information below will assist auditors to prepare a report in compliance with the requirements of the Office of Management and Budget (OMB) Circular A-133.

This Agreement is financed by the funding source indicated below:

State Program	State Funding Agency		Total State Funding
ORS 391.800 through ORS 390.830 and OAR Chapter 732, Divisions 5, 10, and 30	Oregon Department of Transportation 355 Capitol St. N.E. Salem, OR 97301-3871		\$141,599.00

Administered By Public Transit Division 555 13th St. NE, Ste. 3 Salem, OR 97301-4179
--

Discussion Item

Early Learning

- [ODE Transition Letter](#)



Oregon Department of Education

John A. Kitzhaber, MD, Governor

Early Learning Division

775 Summer St NE

Salem, OR 97301

Voice: 503-373-0066

Fax: 503-378-5156

March 25, 2014

Dear Chair Hege,

During the first year of the 2013-15 biennium, Wasco County has continued to provide the former Commission on Children and Families funds (Healthy Families Oregon, Great Start, Children Youth and Families, and Family Preservations & Support Title IV-B2) to many early learning programs which provide great services to children and families in need. We would like to thank you for all of your hard work and dedication to the families in your communities during this transitional year.

As requested during a House Committee on Human Services & Housing hearing in February 2014, below is a detailed account of the next steps regarding the Early Learning Division funding beginning in July 2014.

On July 1, 2014 the funds that have been delivered through your county will transfer to the Early Learning Division (ELD) for administration of early learning services through Early Learning Hubs (Hub). Because it is likely that not every community across the state will be covered by a fully contracted Hub on that date, the Early Learning Division has developed the following contingency plan for communities that were not awarded a Hub in round one of the application process:

For communities that enter into Hub contract award and negotiation: Hub applicants will identify which programs to continue funding based on outcomes achieved and importance to the Hub's overall strategy for kindergarten readiness. The ELD will hold these programmatic funds for the Hub during the contracting phase and then pass to the contracted Hub for administration.

For communities that are not awarded a Hub: While the goal is statewide coverage, the Early Learning Council and the Early Learning Division are aware that some communities may wind up without Hub coverage in the next phase. If this occurs the ELD will do the following:

- Continue to administer Healthy Families Oregon through existing site administrators, transferring administration to Early Learning Hubs as they complete the contracting process with the state.
- Continue to administer Relief Nursery funding through existing Relief Nursery contracts.
- Hold back the following funding streams until the point a community reaches Hub readiness: Great Start and Family Preservation & Support Title IV-B2.



Oregon Department of Education

John A. Kitzhaber, MD, Governor

We are very excited about this transition and the implementation of Hubs statewide! Thank you for supporting Oregon's exciting future in comprehensive early learning systems.

Regards,

Jada Rupley
Early Learning System Director

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
APRIL 2, 2014**

CONSENT AGENDA

1. [3.19.2014 Regular Session Minutes](#)



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
March 19, 2014

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

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

Changes to the Agenda

Chair Hege added the Assessor's Election/Appointment and HB4015 to the Discussion List.

Commissioner Kramer added the Fair Queen Coronation to the Discussion List.

Department Head – Sheriff Eiesland Report on Missing 9-1-1 Dispatcher

Sheriff Rick Eiesland reported that missing Wasco County 9-1-1 Dispatcher Travis Church had been observed on ATM cameras in Boise. His vehicle was also observed; no one else was visible in the Jeep. It appears that he is fine; his next work day is Friday, March 21, 2014.

Sheriff Eiesland also reported that he will be having meetings with staff regarding the Compensation Study. He stated that the jail is full and he has been releasing people through the matrix system. He added that he is working with the Community Corrections and the District Attorney's Office to take Community Corrections' rehabilitation programs into consideration when making decisions regarding the release of prisoners.

Public Comment – Board of Property Tax Appeals (BOPTA)

John Hutchison, a recent appointee to BOPTA, came forward to compliment County staff on the extraordinary work they do in preparing for and supporting BOPTA hearings. He favorably compared Wasco County staff to other counties he observed during training. He described Wasco County staff as professional and well prepared; as a result, the hearings went very smoothly.

Public Comment – Jackson Ranch Events

Jeff Handley of The Dalles stated that his family owns 800 acres bordering the Jackson Ranch on the west side. He reported that the Jackson family have held three outdoor mass gatherings (OMG) without a permit with the latest being last weekend. He said that he was on his family's property and counted about 100 vehicles at the event site. He said that there was not music, just voices. The Jacksons hosted OMG events during the 2013 spring break and 2013 winter break, another this last weekend and are planning for an OMG on Memorial Day weekend – all without a permit. He pointed out that the law requires them to have at least 90 days between gatherings. He stated that he is requesting that the Board instruct the District Attorney to take civil enforcement action to prevent the Jacksons from hosting any further outdoor mass gatherings without a permit.

Commissioner Runyon stated that he had understood that Mr. Jackson had been to the Planning Department and had been told that he could not have the event. Mr. Handley responded that he has known Mr. Jackson for a long time; he will say anything that he thinks will get him what he wants.

Chair Hege asked that Mr. Handley put his request in writing, adding that the Board is already looking into developing a noise ordinance.

Gale Ordway, Pleasant Ridge Road, stated that he has property that adjoins the Jackson Ranch. He said that the Jackson Ranch has been considered farm since it was purchased and as such receives a farm subsidy. He said he does not know how they can change its use without notification. He explained that some of the issues are the increase in traffic on a gravel road that allows the passage of only one vehicle at a time, alcohol and fires. He reported that at night the OMG held bon fires. He reported that this past weekend which was advertised as workshops did not present a noise issue but past events have been unbearably loud. He observed that they should not have to wait for a catastrophe before preventative action is taken. He noted that Mr. Jackson has a well for personal use, but it may not be appropriate for use for OMG events.

Commissioner Runyon explained that the Planning Department instructed Mr. Jackson that he could not hold the event but they are not a police force with the ability to physically prevent it.

Mr. Ordway reported that for the OMG held in November, Mr. Jackson had told the planning department that there would be 50 people but there were far more than that in on-site; Mr. Jackson allegedly told neighbors he had 200 people in attendance. He stated that he believes Mr. Jackson should have to follow the same rules as the organizers of What the Festival.

Chair Hege responded that he thinks it makes sense; when the Board receives a request in writing they can take it to the District Attorney for action. He added that the County has tried to work with the Jacksons and they are not willing to comply.

Commissioner Runyon added that there is a process in place for acquiring a permit; two years ago these events were not happening in our county. He stated that the Board will welcome a written request for action.

Anita Ordway, Pleasant Ridge Road, provided documentation for what is happening at the Jackson Ranch (attached); she reviewed the packet of documents for the Board. She noted that much of the information is available on a publicly accessible Face Book page. She pointed out that they openly discuss changing the land from a ranch to a permanent festival ground with permanent structures.

Chair Hege replied that the Board has received a great deal of information today and are aware of the issues; this may be the time to involve the District Attorney. He added that the Board will be pursuing this issue.

Discussion List – Assessor's Election/Appointment

Chair Hege asked County Clerk Linda Brown to update the Board on the status of the election of the County Assessor in the wake of the passing of Wasco County Assessor Tim Lynn.

Ms. Brown explained that the Clerk's office had accepted 2 filings for the County Assessor's position prior to the 3.11.2014 filing deadline. One of the two candidates withdrew within the 3-day allowable period for withdrawals, leaving only one qualified candidate. She further explained that it is within the law for the Board to appoint that candidate as the assessor; that person would still stand for

election in November but will run unopposed. She said that there is precedence for this.

Chair Hege asked Tom Linhares, Interim Assessor's Department Director, to offer his evaluation of the options. Mr. Linhares replied that the candidate is a fee appraiser which is only one component an assessor's responsibility. Typically a new assessor comes from within the office so they are familiar with both the overall and local system. He noted that there will be a new assessors' class in January of 2015. He observed that the learning curve for Jill will be steep and there is value to bringing her in early to get to know things. He said that he could work with her through April and May but would be gone for the months of June and July and would pick up the training period in August at which time she could be "in charge" and he could act as a trainer. Alternatively, the training could wait until January when he could return and serve as a consultant. He pointed out that all of this will depend upon the availability and willingness of the candidate. As a final observation, Mr. Linhares expressed concern that she might be scared away with too much information at once.

The Board thanked both Ms. Brown and Mr. Linhares for their input.

Agenda Item – Economic Development Commission (EDC)
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MCEDD Executive Director Amanda Hoey reviewed the vacant positions on the EDC and the Commission's recommendation for appointee's to fill the vacancies as outlined in the Board Packet. She explained that for Position 1, they asked for input from Mosier City Council which has expressed their support of the appointment.

{{{Commissioner Kramer moved to approve Order #14-026 appointing Gary Grossman to the Economic Development Commission Position #9. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve Order #14-025 appointing Terry Moore to the Economic Development Commission Position #1. Commissioner Runyon seconded the motion which passed unanimously.}}}

Ms. Hoey reviewed the Enhancement Projects list included in the Board Packet. She explained that the list was developed by the EDC and once approved by the

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
MARCH 19, 2014
PAGE 5

Board of County Commissioners, the top 10 items on the list will go on to the Mid-Columbia Economic Development District for action.

Commissioner Runyon asked if #3 on the list – downtown parking – referenced a parking structure that has been proposed by the City Council. Ms. Hoey replied affirmatively. Commissioner Runyon observed that there does not seem to be a lack of parking in downtown The Dalles and asked why it is so high on the list. Ms. Hoey responded that there are other projects on the list that may not be able to move forward unless additional parking is available – it ties into the vision for the Granada block in downtown The Dalles.

Commissioner Kramer said he is not familiar with Waldron Drug, #26 on the list. Mr. Stone explained that it is a building on Reservoir Road in the Historical Commercial District that is in jeopardy unless it receives some repair and maintenance.

Chair Hege asked for more detail regarding the Co-working Center, #9 on the list. Ms. Hoey stated that it would be an incubator space for shared administrative services in a rehabilitated building. She explained that that item on the list is for a feasibility study for the project.

Ms. Hoey asked for Board approval for the list. Commissioner Runyon thanked the EDC for their work in developing the list and restated his concerns regarding the parking structure.

Joan Silver, EDC Chair, stated that any of the projects could be moved on the list at the discretion of the Board. She advised that should the Board chose to move an item, they would need to then decide what other item would move up to take its place. Commissioner Runyon noted that just because an item is on the list does not mean it will be done. Ms. Silver agreed observing that the items in the top ten have an advantage in securing funding.

Commissioner Runyon asked why waste water is at #21 on the list. Ms. Hoey replied that it has some issues relating to DEQ compliance and community readiness. Ms. Silver added that many of the items lower on the list suffer from the unwillingness of communities to assess monthly fees to maintain completed projects. Commissioner Kramer concurred saying that the waste water item languishes from a lack of leadership to bring it to fruition.

Commissioner Runyon said that while he does not agree with all of the items on the list, he appreciates the work that went into its development and would not want to see them start again to reconfigure the list.

{{{Commissioner Kramer moved to approve the Prioritized 2014 Wasco County Community Enhancement Projects List as presented. Commissioner Runyon seconded the motion which passed unanimously.}}}

Ms. Hoey reviewed the March 14th Wasco County EDC Report to the Board of County Commissioners which is included in the Board Packet. She invited the Board to join them in a meeting with the Oregon Business Council at CGCC from 1:30-2:30 p.m. on April 2nd.

Commissioner Runyon noted that he and Commissioner Kramer had attended a meeting in Dufur which focused on broadband in Wasco County. He said there is a lot going on in Wasco County that most citizens are not aware of. He expressed his hope that word can get out to the public so they can attend upcoming meetings. Commissioner Kramer added that the next meeting will be in Maupin at the Imperial River Company.

Ms. Hoey explained that they have been doing some work with south Wasco County regarding infrastructure, primarily high speed internet, and the developing enterprise centers. Commissioner Kramer announced that there will be a meeting Saturday, March 22nd from 1:00 to 3:00 p.m. at the old Wamic School for anyone who would like to follow-up on these items.

Ms. Silver requested that the Board increase their contribution to the EDC from \$35,000 to \$45,000 in the upcoming fiscal year in order for the EDC to leverage more staff time to move projects forward. She cautioned that if the projects are not supported and completed the result will be ghost towns in a matter of 20 to 30 years.

Executive Director of the Port of The Dalles Andrea Klaas agreed saying it is frustrating to not have the staff to move projects forward that have been on the list for years. She stated that they would like to have the opportunity to prove that they can move these forward and get them off the list showing a good return on the County's investment.

Agenda Item – Watershed Council Updates

Wasco County Soil and Water Conservation District (WCSWCD) Watershed Coordinator Anna Buckley introduced Phil Kaser, member of the 15-Mile Watershed Council, and Bruce Lumper, member of The Dalles Watershed Council. She then reviewed a power point presentation included in the Board Packet which gave an overview of the various watershed councils along with their recent and planned activities.

She explained that they are going through changes as a result of revisions to the State of Oregon grant agreement for funding. She explained that the changes are designed to bring the various councils together to develop a coordinated effort throughout the County. Toward that end an executive council will be formed with representatives from each of the local councils. Part of that process will include expanding the appointments the Board of County Commissioner make to the Mosier Watershed Council which has traditionally only appointed a Chair and Vice-Chair for their council, allowing all citizens within the council district to be members of the council. They will now solicit and appoint a formal group to serve as council members. All local watersheds will maintain their local councils to address their local issues, but there will be a fiscal MOU and a shared action plan.

Commissioner Runyon noted that he had attended a meeting of the Mosier Watershed Council just last night and was impressed by what he heard.

Ms. Buckley had described the challenge Mosier faces with an 80% decline in groundwater due to comingling wells. Local Contractor Wayne Lease asked for a definition of comingling wells. Ms. Buckley explained that there are different layers of basalt with various water bearing zones; when wells were sunk that traversed several layers of basalt and water but were improperly cased it created what she described as a leaky bathtub allowing water to run off into the Columbia River. The Geological Service has committed \$100,000 a year and is looking for further funding; they are evaluating comingling wells and developing a repair plan. She noted that it took 30 years for the decline of the watershed and it will take a long time to bring it back.

Ms. Buckley stated that they continue to sample Mill Creek for e-coli and work with owners to mitigate creek issues. The unidentified drainage pipe that flows

into the creek is still a mystery. Mr. Stone said that the County Surveyor has done some historical research that he offered to provide to the District.

Ms. Buckley reported that water scarcity will continue to be an issue in the 15-Mile watershed. She reminded the Board that they had provided a letter of support and WCSWCD had received an \$86,000 grant toward a feasibility study for off-site storage; the study goes through December 25, 2014.

Mr. Lumper reported that he had been at the meeting where they outlined the new rules. He learned that most of the funding comes through lottery dollars plus some federal funds.

Agenda Item – LiDAR Mapping

Planning Director John Roberts reported that no private entities have joined in to help fund the LiDAR mapping project; however, State agencies are stepping up to take advantage of the opportunity. He said that the Forest Service is contributing \$50,000 in addition to ODF's contribution. In addition, the City of The Dalles, USGS and FEMA are determining how much they can each contribute to the project.

Mr. Roberts reminded the Board that they had asked him to identify sources for County funding. He said that he has located a number of sources from which the money could be drawn:

1. \$5,000 from Planning
2. \$5,000 from Public Works
3. \$5,000 from the Surveyor
4. \$5,000 from 9-1-1
5. \$20,000 from Facility Capital Fund

He observed that the number of agencies coming on board demonstrates the need for and value of this project; he pointed out that if the County delays, the cost could be five to six times greater next year.

Information System Interim Director Paul Ferguson stated that this is a bankable asset with a rapid return on investment.

Conservation Planner Josh Thompson, with the Wasco County Soil and Water Conservation District, said that with the support of the County and the other

agencies committing support – if you were to draw a line along the reservation - the County will be covered.

Commissioner Kramer asked if this is coming out of the 2013-2014 or the 2014-2015 budget. Mr. Roberts replied that it will come out of the 2013-2014 budget.

Mr. Stone interjected that he believes the dollars are available although some capital accounts will get spent down. He stated that it is his opinion that since the Board has already committed to \$10,000, they should fully support the project and take it off the table for future years.

{{{Commissioner Kramer moved to approve up to an additional \$40,000 for the LiDAR project. Commissioner Runyon seconded the motion which passed unanimously.}}}

Agenda Item – Planning Department Workloads and Personnel
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Mr. Roberts reported that the Planning Department is beyond capacity with applications and counter activity overwhelming the staff's ability to complete everything they are asked to accomplish. He stated that the 13 special projects they have targeted are now off the table entirely along with their ability to attend meetings in the community. He stated that he is working weekends on applications that are located in the Scenic Area; associate planners are and will continue to work overtime.

Mr. Roberts said that work could be contracted out and/or they could bring the Codes Compliance officer over to do work on Type 2 applications. Neither solution is without drawbacks; for instance, reducing time for Codes Compliance will reduce fees, new applications and customer service. She would likely only be able to address only the most egregious violations.

Mr. Lease asked if Codes Enforcement protect the consumer from unlicensed contractors. Mr. Roberts replied that his department deals with land use issues; contractor issues would be handled by Building Codes or be a civil matter.

Chair Hege assured Mr. Roberts that he has the support of the Board and they will continue to talk with him about this issue in an effort to find a solution.

Agenda Item – Home at Last Lease

John Hutchison, Home at Last (HAL) Animal Shelter Board member, introduced fellow HAL Board members: Kathy Norton, Brad Lawry, and Bob Francis. He stated that the HAL Board does not expect a decision today but are here to offer information they hope will help the Board come to a decision in the future.

Mr. Hutchison provided the Board with documents (attached) outlining the history of the animal shelter and the prospect of obtaining grant funding without ownership of the shelter property. He reminded the Board that the HAL Executive Director had approached the Board of County Commissioners last year asking that they deed the property to HAL with a reversionary clause that would return the property to the County should HAL no longer wish to use it for their shelter. At that time, the Board had asked for documentation for HAL's assertion that they could not secure adequate grant funding without the support of ownership.

Mr. Hutchison read quotes from several potential grantors indicating varying levels of reluctance to provide grant funding without the stability of ownership. (see attached documentation). While there are some grantors who will not provide funding without ownership and others who will consider funding on the basis of a long-term lease, all indicated that odds for funding increased with ownership.

Mr. Hutchison stated that HAL is still requesting that the County quick claim deed the property to them with a reversionary clause saying that everyone wins – it is no-cost to taxpayers and actually saves them money plus the County gets the land back if HAL does not use it for a shelter.

Ms. Norton added that the cell tower income would also remain with the County. She noted that they recently had a shelter audit which gave them some things on which to focus and positive growth opportunities but they will require grant funding.

Chair Hege asked if they are still planning to build a new shelter. Mr. Hutchison replied that right now they need to improve the existing shelter with kennel improvement and an adequate air exchange system.

Chair Hege asked if the long-term plan is to build a new shelter. Ms. Norton replied affirmatively but the goal now is to remediate the existing facility so that it can be useful until a new shelter can be built.

Commissioner Runyon asked how many grants HAL has right now. Ms. Norton replied that she believes there are two current grants. Mr. Hutchison pointed out that not all grants are tied to shelter ownership – those dealing with education and spay/neuter programs are available even to mobile units. He noted that shelter ownership will also increase the confidence of the public when they consider donating.

Commissioner Runyon expressed his appreciation of the work that has been done by both Mr. Stone and HAL to develop this facility – it has been a great partnership. He asked Mr. Hutchison if he had disclosed that the property is leased from a government entity when he was researching and if so, did that change any of the grantors' positions on the stability of the facility. Mr. Hutchison replied that he may have said that to one or two but he had posed the question in an open-ended way. He said that one grantor had indicated that if the property is owned by a government entity, they would not provide funding. Ms. Norton added that she has seen that reaction before.

Commissioner Kramer stated that he believes the Board should seriously consider the request. Chair Hege agreed saying that it should be placed on a future agenda for a decision.

Agenda Item – Bureau of Land Management (BLM) Update

Carol Benkosky, BLM Prineville District Manager, introduced Dan Ridenour with Fire Management out of Prineville. She explained that her district covers a 13-county area. She said one of the important issues they are currently dealing with is the Lower Deschutes River (LDR); the LDR was one of the first rivers in the State to be designated as a wild and scenic river. There are tiers of management designated in the IGA – a Working Group, a Managers Group, and an Executive Group. Issues that cannot be resolved in the Working Group are moved up to the Managers Group for resolution. The Executive Group is rarely called upon to resolve issues. Recently there has been a disagreement over the definition of “consensus” within the Manager's Group – some believe a consensus is a majority while others believe it requires unanimity.

Ms. Benkosky explained that the LDR is divided into four segments. Segment 2 has white water and sees a lot of rafting especially in the summer months. The top four miles of Segment 3, below Sheer Falls, also has a lot of white water but is not designated the same as Segment 3 and therefore rafting permits are more limited. The commercial rafting tour companies will often obtain the majority of

permits available leaving very little for private citizens. The tour companies will take customers rafting through Segment 2 and then portage past the falls to use Segment 3. The Managers Group decided to try breaking the segment to add upper Segment 3 to lower Segment 2 which allows for more permitting. There was some concern about the process of making that move so they did not pursue it. They are now relying on the process of reducing the available permits by 10% each year that they exceed the limit. There has been a push to not institute the reduction this year.

Since there was not a "consensus" in the Manager's Group they have discussed moving it up to the Executive Group which would involve the State government and the 5-member local government committee. Ms. Benkosky stated that she has talked with the State Director who has a lot of questions about the IGA; however, the IGA is often vague or silent on many subjects. The Director has indicated that he does not want a situation to develop in which the Executive Group is repeatedly called upon to break a tie; before he is willing to convene the Executive Group, he wants to fully understand the basic question being asked.

Commissioner Runyon asked in which of the groups Chair Hege participates. Chair Hege replied that he is a member of all three groups.

Ms. Benkosky stated that they are sending out a scoping letter to get the process started; it takes time and there will not be a decision this year. At the beginning of the year they instituted a 10% reduction which she is not confident can be undone within the system even if the decision is made to do so.

Chair Hege stated that there was a plan for an environmental assessment which has not moved forward. The Confederated Tribes of Warm Springs, which is the dissenting vote, has stated they are willing to live by that assessment, but it hasn't happened so they agreed to put off on the 10% reduction because it punishes people without justification. The Group tried to negotiate an alternative but the tribes will not negotiate. The Tribe is the only dissenting vote, but without a clear definition of "consensus" in the IGA, their position is that it needs to be a unanimous vote.

Ms. Benkosky noted that there have been other votes that have moved forward on a non-unanimous majority so the application of the definition is inconsistent. She suggested that it may be time to rewrite or revise the IGA to clearly define terms, roles and responsibilities.

Chair Hege expressed his gratitude for the BLM involvement. He noted that no one wants to impact the resource but everyone must remember that this also has an economic impact; Maupin in particular will feel the impact on their fragile economy which survives on this industry.

Ms. Benkosky continued to review the items in her submitted written report. Regarding the Macks Canyon boat ramp, Chair Hege said that it is his understanding that the existing ramp will be used for non-motorized watercraft while the new ramp will be designated for motorized watercraft. Ms. Benkosky concurred.

Ms. Benkosky completed her review of the BLM update report and invited Chair Hege to call her for further discussions regarding the challenges of Lower Deschutes River management. The Board thanked her for the update.

Public Comment - MCCOG

Mr. Lease said that there was not enough time for him to present his topic. Chair Hege offered to place him on an upcoming agenda. Mr. Lease said he would provide the Board with some materials to read and suggested that they utilize Mr. Stone and Wasco County Finance Manager Monica Morris to help them digest the materials. He suggested that privatizing Building Codes Services could save the County money.

Chair Hege told Mr. Lease that he had recently spoken with Mr. Aherns, MCCOG Executive Director and would be happy to meet with Mr. Lease to share information and discuss his concerns.

Discussion List – Treasurer's Report

There were no questions or comments regarding the Treasurer's report.

Discussion List – Facilities and IS Requests

Mr. Stone said that if there are any Facilities or IS projects the Board would like to have explored through the budget they should get them to him as soon as possible. Commissioner Runyon said that there are windows in the judge's office that need attention. Chair Hege said he thinks that is already on the list.

Chair Hege suggested that they might think about 10th Street. Mr. Stone reported that he had received a call from the gas company to notify him of a gas main that

runs under the field; they are going to locate it and then they will have a tour of the area.

Discussion List – State Funding Opportunities

Commissioner Runyon put forward the Pine Hollow boat ramp saying that Regional Solutions might also be a place to seek funding. Chair Hege said that he is surprised that it did not appear on the EDC list. Commissioner Kramer observed that the project has no champion – everyone wants it but no one wants to take responsibility for it.

Mr. Stone reported that he had sent this out to the management team but has not received any responses.

Commissioner Runyon suggested that each Commissioner might respond to the email individually. Chair Hege stated that he thinks they might be more successful if they send in a unified request and offered to receive all the requests and move them along together.

Discussion List – HB4015

Chair Hege stated that it was difficult to discern the specific request being made of the County. Mr. Stone said he thinks each district is to recommend someone as a representative. Some discussion ensued regarding how quickly this decision needs to be made. It was determined that it must be submitted by April 4th. The Board decided to add it to the April 2nd Agenda for a final decision.

Discussion List – Predator Control Contract

Commissioner Kramer stated that it is his opinion that the County should just pay the contract as presented as it is already in the budget and there is a need for the service. He reminded the Board that they had signed the umbrella contract for services at the last meeting, this contract outlines the level of services for the 2013-2014 fiscal year.

{{{Commissioner Kramer moved to approve the 2013-2014 APHIS Predator Control Financial Plan. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Wasco County Fair Queen

Commissioner Kramer shared an invitation to the Fair Queen's coronation (attached) and invited Mr. Stone and fellow Commissioners to join in the fund raising activities.

Chair Hege asked Mr. Stone if he had anything to add before the lunch adjournment. Mr. Stone stated that there have been several meetings with staff to explain the new compensation package roll-out, the last one being this morning. He reported that there have been some people upset and others who have been thankful. Commissioner Runyon said that he had spoken with Paul from the Clerk's Office who had expressed his appreciation for the work.

Mr. Stone went on to say that the plan will roll-out to the non-represented employees on May 1st; represented employees will have to be negotiated with their unions.

Chair Hege asked if letters are going out to the non-represented employees. Mr. Stone said that the letters are being delivered by managers to their staff individually.

Consent Agenda – 3.5.2014 Minutes

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

Chair Hege recessed the session for lunch at 12:32 p.m.

Agenda – WTF OMG Permit Public Hearing

Chair Hege reconvened the session at 2:00 p.m. and immediately opened the Public Hearing, explaining the procedure that would be followed for throughout the hearing.

Chair Hege asked the Board to disclose special interest or ex parte contact. Chair Hege stated that all members of the Board have received email and voice messages regarding this issue without engaging in dialog.

Chair Hege asked if anyone in the room challenges any member of the Board's right to hear this matter or questions the Board's jurisdiction to act on behalf of Wasco County in this matter. There were none.

Chair Hege called upon Senior Planner Joey Shearer to make the staff presentation. Mr. Shearer reviewed a PowerPoint presentation (attached) stating that the permit was submitted on February 20, 2014 for a Moonshine event to be held at Wolf Run Ranch. The application has been posted online since March 6, 2014. The Planning Department sent notice of the Public Hearing to agencies and interested parties including adjacent landowners. In addition, the Staff Report has been posted online; all of these steps meet and exceed requirements for processing the application.

Mr. Shearer reported that 9 written comments (attached) have been submitted since the staff report was posted. Five comments are in support of the permit while four are opposed; three of the opposition submissions expressed concerns about the noise in both volume and time parameters for broadcast. He stated that staff considers the concerns reasonable but unmeasurable using the applicable statute – noise is not basis for denial of the permit. Staff hopes the organizers will address those issues with the community.

Mr. Shearer reminded the Board that this is not a land use decision; there is a specific process with a narrow set of rules. In attendance are representatives from partner agencies to address various portions of the requirements. He then displayed a map and described the festival site and surrounding area. He noted that the site plan is similar to the plan from last year with attendees entering at the west entrance, camping on the east half and event venues on the west half. He pointed out some directional arrows indicating the direction of sound flow.

Citing ORS 433.750, Mr. Shearer explained that the Board has limited discretion. There are no zoning regulations and this was vetted through the court last year. It meets the definition of an Outdoor Mass Gathering and the applicant has demonstrated compliance with or the ability to comply with applicable health and safety rules. He continued through the presentation to demonstrate compliance with each of the requirements and completed his report with staff's recommendation for approval of the application.

Chair Hege called upon the organizers of What the Festival to present. Keeley Montgomery, Event Organizer, thanked the County for their consideration. She reported that following last year's event they met with agency representatives for a debriefing and then again for a pre-application conference – the organizers value and appreciate the feedback they received.

Ms. Montgomery described the festival as a boutique event featuring yoga, art, music, dance, a film festival, food carts, craft foods, and lounges. She reported that last year's event directly contributed over \$70,000 to the local economy in addition to nearly \$5,000 in cash and in-kind donations. She expressed their pride in being part of the community and their hope to continue to grow relationships throughout the area.

Commissioner Runyon pointed out that last year's music went all night long and asked what was being done to address that issue in addition to the direction of the sound. Event Producer and Wolf Run owner Glenn Boyd replied that they are having only 2 stages as opposed to the 3 they had last year, shutting down those stages at 1:00 and 2:00 a.m. and shutting off the lounge at 2:00 a.m. for the first 2 nights; everything will be shut down at midnight on Sunday night.

Commissioner Runyon asked why they couldn't shut down at midnight every night. Mr. Boyd responded that their participants are nocturnal; in addition, participants pay to see a certain number of acts and shutting down earlier would not allow for all the entertainment to fit into the schedule. He pointed out that the sun does not set until 9:00 p.m.

Commissioner Runyon said that he is happy to see that they have moved the event earlier in the summer in response to the request made last year.

Commissioner Kramer asked if the amplification levels will be reduced. Mr. Boyd replied that they do not have good readings from last year but plan to have limits from the stage. He noted that What the Festival is the only festival in the U.S. using the Function One sound system which focuses on clarity rather than volume.

Chair Hege said that he had only recently heard some comments regarding light pollution and asked if any of the organizers had heard anything, adding that he had not seen that issue when he visited the site last year. Mr. Boyd said he had not heard that complaint but that last year there was a laser light show that is not planned for this year.

Chair Hege began to call upon those who had signed up to speak in favor of the application.

Clay Neal described himself as a native Oregonian who has worked in public policy and policy development. He disclosed that his father is a ranch manager for What the Festival. He said that he himself is not a regular festival attendee, he expects that the festival will mature over time and be better for the community. He detailed how the organizers have met and exceeded the requirements imposed by statute and had no long-term negative impact on the area.

Ed Holbrook introduced himself as a representative of Bishop Sanitation. He stated that he has been extremely impressed with how well the festival is organized and run; it is a positive event that Bishop Sanitation looks forward to.

Chair Hege asked if Mr. Holbrook had seen other events. Mr. Holbrook replied that he has seen many as Bishop Services with WTF and described organizers as very professional and disciplined which is very important. He stated that Bishop staff is on-site throughout the entire event.

Chair Hege asked what Mr. Holbrook thinks about the economic impact of the event. Mr. Holbrook said that it has been great for Bishop's as well as local hotels, restaurants and other businesses – it is a very positive event.

Commissioner Runyon asked if there is any change in Bishop staffing during this event. Mr. Holbrook replied that they ramp up for this event because it is intense and remote; they place people on site to respond immediately to any issues.

Commissioner Runyon asked if he has seen any improvements from last year to this year. Mr. Holbrook said that in regards to Bishop's Sanitation they have made some slight changes to the placement of the portable toilets.

Dan Boettner identified himself as an employee of GFP out of Sisters, OR; his company provides fire protection. He said GFP provides wildland firefighters throughout the country and they go by the book with ODF recommendations. Last year the plan was a bit different because the event was held much further into the fire season. This year there will still be personnel and a fire engine, but there will be no need for the pump operations on the ponds.

Chair Hege asked if there were any fires last year. Mr. Boettner replied that there were no fires; the organizers were very strict with participants about the rules around fire prevention; anyone who broke the rules was ejected from the event. During the event there were large fires elsewhere in the area, but there were no incidents at the event.

Chair Hege asked if he believes the proposed plan will prevent fire. Mr. Boettner stated that GFP patrols the site 24 hours a day and patrons and staff self-police.

Commissioner Runyon asked if GFP personnel are easily identifiable. Mr. Boettner said that they are in full uniform throughout the event and ODF inspects prior to and during the event. Commissioner Runyon asked if open fires are allowed anywhere on the site. Mr. Boettner responded that open fires are not allowed anywhere on-site.

Jarrett Para identified himself as an employee of Bishop Services, a sister company to Bishop Sanitation, which supplies potable water, mobile catering and showers throughout 11 states for firefighting. He described What the Festival as a very detailed, planned and organized event. He said that Bishop Services is very involved in the community and donates to community organizations; this festival has a big impact.

Chair Hege asked Mr. Para to describe the plan for a water supply to the event. Mr. Para replied that the event has an arrangement with the city of Dufur for water; Bishop Services hauls the water to the festival site with California water haulers. They test the water and make sure everything is done to code.

Claire Wheeler identified herself as a Professor of Community Health, and an emergency room physician and a psychologist. She said that both of her children have worked for the festival for years and she herself has attended for the last two years. She described it as a fun event and she believes there are many misconceptions about festivals of this kind. She described it as organized and very impressive. She said they are very careful about checking ID when serving alcohol and everyone is watching out for smoking. She said that the services were top notch from food service to waste. She said it is more than a series of concerts; it is a community experience with art and classes and is maintained with an eye toward sustainability.

Dennis James, a local resident, said it sounds like a wonderful event but he woke up in the middle of the night and could hear it from 10 miles away. Looking at the new configuration, he thinks they are actually turning the speakers more in his direction. He stated that he is a rock and roll fan who attends concerts but often finds that the music is played far louder than is necessary. He said that he has nothing against the music – it is just too loud and played too late in the night. He pointed out that too much noise is a health issue. He observed that this is taking

place in a farming community – they are not a noisy group. He said he is not completely against the event and believes they have the right to live as they see fit as long as they don't intrude on the rights of others to live as they wish.

Having exhausted the list of people who had signed up to speak in favor of the event, Chair Hege asked if there was anyone else in favor who wished to be heard.

Lisa Farquharson, Executive Director of The Dalles Chamber of Commerce, said she has talked to business owners in the area who have seen increased sales at the time of this event. She said it seems as though the organizers are doing everything they can to address all concerns. She reminded this event brings business into the area at no cost to the citizens. She reminded everyone that this organization is trying to work with the community; not everyone does.

Chair Hege said that he has received email describing this event as high caliber; he asked if the Chamber would be capable of producing this kind of event. Ms. Farquharson replied that she could not, adding that they have a demographic that the Chamber doesn't reach. She said that demographic travels through The Dalles to get to and from the event and when they do, they stop and spend money.

Chair Hege asked if there will be a residual impact. Ms. Farquharson replied that anytime a group comes into the area at least 10-20% will return to the community. She said if she partners with the event organizers to get local business information out to the participants, it will increase that impact.

Commissioner Runyon said that the County is trying to quantify the impact and asked if the Chamber might be able to help with that, perhaps alerting members to report on the impact. Ms. Farquharson stated that some of it is hard to measure but she would put it out to Main Street and ask them to measure against previous years. She said it will be easier since the event has been moved to an earlier date.

Joan Silver of The Dalles identified herself as Chair of the Economic Development Commission. She said the Commission has attempted some surveying; although many businesses reported an increase, they did not keep detailed records. There was one business that did keep track and demonstrated a significant increase. She expressed her sympathy for those who are impacted

by the noise but observed that the payback for that is measurable throughout the County. She said the Commission will be working with OSU to measure the economic impact of the Festival. It is unfortunate that some are inconvenienced for a few days, but it helps a lot of people.

No one else came forward to speak in favor; Chair Hege began to call upon those who signed in to speak in opposition of the application.

Ken Thomas stated that he has read the staff report and application and it is clear that we must confine ourselves to statute. He pointed out that those in support focused on economic development which is not in the statute. He said that there is not supposed to be advertisement prior to application approval nor are there to be any permanent alterations to the property; He said that there has already been promotion and advertising and there is a new network of roads on the property. He stated that since last year Circuit Court has overturned in part the decisions of this Commission but staff did not mention those items. He said that the Commission should also be considering the health and welfare of the community. (see attached written statement)

Dr. David Wherly of upper Dufur Valley Road said that the repositioning of the stages makes him more of a target for noise. He stated that if you look at the blog entries, participants want the music to be even louder; every festival features noise levels as an attractant. He said that literature is full of studies of the negative effects of loud music, especially bass. He likened loud, lower frequency music to an earthquake. He reported that during the last event livestock and wildlife sought refuge. He stated that no permit should be issued until Wasco County has a noise ordinance. He pointed out that recently the town of Dufur was complaining about the noise made by a rooster and yet the festival is allowed to continue. He added that fire is still a danger and What the Festival is violating promotion requirements. He reminded the Board that they do not live in the area, but he does. (see attached written statement)

Mike Johnson stated that he lives 3 miles from the site. He stated that he supports the statements of the previous 3 speakers. He said that he had a similar experience in regards to the sound; his stock was upset night after night. He said that he was a member of the Oregon State Fair for years and dealt with complaints about noise. He said that by orienting the speakers downward by five degrees and directing the sound into the crowd where it was absorbed, they were able to minimize complaints about noise. He pointed out that the event is located

where there are canyons and trees where sound can be directed for absorption as well. He also suggested staggered arrival times to ease traffic congestion.

Veronica Johnson stated that she lives 3 miles from the event and the noise had a major impact. She said that 2:00 a.m. is an unreasonable time to stop the music. She said that she understands the participants are night folks but perhaps they can do the quieter activities such as yoga and art during the night and have the music during the day. She stated that she moved to the country to escape the noise and traffic of New York City; people who move to communities like hers do so for the quiet. She expressed concern that this event will only grow bigger and cause more problems as it grows. She said she is an emergency room nurse and is familiar with the consequences of people's poor choices for themselves and those around them. She reminded the Board that she is a voter, the festival organizers and participants are not.

Teryl Whistler of Jewel Road said that while the Festival participants may create a community during the event, the local residents are a community before, during and after the event. He said that noise is a health issue for both the human and animal residents. He suggested that the Festival should be held at the fair grounds and would bring more income to the community in that venue. He said he supports the economic development but believes the site is inappropriately placed.

Judy Moore said that last year her windows were vibrating from the noise; it was anxiety causing. She said she had moved from the city to the country for the peace and quiet. She reported that a hose had been stolen from her property during the festival last year. She added that the traffic is inappropriate for a 2-lane road and that the bus drivers were inconsiderate. She said she felt trapped from the beginning of the festival to the end. She stated that the sign that had been posted redirecting traffic was ignored and people were using adjoining property as a toilet. She said the biggest issue by far was the noise. She observed that at campgrounds the cut off for noise is at 10:00 or 11:00 p.m. She reported that last year there was 20 hours straight of bass; she could not open a window or door – their horses were wild-eyed and cats were stressed. She said that something must be done about the noise and the traffic.

Jeff Morris who had signed-up to speak left before being called upon.

Liz Turner of 8-Mile Road stated that she lives 10 miles from the site. She said that the Planning Department has refused to reactivate a group that might serve to review this event. She said that the ordinance was designed to limit activities during harvest times. She said that she runs a small operation but it puts more money into the County than the Festival does. She stated that she is on a group trying to get wildlife back into the forest but the noise pollution generated by the Festival will not allow them to make any progress. She said that the elk will be driven away by the noise and will head for agricultural land and eat the crops. She said that this is a commercial operation and should be located in a commercial zone. She added that the risk of fire is great and if it gets into a canyon cannot be stopped. She pointed out that all the residents are downwind of the event. She said that people are camping on adjacent properties trying to sneak into the event. She added that they have moved the event into cherry harvest time.

Chair Hege asked if there was anyone else who wished to express their opposition to the application.

Jeff Handley identified himself as a former deputy and said he has helped plan 6 large capacity events. He pointed out that everyone who spoke in favor of the application either have a financial stake in the event and/or are from outside the area. He said that although the organizers have met the requirements, the Board can impose further criteria and obligations. He said many other counties have noise ordinances that designate cut-off times for amplified sound. He recommended that the Board limit them to times outside of 10:00 p.m. to 6:00 a.m. He also noted that other counties restrict the serving of alcohol to OLCC licensed vendors. He said that it is offensive that we don't look at sound as a public safety and health issue; he stated that every event he helped to plan took that into consideration.

Chris Carey of Dufur reported that he did not get to sleep during the last year's Festival. She said that while other Oregon Counties have noise ordinances, Wasco County does not. She stated that noise ordinances in other counties all talk about the quality of life. She said that last year she had taken a walk and a neighbor's dog had followed her. When they approached the vicinity of the Festival there were three cars racing and they forced her and the dog off the road into a ditch. She said the drivers were not locals. She had to create a makeshift leash to get the dog home. She encouraged the Board to develop a noise ordinance adding that the standard "quiet" time seems to be 10:00 p.m. to 7:00

a.m. She suggested that the Board could always allow variances for special events.

Anita Ordway of Pleasant Ridge Road said that she lives 2 ridges away from the event and had not known last year that there was an event until they observed the lights as the organizers were preparing for the Festival. She reported that they had been able to hear the bass, but it did not keep them awake and they were gone for most of the time. She said that she agrees with the previous speakers. She has an issue in own neighborhood and non-stop music is too much. She suggested that there must be some public land where this can occur. She also wonders how the noticing measurements are calculated when determining who is noticed.

Mr. Shearer responded that there are actually no statutory requirements to notice for an OMG so when they decided to notice they followed the land use requirement of 750 feet from the property line.

Shawn Sorenson of South Valley Road stated that he has set up for events when he was in the Air Force and they never went past 10:00 p.m. He said that no one supporting the Festival lives within 15 miles of the event site and that the people in the room pay more in taxes than the Festival organizers claim to bring in and residents will be paying taxes for the rest of their lives.

Liz Turner returned to say that the people living directly above her are trying to copy-cat What the Festival; one of them attended WTF and said that he used drugs and got drunk on-site. She said that these events will make drugs and alcohol more available to area youth. She said that the Board needs to consider where they are taking the County – having this event in a commercial zone would rescue them from a lot of these issues.

Dennis James returned to say that he supports the development of a noise ordinance. He said that over Thanksgiving there was an event that was even louder and was a distance from his property; it went until late and started again at 5:00 a.m. If there were a noise ordinance it would give the Sheriff the ability to address these issues.

With no one else wishing to speak in opposition to the application, Chair Hege asked the event organizers to offer rebuttal testimony.

Elaine Albrich, legal counsel for Moonshine, and event producer Glenn Boyd came forward. Elaine said that she recognizes that the Board is in an awkward position with very little discretion as they are limited by a statute dating back to the 1970's. The statute requires that the governing body shall issue a permit as long as the applicant meets the requirements; the Board is limited in their ability to add requirements. She said that there has been a lot of talk about noise, but noise is not addressed in the statute. She said that would have to be addressed in a local noise ordinance through which they could regulate the noise but that is not the circumstance for this year. She pointed out that counties that do have noise ordinances in place have been dealing with these activities for much longer than Wasco County which is why they have noise ordinances and Wasco County does not – that is not within Wasco County's discretion this time around.

Ms. Albrich went on to say that the applicant has taken steps to address the concerns and everyone will be able to see how that works out for this festival. Mr. Boyd stated that he is open to suggestions for reorienting the speakers. He pointed out that because it is so quiet in the area, any noise stands out; he said that the event organizers are making a good-faith effort to address the concerns of the community.

Ms. Albrich stated that the Board is obligated to approve – as awkward as it is, the Board's hands are bound. She said that while she maintains that there are no violations occurring, even if the violations that are alleged are occurring they do not constitute a basis for a denial.

Commissioner Kramer asked that if there were a noise ordinance in place would they still be holding the festival. Mr. Boyd said that at this point it would be incredibly difficult to make the necessary adjustments to this year's event; it would require further evaluation.

Commissioner Runyon stated that he is glad they are not going all night with the music and assured everyone that the Board will be working on a noise ordinance. He pointed out that it doesn't have to be dark to start the music. He asked if there would be any barriers or cones to redirect traffic to the west entrance.

Mr. Boyd reported that last year ODOT did not want a sign up to redirect the traffic. During the event, they contacted ODOT to press for permission and were able to put up a makeshift sign. This year they hope to have a sign.

Commissioner Runyon stated that he would like to see them use some cones or a barrier.

Commissioner Runyon asked if they had a plan last year regarding the time parameters for noise. Mr. Boyd replied that they did it was for 4:00 a.m., 6:00 a.m. on Saturday. Commissioner Runyon said that he thinks the repositioning of the speakers to be directed into the crowd will help a lot. Mr. Boyd pledged to work with the sound engineers for that repositioning.

Commissioner Runyon said he was happy to see that all the requirements are being met and that they have moved the date of the event in response to last year's expressed concerns regarding fire.

Chair Hege asked Mr. Boyd about the concern that Wolf Run might become a venue with multiple events. Mr. Boyd explained that he could really only hold events during the good weather months and is only allowed to hold events every 90 days which would really limit him to two per year. He stated that producing one event is exhausting and he has no intention of producing more than one per year. He added that they have tried to be completely transparent and he appreciates the Board's consideration.

Chair Hege closed the public testimony portion of the hearing and opened deliberations.

Chair Hege asked staff to outline what the Board can and cannot do. Mr. Shearer replied that it is his understanding that the only criteria the Board is permitted to consider are those outlined in the administrative rules.

Commissioner Kramer observed that there was no mention of advertising restrictions in the staff report. Mr. Shearer replied that he has a similar understanding of the ORS as Ms. Albrich; there have been nothing but allegations with no proof. If the allegations are true, the remedy would be for the District Attorney to take action, but it is not a basis for denial of the application.

Chair Hege asked about the State Forest Practice Act. Mr. Shearer replied that the act deals with land use issues; this is not a land use or zoning issue. He said that a lot of these issues were raised in last year's court challenges; Circuit Court found that the permit was valid and threw out the challenge. Planning Director

John Roberts added that they did discuss the Forest Practices Act and found some grey areas but nothing that would keep the permit from moving forward.

Chair Hege asked about the roads within the property – it is his understanding that there has been no change to the property that is specifically related to the event; there is a house there. Mr. Roberts responded that they have taken it through a codes compliance process – it is a resource land and the County is liberal in terms of how people manage their property. The County has issued a non-violation letter in response to Mr. Thomas' complaint and are currently litigating his appeal.

Mr. Thomas stated that if the Board is going to issue a permit, they should have that confirmed by legal counsel. Mr. Shearer stated that the District Attorney has been in the loop. Chair Hege asked if he has confirmed staff's opinion. Mr. Shearer replied that the District Attorney has confirmed that the Board is limited by the regulations.

Commissioner Kramer said that it appears that Wasco County is being taken advantage of due to its lack of a noise ordinance. He asked that the vocal opposition show some respect for the process and realized that the Board does not take the issue lightly and understands their concerns . . . everyone is affected in some way. He said that he hates to put things off but would like to consult further with counsel to fully understand the circumstances of the permitting process.

Mr. Roberts observed that the Board will probably not hear anything different, but no one on his staff is an attorney and the Board should take the time to consult with their legal counsel, the District Attorney.

Chair Hege asked how a continuance affects public testimony. Mr. Roberts explained that the hearing can be continued with or without further public comment.

{{{Commissioner Kramer moved to continue the WTF OMG Application hearing to 5:00 p.m. on April 2, 2014 at the PUD meeting room. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege adjourned the session at 4:48 p.m.

Summary of Actions

Motions Passed

- **To approve Order #14-026 appointing Gary Grossman to the Economic Development Commission Position #9.**
- **To approve Order #14-025 appointing Terry Moore to the Economic Development Commission Position #1.**
- **To approve the Prioritized 2014 Wasco County Community Enhancement Projects List as presented.**
- **To approve up to an additional \$40,000 for the LiDAR project.**
- **To approve the 2013-2014 APHIS Predator Control Financial Plan.**
- **To approve the Consent Agenda – 3.5.2014 Regular Session Minutes.**
- **To continue the WTF OMG Application hearing to 5:00 p.m. on April 2, 2014 at the PUD meeting room.**

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner

Agenda Item
United Way

- [Introductory E-mail](#)



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

United Way

Jeff Heater <jheater@uwfruit.com>

Fri, Feb 21, 2014 at 8:32 AM

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

Hi Kathy

I have been out of town for a few days.

I am on the council for Wasco-Sherman United Way and was thrilled to meet Commissioner Kramer earlier this week in Salem.

Our goals as part of United Way of the Gorge are to raise money for the many human services organizations in the gorge and then allocate it to them in a responsible manner. Last year we gave \$185,000 but had requests for over \$300,000.

We are just about to start the allocations process this year and will announce we have about \$200,000 to give for this year.

One of the many ways we raise funds is by asking for donations either one time giving or through payroll deductions as an on-going commitment. This happens by allowing 1 or 2 of our volunteers to make a presentation at a staff meeting of anytime an employer has many of their employees in attendance.

We also have a few fundraising events in the area through the year too.

Let me know if you need more info from us and I would be very happy to schedule a campaign presentation to Wasco county employees anytime it works for you.

Thanks for your time.

Jeff Heater

[Quoted text hidden]

Agenda Item
USFS Law Enforcement Patrol Contract

- [2014 Cooperative Law Enforcement Annual
Operating Plan and Financial Plan](#)

**EXHIBIT A****COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN &
FINANCIAL PLAN**

**Between The
WASCO COUNTY SHERIFF'S DEPARTMENT
And the
USDA, FOREST SERVICE
MT. HOOD NATIONAL FOREST**

2014 ANNUAL OPERATING AND FINANCIAL PLAN

This Annual Financial and Operating Plan (Annual Operating Plan), is hereby made and entered into by and between the Wasco County Sheriff's Department, hereinafter referred to as the "Cooperator", and the USDA, Forest Service, Mt. Hood National Forest, hereinafter referred to as the "U.S. Forest Service", under the provisions of Cooperative Law Enforcement Agreement # 12-LE-110606-010 executed on May 16, 2012. This Annual Operating Plan is made and agreed to as of the last date signed below and is for the estimated period beginning January 1, 2014, through December 31, 2014.

Previous Year Carry-over: \$0.40

Fiscal Year Obligation: \$18,260.00

FY 2014 Total Annual Operating Plan: \$18,260.40

I. GENERAL:

- A. The following individuals shall be the designated and alternate representative(s) of each party, so designated, to make or receive requests for special enforcement activities:

Principle Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Name: Lane Magill, Chief Deputy Address: 511 Washington Street Suite 102 City, State, Zip: The Dalles, OR 97058 Telephone: 541-506-2580 FAX: 541-506-2581 Email: lanem@co.wasco.or.us	Name: Brenda Borders Address: 511 Washington Street., Suite 102 City, State, Zip: The Dalles, OR 97058 Telephone: 541-506-2586 FAX: 541-506-2581 Email: brendab@co.wasco.or.us

**Principle U.S. Forest Service Contacts:**

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Name: Andy Coriell, Captain Address: 16400 Champion Way City, State, Zip: Sandy, OR 97055 Telephone: 503-668-1789 FAX: 503-668-1738 Email: acoriell@fs.fed.us	Name: Maria Grevstad, Admin Assistant Address: 16400 Champion Way City, State, Zip: Sandy, OR 97055 Telephone: 503-668-1625 FAX: 503-668-1771 Email: mgrevstad@fs.fed.us

- B. Reimbursement for all types of enforcement activities shall be at the following rates unless specifically stated otherwise:

Wages at the prevailing rate of \$45.91 per hour and overtime rate of \$60.41.
Vehicle use rate of \$90.00 per 10 hour day.

II. PATROL ACTIVITIES:

- A. Time schedules for patrols will be flexible to allow for emergencies, other priorities, and day-to-day needs of both the Cooperator and the U.S. Forest Service. Ample time will be spent in each area to make residents and visitors aware that law enforcement officers are in the vicinity.

Timely reports and/or information relating to incidents or crimes that have occurred on National Forest System lands should be provided to the U.S. Forest Service as soon as possible.

The primary patrol activities will be during the summer months of May through September; the tour of duty will be ten hours per day on Friday, Saturday and Sunday, and include the national holidays of May 26, 2014, July 4, 2014 and September 1, 2014. Patrol activities may also occur during other months, as funding permits and as agreed to between the Cooperator and U.S. Forest Service. Patrol dates may be varied to address operational needs after mutual agreement between the Cooperator's and the U.S. Forest Service's representatives.

Each tour of duty should begin between 12:00 PM and 4:00 PM and remaining work hours may be varied as agreed to between the Cooperator and U.S. Forest Service.

The assigned Deputies will check in, as practical with the Ranger District Office or U.S. Forest Service Law Enforcement Officer when they begin their tour of duty, in person, by radio or telephone.

During scheduled vacations the cooperator, when possible, provide fill in Deputies for patrol.

The assigned Deputies would be available for other support and assistance as requested by the U.S. Forest Service.

There are patrol related activities, which will impact the Cooperating Deputy's time and will cause them to be away from the patrol route (court, reports, or responding to incidents off



National Forest). No adjustment to this plan will be required so long as the activities are held to, not more than 5 percent of the Deputy's scheduled time.

- Patrol in the following campgrounds, developed sites, or dispersed areas:

Clear Lake Campground
Eightmile Campground
Frog Lake Picnic Area
Barlow Creek Campground
Bear Springs Campground
Forest Creek Campground
Fifteenmile Campground
Knebal Springs Campground
Underhill Site

Rock Creek Campground
McCubbins Gulch
Barlow Crossing Campground
White River Station Campground
Clear Creek Campground
Little Badger Campground
Pebble Ford Campground
Lower Crossing Campground

Patrol routes may be varied at the discretion of the assigned Deputy in order to effectively deal with incidents at other locations as they occur.

Search and rescue within the Mt Hood National Forest, within Wasco County, is the responsibility of the Wasco County Sheriff. The role of the assigned Deputies to this agreement is to take initial action on search and rescue incidents and to coordinate subsequent (short term) activities.

Total reimbursement for this category shall not exceed the amount of \$18,260.40

III. TRAINING:

See Cooperative Law Enforcement Agreement Provisions IV-K for additional information.

IV. EQUIPMENT:

See Cooperative Law Enforcement Agreement Provisions IV-K, IV-L and IV-M for additional information.

- A. The Forest Service agrees to reimburse Wasco County for equipment and supplies in an amount not to exceed \$1,000. All purchases must be approved by the Forest Service prior to purchase. Documentation of such purchases shall become part of the Cooperative Agreements' official file.
- B. The Forest Service may loan Wasco County equipment as needed, when mutually agreed. While in possession of Wasco County, maintenance of this equipment shall be the responsibility of the Cooperator and shall be returned in same condition as time of transfer.

Total reimbursement for this category will be paid out of the Patrol Activity funds in Section II.



FOREST SERVICE SHALL:

1. Grant permission, subject to Forest Service limitations and regulations, and those included herein, to the Wasco County Sheriff's Office for law enforcement purposes, for use of the Mt Hood National Forest radio frequencies. Various channel guard tones are also authorized for use as required.
2. Restrict the use of radio frequency to official business.
3. Retain control of the use of these radio frequencies.
4. Not charge for the use of the radio frequencies.

WASCO COUNTY SO SHALL:

1. Grant permission, subject to State limitations and regulations, and those included herein, to the US Forest Service for law enforcement purposes, for use of the Wasco County radio frequencies. Various channel guard tones are also authorized for use as required.
2. Restrict use of the radio frequency to official business.
3. Retain control of the use of these radio frequencies.
4. Recognize that fire traffic may have priority use of the frequency and that any transmissions during the time of a fire shall be coordinated with the on-scene Incident Commander and/or Columbia River Interagency Dispatch Center.
5. Ensure any radio transmissions in the 162-174 VHF Band are operating in the narrowband mode.

V. SPECIAL ENFORCEMENT SITUATIONS:

- A. Special Enforcement Situations include but are not limited to: Fire Emergencies, Drug Enforcement, and certain Group Gatherings.
- B. Funds available for special enforcement situations vary greatly from year to year and must be specifically requested and approved prior to any reimbursement being authorized. Requests for funds should be made to the Forest Service designated representative listed in Item I-A of this Annual Operating Plan. The designated representative will then notify the Cooperator whether funds will be authorized for reimbursement. If funds are authorized, the parties will jointly prepare a revised Annual Operating Plan.

1. Drug Enforcement: This will be handled on a case by case basis. The request will normally come from the Patrol Captain; however, it may come from the Special Agent in Charge or their designated representative. Reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to the incident will coordinate all of their activities with the designated officer in charge of the incident.

Authorized activities associated with Drug Enforcement will be identified separately on billings supplied by the Cooperator.

2. Fire Emergency: During emergency fire suppression situations and upon request by the Forest Service pursuant to an incident resource order, the Cooperator agrees to provide special services beyond those provided under Section II-A, within the Cooperator's resource capabilities, for the enforcement of State and local laws related to the protection of persons and their property. The Cooperator will be compensated at the rate specified in Section I-B; the Forest Service will specify times and schedules. Upon concurrence of the local Patrol Captain or their designated representative, an official from the Incident Management Team



managing the incident, Cooperator personnel assigned to an incident where meals are provided will be entitled to such meals.

3. **Group Gatherings/Other Situations:** This includes but is not limited to situations which are normally unanticipated or which typically include very short notice, large group gatherings such as rock concerts, demonstrations, and organizational rendezvous. Upon authorization by a Forest Service representative listed in Section I-A for requested services of this nature, reimbursement shall be made at the rates specified in Section I-B. Deputies assigned to this type of incident will normally coordinate their activities with the designated officer in charge of the incident.

This includes but is not limited to situations which are normally unanticipated or which typically include very short notice, large group gatherings such as rock concerts, demonstrations, and organizational rendezvous.

C. Billing Documentation:

The billing for each incident shall include individual employee times and their agreement rate. Such times will be documented on Crew Time Reports, shift tickets or other agreed upon form, and must be approved by incident management personnel.

For billing done using procedures specified in Section V-B-2, original documentation will be maintained by the Forest Service in the appropriate fire documentation boxes or appropriate incident management personnel; the Cooperator will maintain copies of all such documentation.

VI. BILLING FREQUENCY:

See Cooperative Law Enforcement Agreement Provisions II-H and III-B for additional information.

- A. The Cooperator will submit invoices for reimbursement of services provided under Section II of this agreement monthly or quarterly, at the discretion of the Cooperator.

USDA Forest Service
Albuquerque Service Center
Payments-Grants and Agreements
101B Sun Ave NE
Albuquerque, NM 87109

Invoices may also be faxed to:
1-877-687-4894
FAX coversheet should be addressed to:
USDA Forest Service
ASC – Payments-Grants and Agreements

The Cooperator will prepare an itemized statement for each invoice submitted to the Albuquerque Service Center. The statement will be in sufficient detail to allow the Forest Service to verify expenditures authorized. The itemized statement for reimbursement will also include the following information:



1. Areas patrolled and miles traveled on NFS lands.
2. Person-hours worked in NFS patrol areas.
3. Copies of completed Daily Activity Reports.
4. Copies of invoice submitted.

By execution of this modification, Wasco County certifies that the individuals listed in this document, as representatives of Wasco County, are authorized to act in their respective areas for matters related to this instrument.

The statement should be sent to the following address:

USDA Forest Service, Law Enforcement & Investigations
Northern Oregon Zone
ATTN: Andy Coriell, Captain
16400 Champion Way
Sandy, OR 97055

- B. For reimbursement of services provided under Sections V-B-1 and V-B-3 of this agreement, billing instructions will be specified in the revised Operating Plan.
- C. For reimbursement of services provided under Section V-B-2 of this agreement, the following billing procedure will be used.

Incident management personnel will prepare an Emergency Use Invoice and, upon concurrence of the Cooperator, will submit the invoice for payment along with all required documentation using normal incident business procedures.

The designated representative, IMT official, or a designated forest incident business official, will approve the invoice and submit to the Albuquerque Service Center, Incident Finance, for payment along with a copy of the current Operating Plan.

- D. Any remaining funding in this Annual Operating Plan may be carried forward to the next fiscal year and will be available to spend through the term of the Cooperative Law Enforcement Agreement, or deobligated at the request of the U.S. Forest Service. *See Cooperative Law Enforcement Agreement Provision IV-D.*



USDA, Forest Service

OMB 0596-0217
FS-1500-8A

In witness whereof, the parties hereto have executed this Operating Plan as of the last date written below.

RICK EIESLAND, Sheriff
Wasco County

3-26-14

Date

Wasco County Commissioner

Date

Wasco County Commissioner

Date

Wasco County Commissioner

Date

LISA NORTHROP, Forest Supervisor
U.S. Forest Service, Mt. Hood National Forest

3/24/2014

Date

BARB SEVERSON
Special Agent in Charge
Pacific Northwest Region

3/18/14

Date

The authority and format of this instrument have been reviewed and approved for signature.

Jlg 3/5/14

JANELLE GEDDES (12LE11060600010M2)
U.S. Forest Service Grants & Agreements Specialist

Date

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

Agenda Item
Continuation of OMG Permit Hearing

- [3.28.2014 Staff Memo](#)



Wasco County Planning Department

"Service, Sustainability & Solutions"

2705 East Second St. • The Dalles, OR 97058
(541) 506-2560 • wcplanning@co.wasco.or.us
www.co.wasco.or.us/planning

MEMORANDUM

TO: Wasco County Board of Commissioners
FROM: Joseph Shearer, Senior Planner
DATE: March 28, 2014
SUBJECT: Proposed Conditions for PLAOMG-14-02-0001

This memo addresses a proposed compromise submitted to Staff by Applicant's legal counsel via email on March 26, 2014. Responding to concerns about noise clearly expressed by neighbors and area residents, Applicant voluntarily proposes the following condition, should the Board vote to approve the outdoor mass gathering permit:

Condition K. Noise

- 1) *Amplified noise will cease at the main stages (the WTF Stage and the Effin Stage) at midnight on Friday, Saturday and Sunday.*
- 2) *Moonshine will work with its sound engineers to direct all stage speakers in a way that minimizes, to the extent possible, off-property noise attenuation while maintaining sound quality for festival goers.*

In the absence of other applicable local ordinances, Staff has concerns about how much discretion the Board can legally exercise in regulating aspects of outdoor mass gatherings beyond the specified health and safety regulations referenced in ORS 433.750(1). This is essentially a legal question which legal counsel would need to explore. However, a voluntary cessation of amplified sound earlier in the evening may address some of the concerns related to noise expressed by neighbors and area residents. Because the proposed noise regulation is self-imposed and voluntary, this may represent the best opportunity to address noise while avoiding the potential legal hazard of exercising discretion beyond what is permitted in statute. This memo presents the issue to the Board for consideration during the April 2, 2014 hearing.

Invoice

2014 County Membership Dues

Chair Scott Hege
Wasco County
511 Washington St, Ste 302
The Dalles, OR 97058

scotth@co.wasco.or.us

Invoice no. **2014**
For the period of:
January 1 – December 31,
2014

Description	Amount
AOC General Fund Dues*	
General fund dues support AOC legislative advocacy and policy development. In addition, these funds pay for core operational expenses, district and steering committee meetings, communications efforts, and technical assistance to members.	\$ 7,737.99
Public Lands Fund Dues*	
Public lands fund dues allow AOC to carry out legislative advocacy on natural resource issues, foster communications between county governing bodies and individual agencies, and develop natural resources policy.	\$ 2,500.89
Video Lottery Defense Fund Dues (voluntary dues)	
Video lottery fund dues are dedicated to providing technical assistance and professional services related to the preservation of shared revenues. Dues are .2 percent of each county's video lottery revenues.	\$ 195.84
Forest Management Sub-Committee Dues*	
This special assessment is directed to advocacy on federal forest issues. Funds allow AOC to coordinate with other national efforts, obtain professional services, and conduct communications campaigns on federal legislation. Dues are based on national forest receipts payments to each county.	\$ 1,114.27
PERS Alliance Dues (voluntary dues)	
AOC collects dues for PERS Alliance, a collaboration with LOC, OSBA, and SDAO to support policy advocacy and legal proceedings for labor and retirement fund issues. Dues are \$4.45 per full time employee.	\$ 463.16
Total amount due:	\$12,012.15

**payment of dues marked required for membership*

Please direct inquiries to:
Kimi Wong
Email: kwong@aacweb.org
Ph: 503.585.8351

Please submit payment to:
Association of Oregon Counties
1201 Court Street NE, Suite 300
Salem, OR 97301 - 4110

Addendum to Invoice

2014 County Membership Dues

Chair Scott Hege
Wasco County
511 Washington St, Ste 302
The Dalles, OR 97058

Invoice no. **2014 - VETS**
(addendum to 2014 dues invoice)

For the period of:
January 1 – December 31, 2014

Email to: sues@co.wasco.or.us;
scotth@co.wasco.or.us;
scotth@co.wasco.or.us

Description	Amount
<p>AOC Veterans Fund Dues (voluntary dues)</p> <p>The AOC Board of Directors approved a voluntary dues fund for veterans beginning this year.</p> <p>Oregon is home to over 322,000 veterans. Over 120,000 Vietnam era veterans are beginning to face new life challenges as they age and enter retirement. There are nearly 75,000 Persian Gulf era veterans and approximately 31,000 Oregonians have served in the wars in Afghanistan and Iraq. Too many of our vets face high levels of PTSD, mental health challenges, addictions, physical health issues and both mild and severe traumatic brain injuries. As noted by our State Department of Veterans Affairs, our work to support our veterans and their families "is just beginning."</p> <p>The income from this assessment will go toward providing dedicated staff for work on veterans' issues.</p> <p>"AOC has taken a great step forward in serving our veterans and returning military by establishing the Veterans Services Committee. Counties play a crucial role in helping Oregon's veterans access the benefits they are entitled to through their service. This funding helps AOC and each of our counties improve the effectiveness of our work, bring more resources to our communities, and better serve our veterans and their families." ~Multnomah County Commissioner Diane McKeel, chair, AOC Veterans Services Steering Committee</p> <p>Dues are assessed based on number of veterans per county @ \$.25 per veteran.</p>	<p>\$ 792.50</p>
Total amount due:	\$ 792.50

Please direct inquiries to:
Kimi Wong
Email: kwong@ocweb.org
Ph: 503.585.8351

Please submit payment to:
Association of Oregon Counties
1201 Court Street NE, Suite 300
Salem, OR 97301 - 4110

Fwd: Unpermitted OMG on Jackson Farm

1 message

Scott Hege <scotth@co.wasco.or.us>

Wed, Apr 2, 2014 at 1:06 AM

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

Kathy...can you remind us to discuss this issue tomorrow?

Thanks,

Scott

----- Forwarded message -----

From: <gordway@qnect.net>

Date: Mon, Mar 31, 2014 at 9:37 AM

Subject: Unpermitted OMG on Jackson Farm

To: John Roberts <johnr@co.wasco.or.us>, Kate Foster <katef@co.wasco.or.us>, ScottH@co.wasco.or.us, SteveK@co.wasco.or.us, RodR@co.wasco.or.us



Public · Hosted by Sea Tea and 8 others

Join Maybe ...

May 23 - May 26
Starts at 10:00am · Ends at 8:00am

Jackson Ranch, The Dalles Oregon

SANGSARA is more than just a music festival, it is a chance to experience community and art on a scale that can only be properly experienced outdoors. We will have several amazing stages, tons of artwork from local artists, themed campgrounds with tons of activities, workshops, vending, healing, love and and amazing c... See More

PINNED POST

View Declines

**Greg Jackson** shared his post.
March 26 at 11:30pm · Edited

WHO WANTS FREE TICKETS!!! We will be up at Jackson Ranch for the next two weekends getting work done for Sangsara. Anyone who comes up and helps us get setup done will receive a free ticket to the event. Thank you and much love 😊.

GUESTS

755

going

620

maybe

27.4K

invited

RELATED EVENTS

**The Paradiso Journey @ The...**
Fri, Apr 18 at Roseland Theater
547 people are going**Bohemian Dub Ball with RJD...**
Sat, May 10 at Hult Center - Silv
292 people are going**Doctor P | Refuge | 05.01.14 (...)**
Thu, May 1 at Refuge Pdx
417 people are going

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Columbia Hills Family Medicine

No hay nada más precioso que la salud de su
niño. Es por eso que entre nuestro personal m...

This is an update on the Unpermitted OMG at the Jackson Ranch Memorial Weekend. It is my opinion that he is ignoring all Wasco county rules concerning OMG.

Gayle Ordway
Ph. 541-296-0135
Cell 503-577-1787

—
Scott Hege County Commissioner, Wasco County
Tel: 541.506.2522 | Mobile: 541.288.1616
scotth@co.wasco.or.us | www.wascocounty.org

My Profiles: 