

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION / AGENDA WEDNESDAY, JANUARY 7, 2015
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)
[Contract 143684 Amendment #4](#), [Application for Information](#), [Introduction of County Counsel](#)
- [Consent Agenda](#) (Items of a routine nature: minutes, documents, items previously discussed.) [Minutes: 12.17.2014 Regular BOCC Session](#), [12.22.2014 Public Hearing](#)
-

9:30 a.m.

[Uncollectible Taxes](#)
[Gonzales Deed](#) > Marci Beebe

9:45 a.m.

[Sister Communities](#) – Kristy Beachamp/Arthur Smith

9:55 a.m.

[Rail Hollow Overlay](#) – Arthur Smith

10:05 a.m.

[2014 Freeze Damage](#) – Lynn Long, Kevin MacIntyre

10:20 a.m.

[Parks & Rec Enterprise Zone Funding](#) – Nolan Young

NEW / OLD BUSINESS
COMMISSION CALL / REPORTS
ADJOURN



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
JANUARY 7, 2015

PRESENT: Rod Runyon, County Commissioner
Steve Kramer, County Commissioner
STAFF: Tyler Stone, Administrative Officer
Kathy White, Executive Assistant
ABSENT: Scott Hege, Commission Chair

At 9:00 a.m. Acting Chair Runyon opened Regular Session of the Board of Commissioners with the Pledge of Allegiance. Acting Chair Runyon noted that Chair Hege was in an all-day BOPTA training. Mr. Stone added contracting rules for an ongoing project to the discussion list.

Public Comment – Strategic Planning

Mike Davis, Alternate on the Wasco County Planning Commission, stated that he was representing the Planning Commission to request that the Planning Commission be added to the January 21, 2015, Board Session agenda to present their request to be sanctioned by the Board to analyze and revise the County's Comprehensive Strategic Plan which is 30 years old; most counties update the plan annually. He reported that the Planning Commission is unanimous in their commitment to the project. Acting Chair Runyon responded that the Board would welcome their input and stated that they should work with Ms. White to be added to the agenda.

Discussion Item – Introduction of County Counsel

Acting Chair Runyon asked County Counsel Kristen Campbell to share her

background. Ms. Campbell said she is a transplant from Michigan where she gained 10 years of experience in a variety of municipal capacities. More recently, she has done work in Hood River.

Acting Chair Runyon noted that Ms. Campbell will also be able to help with land use and the County hopes to save money for legal services in the long-run.

Department Input – Public Works

Interim Public Works Director Arthur Smith reported that the annual SAIF review of claims and loss-time injuries revealed that in 2014 the County Road Department had no claims. Mr. Smith noted that this is the first time in the history of the Department that there were no claims; in addition, there have been no loss-time injuries for two years. He stated that this exceptional record is a testament to the crew and Jeff McCall who heads up the Safety Program.

Discussion List – Application for Information

Interim Planning Director Angie Brewer explained that this is a request connected to an ODOT and City of The Dalles project to complete a study of the transportation system plan. ODOT will need cooperation from the County necessitating the sharing of plan data with County staff. The confidentiality agreement extends to all County staff.

Commissioner Kramer asked if the County will receive a copy of the study. Ms. Brewer replied affirmatively. She added that ODOT is not requesting any information from the County and the data will help the County identify opportunities. Mr. Smith concurred, saying there is a benefit to the County.

*****The Board was in consensus to sign the confidentiality agreement for the Transportation System Plan on behalf of the County.*****

The Board asked that Ms. Brewer keep them up to date on the project. Acting Chair Runyon asked Ms. Brewer how things are going at the Planning Department. Ms. Brewer said that it is busy – 20 new contacts and 5 new applications last week. She said that staffing is down but it is going well.

Discussion Item – Agreement 143684 Amendment 4

Senior Deputy District Attorney Leslie Wolf said that this is an amendment to an existing contract providing funding similar to the Juvenile Dependency Grant. She said that the additional \$6,000 is for work she has already done.

Acting Chair Runyon asked Ms. Wolf to address the concerns expressed by Finance Director Monica Morris regarding the funds not being requested from the State in accordance with the contract. Ms. Wolf replied that each quarter she submits invoices for the Juvenile Dependency Grant – these are the same invoices that apply to the Title IV 143684 Grant. She explained that the invoices she submitted for Juvenile Dependency did not go to Title IV as they are administrated in separate offices. She stated that she had not gotten used to the process for the two separate grants; yesterday she submitted invoices up to September 2014 for reimbursement for the Title IV grant. She said that in looking at the Juvenile Dependency Grant, no funds have come in to the County. She has a call into the DOJ – she suspects the confusion is that the invoices already submitted to one are not getting to the right department.

{{{Commissioner Kramer moved to approve Amendment 4 to Agreement 143684. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Discussion List – Ongoing Project Contracting Rules

Mr. Stone reminded the Board that at the 12.17.2014, session the Board approved the Phase II Environmental Study with the stipulation that the award of the contract was within the Wasco County Contracting Rules. He stated that under exemption rule #21, 3(a) subsection “i” this is a continuation of the work done by Yinger for the Phase I Environmental Study. The Board thanked him for following up.

Consent Agenda – 12.17.2014 Regular Session Minutes, 12.22.2014 Public Hearing Minutes

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

Agenda Item – Uncollectible Taxes

Assessment and Taxation Office Manager Marci Beebe explained that there is only one account on the list for Wholly Uncollectible Property Taxes. She stated that the

structure has been completely destroyed by fire. Although taxes are owed, there is nothing to foreclose against, therefore, the taxes will need to be written off.

{{{Commissioner Kramer moved to approve Order #15-001 Cancelling Uncollectible Taxes. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Agenda Item – Gonzales Deed

Ms. Beebe said this is following up on a piece of foreclosed property where the heir asked to buy back the property which was approved by the Board at an earlier session. The documents in the packet are to accomplish the decision of the Board to sell the property back to the trust for back taxes, penalties and staff time. Mr. Stone noted that this has been a long, onerous process; selling this back to the trust alleviates the County from having to engage a property management firm. The trust will now own the property and will be able to properly convey it to the heir. This action is in the best interest of the County and will save time and money.

{{{Commissioner Kramer moved to approve Order 15-002 in the Matter of the Transfer of Certain County Owned Real Property to the Estate of Jesus Gonzales. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Commission Call

Acting Chair Runyon reported that he had attended the Leadership Summit in Portland where several hundred leaders from around the State gathered. He stated that the Governor spoke about the budget which will include funding for roads and he hopes that Wasco County will receive some support for roads maintenance in that process. In addition he explained that there are efforts to put forward a new formula from OACES that would change how a proposed new gas tax, if approved, would be distributed to Counties.

Acting Chair Runyon said that he had also attended a Lower John Day meeting which had one of the largest turnouts he has seen. At the conclusion of that meeting there was an opportunity to put forward projects. He asked Mr. Smith to outline the Wasco County projects put forward at the meeting. Mr. Smith explained that available funding is project-driven through the Federal Highway Administration

WASCO COUNTY BOARD OF COMMISSIONERS
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that increases tourism on public lands. The projects Wasco County is putting forward qualify for that funding – ¾ mile of Wamie Market Road and 2 miles of Dufur Market Road.

Mr. Smith stated that the program is one of the best available for funding; it pays 90% of project costs. The remaining 10% match required from the County can be met with labor and materials – the County has valuable aggregate that can be used for the match. He added that he hopes to get letters of support that will help with application approval.

Commissioner Kramer reported that he met with Ranger Sams and Mr. Wallace two weeks ago and developed a plan to compose a collaborative team for the Mt. Hood National Forest. He stated that a meeting has been scheduled with partners to give a brief overview and identify additional partners for a repeat of the meeting in February.

Commissioner Kramer stated that through Regional Solutions and Phil Chang from Senator Merkley's office he now has contacts for technical assistance to move forward the burn clean up at Rock Creek Reservoir. Mr. Sams has a team and a plan – this will support his efforts. He announced that there will be community outreach at a meeting on Monday at CGCC and on the 13th in Maupin – Mr. Chang will be at both meetings. Commissioner Runyon noted that Mr. Chang is very knowledgeable and these efforts will help clear fuel and put people to work.

Agenda Item – Sister Communities

Mr. Smith reported that at the Fall OACES meeting the Public Works Director for Tillamook County brought forth the idea of Sister Counties to help fill leadership voids that might be a result of a coastal earthquake and/or tsunami. He explained that staffing for most Oregon counties is limited and staff could be injured during an incident rendering them unable to respond. The planned relationships would be forged among coastal, valley and eastern Oregon county groups. These relationships will help create knowledge for Sister Counties to be able to step into leadership roles should that be needed in the event of a disaster. The relationships are to be sustainable – should an eastern Oregon county experience an emergency, their valley and/or coastal Sister County would be available to offer assistance.

Wasco County Emergency Manager Kristy Beachamp showed the Board the Cascadia Earthquake Playbook developed to guide a response to an anticipated major coastal earthquake. She noted that there is a section covering public works and transportation – there is a good chance that in the event of a major earthquake coastal staff will be victims and the counties will need to have additional support. She said that the state of Oregon is focusing on this issue and is planning a full-scale drill – they are applying significant homeland funding to these efforts.

Mr. Smith observed that it is important to look at other areas of response outside of the typical emergency services such as fire, medical and law enforcement. He said that these relationships are valuable. He stated that the Lincoln County Public Works Director is applying for funding to reimburse Sister Counties for staff time and travel related to building this program.

Acting Chair Runyon pointed out that this ties in with the summit meeting and ACT meeting for John Day. He said that ODOT has specific plans for this as well. Mr. Smith stated that if this event happens, the thought is that eastern Oregon will not be nearly as impacted – efforts would be Redmond-based with resources coming from eastern Oregon. He reported that bridges and overpasses are being retrofitted to withstand an earthquake – they will start east and move west. Acting Chair Runyon said that although this is a 50-year project, it is important to get the work done.

*****The Board was in consensus to have Wasco County move forward to participate in the Sister County program for emergency response.*****

Mr. Smith said he is looking at Lincoln County as a Sister County. Ms. Beachamp agreed saying that she has an excellent relationship with Lincoln County's Emergency Manager. Mr. Smith added that their Public Works Director is new to the position and it would be a good opportunity to forge a relationship.

Agenda Item – Rail Hollow Overlay

Mr. Smith stated this match agreement is part of a FLAP funding grant for pavement maintenance on a road leading from Dufur with maintenance occurring on 2.3 miles of road to just past Rail Hollow. The grant was approved and accepted by the Board in 2014; the total cost of the project is \$445,000. Wasco County has provided labor and materials for most of their match responsibility; the remaining \$20,850 of

matching funds are included in the 2014-15 fiscal year budget. Should the project come in under-budget, that amount will be reduced but it will not be any higher than the budgeted amount.

{{{Commissioner Kramer moved to approve the Federal Lands Access Program Match Agreement for OR Wasco 104(1), Rail Hollow Overlay Project. Acting Chair Runyon seconded the motion which passed unanimously.}}}

Acting Chair Runyon called for a recess at 9:54 a.m.

The session reconvened at 10:00 a.m.

Agenda Item – 2014 Frost/Freeze Damage

Professor Lynn Long, Wasco County OSU Extension Service Horticulturist, reviewed a handout he provided to the Board (attached). He explained that the severity of the 2014 fall freeze has not been seen since a freeze recorded in 1955. He reviewed the test results which confirm damage but stated that the extent and impact of that damage cannot be fully known until the growing season. He pointed out that cherries are hardy and bud damage can be recoverable; however, the tests show significant portions of the trees' conductive system have sustained varying degrees of damage which can result in underdeveloped or early-dropped fruit. Orchards around the County experienced temperatures ranging from -4° to 7°. Professor Long added that secondary damage from bacterial canker is a significant hazard; 2012 freeze damage in Parkdale orchards resulted in bacterial canker that killed many trees.

FSA County Executive Director Kevin McIntyre explained that the process has changed since Wasco County last experienced a damaging freeze. He provided handouts that outlined the necessary steps (attached) and explained that the first step is for the County to make a request of the Local Emergency Board to petition the State Emergency Board to declare the freeze a disaster. The new system is intended to fast-track requests.

Acting Chair Runyon noted that the declaration will not cost the County but will open opportunities for affected orchardists to have access to low-interest loans. Mr. McIntyre noted that anyone can ask the Local Emergency Board to petition the State for a disaster declaration.

*****The Board was in consensus to send a letter of request to the Local Emergency Board requesting they petition the State Emergency Board for a disaster declaration and asked Ms. White to work with Mr. McIntyre to draft an appropriate letter of request.*****

The Board asked Professor Long and Mr. McIntyre to return in May for a follow-up report.

Acting Chair Runyon called for a recess at 10:23 a.m.

The Session reconvened at 10:25 a.m.

Agenda Item – Parks & Rec Enterprise Zone Funding
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The Dalles City Manager Nolan Young reminded the Board that the City and County are partners for an Enterprise Zone that included an initial \$1.2 million dollar payment with agreements in place directing the distribution of those funds. \$100,000 of the initial payment has been directed to the Northern Wasco County Parks and Recreation District under the condition that their plan for the application of those funds meets with the approval of both the City and the County. He stated that the City of The Dalles has approved NWCP&R's plan to apply the funding to the Thompson/Ted Walker pool construction project. He then introduced Phil Lewis, Executive Director of NWCP&R.

Mr. Lewis explained that the project is supported with a bond which is falling short of the construction cost – the Enterprise Zone money will help to fill the funding gap. He stated that the project will bring tourism to the area through sports and recreational opportunities. It will include a 3-season splash park which is an added amenity to the community; a splash park is an at-grade feature with water features similar to fountains but intended for recreational use. In addition the project will have a climbing wall, a diving board, water slide and 8-lane, 50 meter competitive pool. Swim meets have already been scheduled for June, 2015.

Acting Chair Runyon said that this is part of the original plan and today they are determining if this meets the criteria of the agreement. He said he believes that it does and that this project will be good for the community.

{{{Acting Chair Runyon moved to approve the Thompson/Ted Walker Pool project for the disbursement of Enterprise Zone funds. Commissioner Kramer seconded the motion which passed unanimously.}}}

Acting Chair Runyon asked Mr. Lewis to introduce himself to those in attendance. Mr. Lewis said that he started in his position in December, 2014. Previously he has worked in the Pacific Northwest, most recently with Portland's parks and recreation department. He reported that he has a master's degree in parks management and is grateful to be part of this community.

Mr. Stone stated that he has been corresponding with legal counsel regarding the Home at Last (HAL) deed/lease. He asked if the Board would like to review the documents prior to him sending it to HAL. After a brief discussion, the Board advised that they would like to see it on an individual basis prior to it going to HAL.

Acting Chair Runyon adjourned the session at 10:38 a.m.

Summary of Actions

Motions Passed

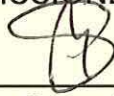
- To approve Amendment 4 to Agreement 143684. To approve the Wasco County Community Corrections Contract Agreement for Level II Substance Abuse Treatment Program.
- To approve the Consent Agenda.
- To approve Order #15-001 Cancelling Uncollectible Taxes.
- To approve Order 15-002 in the Matter of the Transfer of Certain County Owned Real Property to the Estate of Jesus Gonzales.
- To approve the Federal Lands Access Program Match Agreement for OR Wasco 104(1), Rail Hollow Overlay Project.
- To approve the Thompson/Ted Walker Pool project for the disbursement of Enterprise Zone funds.

Consensus

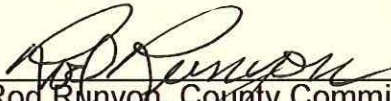
- To sign the confidentiality agreement for the Transportation System Plan on behalf of the County.

- To have Wasco County move forward to participate in the Sister County program for emergency response.
- To send a letter of request to the Local Emergency Board requesting they petition the State Emergency Board for a disaster declaration

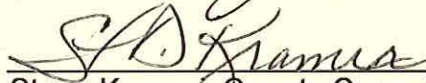
WASCO COUNTY BOARD
OF COMMISSIONERS



Scott Hege, Commission Chair



Rod Runyon, County Commissioner



Steve Kramer, County Commissioner

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
JANUARY 7, 2015**

DISCUSSION LIST

ACTION AND DISCUSSION ITEMS:

1. [Contract 143684 Amendment #4](#) – Elizabeth Osborne
2. [Application for Confidential Information](#) – Angie Brewer
3. [Introduction of County Counsel](#)

Discussion Item
Contract 143684 Amendment #4

- [Processing Form](#)
- [Finance Email](#)
- [Contract 143684 Amendment #4](#)

Wasco County Contract Processing Form

To be completed prior to submission to the Board of Commissioners

Date: 12/29/2014 Title of Contract/Agreement: DHS Agreement #143684, Amdmt 4 - IGA with DHSI

Department: District Attorney

Responsible Staff: Elizabeth Osborne

Information Systems

Will computer rotation be necessary ? ☐ Yes ☐ No

Will this include ☐ Software Purchase ☐ Installation ☐ Maintenance Agreement?

Will this include a licensing fee? ☐ Yes ☐ No ☐ One-time ☐ Recurring

☐ Information Systems has reviewed this agreement ☒ N/A

Notes: _____

Facilities

Will this agreement require any ☐ maintenance work ☐ new construction?

☐ Facilities has reviewed this agreement. ☒ N/A

Notes: _____

Finance

Is this ☐ a new service or ☐ increasing an existing service? ☒ maintaining an existing service

Dollar Value of Agreement: two year IGA, \$35,614 total. Already paid \$9583, so \$26,031 is available this fiscal year as reimbursement. This is more than budgeted, do not need adjustment to bring in revenue. Expenses already budgeted.

Is there a match requirement? ☐ Yes ☒ No ☐ Cash ☐ In-kind

Are these funds ☒ already budgeted ☐ need a budget adjustment? ☐ Other – Explain below

funds reimburse expenses for specific child welfare cases only, which is most of Leslie's case load

Can this agreement be altered as work progresses? ☒ Yes ☐ No

Beginning date of agreement: 07/01/2013

Ending date of agreement: 06/30/2015

Notes:

☒ **REVIEWED BY FINANCE**



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

Fwd: Agreement #143684-4 for Signature

Monica Morris <monicam@co.wasco.or.us>

Mon, Dec 29, 2014 at 9:59 AM

To: Elizabeth Osborne <elizabethos@co.wasco.or.us>

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

Attached is the processing form for the amendment.

My only concern is that we are doing the work and not requesting the funds. This is an 8 qtr grant and we are just ending the 6th qtr and only received \$9583, all of that last June.

Monica Morris
Finance Director
Wasco County
The Dalles, Oregon
Ph 541-506-2770
Fx 541-506-2771

[Quoted text hidden]



IGA with DHS amdmnt 4 form.docx

29K



Agreement Number 143684

**AMENDMENT TO
STATE OF OREGON
INTERGOVERNMENTAL AGREEMENT**

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@state.or.us or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

This is amendment number **04** to Agreement Number **143684** between the State of Oregon, acting by and through its Department of Human Services, hereinafter referred to as "DHS" and

**Wasco County
511 Washington Street, Suite 302
The Dalles, Oregon 97058
Telephone: 541-506-2520
Facsimile: 541-506-2551**

hereinafter referred to as "County."

**Wasco County District Attorney
Eric J. Nisley
511 Washington Street, Suite 302
The Dalles, Oregon 97058
Telephone: 541-506-2680
Facsimile: 541-506-2681
ericn@co.wasco.or.us**

hereinafter referred to as "District Attorney."

1. This amendment shall become effective on the date this amendment has been fully executed by every party and, when required, approved by Department of Justice.
2. The Agreement is hereby amended as follows:
 - a. Section IV Payments, is amended as follows: language to be deleted or replaced is ~~struck through~~; new language is **underlined and bold**.
 - A. The maximum not-to-exceed amount payable to County and District Attorney under this Agreement, which includes allowable expenses, is ~~\$29,614~~ **\$35,614**. DHS shall not pay County any amount in excess of the not-to-exceed amount for performing the Work, and shall not pay for Work until this Agreement has been signed by all parties.
 - B. DHS shall only pay for performed Work under this Agreement, and may make interim payment as follows:

Designated Funds	Effective Dates	Amount	Quarterly Payment
State General Funds	July 1, 2013 – June 30, 2015	\$14,114	NTE \$1,764.25 per Exhibit A, Part 2
Title IV-E Funds (CFDA #93.658)	July 1, 2013 – June 30, 2015	\$15,500 <u>\$21,500</u>	Calculated in accordance with Exhibit A, Part 4

- b. Section “II. AGREEMENT DOCUMENTS” is deleted in its entirety and restated with the following:

II. AGREEMENT DOCUMENTS

- a. This Agreement consists of this document and includes the following listed exhibits which are incorporated into this Agreement:

Exhibit A, Part 1: Description of Work and General Requirements
 Exhibit A, Part 2: Payment and Financial Reporting
 Exhibit A, Part 3: Special Terms and Conditions
 Exhibit A, Part 4: District Attorney Title IV-E Reimbursement
 Exhibit B: Standard Terms and Conditions
 Exhibit C: Insurance Requirements
 Exhibit D: Required Federal Terms and Conditions
 Attachment A: Oregon District Attorney Title IV-E Claim Form Instructions
 Attachment B: Example Title IV-E Claim Form

This Agreement constitutes the entire agreement between the parties on the subject matter in it; there are no understandings, agreements, or representations, oral or written, regarding this Agreement that are not specified herein.

- b. 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, Exhibits D, A, B, and C.
- c. For purposes of this Agreement, “Work” means specific work to be performed or services to be delivered by County and District Attorney as set forth in Exhibit A.

3. Certification.

- a. The County and District Attorney acknowledges that the Oregon False Claims Act, ORS 180.750 to 180.785, applies to any “claim” (as defined by ORS 180.750) that is made by (or caused by) the County and District Attorney and that pertains to this Agreement or to the project for which the Agreement work is being performed. The County and District Attorney certify that no claim described in the previous sentence is or will be a “false claim” (as defined by ORS 180.750) or an act prohibited by ORS 180.755. County and District Attorney further acknowledge that in addition to the remedies under this Agreement, if it makes (or causes to be made) a false claim or performs (or causes to be performed) an act prohibited under the Oregon False Claims Act, the Oregon Attorney General may enforce the liabilities and penalties provided by the Oregon False Claims Act against the County or District Attorney. Without limiting the generality of the foregoing, by signature on this Agreement, the County and District Attorney hereby certify that:
 - (1) The information shown in County and District Attorney Data and Certification, of original Agreement or as amended is County and District Attorney’s true, accurate and correct information;
 - (2) To the best of the undersigned’s knowledge, County and District Attorney have not discriminated against and will not discriminate against minority, women or emerging small business enterprises certified under ORS 200.055 in obtaining any required subcontracts;
 - (3) County, District Attorney, County’s employees and agents, and District Attorney’s employees and agents are not included on the list titled “Specially Designated Nationals and Blocked Persons” maintained by the Office of Foreign Assets Control of the United States Department of the Treasury and currently found at:
<http://www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf>;
 - (4) County and District Attorney are not listed on the non-procurement portion of the General Service Administration’s “List of Parties Excluded from Federal procurement or Nonprocurement Programs” found at:
<https://www.sam.gov/portal/public/SAM/>; and

- (5) County and District Attorney are not subject to backup withholding because:
 - (a) County and District Attorney are exempt from backup withholding;
 - (b) County and District Attorney have not been notified by the IRS that County is subject to backup withholding as a result of a failure to report all interest or dividends; or
 - (c) The IRS has notified County and District Attorney that County and District Attorney are no longer subject to backup withholding.
- b. County and District Attorney are required to provide their Federal Employer Identification Number (FEIN). By County's and District Attorney's signature on this Agreement, County and District Attorney hereby certify that the FEIN provided to DHS is true and accurate. If this information changes, County and District Attorney are also required to provide DHS with the new FEIN within 10 days.
- c. Except as expressly amended above, all other terms and conditions of the original Agreement and any previous amendments are still in full force and effect. County and District Attorney certify that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this amendment and with the same effect as though made at the time of this amendment.

4. **County Data.** County shall provide current information as required below. This information is requested pursuant to ORS 305.385 and OAR 125-246-0330(1).

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

County Name (exactly as filed with the IRS): Wasco County

Street address: 511 Washington Street

City, state, zip code: The Dalles, OR 97058

Email address: monicam@co.wasco.or.us

Telephone: (541) 506-2770 Facsimile: (541) 506-2771

Federal Employer Identification Number: 93-6002315

Proof of Insurance:

Workers' Compensation Insurance Company: SAIF

Policy #: 482892 Expiration Date: 6/30/2015

County shall provide proof of Insurance upon request by DHS or DHS designee.

5. **District Attorney Data.** District Attorney shall provide current information as required below. This information is requested pursuant to ORS 305.385 and OAR 125-246-0330(1).

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

District Attorney Name (exactly as filed with the IRS):

Eric J. Nisley

Street address: 511 Washington Street, Suite 304

City, state, zip code: The Dalles, OR 97058

Email address: ericn@co.wasco.or.us

Telephone: (541) 506-2682 Facsimile: (541) 506-2681

Federal Employer Identification Number: 93-6002315

Proof of Insurance:

Workers' Compensation Insurance Company: SAIF

Policy #: 482892 Expiration Date: 6/30/2015

District Attorney shall provide proof of Insurance upon request by DHS or DHS designee.

6. Signatures.

COUNTY AND DISTRICT ATTORNEY: YOU WILL NOT BE PAID FOR SERVICES RENDERED PRIOR TO NECESSARY STATE APPROVALS

Wasco County

By:

Authorized Signature	Title	Date
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Wasco County District Attorney

Eric J. Nisley	Date
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APPROVED AS TO FORM:

Timmons Law
Wasco County General Counsel

State of Oregon, acting by and through its Department of Human Services

By:

Authorized Signature	Title	Date
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Approved for Legal Sufficiency

Not required per OAR 137-045-0030(1)(a)

Office of Contracts and Procurement

Jewelee Bell, Contract Specialist	Date
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Exhibit A
Part 4
District Attorney Title IV-E Reimbursement

Allowable Expenses

Salaries and Fringe Benefits (Section C. on Claim Form) are the costs for those who work on Child Welfare cases only, including but not limited to, those listed below:

- Attorneys and paralegals in DA offices
- Investigators, witness coordinators, and other related staff
- Clerical support staff who support those above

Non-Allowable Expenses

- Costs of judges, clerks of courts, guardian's ad litem, public defenders, or other court-related staff who may be involved in Child Welfare legal proceedings.
- Court operating expenses and overhead.
- The purchase or rent of computers, other equipment, or vehicles.

Allowable Child Welfare Legal Services

For purposes of the Title IV-E legal services reimbursement, the following types of legal services may be used in determining the amount of legal staff time qualify for Title IV-E reimbursement.

- Original disposition and extension or revision of Jurisdictional orders;
- Placement of children in out-of-home care, including temporary physical custody, change of placement, revision, and extension orders;
- Voluntary placement of children into out-of-home care and conversion of voluntary placements to court-ordered placements
- Establishing guardianship for children in out-of-home care.

Other Operating Costs (Section D. on Claim Form) can include the following:

- Costs associated with legal actions for Child Welfare cases including filing fees, costs for expert witnesses, and transcription costs.
- Costs for travel and training for legal staff who work on Child Welfare cases, including participating in Child Welfare Training.
- Supplies and services necessary for legal staff who works on Child Welfare Cases.
- Genetic testing to determine paternity to expedite a court case.

Allowable Activities under Legal Services

- Consulting with Child Welfare case worker;
- Determining potential cases for court action;
- Receiving and organizing information about cases;
- Petitioning the court;
- Preparing for and Participation in Court hearings (shelter, jurisdictional, dispositional, permanency or review)
- Providing legal notice of hearings;
- Issuing subpoenas;
- Preparing legal briefs and orders;
- Obtaining signed court orders; and
- Appellate activities; and related legal support of county Child Welfare agency.

Non-Allowable Child Welfare Legal Services

- Legal services related to delinquency orders, juvenile probation, restitution, and placement of children in secure detention or juvenile corrections.
- Criminal prosecution of person charged with child abuse and neglect.

Percentage of Staff Time on DHS Cases and Allowable Legal Services

Attorneys and other legal staff must be either dedicated full-time to Child Welfare cases or the specific portion of time for legal staff who works part-time on Child Welfare cases must be identified. DAs must ensure that the amount of legal staff time and other expenses reported for Title IV-E reimbursement corresponds with the amount of legal services performed for Child Welfare dependency cases. DAs can determine the specific method used to allocate legal staff time, the amount of time legal staff will spend on DHS case and other expenses to the legal services reimbursement.

In order to determine the amount of time spent on allowable legal services it is recommended that some form of 100% time tracking on DHS cases be completed. Whatever time tracking methodology that is used it must be consistent with cost allocation methods used by the DA for other funding sources (i.e., federal grants, timber funds and other funds). DHS must approve the time reporting methodology used by the DAs office. DHS is responsible for ensuring that the legal staff time allocation method used meets single state audit requirements and other applicable audit requirements.

Amount of Title IV-E Reimbursement

The amount of reimbursement is based on the actual amount of reimbursable costs and percent of time staff spent on Child Welfare dependency cases. Therefore, the exact amount of Title IV-E reimbursement that a DAs office can receive will not be projected but will be on actuals.

The net amount of Title IV-E reimbursement for legal services is based on the federal Title IV-E administrative cost reimbursement rate of 50% multiplied by the percentage of Title IV-E

eligible children in out-of-home care in Oregon. This eligibility ratio is also known as the Title IV-E "eligibility rate" and varies from quarter to quarter. The net reimbursement rate could change each quarter depending on the statewide IV-E "eligibility rate" and any changes in federal Title IV-E fiscal policy.

Sources of Matching Funds

The match expenses used to claim Title IV-E reimbursement must be from non-federal public funds and be based on expenditures by a public agency from those public funds. Expenses used to claim Title IV-E reimbursement for legal services cannot be used as match for other federal funding sources.

Audits

Title IV-E is audited routinely by the Secretary of State. Documentation must be maintained to support the claim. DA is responsible for reimbursing IV-E funds if any negative finding is made.

EXHIBIT D

Required Federal Terms and Conditions

General Applicability and Compliance. Unless exempt under 45 CFR Part 87 for Faith-Based Organizations (Federal Register, July 16, 2004, Volume 69, #136), or other federal provisions, County and District Attorney shall comply and, as indicated, require all subcontractors to comply with the following federal requirements to the extent that they are applicable to this Agreement, to County, to District Attorney, or to the Work, or to any combination of the foregoing. For purposes of this Agreement, all references to federal and state laws are references to federal and state laws as they may be amended from time to time.

- 1. Miscellaneous Federal Provisions.** County and District Attorney shall comply and require all subcontractors to comply with all federal laws, regulations, and executive orders applicable to the Agreement or to the delivery of Work. Without limiting the generality of the foregoing, County and District Attorney expressly agree to comply and require all subcontractors to comply with the following laws, regulations and executive orders to the extent they are applicable to the Agreement: (a) Title VI and VII of the Civil Rights Act of 1964, as amended, (b) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, (c) the Americans with Disabilities Act of 1990, as amended, (d) Executive Order 11246, as amended, (e) the Health Insurance Portability and Accountability Act of 1996, as amended, (f) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended, (g) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (h) all regulations and administrative rules established pursuant to the foregoing laws, (i) all other applicable requirements of federal civil rights and rehabilitation statutes, rules and regulations, and (j) all federal laws requiring reporting of client abuse. These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to the Agreement and required by law to be so incorporated. No federal funds may be used to provide Work in violation of 42 U.S.C. 14402.
- 2. Equal Employment Opportunity.** If this Agreement, including amendments, is for more than \$10,000, then County and District Attorney shall comply and require all subcontractors to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).
- 3. Clean Air, Clean Water, EPA Regulations.** If this Agreement, including amendments, exceeds \$100,000 then County and District Attorney shall comply and require all subcontractors to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 7606), the Federal Water Pollution Control Act as amended (commonly known as the Clean Water Act) (33 U.S.C. 1251 to 1387), specifically including, but not limited to Section 508 (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (2 CFR Part 1532), which prohibit the use under non-exempt Federal contracts, grants or loans of facilities included on the EPA List of Violating Facilities. Violations shall be reported to DHS, United States Department of Health and Human Services and the appropriate Regional Office of the Environmental Protection Agency. County and District Attorney shall

include and require all subcontractors to include in all contracts with subcontractors receiving more than \$100,000, language requiring the subcontractor to comply with the federal laws identified in this section.

4. **Energy Efficiency.** County and District Attorney shall comply and require all subcontractors to comply with applicable mandatory standards and policies relating to energy efficiency that are contained in the Oregon energy conservation plan issued in compliance with the Energy Policy and Conservation Act 42 U.S.C. 6201 et. seq. (Pub. L. 94-163).
5. **Truth in Lobbying.** By signing this Agreement, the County and District Attorney certify, to the best of the County's and District Attorney's knowledge and belief that:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of County or District Attorney, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.
 - b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan or cooperative agreement, the County or District Attorney shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
 - c. The County and District Attorney shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients and subcontractors shall certify and disclose accordingly.
 - d. This certification is a material representation of fact upon which reliance was placed when this Agreement was made or entered into. Submission of this certification is a prerequisite for making or entering into this Agreement imposed by section 1352, Title 31 of the U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
 - e. No part of any federal funds paid to County or District Attorney under this Agreement shall be used other than for normal and recognized executive legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the United States Congress or any State or local legislature itself, or designed to support or defeat any proposed or

pending regulation, administrative action, or order issued by the executive branch of any State or local government itself.

- f.** No part of any federal funds paid to County or District Attorney under this Agreement shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the United States Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.
 - g.** The prohibitions in subsections (e) and (f) of this section shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.
 - h.** No part of any federal funds paid to County or District Attorney under this Agreement may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive congressional communications. This limitation shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance of that federally sponsored clinical trials are being conducted to determine therapeutic advantage.
- 6. Resource Conservation and Recovery.** County and District Attorney shall comply and require all subcontractors to comply with all mandatory standards and policies that relate to resource conservation and recovery pursuant to the Resource Conservation and Recovery Act (codified at 42 U.S.C. 6901 et. seq.). Section 6002 of that Act (codified at 42 U.S.C. 6962) requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by the Environmental Protection Agency. Current guidelines are set forth in 40 CFR Part 247.
- 7. Audits.**

 - a.** County and District Attorney shall comply, and require any subcontractor to comply, with applicable audit requirements and responsibilities set forth in this Agreement and applicable state or federal law.
 - b.** Sub-recipients shall also comply with applicable Code of Federal Regulations (CFR) and OMB Circulars governing expenditure of federal funds including, but not limited, to OMB A-133 Audits of States, Local Governments and Non-Profit Organizations.

8. **Debarment and Suspension.** County and District Attorney shall not permit any person or entity to be a subcontractor if the person or entity is listed on the non-procurement portion of the General Service Administration's "List of Parties Excluded from Federal Procurement or Non-procurement Programs" in accordance with Executive Orders No. 12549 and No. 12689, "Debarment and Suspension". (See 2 CFR Part 180.) This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory authority other than Executive Order No. 12549. Subcontractors with awards that exceed the simplified acquisition threshold shall provide the required certification regarding their exclusion status and that of their principals prior to award.
9. **Drug-Free Workplace.** County and District Attorney shall comply and require all subcontractors to comply with the following provisions to maintain a drug-free workplace: (i) County and District Attorney certify that they will provide a drug-free workplace by publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, except as may be present in lawfully prescribed or over-the-counter medications, is prohibited in County's and District Attorney's workplace or while providing services to DHS clients. County's and District Attorney's notice shall specify the actions that will be taken by County or District Attorney against its employees for violation of such prohibitions; (ii) Establish a drug-free awareness program to inform its employees about: The dangers of drug abuse in the workplace, County's and District Attorney's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations; (iii) Provide each employee to be engaged in the performance of services under this Agreement a copy of the statement mentioned in paragraph (i) above; (iv) Notify each employee in the statement required by paragraph (i) above that, as a condition of employment to provide services under this Agreement, the employee will: abide by the terms of the statement, and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction; (v) Notify DHS within ten (10) days after receiving notice under subparagraph (iv) above from an employee or otherwise receiving actual notice of such conviction; (vi) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted as required by Section 5154 of the Drug-Free Workplace Act of 1988; (vii) Make a good-faith effort to continue a drug-free workplace through implementation of subparagraphs (i) through (vi) above; (viii) Require any subcontractor to comply with subparagraphs (i) through (vii) above; (ix) Neither County, or any of County's employees, agents or subcontractors, District Attorney or any of District Attorney's officers, agents or subcontractors may provide any service required under this Agreement while under the influence of drugs. For purposes of this provision, "under the influence" means: observed abnormal behavior or impairments in mental or physical performance leading a reasonable person to believe the County or County's employee, officer, agent or subcontractor, District Attorney or District Attorney's employee, officer, agent or subcontractor has used a controlled substance, prescription or non-prescription medication that impairs the County or County's employee, officer, agent or subcontractor's, District Attorney or District Attorney's employee, officer, agent or

subcontractor performance of essential job function or creates a direct threat to DHS clients or others. Examples of abnormal behavior include, but are not limited to: hallucinations, paranoia or violent outbursts. Examples of impairments in physical or mental performance include, but are not limited to: slurred speech, difficulty walking or performing job activities; and (x) Violation of any provision of this subsection may result in termination of this Agreement.

10. **Pro-Children Act.** County and District Attorney shall comply and require all subcontractors to comply with the Pro-Children Act of 1994 (codified at 20 U.S.C. Section 6081 et. seq.).
11. **Medicaid Services.** County and District Attorney shall comply with all applicable federal and state laws and regulation pertaining to the provision of Medicaid Services under the Medicaid Act, Title XIX, 42 U.S.C. Section 1396 et. seq., including without limitation:
 - a. Keep such records as are necessary to fully disclose the extent of the services provided to individuals receiving Medicaid assistance and shall furnish such information to any state or federal agency responsible for administering the Medicaid program regarding any payments claimed by such person or institution for providing Medicaid Services as the state or federal agency may from time to time request. 42 U.S.C. Section 1396a(a)(27); 42 CFR Part 431.107(b)(1) & (2).
 - b. Comply with all disclosure requirements of 42 CFR Part 1002.3(a) and 42 CFR Part 455 Subpart (B).
 - c. Maintain written notices and procedures respecting advance directives in compliance with 42 U.S.C. Section 1396(a)(57) and (w), 42 CFR Part 431.107(b)(4), and 42 CFR Part 489 subpart I.
 - d. Certify when submitting any claim for the provision of Medicaid Services that the information submitted is true, accurate and complete. County and District Attorney shall acknowledge County's and District Attorney's understanding that payment of the claim will be from federal and state funds and that any falsification or concealment of a material fact may be prosecuted under federal and state laws.
 - e. Entities receiving \$5 million or more annually (under this Agreement and any other Medicaid Agreement) for furnishing Medicaid health care items or services shall, as a condition of receiving such payments, adopt written fraud, waste and abuse policies and procedures and inform employees, contractors and agents about the policies and procedures in compliance with Section 6032 of the Deficit Reduction Act of 2005, 42 U.S.C. § 1396a(a)(68).
12. **Agency-based Voter Registration.** If applicable, County and District Attorney shall comply with the Agency-based Voter Registration sections of the National Voter Registration Act of 1993 that require voter registration opportunities be offered where an individual may apply for or receive an application for public assistance.

13. Disclosure.

- a.** 42 CFR Part 455.104 requires the State Medicaid agency to obtain the following information from any provider of Medicaid or CHIP services, including fiscal agents of providers and managed care entities: (1) the name and address (including the primary business address, every business location and P.O. Box address) of any person (individual or corporation) with an ownership or control interest in the provider, fiscal agent or managed care entity; (2) in the case of an individual, the date of birth and Social Security Number, or, in the case of a corporation, the tax identification number of the entity, with an ownership interest in the provider, fiscal agent or managed care entity or of any subcontractor in which the provider, fiscal agent or managed care entity has a 5% or more interest; (3) whether the person (individual or corporation) with an ownership or control interest in the provider, fiscal agent or managed care entity is related to another person with ownership or control interest in the provider, fiscal agent or managed care entity as a spouse, parent, child or sibling, or whether the person (individual or corporation) with an ownership or control interest in any subcontractor in which the provider, fiscal agent or managed care entity has a 5% or more interest is related to another person with ownership or control interest in the provider, fiscal agent or managed care entity as a spouse, parent, child or sibling; (4) the name of any other provider, fiscal agent or managed care entity in which an owner of the provider, fiscal agent or managed care entity has an ownership or control interest; and, (5) the name, address, date of birth and Social Security Number of any managing employee of the provider, fiscal agent or managed care entity.
- b.** 42 CFR Part 455.434 requires as a condition of enrollment as a Medicaid or CHIP provider, to consent to criminal background checks, including fingerprinting when required to do so under state law, or by the category of the provider based on risk of fraud, waste and abuse under federal law.
- c.** As such, a provider must disclose any person with a 5% or greater direct or indirect ownership interest in the provider whom has been convicted of a criminal offense related to that person's involvement with the Medicare, Medicaid, or title XXI program in the last 10 years.
- d.** County and District Attorney shall make the disclosures required by this Section 13 to DHS. DHS reserves the right to take such action required by law, or where DHS has discretion, it deems appropriate, based on the information received (or the failure to receive information) from the provider, fiscal agent or managed care entity.

14. Federal Intellectual Property Rights Notice. The federal funding agency, as the awarding agency of the funds used, at least in part, for the Work under this Agreement, may have certain rights as set forth in the federal requirements pertinent to these funds. For purposes of this subsection, the terms “grant” and “award” refer to funding issued by the federal funding agency to the State of Oregon. The County and District Attorney agree that they have been provided the following notice:

- a.** The federal funding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the Work, and to authorize others to do so, for Federal Government purposes with respect to:

 - (1) The copyright in any Work developed under a grant, subgrant or agreement under a grant or subgrant; and
 - (2) Any rights of copyright to which a grantee, subgrantee or a contractor purchases ownership with grant support.
- b.** The parties are subject to applicable federal regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements.”
- c.** The parties are subject to applicable requirements and regulations of the federal funding agency regarding rights in data first produced under a grant, subgrant or agreement under a grant or subgrant.

Attachment A
Oregon District Attorney Title IV-E Claim Form Instructions

Oregon District Attorney's (DAs) that have signed a 2013-15 intergovernmental agreement with the Oregon Department of Human Services (DHS) regarding the increased or improved juvenile dependency proceedings are entitled to quarterly Title IV-E reimbursement from DHS. The biennial amounts are based on projected expenditures and may be revised based on actual allowable Title IV-E expenditures throughout the biennium. To claim each quarterly payment, the county must submit a "Title IV-E Claim Form" for the quarter of note.

Instructions for Department of Human Services Juvenile Dependency "Title IV-E Claim Form":

The claim form has been developed in Excel and should be completed electronically, then printed for signature and submitted via email/electronically. **Please submit the completed claim form to DHS** at the email address listed on the last page of these instructions. DHS will provide confirmation of receipt of claim form and the date form submitted for payment. The DA must have and keep documentation to support the information reported on the form. The supporting documentation is subject to review, upon request, by DHS and is subject to audit by state and federal auditors (does not have to be attached to quarterly claim).

The methodology for tracking the percentage of time staff spent on Child Welfare dependency cases must be approved by DHS. It is recommended the time tracking methodology be daily, but no less than weekly.

Please complete the blue shaded sections of the claim form as follows:

- A. **County Identification and Amount Claimed.** Record the county name and mailing address. Include the date the form is completed, the quarter for which the claim is being submitted, and the amount of the quarterly claim. The Total Quarterly Reimbursement amount is calculated automatically after all data has been input.

In order to claim the amount specified in the interagency agreement, the total eligible personnel costs for the quarter must equal or exceed the interagency agreement amount.

- B. **Qualifying children's cases worked.** For each **Qualified Child** who had Work performed on the Child's case during the reporting quarter, record the Child's name and birth date. A **Qualifying Child** is a child who, at the time Work was performed on the child's case, was at any point in the juvenile dependency process between the filing of a dependency petition and entry of a disposition order on the merits on all allegations in that petition. **Work** includes any of the acts to be performed and requirements to be fulfilled by the District Attorney as described in Exhibit A, Part 1, of the agreement. List a Qualified Child only once each quarter, regardless of the number of time Work was performed on the Child's case. If work is performed on a case involving multiple Qualified Children, list all children on the form. If the District Attorney's office prefers,

a separate list of Qualified Children and their birth dates may be attached as long as reference to it is made in the invoice.

- C. **Eligible personnel costs.** Record the name of each employee who worked on the qualifying cases. Record their “Salary and Fringe Benefits” for the quarter and the “Percent of Time Spent on CW Cases” for the quarter worked on the qualifying cases. The “Eligible Cost” field will automatically calculate.

Personnel costs include the salary (including any overtime or other differential) and other personnel expenses such as health insurance, retirement, and other employee benefits paid for the quarter to, or on behalf of, the employee listed. To claim the full amount specified in part IV of the interagency agreement, the total eligible cost for the quarter must equal or exceed the amount specified in the interagency agreement. If the total eligible cost is less than the interagency agreement amount, then the payment to the county will be limited to the total eligible cost amount.

Enter the number of employees listed to calculate the average percentage of time spent working on CW Cases during the quarter.

- D. **Other Operating Expenses.** Record the amount of “Other Operating Expenses” for the quarter for each staff person reported in section C above.

Other operating expenses includes:

- a. Service and supplies necessary for legal staff who work on Child Welfare cases.
- b. Costs associated with legal actions for Child Welfare cases including filing fees, costs for expert witnesses, and transcription costs.
- c. Costs for travel and training for legal staff who work on Child Welfare cases, including participating in Child Welfare training.
- d. Genetic testing to determine paternity to expedite a court case.

Note: The *eligible cost* for Other Operating Expenses is automatically calculated by the total average percentage of time spent on child welfare cases multiplied by the Operating Expenses reported.

- E. **Total Reimbursable Costs.** The field represents the total costs that will be used to calculate the Title IV-E reimbursement for the quarter.
- F. **DHS Foster Care IV-E Eligibility Rate.** The “Eligibility Rate” is automatically multiplied by the “Total Reimbursable Costs” which is then multiplied by the Federal IV-E Administrative Reimbursement Rate.

- G. **Federal IV-E Administrative Reimbursement Rate.** The federal reimbursement rate for Title IV-E administrative costs is 50%. The federal reimbursement rate of 50% is automatically multiplied by the results of the “Eligibility Rate” multiplied by the “Total Reimbursable Costs”. **The results of this calculation will be the total Title IV-E reimbursement for the quarter.**
- H. **Total Reimbursement for Quarter.** This total will also automatically fill the cell at the top right portion of the form named “Total Quarterly Reimbursement”.
- I. **Certification.** The District Attorney must sign the certification and submit the form to DHS after the close of each calendar quarter. The first quarter for which a claim can be submitted will be the quarter ending September 30, 2013. Claim forms should be submitted within 30 days of the end of the quarter. Include the name of the person responsible for preparing the report and their contact phone number.
- J. **DHS Validation.** For DHS use only.

DHS will verify the county forms, request the funds from the federal government and keep the official documentation from the counties in its files. Upon approval of the claims, DHS will then make the appropriate payments to the participating counties.

The contact from the Oregon Department of Human Services for processing claims with Title IV-E is:

Oregon Department of Human Services

DHS, Office of Child Welfare Program
Attn: Liz Lair
500 Summer Street NE E-69
Salem, OR 97301-1097
Elizabeth.lair@state.or.us
Phone: 503-569-3815

Attachment B
DEPARTMENT OF HUMAN SERVICES
JUVENILE DEPENDENCY
TITLE IV-E CLAIM FORM

A.	County:	Your County		Report Date:	Sample
	Mailing Address:	Your Address		Quarter Ended:	
	City, State, Zip:	Your City, State, Zip	Total Quarterly Reimbursement		\$ 349.25

B.	Qualifying Children's cases worked during quarter:
See attached:	

	Employee Name	Quarterly Salaries and Fringe Benefits	% of Time Spent on CW Cases	Eligible Cost
C.	Person 1	\$ 100.00	25%	\$ 25.00
	Person 2	\$ 100.00	25%	\$ 25.00
	Person 3	\$ 100.00	25%	\$ 25.00
				\$ -
				\$ -
				\$ -
				\$ -

# Employees Listed	3	Average % in Qtr	25%	\$ 75.00
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D.	Other Operating Expenses	100		\$ 25.00
	Expert Witness Expenses	1000		\$ 1,000.00
E.	Total Reimbursable Costs			\$ 1,100.00
F.	DHS Foster Care IV-E Eligibility Rate		63.50%	\$ 698.50
G.	Federal IV-E Administrative Reimbursement Rate		50%	\$ 349.25
H.	Total Reimbursement for Quarter (Title IV-E)			\$ 349.25

I.	Certification:
The District Attorney performed all work for which reimbursement is sought in accordance with Title IV-E Intergovernmental Agreement	

	Signature:	District Attorney	Prepared by:	Office Manager
	Typed Name:	<i>District Attorney</i>	Name:	Office Manager
	Title:	District Attorney	Contact Phone:	541/999-9999

K.	DHS Validation		
		Sign:	Date:
		Calculation correct:	
		Amount claimed correct:	
		Date paid to County:	

Discussion Item
Application for Confidential Information

- [Application](#)

Application For Confidential Information

Form 104#:

For Governmental Planning, Performance Measurement,
Program Analysis, Socio-Economic Analysis, or Policy Analysis

1. Government Agency: Oregon Dept. of Transportation Planning & Analysis Unit

Address: 555 13th St. NE, Suite 2, Salem OR 97301-4178

Name of Official: Brian Dunn

Position: Manager

Phone Number: 503-986-4103

Fax Number: 503-986-4174

Email Address: Brian.G.Dunn@odot.state.or.us

2. Law authorizing applicant to carry out: ☐ planning ☐ performance measurement
☐ program analysis ☐ socio-economic analysis ☐ policy analysis
184.615 (4)

3. If being carried out in concert with another governmental agency:

Name (Agency and contact person):

Address:

Statutory Authority:

Name (Agency and contact person):

Address:

Statutory Authority:

4. Confidential information being requested (include data series, data types, geographic areas, time periods, etc.): 2010-2013 Wasco County QCEW data

5. General category under which confidential information is being requested (check one or more):

☒ Planning

☐ Performance Measurement

☒ Program Analysis

☐ Socio-economic analysis

☐ Policy Analysis

6. Specific purpose for which confidential information will be used:

7. Information needed by (date):

ASAP

8. When request is completed, send data to:

Beth Pickman, 503-986-4107, beth.a.pickman@odot.state.or.us

9. If possible, send data in the following format: GIS Shapefile

10. In addition, the requestor affirms that (Check to agree to comply):

☒ The signer(s) has/have appropriate signature authority for the applying organization(s).

☒ Information furnished by the Oregon Employment Department pursuant to this application shall be used only by those entities identified in Sections 1, 3, and/or 11 of this Application and shall be used only for the purpose(s) described in Section 6.

☒ Every entity identified as a user of the information shall agree to safeguard the confidentiality of the furnished information.

☒ Information furnished by the Oregon Employment Department pursuant to this application will be kept confidential and will not be released without the express written consent of the Oregon Employment Department. There is no expiration time associated with this responsibility. The information must always be kept confidential.

Continued on next page...



- ☒ Information furnished by the Oregon Employment Department pursuant to this application will be destroyed by all recipients once the specific project for which the information is being requested has been completed. Any exceptions to this requirement require express written authorization from the Employment Department.
- ☒ Costs associated with preparing and providing the requested information shall be borne by the agency requesting the information. Such costs will be identified by the Employment Department and approved by the requestor before work on this request begins.
- ☒ If a publication or report is produced using the information provided pursuant to this Application, one copy of the publication or report shall be provided to the Employment Department. The publication or report shall cite the **Oregon Employment Department** as the source of some of the data on which the publication or report was based. The publication may include only aggregate information, not confidential information.
- ☒ The signer(s) and all individuals who will have access to the confidential information provided under this application have reviewed the Rules and Guidelines Regarding Confidentiality of Oregon Employment Department Data (Appendix A).

Signature of Authorized Representative:

Date:

Name and Title (Print or typed): Brian G. Dunn, Manager

11. Will any work on any project(s) related to this Application be performed by one or more consultants or other individuals who are not employees of the agency or agencies identified in Sections 1 or 3?

☐ Yes ☐ No

If "Yes", will the individual(s) have access to confidential information? ☐ Yes ☐ No

If the Applicant responds Yes to both of these questions, the individual(s) and/or consultant(s) must be identified below and must agree to comply with all items identified in Section 10. By signing below, the individual(s) and/or consultant(s) agree to comply with all items identified in Section 10.

Name of Company:

Signature of Authorized Representative:

Name and Title (Printed or typed):

Phone Number:

Date:

Name of Company:

Signature of Authorized Representative:

Name and Title (Printed or typed):

Phone Number:

Date:

MAIL OR FAX ORIGINAL APPLICATION TO:

Graham Slater, Administrator • Workforce and Economic Research • Oregon Employment Department
875 Union St. NE • Salem, OR 97311 • Fax: (503) 947-1210

REPLY FROM THE ADMINISTRATOR FOR WORKFORCE AND ECONOMIC RESEARCH:

This Application submitted under ORS 657.665(3) is hereby: ☐ APPROVED ☐ DENIED
Explanation/comments:

Signature:

Date:

Graham Slater, Administrator • Workforce and Economic Research • Oregon Employment Department

ORS 657.665 Confidentiality of Information in Employment Department Records

(1) Information secured from employing units, employees or other individuals pursuant to this chapter: Except as provided in subsections (2) to (4) of this section, all information in the records of the Employment Department pertaining to the administration of the unemployment insurance, employment service and labor market information programs:

(a) Is confidential and for the exclusive use and information of the Director of the Employment Department in administering the unemployment insurance, employment service and labor market information programs in Oregon.

(3) The Employment Department may disclose information secured from employing units:

(a) To agencies of this state, federal agencies and local government agencies to the extent necessary to properly carry out governmental planning, performance measurement, program analysis, socioeconomic analysis and policy analysis functions performed under applicable law. The information disclosed is confidential and may not be disclosed by the agencies in any manner that would identify individuals, claimants, employees or employing units. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the agency requesting the information.

(6) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or disqualified from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.

APPENDIX A:

Revised: January 1, 2008



Quality Information, Informed Choices

Labor Market Information

State of Oregon • Employment Department • 875 Union NE, Salem, OR 97311 • www.QualityInfo.org

Contact: Graham Slater • (503) 947-1212 • Graham.J.Slater@state.or.us

Rules and Guidelines Regarding Confidentiality of Oregon Employment Department Data

This memo provides instruction for government officials and private sector consultants using confidential information from the Oregon Employment Department's Research Division. These instructions are based on ORS 657.665, the federal Confidential Information Protection and Statistical Efficiency Act (CIPSEA), and the Bureau of Labor Statistics Commissioner's Order 3-04.

1. We never publish, share, or discuss information relating to an individual person.
2. We never publish, share, or discuss aggregate information relating to individual persons if there are fewer than three individuals in a particular aggregation.
3. We never publish, share, or discuss employment or other data regarding a specific employer.
4. We never publish, share, or discuss aggregate employment or other data relating to businesses if:
 - a. there are fewer than three firms in the aggregation, or
 - b. one firm makes up more than 80% of total employment in the aggregation.

Confidentiality is serious business. Consequences for sharing confidential information range from internal disciplinary processes to disqualification from future collaboration with the Employment Department to a class E felony.

If you have any questions about the analysis and publication of information received from the Employment Department, please contact Graham Slater, Research Administrator, at the phone number or e-mail address listed above.

Oregon Employment Department

Commitment to Confidentiality - Level 1 (No SSN)



FEDERAL LAW

The U.S. Department of Labor holds that under Sections 303(a)(1) and 303(a)(8) of the Social Security Act, information collected and maintained for the administration of the unemployment compensation program is confidential and, with certain exceptions, not subject to disclosure. This confidentiality requirement pertains to information required from individuals and employers or employing units for the purposes of administration of the state's unemployment compensation laws. This includes, among other items, the customer's name, address, social security number, earnings/wages, and employer BIN number.

STATE LAW

Oregon Revised Statute 657.665 provides "all information in the records of the Employment Department pertaining to the administration of the unemployment insurance, employment service and labor market information programs is confidential and for the exclusive use and information of the Director of the Employment Department." ORS 657.665 also specifies certain circumstances under which confidential information may be shared with specified entities for specified purposes.

DEPARTMENT RULES (OARs)

OAR 471-010-0080 through 0125 provide additional authority and direction regarding access to, use, and disclosure of customer information provided to the Oregon Employment Department (OED). The administrative rules detail the allowances for sharing customer information with partners in the one-stop system, law enforcement officials, agents, legislators, and attorneys. The rules also provide the sanctions for unauthorized disclosure, the need for interagency agreements to share the information, and a description of additional concepts discussed in both rule and statute.

UNDER PENALTY OF DISQUALIFICATION

ORS 657.665(6) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or disqualified from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.

UNDERLYING GUIDELINES

1. **Only** use the information obtained under this agreement for the purposes for which this confidential information sharing was approved.
2. **Never** publish, share, or discuss information relating to an individual person (Unemployment Insurance (UI) claimant, Employment Service job applicant, UI wage file record, performance measures record, etc.).
3. **Never** publish, share, or discuss aggregate information relating to individual persons if there are fewer than three individuals in a particular aggregation.
4. **Never** publish, share, or discuss employment or other data for a specific employer.
5. **Never** publish, share, or discuss aggregate employment or other data for an industry or industry group if:
 - a) there are fewer than three firms in the industry, or
 - b) one firm makes up more than 80% of total employment in the industry.

Guidelines one, two, and three apply in all cases.

Guidelines four and five apply to all data from the private sector and tribal government. Federal, state, and local government data at the agency or industry or occupational level may be released to the public without regard for the above confidentiality rules.

Any unauthorized use constitutes a breach of confidentiality and is not within the scope of duties of any officer, agent, or employee. Unauthorized publication of the information is absolutely prohibited. Such unauthorized use is to be reported immediately to your supervisor. The supervisor will immediately call the OED help desk and ask to speak the security manager or the security incident responder on duty. The supervisor will then report the details to the security personnel.

I understand that all information and data contained in OED records is confidential and not for release except under certain defined circumstances. I also understand that, as a non-OED employee, if I access and/or disclose any information not authorized by law, rule or policy, action up to and including revocation of access to agency information assets and termination of contract will be taken.

Should I have questions regarding the confidentiality of OED records I will refer and discuss them with the appropriate OED Manager contact prior to releasing any information.

Signature:	Printed Name:	Date:
Organization:	Location:	
Manager Signature:	Printed Manager Name:	Date:

Discussion Item
County Counsel

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

**WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
JANUARY 7, 2015**

CONSENT AGENDA

1. [Minutes](#)
 - a. [12.17.2014 Regular BOCC Session](#)
 - b. [12.22.2014 Public Hearing](#)



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
DECEMBER 17, 2014

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

At 1:00 p.m. Chair Hege opened Regular Session of the Board of Commissioners with the Pledge of Allegiance. There were no corrections or additions to the agenda.

Agenda Item – County Counsel

Mr. Stone reported that on November 25, 2014, Wasco County District Attorney Eric Nisley resigned his duties as County Counsel. He stated that under State Statute it may be that the District Attorney cannot legally step down from those duties, however, that is a topic the Commission can address at a later time. He said that he limited his inquiries to firms with which the County has an existing relationship. Brad Timmons' firm has done a lot of work for the County on contracts and leases; Dan Olsen has done a lot of work for the County as general counsel. The Timmons' firm is local while Dan Olsen is located in Portland.

Mr. Stone explained that Mr. Olsen is not physically present but submitted a proposal and resume. He pointed out that Mr. Olsen proposes that he continues to work with the County as back-up counsel; he does not have the capacity to take the County on

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
DECEMBER 17, 2014
PAGE 2

full-time. He stated that the budget for counsel is about \$80,000 plus the \$20,000 to DA Nisley for his services. He added that a large portion of legal costs are associated with union negotiations. He introduced Mr. Timmons to the Board.

Mr. Timmons stated that he has made some minor adjustments to his proposal in response to Mr. Stone's feedback - section 3-D "samples may include" and "help if requested." He explained that his intent is to have the County as a high priority client and participate as needed in meetings. He stated that his firm has a background in municipal law and will be responsive to the executive assistant to oversee and identify legal issues.

Mr. Timmons observed that due to the nature of the District Attorney's case load, the County may have been underserved by that system; his firm will be billing against a \$5,000 monthly fee and will have the time to work on getting County property moving back onto the tax roll. He said that should the Board decide to engage his firm, he would like to have a May review to determine what adjustments need to be made in order to meet the needs of the County; thereafter, he envisions an annual review in October. He explained that any unused monthly fee will roll forward to be billed against in the following months.

Mr. Timmons pointed out that he has already done work for the County and believes he has served the County well; he enjoys the work and looks forward to building on that relationship. His firm is located at the Port of The Dalles and anticipates having 12 full-time employees. He stated that for the transition period of two months, he is capping their fee at \$5,000 no matter how many hours are logged; he anticipates increased work during this time as processes are developed.

Mr. Nisley stated that he has done some rough tracking of his hours over the last three years. He acknowledged that he has not done everything that could be done due to his workload as DA – the County work is not a priority for him. He stated that in January of this year, he logged between eighteen and twenty hours.

Commissioner Runyon stated he had spent some time talking with Mr. Timmons yesterday and expressed his two main concerns – that Ms. White is able to complete her work in a timely fashion and that Mr. Stone has ready access to an attorney. He said that he believes Mr. Olsen would also be a good choice but is not available full-

time. He stated that he is also pleased to have the firm looking at the agenda on a regular basis and that the firm has some background in land issues.

Mr. Timmons said that he will be meeting with department heads and will work with Mr. Nisley, with whom he already has a professional relationship, to make sure the County's needs are being met.

Mr. Stone pointed out that being without County counsel puts the County at risk and therefore this action qualifies as an emergency procurement under the contracting rules. In addition, service contracts are viewed differently than building and goods contracts and may not be required to go out for bid. Some discussion ensued as to the dollar value of the agreement and the emergency status of the procurement of services. Mr. Nisley stated that he does not think it is wrong to hire Mr. Timmons now and then look at others.

{{{Commissioner Runyon moved to accept Mr. Timmons' proposal to serve as County Counsel as an emergency procurement effective date of January 1, 2015, reserving the right to look at other firms between now and then. Commissioner Kramer seconded the motion which passed unanimously.}}}

Commissioner Kramer expressed the thanks of the Board to Mr. Nisley for his years of service as County Counsel.

Public Comment – Cultural Trust

Corliss Marsh reported that the local Cultural Trust Coalition had awarded 9 grants totaling nearly \$8,000 this year. She explained that if you donate to an organization on the list and to the Trust you will receive a tax credit which reduces your taxes for your Trust donation. She pointed out that the local library is on the list.

Discussion List – M57 Grant

Community Corrections Director Robert Martin explained that this is basically a renewal of the contract with Crossroads Counseling to provide Level II counseling. He stated that the funding comes from the Measure 57 grant from the State for \$42-43,000 per year. He said that Crossroads provides excellent service and interfaces well with the offenders.

{{{Commissioner Kramer moved to approve the Wasco County Community Corrections Contract Agreement for Level II Substance Abuse Treatment Program. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – ODOT/FCC Letter

Chief Deputy Magill reported that ODOT has already taken frequencies from Wasco County. Yamhill County has filed an appeal and is seeking legal action against the State and Region 35. He said that the frequencies are gone and his biggest concern going forward is that the rural counties have been run over by Willamette Valley politicians – they did not respond to any appeals; they just continued to move forward.

Mr. Stone stated that this issue is not that Wasco County needs these frequencies today; it is that we may need them in the future. He recommended that the Board support Yamhill's efforts to bring the situation to light. Chief Deputy Magill concurred.

Commissioner Kramer stated that he supports Yamhill's efforts to defend the rights of the rural counties. Commissioner Runyon agreed saying that they are breaking their own rules and we cannot sit by silently while they do so.

*****The Board was in consensus to send a letter of support for Yamhill County's efforts to appeal the decision to take frequencies from the rural counties to accommodate ODOT.*****

Consent Agenda – Jail Capacity Management Plan

DA Nisley explained that he was not here for this discussion at the previous session. He stated that today the Wasco County count is 39. He said that he understands the financial issues but he is concerned that more crimes are being committed by people being released through the matrix. He observed that the costs for incarceration are fairly static for the first 100 inmates and then rises about \$10 per day for every inmate over 100. He believes that the IGA should be revisited with a new formula determining financial responsibility; Hood River needs to be brought into reality. In his opinion, Hood River should have been removed from the IGA. He said a

renegotiation of the formula will make everyone safer.

Chair Hege said that in a perfect world Wasco County would have more beds – it would be better to have many of the offenders incarcerated. DA Nisley agreed, saying that those are on probation are committing crimes – they stack up charges over and over because they are released; they steal from our community. Chair Hege replied that discussions are underway to develop a different funding formula. The current plan is to modify the management plan to still have 50 as the cap for Wasco County inmates but to start looking at the population when it reaches 40 – it is an issue of administrative overlaps.

DA Nisley pointed out that most of the County's municipalities do not have a police force but the City of The Dalles does and does not pay into NORCOR. He suggested that the Board think about asking the City of The Dalles to help offset those costs that come to the County – they are enforcing State law which the County would enforce were they not here and the State would enforce were the County not doing that. Commissioner Runyon agreed that the issue is complicated. Chair Hege said that the Board understands and shares DA Nisley's concerns and hopes to have a better resolution to the issue.

Discussion List – Budget Committee

Chair Hege stated that there are three highly qualified applicants for the vacancy on the Budget Committee. Commissioner Kramer stated that Mr. Polehn already serves on the Fair board and does an excellent job; he has shown a definite interest in increasing his education in county government. Commissioner Runyon added that Mr. Polehn has also been part of BOPTA and said he supports Mr. Polehn, although the other candidates are very good as well and have been involved in the community.

{{{Commissioner Kramer moved to approve Order #14-124 appointing Ken Polehn to the Wasco County Budget Committee. Commissioner Runyon seconded the motion which passed unanimously.}}}

At 2:07 p.m. Chair Hege recessed from the regular session to open Service District meetings.

At 2:11 p.m. Chair Hege reconvened the regular session.

Agenda Item – Staffing Recommendations

Mr. Stone announced that Planning Director John Roberts has resigned to take a position in Hood River and Public Works Director Marty Matherly will retire at the end of this year. He reported that he met with each director for their input as to how to move forward through a transition to new senior management; both advised appointing an interim director while the County works through the process of filling the vacancies. He said that the recommendation for the Planning Department is Senior Planner Angie Brewer; for the Public Works Department the recommendation is Project Manager Arthur Smith. Mr. Stone stated that he supports both recommendations.

{{{Commissioner Kramer moved to appoint Angie Brewer as Interim Planning Director. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Runyon moved to follow staff recommendation to appoint Arthur Smith as Interim Public Works Director. Commissioner Kramer seconded the motion which passed unanimously.}}}

Agenda Item – Budget Officer

Finance Director Monica Morris stated that along with the appointment as Budget Officer comes a certain amount of authority. She reminded the Board that during the recent election there was some debate about the budget process. She stated that she wants to make it clear that she will not be changing that process.

{{{Commissioner Kramer moved to approve Order #14-086 re-appointing Monica Morris as Wasco County Budget Officer. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List - Appointments

EDC

{{{Commissioner Kramer moved to approve Order #14-089 appointing Kathy Ursprung to Position #4 on the Economic Development Commission. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve Order #14-123 appointing Greg Johnson to Position #8 on the Economic Development Commission. Commissioner Runyon seconded the motion which passed unanimously.}}}

Public Works Building Safety Committee

{{{Commissioner Kramer moved to approve Order #14-113 appointing Matt Morris to the Public Works Building Safety Committee. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege asked what exactly this committee does. County Surveyor Dan Boldt replied that they satisfy the OSHA rule that there be a committee in place, they evaluate and ensure safety measures. Mr. Stone added that one of their primary functions is the safety of the road equipment. He said that the Public Works committee has done an excellent job and he would like to see that extended to the other county buildings.

Planning Commission

{{{Commissioner Kramer moved to approve Order #14-117 appointing Brad DeHart to Position #3 on the Wasco County Planning Commission. Commissioner Runyon seconded the motion which passed unanimously.}}}

{{{Commissioner Runyon moved to approve Order #14-118 appointing Jeff Handley to Position #6 on the Wasco County Planning Commission. Commissioner Kramer seconded the motion which passed unanimously.}}}

{{{Commissioner Kramer moved to approve Order #14-119 appointing Mike Davis as First Alternate on the Wasco County Planning Commission. Commissioner Runyon seconded the motion which passed unanimously.}}}

Commissioner Runyon suggested that those not selected to serve on the Budget Committee be encouraged to apply for the remaining vacancy on the Planning Commission.

Consent Agenda – Minutes, Management Plan & Reappointments

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

Agenda Item – Assessment & Taxation End of Year Report

Mr. Stone thanked Interim Assessment & Taxation Director Tom Linhares and County Assessor & Tax Collector Jill Amery for their hard work over the last 10 months. He said that both were dropped into the cold and dark and have blazed a trail which the report illustrates. Ms. Amery thanked him for his kind words, adding that there is more to be done.

Mr. Linhares said he cannot add much to the memo included in the Board Packet; it has been a very challenging year. He explained that Tim Lynn, the Assessor who passed away suddenly in January, did a great part of the work himself and took that knowledge with him. That coupled with the new software implementation, which he had also worked on mostly himself, made for a difficult transition. He said that the staff has stepped up and done a great job working to clear the hurdle in their path. He said that having Ms. Amery start early in the process was a godsend and will mean that she will start her job in January much better prepared. Ms. Amery agreed and noted that Board Assistant Kathy White, Office Manager Sue Stephens, Finance Director Monica Morris and HR Generalist Barbara Case have all been particularly helpful.

Mr. Linhares reviewed his memo and said that he will be returning for 3-3.5 days one week a month for most of next year to help develop written processes for all tasks in the Assessment & Taxation Office. Those will serve as a foundation for the work and help when new staff is hired. There are already some written processes in place but most were made obsolete with the implementation of the new software system. Ms. Amery pointed out that this will be very helpful as in the next 3-5 years, her office will lose three or four long-term employees to retirement.

Ms. Amery announced that one of her staff is going out on maternity leave and will be replaced by a temporary business staffer – Maria – who has been in the office for the past two days being trained. They will realize a couple of thousand dollars of savings and that will help to budget for Mr. Linhares time next year.

Chair Hege noted the importance of the Assessment and Taxation function throughout the County.

Chair Hege called a recess at 2:37 p.m.

The session reconvened at 2:45 p.m.

Ms. Morris brought forth a transfer agreement (attached) for the final cash payment for the Wamic Grade Project – the contract was approved last year. She said that there have been no changes to the contract and the transfer is budgeted.

Commissioner Runyon signed the transfer agreement.

Agenda Item – North Central Public Health District Quarterly Report
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Dr. Fred Schubert introduced himself as a pathologist who acts as one of two Wasco County representatives on the NCPHD Board of Health. He reviewed the report included in the packet. He explained that there is currently a \$49,000 deficit that will shrink but not disappear entirely. He stated that fees for immunizations are dropping and with the Affordable Health Care Act, patients are going to primary care providers; family planning is going to longer term birth control and patients do not have to see medical professionals as often – all of this combines to reduce Public Health income. Public Health Director Teri Thalhofer said that she will have an audit report in January.

Chair Hege noted that the loss in income are the result of positive changes; he suggested that if the public needs less services, perhaps Public Health needs less staff. Ms. Thalhofer said that is only a part of it; Public Health clientele live chaotic lives and providing them with birth control prevents a lot of other costs over time. She said that she wants to promote primary care but Public Health has another population that needs walk-in service – private providers are not ready to do that.

Chair Hege said that the report shows the allocation of the full-time employees over the service areas. He asked if it looks forward. Ms. Thalhofer replied that it does not. She said that she has spoken with Sherman County Commissioner Smith about that but they have not gained clarity. She said that if anyone has seen a service plan that

WASCO COUNTY BOARD OF COMMISSIONERS
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they prefer, she is open to talking about that. She said that Public Health tries to maintain service and collaborate with partners, but they do not control their own destiny.

Chair Hege asked Ms. Morris if this report is what had been imagined. Ms. Morris responded that there was supposed to be a discussion between the County and NCPHD as to what services there are funds for and what there is not funds for as well as what is important to each of the three counties. She said there was also to be some discussion about how not all services can be practically provided to each County; it was supposed to be a tool to help in making decisions.

Ms. Thalhoffer said that she would like to have that in writing prior to Ms. White's production of the minutes. She said that if they need to change the model of how Public Health reports back to the County, the conversations need to be happening with the representation there. Dr. Schubert said that during the facilitated agreements there was some discussion.

Ms. Morris said that a service plan should drive the budget. Ms. Thalhoffer stated that mandated services are the drive for the budget. She said that the only services not mandated is the work around obesity and the hazardous waste.

Chair Hege said that the discussion should be how to implement those mandated services. Ms. Thalhoffer said that some programs are flexible and some are very prescriptive.

Commissioner Kramer referenced a May email that stated NCPHD will move forward with the Service Plan which will be a valuable tool to demonstrate what services at what level and should be the driving force for the budget. Ms. Thalhoffer said she needs more detail.

Deputy Health Officer Kathi Hall said that NCPHD needs a picture of what the County wants so they can put numbers to it. Dr. Schubert said that a cafeteria plan will not be possible. Chair Hege said that he believes that was a discussion Ms. Morris had to help Public Health direct and implement services. He said that Wasco County feels it has no control. Ms. Morris agreed saying Wasco County has no awareness or understanding of what and how services are being funded and delivered – a service

plan could provide that clarity. She said that Sherman County Commissioner Smith had been very clear that this was something Public Health could do and that the plan would not be done by year end but soon after and would provide a road map for moving forward. Ms. Thalhofer said they would love to see an example.

Commissioner Runyon asked if the plan was to include detail of what each County was to receive and what each county is actually receiving. Ms. Morris replied that it was to have included that detail. Ms. Thalhofer stated that she does not get that detail; the Board of Health made a decision to get the data as a three-county entity. Chair Hege said he does not remember that decision but he believes it would be useful to have individual data for each participating County as it will help identify issues. Dr. Schubert said that the smaller counties are statistically insignificant. He said that if the Board knows of an entity that is doing a service plan of the sort being suggested, the Board of Health would like to see it.

Commissioner Runyon stated that while he appreciates the work that has been done, when a request for increased funding comes before the Board, they need detail on which to base a decision. Ms. Thalhofer said that Sherman and Gilliam Counties pay more per capita which is what happens when you have a smaller population.

Commissioner Runyon said that last week he asked for some detail from Ms. Morris regarding the Public Health deficit – she could see the deficit but had no explanation. Ms. Thalhofer said that if there is something missing from the report, they will try to accommodate that or explain why they cannot.

Agenda Item – Contingency Request

Ms. Morris said that Facilities Manager Fred Davis is facing a situation where the budget predictions do not match reality. It is not always possible to predict furniture needs accurately and some workers compensation claims have necessitated unexpected furniture purchases which could cause Facilities to go over-budget. Mr. Davis reported that he has worked with the departments who have agreed to help with the expense for their staff which has resulted in a situation where the cost to facilities is minimal and the contingency request is no longer necessary.

Mr. Davis went on to report that they saved \$3,080 in labor costs for the window frame painting project. He said that the contractor did a great job and the paint will

have a longer life than what was previously used. He added that Columbia Basin has completed their cooler replacement project and covered all costs above what Wasco County insurance covered; they have had a waterline break but the County has no responsibility for that repair as all plumbing and electrical is Columbia Basin's responsibility.

Commissioner Runyon suggested that in the next budget cycle they should explore the possibility of each department budgeting for furniture. Mr. Davis said that some departments do that now.

Commission Call

Chair Hege reported that he has a purchase order in his queue for approval – it is for the sheriff's department vehicle purchase through Gresham Ford. He stated that after looking into it further, he found that the difference in cost between buying locally and purchasing in the Portland area is approximately \$600 per vehicle. The local dealer cannot meet the Gresham Ford price. Chair Hege asked the board to consider the benefits to the community of spending the money in the local economy even though it costs a bit more. He said that at some point the difference would be too great to make it worth the extra expense but that in this case, he believes it would be better to spend a little more locally rather than spending it in Portland.

Ms. Morris stated that it is possible to not go with the lowest bid if there is an explanation as to why that decision was made.

Commissioner Runyon stated that there is value to the community in economic development and job creation that is probably well worth the extra \$600 per vehicle. Ms. Morris said that talking the local bid will be \$1,200 over the budgeted amount for the purchase of three vehicles. She said that in the larger picture, the County will still be under budget.

*****The Board was in consensus to instruct the Sheriff's Department to purchase the three new vehicles locally.*****

Commissioner Kramer announced that he has the keys to the Pine Hollow vault toilet and has been in contact with Bishop Sanitation to have the facility pumped and sanitized. He asked that money be taken from the Commission's special project fund

to have the work done. He further stated that he is meeting with organizers who may take over the facility which he proposed gifting to them. He said that the bill for changing the locks is \$274; it will be approximately \$2,000 to have it pumped and sanitized. Chair Hege said that he believes the move will be in the best interest of the community.

*****The Board was in consensus for Commissioner Kramer to move forward to have the Pine Hollow vault toilet pumped and sanitized and work with interested parties to transfer the facility to them.*****

Commissioner Kramer stated that six years ago Wasco, Gilliam and Sherman counties combined to create a regional Public Health entity to create efficiencies and lower costs. This model has proven to be more expensive and provide less control for the needs of Wasco county citizens. The IGA expires on December 31st of this year; we can continue or we can re-evaluate how we provide those services to our citizens. Commissioner Kramer recommended that Wasco County not sign a renewal of the IGA and give notice to the Board of Health and partner counties that Wasco County will start a 12-month process to re-establish Public Health under Wasco County's leadership. He reminded the Board that prior to the regional entity, Sherman County had contracted with Wasco County for the provision of Public Health Services – an arrangement that worked well. He suggested that the Board can discuss re-establishing that relationship. He said that he believes Wasco County should seek the services of a consultant to help make the transition. He said that as a member of the NCPHD Board of Health he has seen the last five meetings have no quorum save one in which they had to wait 30 minutes to get enough members there to form a quorum. He described the Board as dysfunctional and he believes it time that this experiment end.

Chair Hege asked if what he is saying is that we will notify them that Wasco County intends to withdraw from the NCPHD. Commissioner Kramer replied affirmatively explaining that 180 days' notice is required and we will be basically be giving them 365 days' notice. He said there will be some turmoil but he believes it is in the best interest of Wasco County.

- **{{{Commissioner Kramer moved to give notice of Wasco County's intent to withdraw from NCPHD and to not sign a renewal IGA for NCPHD.**

Commissioner Runyon seconded the motion.

DISCUSSION

Mr. Stone said that as the Board thinks about this there have been a lot of challenges with the current arrangement; the services that have been provided have been good which is commendable to staff – the issues are in the governance.

Chair Hege asked Ms. White what she had found in her research. Ms. White responded that she had found nothing prohibiting the Board from making decisions on items not on the agenda.

Commissioner Runyon asked if Mr. Stone could foresee what the repercussions will be. Mr. Stone replied that the County will take 12 months to find out how to best provide services – the last 6 years have not been easy nor will the next 12 months.

Commissioner Runyon observed that a lot of the problem has not been with the train but with the engine – we have worked a long time at this and it is not working; it affords Wasco County no control even though we provide the lion's share of the funding. He suggested that the other counties may choose in the end to contract back with Wasco County for services.

Commissioner Kramer stated that it is a difficult board on which to serve as he represents Wasco County, North Central Public Health and the Household Hazardous Waste Steering Committee. He added that whatever he tries to bring up or discuss is met with a threat of future catastrophe.

Commissioner Runyon said he would like to hear a staff recommendation. Ms. Morris said that the intent of forming a district was for services to be expanded and costs to be lowered – the Counties would be customers of the District. She said that in fact, the cost of the services have gone up as a result of the District formation. She stated she believes it to be in the best interest of the citizens of Wasco County, speaking financially, to withdraw from the District. She said she does not think the District is the best option and it has not been demonstrated to her that it is good for Wasco County.

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
DECEMBER 17, 2014
PAGE 15

Mr. Stone stated that we believe this is the right direction – it is not for lack of effort on the part of Wasco County that this did not work. The County has engaged in facilitated agreements as well as individual meetings to try to make this work – at some point, you have to say that he have done what we can do but the experiment has failed.

Commissioner Kramer stated that he has struggled with this as he is not a quitter but it is not worth the money and effort that is being put into it.

Chair Hege stated that he wants to make sure there are no closed doors – we are moving to something else and we don't, as yet, know what that will be. Commissioner Kramer agreed saying that is his vision as well - to keep all options open. Chair Hege said that as it is now, Wasco County has no control.

Commissioner Runyon agreed saying that right now we don't know what we are paying for and cannot explain where those tax dollars are going – the necessary communication is not happening.

Chair Hege asked if part of the motions is a letter to Public Health withdrawing from the District. Commissioner Kramer replied that it is. This will allow us to explore and talk about options.

The motion passed unanimously.}}

Commissioner Runyon announced that the Director of the Ft. Dalles Museum has resigned. He said that he attended the last Museum Commission meeting; they are not going to hire right away. They plan to take on the task of inventorying and cleaning up. Ms. Morris said that they plan to do some fund-raising and looking for volunteers to help. Mr. Stone stated that the Museum is an asset to be protected and the County will exercise good stewardship. Commissioner Runyon stated that the Commission Chair will act as Director until such time as they hire for the position.

Chair Hege called for a break at 4:14 p.m.

The session reconvened at 4:19 p.m.

Chair Hege recessed from the regular session to open an Executive Session pursuant to ORS 192.660(2)(e) Real Property Transactions.

The session reconvened at 4:50 p.m.

{{{Commissioner Runyon moved to support the staff recommendation to move forward with the \$16,500 Phase II environmental studies on County properties with consideration to be certain contracting rules are followed. Chair Hege noted that it may cost a little or a lot but we cannot know until the money is spent for the Phase II studies. Mr. Stone said that one of the issues can be sent to HHW for resolution. Commissioner Kramer seconded the motion which passed unanimously.}}}

Chair Hege adjourned the session at 5:00 p.m.

Summary of Actions

Motions Passed

- To accept Mr. Timmons' proposal to serve as County Counsel as an emergency procurement effective date of January 1, 2015, reserving the right to look at other firms between now and then.
- To approve the Wasco County Community Corrections Contract Agreement for Level II Substance Abuse Treatment Program.
- To approve Order #14-124 appointing Ken Polehn to the Wasco County Budget Committee.
- To appoint Angie Brewer as Interim Planning Director.
- To follow staff recommendation to appoint Arthur Smith as Interim Public Works Director.
- To approve Order #14-089 appointing Kathy Ursprung to Position #4 on the Economic Development Commission.
- To approve Order #14-113 appointing Matt Morris to the Public Works Building Safety Committee.
- To approve Order #14-117 appointing Brad DeHart to Position #3 on the Wasco County Planning Commission.
- To approve Order #14-118 appointing Jeff Handley to Position #6 on the Wasco County Planning Commission.
- To approve Order #14-119 appointing Mike Davis as First Alternate on the Wasco County Planning Commission.
- To approve the Consent Agenda.

- 12.3.2014 BOCC Regular Session Minutes
- Jail Capacity Management Plan Amendment
- Re-appointment Orders
 - Order 14-090 Reappointing Fred Justesen to the EDC
 - Order 14-091 Reappointing Zachary Harvey to the Fair Board
 - Order 14-092 Reappointing Ken Polehn to the Fair Board
 - Order 14-105 Reappointing Chris Schanno to the Fair Board
 - Order 14-125 Reappointing Bradley Timmons to the Hospital Facility Authority Board
 - Order 14-126 Reappointing Jorge Barragon to the Hospital Facility Authority Board
 - Order 14-093 Reappointing Robert Martin to LPSCC
 - Order 14-094 Reappointing Barbara Seatter to LPSCC
 - Order 14-095 Reappointing Donna McClung to LPSCC
 - Order 14-096 Reappointing Molly Rogers to LPSCC
 - Order 14-097 Reappointing Teri Thalhofer to LPSCC
 - Order 14-098 Reappointing Janet Stauffer to LPSCC
 - Order 14-099 Reappointing Pat Shortt to LPSCC
 - Order 14-100 Reappointing Rick Eiesland to LPSCC
 - Order 14-101 Reappointing Jay Waterbury to LPSCC
 - Order 14-102 Reappointing James Weed to LPSCC
 - Order 14-103 Reappointing Eric Nisley to LPSCC
 - Order 14-104 Reappointing Thomas Peachey to LPSCC
 - Order 14-105 Reappointing Andrew Carter to LPSCC
 - Order 14-106 Reappointing Rod Runyon to MCHA Board of Directors
 - Order 14-107 Reappointing Steve Kramer to the Mt. Hood Economic Alliance
 - Order 14-108 Reappointing Ken bailey to the Mt. Hood Economic Alliance
 - Order 14-121 Reappointing Patricia Neal to the Wasco County/The Dalles Museum Commission
 - Order 14-122 Reappointing Dalia Thompson to the Wasco County/The Dalles Museum Commission
 - Order 14-111 Reappointing Justin Bales to the PW Bldg. Safety Committee
 - Order 14-112 Reappointing Mike Chaddic to the PW Bldg. Safety Committee
 - Order 14-085 Reappointing Dan Boldt as County Surveyor

- **Order 14-109 Reappointing Kristen McNall to the Mosier Watershed Council**
- **Order 14-114 Reappointing John Zalaznik to the Wasco County Weed Council**
- **Order 14-115 Reappointing Ryan Bessette to the Wasco County Weed Council**
- **To give notice of Wasco County's intent to withdraw from NCPHD and to not sign a renewal IGA for NCPHD.**
- **To support the staff recommendation to move forward with Phase II environmental studies on County properties with consideration to be certain contracting rules are followed.**

Consensus

- **To send a letter of support for Yamhill County's efforts to appeal the decision to take frequencies from the rural counties to accommodate ODOT.**
- **To instruct the Sheriff's Department to purchase the three new vehicles locally.**
- **For Commissioner Kramer to move forward to have the Pine Hollow vault toilet pumped and sanitized and work with interested parties to transfer the facility to them.**

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner



WASCO COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING
DECEMBER 22, 2014

PRESENT: Scott Hege, Commission Chair
Rod Runyon, County Commissioner
Steve Kramer, County Commissioner

STAFF: Tyler Stone, Administrative Officer
Kathy White, Executive Assistant
John Roberts, Former Wasco County Planning Director
Angie Brewer, Interim Wasco County Planning Director

At 5:30 p.m. Chair Hege opened the public hearing.

Outdoor Mass Gathering Permit Application – Moonshine LLC

Chair Hege began by explaining the process for the hearing – Staff Presentation, Applicant Presentation, Public Testimony, Deliberations.

STAFF PRESENTATION

Former Wasco County Planning Director John Roberts explained that he had only left his employment with the County last week; being the most familiar with the application and had agreed to return to assist Interim Director Angie Brewer with the staff presentation. He stated that this is the 4th event for this applicant. He observed that the applicant has been very responsive and willing to engage with the community. He noted that the last two application hearings included some

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
DECEMBER 3, 2014
PAGE 2

contention and public opposition; this year only one comment has been submitted which leads the Planning Department to believe that there is a level of acceptance within the community – that will allow for a simple and straightforward presentation.

Mr. Roberts explained that this is not a land use decision – because of that, planning departments do not have to process the applications. Although Wasco County has chosen to handle them through their planning department – other counties may use Parks and Recreation or other departments to process OMG applications. He reminded the Board that the statute's wording is that the County SHALL approve applications if they meet all the criteria of the statute. He stated that his department has been following all the OARs for this process and believe that all the criteria have been met.

Mr. Roberts went on to say that Wasco County has exceeded requirements for noticing and transparency and have had good communications with partner organizations. He said that there are no comments on noise in the staff report but it is included in the recommended conditions of approval – following the same criteria that were enforced for last year's application. He noted that last year the applicant and event coordinator invited people in the community to attend an open house at the event so they could observe first hand. Mr. Roberts stated that he had attended and found it to be run very professionally – he is encouraging the planning staff to do a site visit this year to see how it is run.

Chair Hege said that in the letters from Mr. Thomas, case law is referenced and asked if there is cause for concern. Mr. Roberts said he does not believe so but he is confident that the applicant's attorney will address that issue.

APPLICANT PRESENTATION

Glenn Boyd, applicant and managing member of Moonshine LLC, came forward with Counsel Elaine Albridge. Mr. Boyd thanked the Board for their time and stated that his organization wants to be a continuing member of the community. He said that they have responded to the issues raised in previous years by changing the event to address community concerns. He said he has received a lot of positive comment from the community and is relieved to not have any issues being brought forth this year.

WASCO COUNTY BOARD OF COMMISSIONERS
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PAGE 3

Ms. Albridge said that Mr. Thomas' letter inappropriately sites cases and does not raise any new legal issues that have not already been addressed. She added that he is talking about constitutional arguments that are not applicable here.

Commissioner Runyon stated that the after-action report from the last event was positive. Mr. Boyd agreed, saying that the Sheriff was very responsive. There were one or two medical transports – a campsite skin burn and a heart problem. He reminded the board that they have a full standby ambulance onsite. He added that there were two noise complaints but both were registered before the midnight noise curfew and there were no complaints after that time. He stated that there will still be music after midnight but it will not be amplified. He said that the silent disco had been very successful.

Chair Hege asked about fire precautions. Mr. Boyd said that there is a fire crew onsite that responds to all reports. He stated that they will not be allowing any camp stoves in the tenting areas.

Chair Hege asked if there will be any other changes. Mr. Boyd replied that they hope to increase attendance and will expand some of the designated smoking areas – they want to make sure people are comfortable so they are not tempted to try to smoke outside of the designated areas.

Chair Hege asked about the economic impact. Mr. Boyd responded that there is another impact study being undertaken. He stated that they spend tens of thousands of dollars in the community as well as temporary employment to prepare the site. He pointed out that in addition to their investment, attendees spend hundreds of thousands of dollars in the county; most attendees come from outside the state.

Chair Hege asked how the open house site visit had gone. Mr. Boyd replied that they had held an open house on both Saturday and Sunday for 4-6 hours so people would have a better understanding of the event. He said that they had positive feedback from those who participated in the open house. Chair Hege said he had attended the open house and found it to be a good experience; he appreciated the opportunity. Mr. Boyd said that they plan to do that again this year.

PUBLIC TESTIMONY

Chair Hege called for public testimony in support of the application. There was none.

Chair Hege called for public testimony in opposition to the application. There was none.

DELIBERATIONS

{{{Commissioner Runyon moved to approve Order 14-120 approving the Moonshine LLC application for an Outdoor Mass Gathering consisting of a music and arts festival June 18-22, 2015 on Wolf Run Ranch. Commissioner Kramer seconded the motion which passed unanimously.}}}

Chair Hege closed the hearing at 6:03 p.m.

Summary of Actions

Motions Passed

- **To approve Order 14-120 approving the Moonshine LLC application for an Outdoor Mass Gathering consisting of a music and arts festival June 18-22, 2015 on Wolf Run Ranch.**

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner

Agenda Item
Wholly Uncollectible Taxes

- [ORS 311-790](#)
- [Letter of Request](#)
- [Forgiving List](#)
- [2014 Personal Property Tax Statements](#)
- [Tax Collector's Affidavit](#)
- [District Attorney's Affidavit](#)
- [Order #15-001 Cancelling Certain Uncollectible
Personal Property Taxes](#)

2013 ORS § 311.790¹

Cancellation of uncollectible property tax

- (1) If the tax collector and the district attorney for any county determine that taxes on personal property that are delinquent are for any reason wholly uncollectible, the tax collector and district attorney may request, in writing, the county court for an order directing that the taxes be canceled. The court, when so requested, may in its discretion order and direct the tax collector to cancel such uncollectible personal property taxes. The order shall be entered in the journal of the county court.
- (2) If the tax collector determines that additional taxes on real property disqualified from special assessment under ORS 308A.703 (Additional taxes upon disqualification) are wholly uncollectible due to the property's exempt status, the tax collector may request, in writing, the county court for an order directing that the taxes be canceled. The court, when so requested, may in its discretion order and direct the tax collector to cancel the uncollectible property taxes. The order shall be entered in the journal of the county court. [Formerly 311.710; 1993 c.6 §6; 2007 c.791 §1]

...

See annotations under ORS 311.710 in permanent edition.

Chapter 311

Law Review Citations

5 EL 516 (1975)

Related Statutes³

- 90.425
Disposition of personal property abandoned by tenant
- 90.675
Disposition of manufactured dwelling or floating home left in facility

- 311.150

Adding to, changing or correcting rolls by vouchers

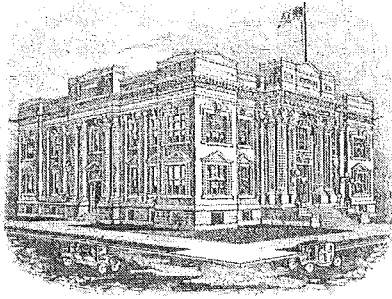
¹ Legislative Counsel Committee, *CHAPTER 311—Collection of Property Taxes*,
https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors311.html (2013) (last accessed Apr. 27, 2014).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2013, Chapter 311*,
https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ano311.html (2013) (last accessed Apr. 27, 2014).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

Currency Information

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WASCO COUNTY

Dept. of Assessment & Tax

511 WASHINGTON ST ROOM 208
THE DALLES, OREGON 97058-2265

Assessment (541) 506-2510

Tax (541) 506-2540

Fax (541) 506-2511

JILL AMERY
TAX COLLECTOR


MARCI BEEBE
OFFICE MANAGER

DARLENE LUFKIN
CHIEF APPRAISER

LINDA PERKINS
TAX DEPUTY

DATE: 12-22-14

TO: Wasco County Board of County Commissioners

FROM: Jill Amery
Wasco County Assessor/Tax Collector 

SUBJECT: Cancellation of Uncollectible Personal Property Taxes

I am requesting the Wasco County Board of County Commissioners for an Order Cancelling Wholly Uncollectible Personal Property Taxes, pursuant to ORS 311.790.

Please find attached the Personal Property account that meets the necessary criterion.

December 18, 2014

FORGIVING LIST OF WHOLLY UNCOLLECTIBLE TAXES PURSUANT TO ORS 311.790

ACCOUNT: 70180
OWNER: DEAN, BRENDA K.
SITUS: 4109 CHENOWITH RD, #C10, THE DALLES, OREGON

YEARS: 2012 & 2014

TAX & INTEREST

TO DATE: \$68.18

WARRANT FEES \$82.00

TOTAL TAX: \$150.18

This personal property manufactured structure was destroyed by fire 6/20/2012. The property owner was notified by our office January 17, 2013 to inform them to fill out the necessary paperwork to remove the structure from the tax rolls. To date, the property owner has not submitted the necessary paperwork.

The structure was taxed in 2012, as the structure was there as of January 1, 2012, in the amount of \$41.73 and has since incurred additional interest and warrant fees. The structure was not taxed in 2013.

In 2014 this account was assessed the Manufactured Structure Ombudsman Fee of \$6.00; as this is still an active account in our system. It will remain an active account for so long as there are taxes owing.

To date, the total owing for this account is \$150.18. The account will continue to accrue interest and/or warrant fees, because it is still active. There is no structure to foreclose against if we continue to assess fees and/or charges.

We request that the taxes be cancelled.

2014 WASCO COUNTY REAL PROPERTY TAX STATEMENT

Account: 70180

Alternate Property Number: 02N13 E29 00200 00

TCA:

Legal Desc: SECTION 29 TOWNSHIP 2N RANGE 13E QUARTER
PRCL 200

Location: 4109 CHENOWITH RD #C10

Bill To Party: DEAN BRENDA K
3282 SANDLIN RD
THE DALLES OR 97058

Lender:

Delinquent Interest Computed Through: 12/18/2014

ACCOUNT VALUES		
Description	2013	2014
Assessed Value Regular (AVR)	\$0	
Taxable Value Regular (TVR)	\$0	
Real MKT Total (MKTTL)	\$0	
Exception Assessed Value (EAV)	\$0	

TAXES AND SPECIAL ASSESSMENTS			
Year	Description	Amount Assessed	Balance Due
2014	Property Tax Interest	\$0.16	\$0.16
2014	OR Housing MDPCR	\$6.00	\$6.00
Total for Tax Year 2014			\$6.16
2012	Property Tax Principal	\$41.73	\$41.73
2012	Property Tax Interest	\$12.80	\$12.80
2012	Property Tax Interest	\$1.76	\$1.76
2012	Warrant Fees	\$82.00	\$82.00
2012	OR Housing MDPCR	\$5.73	\$5.73
Total for Tax Year 2012			\$144.02
Total Taxes and Assessments			\$150.18

Comment:

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

PAYMENT INSTALLMENTS	
Amount includes any unpaid prior year tax	
Pay This Amount	Due By
\$150.18	12/18/2014

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATES

DEAN BRENDA K
3282 SANDLIN RD
THE DALLES OR 97058

Total Taxes and Assessments:

\$150.18

Account: 70180

Enter Payment Amount

\$

Make payment to:

Department of Assessment & Tax 511 Washington Street, Room 208 The Dalles, Oregon 97058

2014 WASCO COUNTY REAL PROPERTY TAX STATEMENT

Account: 70180

Alternate Property Number: 02N13 E29 00200 00

Payment Terms

PAYMENT INSTALLMENTS

Amount includes any unpaid prior year tax

Pay This Amount	Due By
-----------------	--------

\$150.18	12/18/2014
----------	------------

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

PAYMENT INSTALLMENTS

Amount includes any unpaid prior year tax

Pay This Amount	Due By
-----------------	--------

\$150.18	12/18/2014
----------	------------

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATES

DEAN BRENDA K
3282 SANDLIN RD
THE DALLES OR 97058

Total Taxes and Assessments:

\$150.18

Account: 70180

Enter Payment Amount

\$

Make payment to:

Department of Assessment & Tax 511 Washington Street, Room 208 The Dalles, Oregon 97058



Search Criteria

Property No. 70180

Tax Year

Effective

Tax Year Date

Clear

As of Date 12/18/2014

Use Start Dates

Assessment Date

Search

Use End Dates

3 Documents

4 Exemptions

5 Value Changes

6 Property Transfer

Seg Merges

7 Levies

Search Results

Summary

Parties

Values

Taxes

Events

1 Receipts

2 Other

Charge Group

☐ Include Zero Balance Charges

Interest Date

12/18/2014

Search

Year	Category	TCA/District	Charged	Minimum	Bal. Due	Due Date
2012	Property Tax Principal	99	41.73	41.73	41.73	11/15/2012
2012	Property Tax Interest	0570R_HOU	1.76	1.76	1.76	12/18/2014
2012	Property Tax Interest	99	12.80	12.80	12.80	12/18/2014
2012	Warrant Fees	99	82.00	82.00	82.00	06/19/2013
2012	OR Housing MDPCR	0570R_HOU	5.73	5.73	5.73	11/15/2012
2014	Property Tax Interest	0570R_HOU	0.16	0.16	0.16	12/18/2014
2014	OR Housing MDPCR	0570R_HOU	6.00	6.00	6.00	11/15/2014

Details...

Print Bill...

From Year

To Year

Levy Cycle

Total

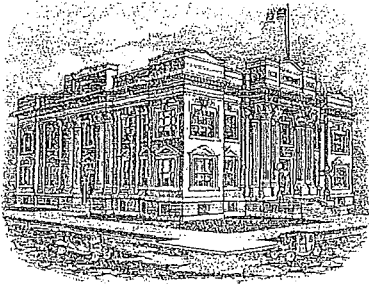
150.18

150.18

150.18

Close

Help...



WASCO COUNTY

Dept. of Assessment & Tax

511 WASHINGTON ST ROOM 208
THE DALLES, OREGON 97058-2265

Assessment (541) 506-2510

Tax (541) 506-2540

Fax (541) 506-2511

TIM R. LYNN
ASSESSOR / TAX COLLECTOR

DONNA MOLLET
CHIEF DEPUTY ASSESSOR

DARLENE LUFKIN
CHIEF APPRAISER

SYLVIA LOEWEN
CHIEF TAX DEPUTY

January 17, 2013

Ms. Brenda Dean
3282 Sandlin Rd
The Dalles OR 97058

RE: Account #70180

Dear Ms. Dean:

You had called our office and stated that the above account number which is for a Manufactured Structure located at Foley Lakes had burned last year. I have confirmed that it is no longer in space #C10.

Paperwork still needs to be done in order for our office to remove the structure from our tax rolls. The 2012-13 taxes need to be paid in full since the structure was there on 1/1/12. You need to contact Linda Perkins or Jason Wallace, in our office, to get the necessary paperwork completed. Our open hours to the public are from 10:00 am and 4:00 pm Monday thru Friday.

Sincerely,

Melanie J. Brown
Wasco County
Appraiser

COPY

Mid-Columbia Fire and Rescue

1400 West 8th
The Dalles, Oregon 97058
541-296-9445 Phone
541-296-8656 Fax

COPY**FACSIMILE COVER PAGE**To: WASCO CO. TAX ASSESS.From: DAN HAMMILLDate: 1/15/13Pages (including cover) 3Fax Number: 541-506-2511Subject: Fire Report

Message:

Attn: MelanieFire Report for SPACE C10

DO NOT read, copy or disseminate this communication unless you are the intended addressee. This fax communication is confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call immediately and ask to speak to the sender of the communication. Also, please notify immediately via fax the sender that you have received the communication in error.



**Mid-Columbia Fire and
Rescue**

Station: 1
Shifts Or Platoon: A

Location: 4109 Chenoweth Rd C10 The Dalles OR 97058	Incident Type: 111 - Building fire
Lat/Long: N 45° 37' 49.63" W 121° 13' 58.19"	FDID: 00372 Incident #: 2012-13247 Exposure ID: 4533042 Exposure #: 0 Incident Date: 06/20/2012 Dispatch Run #: 121259
Location Type: 1 - Street address	

Report Completed by:	BIEHN, Steven D	ID: 9	Date: 06/21/2012
Report Reviewed by:	PALMER, Robert F	ID: 1	Date: 07/04/2012
Report Printed by:	HAMMEL, Daniel R	ID: 3	Date: 1/15/2013 Time: 14:07

Structure Type: Enclosed building	Property Use: 419 - 1 or 2 family dwelling																						
Automatic Extinguishment System Present: <input type="checkbox"/>	Detectors Present: <input type="checkbox"/> Cause of Ignition: Cause under investigation																						
Aid Given or Received: Automatic aid received	Primary action taken: 10 - Fire control or extinguishment, other																						
<table border="1"> <tr> <th>Losses</th> <th>Pre-Incident Values</th> <th></th> <th></th> </tr> <tr> <td>Property:</td> <td>Property:</td> <td>Civilian Injuries:</td> <td>0</td> </tr> <tr> <td>Contents:</td> <td>Contents:</td> <td>Civilian Fatalities:</td> <td>0</td> </tr> <tr> <td>Total:</td> <td>Total:</td> <td>Total Casualties:</td> <td>0</td> </tr> </table>	Losses	Pre-Incident Values			Property:	Property:	Civilian Injuries:	0	Contents:	Contents:	Civilian Fatalities:	0	Total:	Total:	Total Casualties:	0	<table border="1"> <tr> <td>Fire Service Injuries:</td> <td>0</td> </tr> <tr> <td>Fire Service Fatalities:</td> <td>0</td> </tr> <tr> <td>Total Fire Service Casualties:</td> <td>0</td> </tr> </table>	Fire Service Injuries:	0	Fire Service Fatalities:	0	Total Fire Service Casualties:	0
Losses	Pre-Incident Values																						
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Contents:	Contents:	Civilian Fatalities:	0																				
Total:	Total:	Total Casualties:	0																				
Fire Service Injuries:	0																						
Fire Service Fatalities:	0																						
Total Fire Service Casualties:	0																						
Total # of apparatus on call:	3 Total # of personnel on call: 8																						

NARRATIVE

Station 1 is dispatched to 4109 Chenoweth Rd # C10 on a fully involved structure fire at 01:25 AM. Engine 7 with 5 personnel, Tender 12 with 1 personnel, 103, and Dallesport Engine 635 with 5 personnel all responded on the original dispatch. Engine 7 was first to arrive on scene. We arrived to find a single wide mobile home with an addition to the "B" side ~12'X20' fully involved with fire. The front 1/2 of the structure already has experienced roof and wall collapse prior to our arrival. We also noticed a vehicle burning on the "A/D" Corner of the structure. Conditions inside the remaining structure were not conducive for life, so no search/rescue efforts were made. There is a power line laying in the middle of the road that has burned through and is arcing upon arrival, limiting a 360 degree walk around and limiting suppression efforts on the "D" side of the structure. Dispatch informs us prior to our arrival that the PUD has been notified and are responding. Firefighter Fiske, Engineer Blumenthal, and Engineer Gillette use a 2 1/2" and 1 1/2" preconnects to knock the fire down. Tender 12 was used for water supply and Dallesport Tender 639 was also called to assist with maintaining an adequate water supply throughout the suppression effort. Crew from Dallesport Engine 635 was used to assist in suppression efforts and overhaul. PUD arrives on scene and disconnects power supply to structure and arcing line. Upon power being turned off a 360 degree walk around of the scene was performed and it was discovered that a shed had also burned in the fire and slight damage was done to neighboring shed. Crews were able to move in close and worked for ~2 hours cooling hot spots and moving large pieces of roofing material (tin) to gain access to smoldering debris. At approximately 04:00 the fire was considered out, crews picked up all equipment and returned to quarters. Engineer Woods was left on scene in B-18 to maintain control of the scene until investigation could be started at first light in the morning.

APPARATUS

Unit	E7	Unit	T12
Type:	Engine	Type:	Tanker or tender
Use:	Suppression	Use:	Suppression
Response Mode:	Lights and Sirens	Response Mode:	Lights and Sirens
# of People	5	# of People	1

Injury Or Onset	-- / -- / -- -- : -- : --	Injury Or Onset	-- / -- / -- -- : -- : --
Alarm	06 / 20 / 2012 01:22:00	Alarm	06 / 20 / 2012 01:22:00
Dispatched	06 / 20 / 2012 01:25:00	Dispatched	06 / 20 / 2012 01:25:00
Enroute	06 / 20 / 2012 01:26:00	Enroute	06 / 20 / 2012 01:28:00
Arrived	06 / 20 / 2012 01:31:00	Arrived	06 / 20 / 2012 01:36:00
Cancelled	-- / -- / -- -- : -- : --	Cancelled	-- / -- / -- -- : -- : --
Cleared Scene	06 / 20 / 2012 04:11:00	Cleared Scene	06 / 20 / 2012 04:11:00
In Quarters	06 / 20 / 2012 04:21:00	In Quarters	06 / 20 / 2012 04:26:00
In Service	06 / 20 / 2012 04:35:00	In Service	06 / 20 / 2012 04:35:00
Unit	103		
Type:	Chief officer car		
Use:	Suppression		
Response Mode:	Lights and Sirens		
# of People	1		
Injury Or Onset	-- / -- / -- -- : -- : --		
Alarm	06 / 20 / 2012 01:22:00		
Dispatched	06 / 20 / 2012 01:25:00		
Enroute	06 / 20 / 2012 01:28:00		
Arrived	06 / 20 / 2012 01:35:00		
Cancelled	-- / -- / -- -- : -- : --		
Cleared Scene	06 / 20 / 2012 04:10:00		
In Quarters	-- / -- / -- -- : -- : --		
In Service	06 / 20 / 2012 04:10:00		
Number Of People not on apparatus: 1			

FIRE			
Acres Burned	0	Acres Burn From Wildland Form	False
Area Of Fire Origin	Undetermined	Heat Source	Undetermined
Item First Ignited	Undetermined	Fire Is Confined To Object Of Origin	FALSE
Type Of Material	Undetermined	Cause Of Ignition	Cause under investigation
Factor Contributing To Ignition	Undetermined		
Human Factors Contributing	None		

STRUCTURE FIRE			
Structure Type	Enclosed building	Building Status	In normal use
# Of Stories At Above Grade	1	# Of Stories Below Grade	0
Square Feet	960	Length	
Width		Floor Of Origin	1
Fire Spread	Beyond building of origin		
Minor Damage	0	Significant Damage	0
Heavy Damage	0	Extreme Damage	1
Item Contributing Most To Spread	Structural component or finish, other	Type Of Material Contributing Most To Spread	Sawn wood, including all finished lumber

ARSON		
Agency Name	Agency Address	Agency Phone

Member Making Report (Lieutenant/Paramedic Steven D BIEHN): _____

Supervisor (Fire Chief/EMT-B Robert F PALMER): _____

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

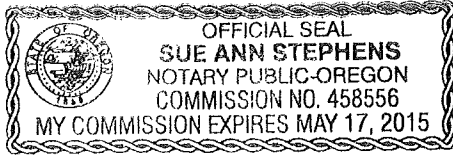
IN THE MATTER OF THE CANCELLATION)
OF CERTAIN UNCOLLECTIBLE PERSONAL) A F F I D A V I T
PROPERTY TAXES.)

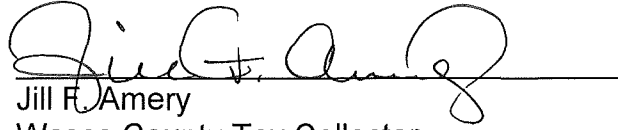
STATE OF OREGON,)
) ss.
County of Wasco.)

I, JILL F. AMERY, being first duly sworn on oath depose and say: That I am the duly qualified and acting Tax Collector in and for the County of Wasco; That the attached list of personal property taxes was prepared in my office and under my direction; That I have examined said list and investigated the feasibility of collection of said taxes; That from my investigation the manufactured structure has been completely destroyed by fire; and there is no property to seize; and That in my opinion said taxes are wholly uncollectible by virtue of these facts; and Further that I make this Affidavit in support of a Motion for an Order of this Court declaring the said taxes to be uncollectible and directing me as Tax Collector of this County to cancel said uncollectible personal property taxes.

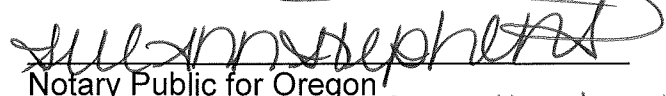
////

DATED this 17 day of December, 2014.




Jill F. Amery
Wasco County Tax Collector

SUBSCRIBED AND SWORN to before me this 17 day of December, 2014.


Notary Public for Oregon
My Commission Expires: MAY 17TH, 15


IN THE COUNTY COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE CANCELLATION)
OF CERTAIN UNCOLLECTIBLE PERSONAL) A F F I D A V I T
PROPERTY TAXES.)

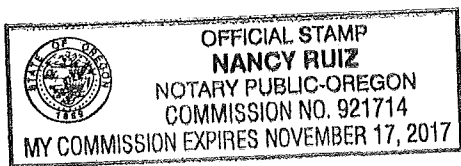
STATE OF OREGON,)
) ss.
County of Wasco.)

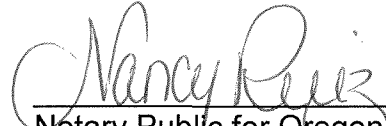
I, ERIC J. NISLEY, being first duly sworn on oath depose and say:
That I am the duly elected, qualified and acting District Attorney for the State
of Oregon in and for the County of Wasco; That based upon the Affidavit of
Jill F. Amery, Tax Collector of said County, I have determined that the
attached list of taxes of personal property represents a list of uncollectible
personal property taxes which are delinquent and are now wholly
uncollectible by virtue of the fact that the manufactured structure has been
completely destroyed by fire; and there is no property to seize; and Further
that I make this Affidavit in support of a written application under ORS
311.790 for an Order directing the Tax Collector to cancel such personal
property taxes as uncollectible.

DATED this _____ day of December, 2014.


Eric J. Nisley
Wasco County District Attorney

SUBSCRIBED AND SWORN to before me this 22nd day of
December, 2014.




Notary Public for Oregon
My Commission Expires: 11/17/17

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

IN THE MATTER OF THE CANCELLATION)
OF CERTAIN UNCOLLECTIBLE PERSONAL) ORDER #15-001
PROPERTY TAXES)

NOW ON THIS DATE, the above-entitled matter having come on regularly to be heard upon the Motion of the District Attorney for an Order declaring certain taxes upon personal property to be now uncollectible and directing the Tax Collector to cancel said personal property taxes; it appearing to the Board from the Affidavits of Jill F. Amery, Tax Collector for Wasco County, and Eric J. Nisley, District Attorney for Wasco County, that the taxes in the complaint are wholly uncollectible.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Jill F. Amery, Tax Collector for Wasco County, cancel the taxes listed in the motion on file in this matter, attached hereto, and by this reference incorporated herein, as uncollectible personal

property taxes; it is further ordered that this Order be entered in the Journal of the Board of County Commissioners.

DATED this 7th day of January, 2015.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott C. Hege, Chair

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

Timmons Law
Wasco County General Counsel

Agenda Item

Gonzales Deed

- [Order for Sale](#)
- [Bill of Sale](#)
- [Bargain and Sale Deed](#)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASCO COUNTY, OREGON

IN THE MATTER OF THE TRANSFER)	
OF CERTAIN COUNTY OWNED REAL)	ORDER
PROPERTY TO THE ESTATE OF)	# 15-002
JESUS GONZALES)	

WHEREAS, the above-entitled matter, having come regularly for consideration on a day duly set for the transaction of public business and a majority of the Board of County Commissioners being present;

WHEREAS, Wasco County is the owner of certain tax-foreclosed real property situated in Wasco County and described in Exhibit “A” attached and incorporated by this reference, pursuant to real property tax foreclosure proceedings;

WHEREAS, the foreclosure proceedings are completed and the tax deeds have been executed by the County and recorded in the Records of Wasco County pursuant to ORS 312.200;

WHEREAS, Jesus Gonzales, deceased, is the record owner and Gabriel Gonzales, Personal Representative of the Estate of Jesus Gonzales, requested that the real property be sold to it;

WHEREAS, ORS 275.180 authorizes the sale by the Board of Commissioners of real property acquired by tax foreclosure to the record owner without publication;

WHEREAS, on December 3, 2014, the Board of Commissioners agreed to sell the real property to the Personal Representative of the Estate of Jesus Gonzales upon receipt of \$13,096.56, which reflects taxes, penalties, interest and fees;

WHEREAS, the County has received funds in the amount of \$13,096.56 from the Personal Representative of the Estate of Jesus Gonzales;

WHEREAS, it appears that in accordance with ORS 275.180 it is in the best interest of Wasco County to sell the real property described in Exhibit “A.”

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Pursuant to ORS 275.180, the real property described in Exhibit “A” be sold to Gabriel Gonzales as Personal Representative of the Estate of Jesus Gonzales for \$13,096.56.

2. The real property is being sold on an AS IS, WITH ALL FAULTS basis, without warranty or guaranty, express or implied.
3. The Board of Commissioners is authorized to execute and deliver the Deed attached hereto.

DATED this 7th Day of January, 2015.

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel



Manufactured Structure Bill of Sale

HOME INFORMATION

Home ID number (if known):

181458

DMV X-plate number (if known):

X103082

Serial number:

64E2031024S2981

STATEMENT OF FACTS

I transfer all rights, ownership, and interest in the above described manufactured structure to:

Buyer name: **Estate of Jesus Gonzales**

Buyer name:

Buyer name:

Buyer name:

Date of purchase: **January 7, 2015**

Purchase price: **\$13,096.56**

Includes land: ☒

I/We certify that any and all security interest holders either acknowledge the sale of or have released their interest in this home. (Attach Security Interest Change Form, 440-2948, if applicable.)

Printed name of seller (business name if seller is a business): **Wasco County**

Date of release: **January 7, 2015**

Signature of seller:

Printed name of seller (business name if seller is a business):

Date of release:

Signature of seller:

1 After recording return to:

2 Wasco County
3 c/o Assessor
4 511 Washington St.
5 The Dalles, OR 97058

6 Send tax statements to:

7 Estate of Jesus Gonzales
8 601 Washington St.
9 The Dalles, OR 97058

10 BARGAIN AND SALE DEED

11 KNOW ALL BY THESE PRESENTS that WASCO COUNTY, a Political Subdivision of
12 the State of Oregon, hereinafter called Grantor, for the consideration hereinafter stated, conveys unto
13 Estate of Jesus Gonzales, Deceased (Gabriel Gonzales, Personal Representative), hereinafter called
14 Grantee and unto Grantee's heirs, successors and assigns, all of Grantor's right, title and interest in
15 the following described real property situated in Wasco County, State of Oregon, described as
16 follows:

17 Beginning on the Southerly boundary line of Tract 25, Snipes Acres, in the County
18 of Wasco and State of Oregon, at a point 112 feet 1 inch Southeasterly from the most
19 Northwesterly corner of Tract 25; thence Southeasterly along Westerly boundary line
20 of Tract 25, 120 feet to the most Westerly line of that tract conveyed to W. H. Turner
21 by deed recorded April 23, 1930 in Book 82, Page 198, Deed Records for Wasco
22 County, Oregon; thence Easterly at right angles, being parallel to the Southerly line
23 of said Lot 25, 142 feet 6 inches; thence Northwesterly at a right angle, being parallel
24 with the Southwesterly boundary line of Lot 25, a distance of 120 feet; thence
25 Westerly at a right angle 142.5 feet to the point of beginning.

26 EXCEPTING THEREFROM that portion described in deed recorded April 25, 1988,
Microfilm No. 88-1023, Wasco County Records.

The true and actual consideration paid for this transfer, stated in terms of dollars, is
\$13,096.56, pursuant to ORS 275.180.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of
January, 2015.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATE OF OREGON)
) ss.
County of Wasco)

This instrument was acknowledged before me on January ____, 2015 by Scott C. Hege, Rod L. Ruyon and Steve Kramer, duly elected, acting and qualified Wasco County Commissioners.

BOARD OF COUNTY COMMISSIONERS
FOR WASCO COUNTY

Scott C. Hege, Commissioner

Rod L. Runyon, Commissioner

Steve Kramer, Commissioner

Notary Public for Oregon
My Commission expires: _____

Agenda Item

Sister Communities

- [Introductory Email](#)
- [Filling the Public Works Leadership Void Following a Cascadia Earthquake and Tsunami](#)



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

FW: Statewide Planning Effort: Sister Communities and Cascadia Earthquake

Kristy Beachamp <kristyt@co.wasco.or.us>

Tue, Dec 30, 2014 at 4:49 PM

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

Cc: Arthur Smith <arthurs@co.wasco.or.us>

Kathy,

Arthur and I will be presenting the attached white paper to the Board of Commissioners. We are looking for guidance as to whether or not we further explore participation in this program (as per my email below). We will have access to a larger, more comprehensive presentation in the near future. We felt that we would like to get an official "go-ahead" before we invested more time into this.

Thanks,

Kristy

From: Kristy Beachamp [mailto:kristyt@co.wasco.or.us]

Sent: Friday, December 12, 2014 2:40 PM

To: Scott Hege; Steve Kramer; Rod Runyon; Tyler Stone; Rick Eiesland; Marty Matherly; Arthur Smith

Subject: Statewide Planning Effort: Sister Communities and Cascadia Earthquake

Dear Wasco County Commissioners,

As you are aware, there has been an increase in statewide planning and preparedness activities focused on addressing the threat of a Cascadia subduction zone earthquake and tsunami. There is a new effort underway to connect Oregon's coastal Counties/Cities with valley and eastern Counties/Cities to address the gaps in resources that will result from such an event. This concept of "Sister Counties" or "Sister Cities" is intended to help form pre-existing relationships, which can be called upon in a disaster. As outlined in the attached white paper, there would be the potential for reciprocal benefits as well, should a devastating catastrophe occur in Wasco County.

Wasco County Emergency Management and Wasco County Public Works are very interested in supporting this effort. We feel that our participation would provide many benefits to our County and State, both direct and indirect. Therefore, we are seeking your direction on whether or not to move forward. If this is something you also see as a valuable effort, we would like to bring a full presentation before the Board.

Please take a moment to review the attached white paper and give us your feedback.

Thank you,

Kristy A. Beachamp, Emergency Manager
Wasco County Sheriff's Office- Emergency Management
511 Washington Street, Suite 102

Filling the Public Works Leadership Void Following a Cascadia Earthquake and Tsunami

Concept: The Oregon Coast experiences a 9.0 earthquake and 50-foot tsunami. The Willamette Valley experiences a 7.0 earthquake and east of the Cascade Range experiences a 3.0 earthquake. There is significant damage to infrastructure systems including transportation, power, communication, water, and sewer. Regional fuel supplies are severely limited. There are deaths, injuries, and significantly damaged buildings, including emergency response facilities and hospitals. The Oregon Office of Emergency Management (OEM) and the Federal Emergency Management Agency (FEMA) mobilize State and Federal resources for deployment into the hardest hit areas.

All Oregon coastal counties have limited staff. During disasters of this magnitude, responders will become victims of the event, leaving a void of leadership during the critical days that follow.

What: Develop “Sustainable Sister Counties” for initial management of local critical resources and coordination of State and FEMA assistance after the earthquake event. The Coastal County Public Works Department (PWD) develops professional relationship with Sister Counties. The relationship is between a Coastal, Valley and Central/Eastern County PWD to form a three County relationship to define the following:

1. Disaster response culture and priorities;
2. Facilities, infrastructure, and resources, e.g., rock quarries, equipment, critical life line routes, etc.;
3. How to augment/replace them in the Emergency Operation Center (EOC) Incident Command System organization;
4. How to direct State and FEMA resources to provide the most effective assistance.

The Coastal County learns the same about the Valley and Central/Eastern Oregon Counties. Response to snow or wildfires devastating to their communities may be a reciprocal benefit.

When: Assistance from the Sister County will occur within 0-48 hours of the earthquake. This response would be designed for a 5-7 day self-sufficient deployment following the earthquake, with the ability to extend. The Sister County will receive the highest life safety priority for seats on State and Federal helicopters going to the Coastal County’s EOC. All State and/or Federal Staging Areas in Oregon will provide this priority during the first 48 hours following the event.

Goals:

- 2014 - Develop 5 Sister County relationships, one for each Coastal County with PWD HQ along the Coast.
- 2015 - Sister Counties begin meeting annually and meet their respective County Commissioners. Get approval from Boards.
- 2015 - Cascadia Earthquake develop and sustain the following:
 - Understanding of each County's potential leadership needs and resources, based upon current PWD resources, e.g. staff, equipment, contractors, etc.;
 - Develop and commit to a yearly resource estimate to sustain the Sister County relationships;
 - Find and obtain resources to sustain the relationships;
 - Annually, officially submit each PWD's helicopter priority names and 24/7 contact information to OEM and FEMA and request confirmation. Keep them informed at all agreements, policy, procedures and changes;
 - Sign Public Works mutual aid type agreements and review yearly together
 - Managing Oregon Resources Efficiently (MORE)
 - Omnibus Agreement
 - Oregon Water/Wastewater Agency response Network (ORWARN)
 - Oregon Department of Transportation Mutual Agreement (ODOT)
 - Emergency Management Assistance Compact (EMAC)
 - Confirm all PWD staff meet ICS training requirements and practice in each other's EOC at a frequency which sustains an "opening night performance" level of confidence;
- Update members of the Oregon Association of County Engineers and Surveyors (OACES) at the yearly conference.
- Update members of the Oregon Chapter American Public Works Association (OR-APWA) at one of their yearly conferences.
- Annually, include status of Sister County relationship in each County's Emergency Management Preparedness Grant status report.

Agenda Item
Rail Hollow Overlay Project

- [Introductory Email](#)
- [Processing Form](#)
- [Match Agreement](#)



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

Fwd: Rail Hollow overlay match agreement

Monica Morris <monicam@co.wasco.or.us>

Mon, Dec 29, 2014 at 11:24 AM

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

Please see attached for the next Commission meeting. Thank you.

Monica Morris
Finance Director
Wasco County
The Dalles, Oregon
Ph 541-506-2770
Fx 541-506-2771

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

From: **Arthur Smith** <arthurs@co.wasco.or.us>

Date: Mon, Dec 22, 2014 at 10:40 AM

Subject: Rail Hollow overlay match agreement

To: Monica Morris <monicam@co.wasco.or.us>

Cc: Marty Matherly <martym@co.wasco.or.us>

Attached is the draft agreement from FHWA Federal Lands Access Program for the Rail Hollow Overlay. This project is to apply an asphalt (not oil) overlay on a section of Dufur Valley Road between Dufur and the Rail Hollow Rd intersection.

We did anticipate and budget for the \$20,850 cash match and the \$24,882 in-kind service - see page 3 of 6.

I would like to get this agreement approved by the BOC at the January 7th meeting if possible. Any questions, please contact me.

Thanks,

Arthur

—

Arthur Smith, Project Manager
Wasco County Public Works
541-506-2645

2 attachments



Rail Hollow Overlay_DraftMatchAgreement_12172014.pdf
363K



Rail Hollow Overlay processing form.docx
29K

Wasco County Contract Processing Form

To be completed prior to submission to the Board of Commissioners

Date: 12/29/2014 Title of Contract/Agreement: OR WASCO 104(1) Rail Hollow Overlay

Department: Public Works Dept

Responsible Staff: Art Smith & Marty Matherly

Information Systems

Will computer rotation be necessary ? ☐ Yes ☐ No

Will this include ☐ Software Purchase ☐ Installation ☐ Maintenance Agreement?

Will this include a licensing fee? ☐ Yes ☐ No ☐ One-time ☐ Recurring

☐ Information Systems has reviewed this agreement ☒ N/A

Notes: _____

Facilities

Will this agreement require any ☐ maintenance work ☐ new construction?

☐ Facilities has reviewed this agreement. ☒ N/A

Notes: _____

Finance

Is this ☒ a new service or ☐ increasing an existing service? ☐ maintaining an existing service

Dollar Value of Agreement: \$445,300 total expected costs of the project

Is there a match requirement? ☒ Yes ☐ No ☒ Cash ☒ In-kind

Are these funds ☒ already budgeted ☐ need a budget adjustment? ☐ Other – Explain below

the cash match (\$20,850) is budgeted, the in-kind match (\$24,882) is planned

Can this agreement be altered as work progresses? ☐ Yes ☒ No

Beginning date of agreement: 01/01/2015

Ending date of agreement: unknown, when project is complete

Notes: Marty has been working on securing this project through the federal program. It was anticipated and budgeted.

☒ **REVIEWED BY FINANCE**



State: Oregon

Project Number/Name: OR WASCO 104(1), Rail Hollow Overlay

Parties to this Agreement:

U.S. Department of Transportation
Federal Highway Administration
Western Federal Lands Highway Division, FHWA

and

Wasco County

Purpose of Agreement:

The purpose of this agreement is to document the intent of Wasco County to meet its match requirement for the subject project as authorized under the Moving Ahead for Progress in the 21st Century Act (MAP-21), Title 23 U.S.C 120(b). With this agreement, Western Federal Lands Highway Division, FHWA authorizes this project as eligible for federal participation. The purpose of this project is to Perform road prep work including sweeping, cleaning, crack sealing and patching and construct 2" asphalt overlay and pavement markings. This agreement does not commit the parties to complete the project, but, rather sets forth the respective responsibilities as the project proceeds. Any subsequent decisions to complete final design and to construct the project will depend on authorizing legislation, NEPA analysis, availability of appropriations, and matching funds at the time of obligation.

The authority for FHWA to enter into this agreement is under Title 23 U.S.C. Section 204.

Funding:

The Federal Lands Access Program of the Moving Ahead for Progress in the 21st Century Act (MAP-21) authorizes FHWA to provide funding for specific projects. The Program Decision Committee (PDC), consisting of FHWA, the State of Oregon, and an organization representing the local agencies of the state, is designated to jointly decide upon projects funded in the state. The PDC has decided to provide funding for the development of this project and to program the project for construction in FY 2015 under the Oregon State Federal Lands Access Program.

The matching requirement under MAP-21 will be met by Wasco County and other agencies that have committed to the project in subsequent agreements. The forms of match may be those consistent with the 'Federal-Aid Guidance Non-Federal Matching Requirements' (http://www.fhwa.dot.gov/legsregs/directives/policy/fedaid_guidance_nfmr.htm) as shown in the Funding Plan. In the state of Oregon, the match rate is 10.27% of the total project cost. Wasco County will be responsible for meeting their match requirement for their share of costs incurred on the project after October 1, 2012; which is the date for implementation of MAP-21.



Federal Lands Access Program
Match Agreement

Budget:

The following documents the expected costs of this project and the Match required:

Item	Amount
Planning	
Preliminary Engineering	\$43,800
Construction	\$365,000
Construction Engineering	\$36,500
Contingency - Contract Mods	
Total Estimated Cost:	\$445,300
Match Rate Required (23 USC 120):	10.27%
Value of Match Required*:	<u>\$45,732</u>

* Calculated by multiplying the Total Estimated Cost that is subject to match requirements by the percentage match required.



Federal Lands Access Program Match Agreement

All Access Program expenditures associated with this project after October 1, 2012 will need to be matched by a Non-Federal source, by other Federal funds other than those made available under Titles 23 and 49 of the United States Code, or by funds made available under 23 U.S.C. 202 and 203. Estimated costs are based on the best budgeting information known at this time. The final cash Match will be determined based on actual expenditures at the conclusion of project work. Matching cash funds in FHWA receipt may need to be supplemented, or returned, once actual expenditures are determined. As noted under Modifications, if costs increase over the amount within this agreement, the PDC will consult with the signing agency before granting approval.

The following agencies have agreed to contribute the amounts shown which will reduce the federal share by the same amount. The Funding Plan is as follows (Includes all agencies that are cooperating in the project):

Agency Contributions:

Phase	Agency	Form	Due	Received	Value	Comment
CN	Wasco Cty	Cash	3/15/2015		\$20,850	Match for CN, CE, CM
CN	Wasco Cty	In-Kind Service	6/15/2015		\$24,882	Match - County forces crack sealing and patching prep for overlay
Total:					\$45,732	Total W/O Toll Credits: \$45,732

Wasco County is ONLY responsible for their respective match as shown above.

Valuation of real property, services, materials, equipment, and use of facilities will be established at fair market value (FMV), as determined by applicable Federal grant administration regulations [49 CFR 18 or 19] and Federal cost principles. Final in-kind match will be determined based on actual expenditures at the conclusion of project work in order to determine the minimum match commitment has been met. The value of in-kind match may need to be supplemented in order to meet the minimum match requirement. If the value of in-kind match is in excess of the minimum match, the excess value will not be returned or reimbursed.

Records:

Costs and third party in-kind contributions counting towards satisfying a cost sharing or matching requirement must be verifiable from the records of grantees and subgrantee or cost-type contractors. These records must show how the value placed on third party in-kind contributions was derived. To the extent feasible, volunteer services will be supported by the same methods that the organization uses to support the allocability of regular personnel costs. 49 CFR 18.24(b)(6)

Federal Highway Contributions:

Phase	Fund	FY	Amount	Comment
PE	G20E	2015	\$43,800	
CN	G20E	2015	\$319,268	
CE	G20E	2015	\$36,500	
Total:			\$399,568	



Federal Lands Access Program Match Agreement

Federal Lands Access Program funds are administered by FHWA and are subject to annual appropriations from Congress. This document does not commit FHWA to advance the project or provide funds for the project, but provides required matching if FHWA expends funds to advance the project.

Modification:

This agreement may be updated periodically by mutual written consent of all parties. If project costs increase and are approved by the PDC, this funding agreement will be modified by mutual consent of all parties.

Delivery Agency and Fund Transfers:

Western Federal Lands Highway Division, FHWA has been selected to deliver this project. Upon execution of this agreement, FHWA will forward payment requests to the Enterprise Servicing Center (ESC) at Oklahoma City, which will send invoices to Wasco County in accordance with the payment schedule set forth in the Funding Plan. After receiving the invoice, Wasco County can transmit the funds either through Pay.Gov (<https://pay.gov/paygov/>) or by mailing a check to ESC. The preferred method is to use Pay.Gov.

This project is authorized to use a Tapered Match. Under this approach, the non-Federal match is imposed over the entire project rather than individual progress payments. Timing of all fund transfers are specified in the Funding Plan. Tapered Match is authorized because it will result in an earlier completion date.

Funds Transaction Information:

Please contact the following individuals to set up the funds transaction:

FHWA:

John Huestis, Federal Lands Access Program Manager
Western Federal Lands Highway Division, FHWA
610 E. Fifth Street

Vancouver, WA 98661
(360) 619-7791
john.huestis@dot.gov

Wasco County

Monica Morris, Finance Manager

511 Washington Street
2705 E 2nd St
The Dalles, OR 97058
(541) 506-2770
monicam@co.wasco.or.us



US Department of Transportation
Federal Highway Administration

**Federal Lands Access Program
Match Agreement**

Western Federal Lands Highway Division, FHWA
610 E. Fifth Street
Vancouver, WA 98661

This Agreement shall be effective as of the date of the last signature:

Wasco County

Approved By:

Scott Hege, Chair, County Commission

Date

APPROVED AS TO FORM:

Timmons Law
Wasco County General Counsel



US Department of Transportation
Federal Highway Administration

**Federal Lands Access Program
Match Agreement**

Western Federal Lands Highway Division, FHWA
610 E. Fifth Street
Vancouver, WA 98661

**U.S. Department of Transportation
Federal Highway Administration
Western Federal Lands Highway Division, FHWA**

Approved By:

Dan Donovan, Director of Program Administration

Date

Agenda Item
2014 Frost/Freeze Damage

- [Introductory Email](#)
- [November 2014 Freeze Survey](#)
- [Bud Damage Photo](#)
- [Letter Requesting Emergency Declaration](#)



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

November Freeze damage

11 messages

Long, Lynn <lynn.long@oregonstate.edu>

Thu, Dec 11, 2014 at 9:55 AM

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

Cc: "tylers@co.wasco.or.us" <tylers@co.wasco.or.us>, Dana Branson <osweetcherry@gmail.com>, Jean Godfrey <cgfg@hrecn.net>

Hi Kathy,

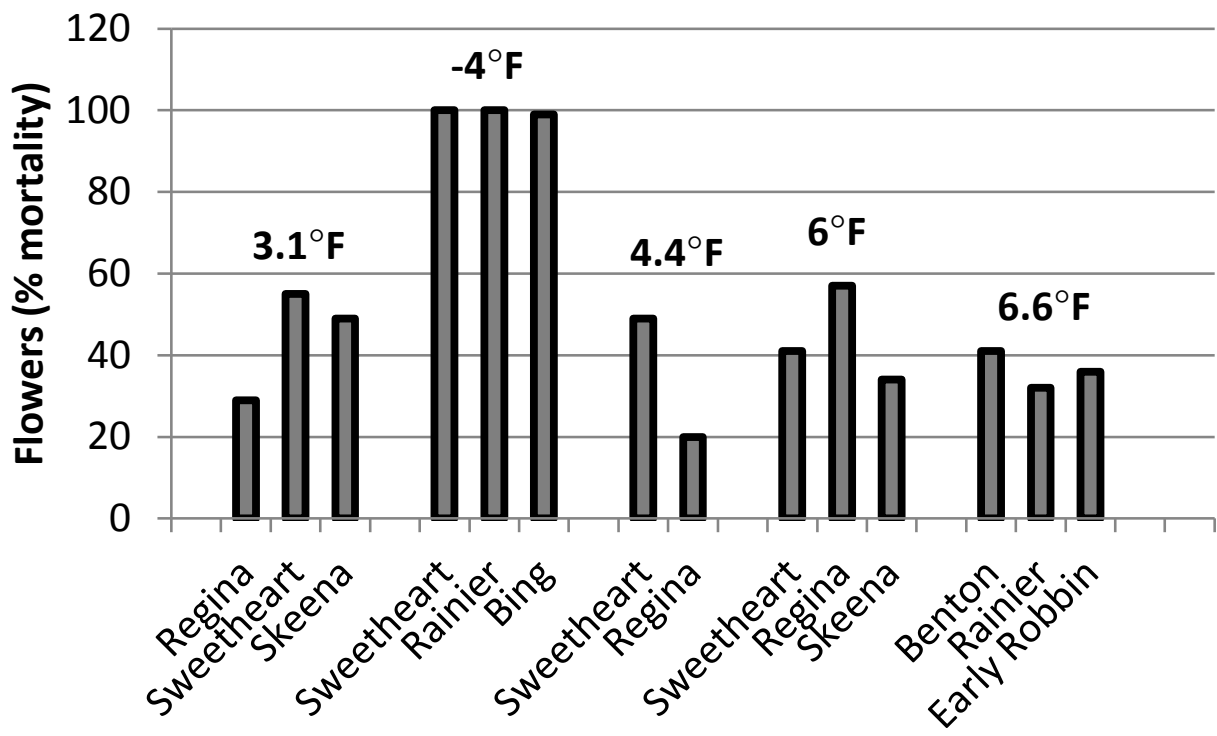
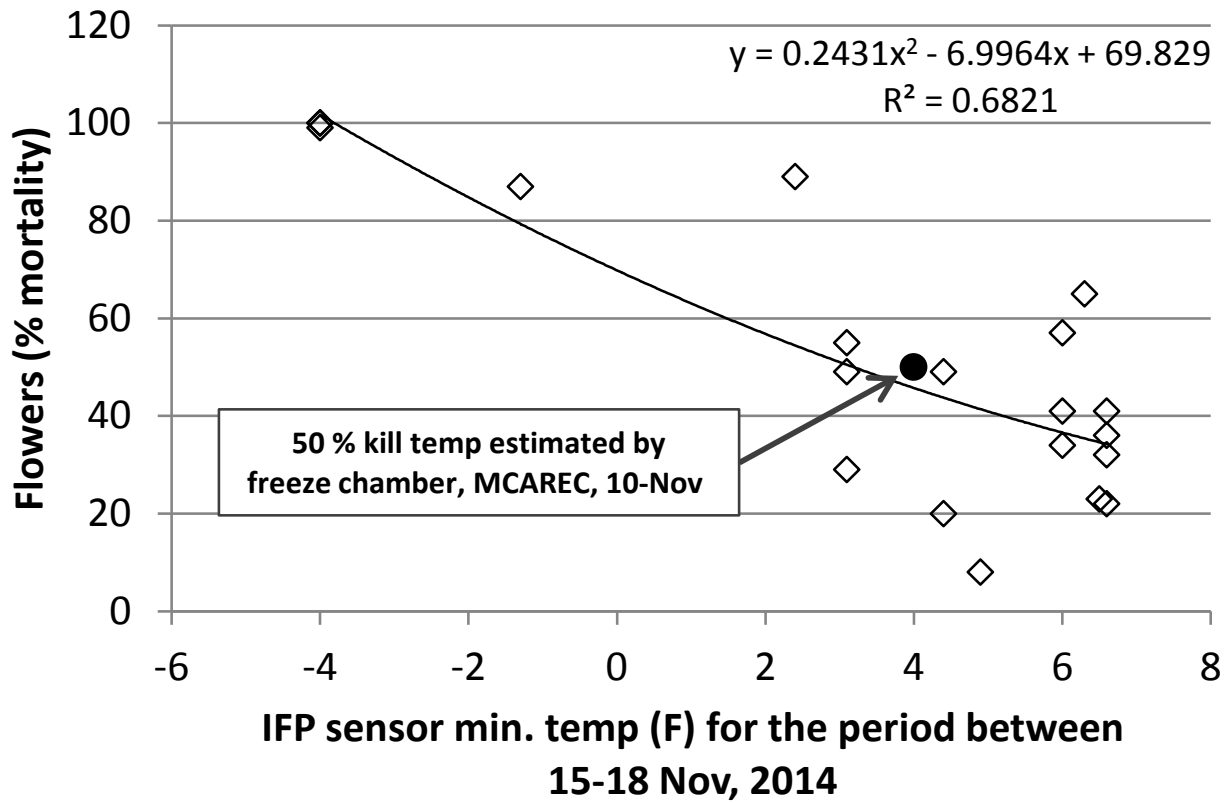
I wanted to make the Wasco County commissioners aware of the level of damage that the orchard industry in Wasco County sustained in the November freeze. Last week we completed a survey of orchards in The Dalles, Mosier and Dufur. I have attached the results of the survey. The top graph shows the percent bud kill associated with the lowest temperature recorded in the orchard from November 14-18. The bottom chart shows the percent bud mortality at those orchards where we collected buds from more than one variety.

Besides examining flower buds we also dissected many spurs. The level of damage found in the conductive tissue leading to the buds was variable, but it is apparent that many spurs sustained damage. In some cases it is obvious that the damage is so extensive that the spur will die. In other cases it is not so clear. Where there are live flower buds in the spur yet severe vascular damage leading to the spur, it is possible that the flower will bloom and then die. In less severe cases fruit might set and then abort prior to harvest. We might also find in some cases that fruit will set and develop, but not size well due to damage to the vascular tissue and the subsequent stress on the fruit. Finally, it is also possible that if the cambium has not been killed that minor damage can be repaired by the tree. Unfortunately, we don't have a clear understanding of how to delineate these various damage levels to advise growers at this time. We hope to collect more information this winter and spring. I have attached the survey report and pictures of the oxidative browning of the vascular tissue leading to the buds.

As you review the data please keep in mind that these figures represent the minimum level of damage that we have sustained. As mentioned, it is possible for the buds to be alive at this time, but if the conductive tissue to the spur is dead, the flower bud will eventually die, or the developing fruit will drop before harvest. Finally, this is just the beginning of the damage. It is likely that bacterial canker caused by the pathogen *Pseudomonas syringae* will infect young trees with the potential of killing the entire tree. We saw this in the early 1990's when a severe winter freeze damaged a newly planted orchard in Dallesport and 50% of the trees eventually died from bacterial canker. There is the possibility that this scenario could occur in young orchards county wide as a result of this freeze.

I will be out of the office from December 13-28 and January 19-21 as well as a few other scattered dates in January. I will be happy to speak to the commissioners at their convenience concerning this matter. I wrote to Kevin Macintyre of the USDA Farm Service Agency. He outlined the procedure below to obtain a disaster declaration in Wasco County. It appears that a request for this designation needs to come from the commissioners.

I'm happy to answer any questions that you or the commissioners might have.







WASCO COUNTY

Board of County Commissioners

511 Washington Street, Suite 302

The Dalles, Oregon 97058-2237

(541) 506-2520

Fax: (541) 506-2521

Scott Hege, *Chair of the Board*

Rod Runyon, *County Commissioner*

Steve Kramer, *County Commissioner*

Governor John Kitzhaber
160 State Capitol
900 Court Street
Salem, OR 97301-4047

January 7, 2015

Re: Crop Damage Due to Inclement Weather

Honorable Governor Kitzhaber:

It has been called to the attention of the Wasco County Board of Commissioners that local orchards have sustained severe damage with the potential of significant crop loss due to an early freeze from November 14 through November 18, 2014. The temperatures recorded were historical lows for that period and the sustained losses could prove to be disastrous for local fruit growers. (Please see attached report.)

Therefore, the Wasco County Board of Commissioners request a disaster declaration from your office for the Wasco County fruit growers to allow them to obtain low interest loans through the proper agencies.

Respectfully,

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

Agenda Item
Parks & Rec Enterprise Zone Funding

- [2014 Enterprise Zone Funding Agreement](#)
- [City of The Dalles Staff Report](#)

**INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF THE
DALLES, WASCO COUNTY AND NORTHERN WASCO COUNTY PARKS
RECREATION DISTRICT CONCERNING DISTRIBUTION AND USE OF INITIAL
PROJECT FEE PAID PURSUANT TO ENTERPRISE ZONE TAX ABATEMENT
AGREEMENT EXECUTED 09/24/2013**

This Intergovernmental Agreement is entered into this 5th day of February, 2014, by and between the City of The Dalles, an Oregon municipal corporation, hereinafter called the "City", Wasco County, a political subdivision of the State of Oregon formed under the Oregon Constitution and ORS Chapter 203, hereinafter called the "County", and the Northern Wasco County Parks and Recreation District, a park and recreation district created and existing under and by virtue of Chapter 266 of the Oregon Revised Statutes, hereinafter called "District"; each of which may also be referred to herein individually as a "Party" and collectively as the "Parties".

The purpose of this Agreement is to set forth the responsibilities of the Parties for implementation of the process concerning the distribution and use of fees to be paid by Design LLC pursuant to the Enterprise Zone Tax Abatement Agreement executed on September 24, 2013.

RECITALS:

WHEREAS, the State of Oregon has declared it a matter of statewide concern to promote intergovernmental cooperation for the purpose of furthering economy and efficiency in local government; and

WHEREAS, the legislature has given general authority for intergovernmental agreements by units of local government pursuant to the provisions of ORS 190.010 et. seq.; and

WHEREAS, the Oregon Legislative Assembly has adopted the provisions of ORS 285C.400 to 285C.420 to provide tax incentives to certified business firms that invest in a qualifying facility located within a nonurban enterprise zone in a county with chronically low income or unemployment; and

WHEREAS, the City of The Dalles and Wasco County jointly sponsor a nonurban enterprise zone known as The Dalles/Wasco County Enterprise Zone; and

WHEREAS, the City Council adopted Resolution No. 13-033 on September 23, 2013, approving a Second Enterprise Zone Tax Abatement Agreement with Wasco County and Design LLC; and

WHEREAS, the Wasco County Board of Commissioners voted to approve the above-mentioned Second Enterprise Zone Tax Abatement Agreement with the City and Design LLC on September 24, 2013; and

WHEREAS, pursuant to Section II(C)(1) of the Tax Abatement Agreement, Design LLC agreed to pay to the City and Wasco County, the sponsor of the Enterprise Zone, an Initial Project Fee in the sum of \$1,200,000 on or before December 31, 2013; and

WASCO COUNTY, OREGON
COMMISSIONER'S JOURNAL

CJ2014-000021

WHEREAS, the City and Wasco County have reached a mutual agreement as to the distribution of the Initial Project Fee for the Enterprise Zone which they jointly sponsor, which includes a distribution of a portion of the Initial Project Fee to the District; and

NOW, THEREFORE, it is mutually agreed between the parties as follows:

1. Distribution of Portion of Initial Project Fee. Pursuant to the agreement between the City and County, the portion of the \$1,200,000 Initial Project Fee to be distributed to the District shall be the sum of \$100,000. This sum shall be used by the District for proposed facility improvements involving recreational and sports activities which promote and support commercial and business activity in the community.

2. Approval of Projects. District shall submit a plan to City and County for use of the funds received pursuant to this Agreement, for proposed facility improvements involving recreational and sports activities which promote and support commercial and business activity in the community, within ninety (90) days of the receipt of the funds. City and County have a period of forty five (45) days from receipt of the plan from the District, to provide a written determination to the District whether the proposed facility improvements in the plan comply with the criteria of recreational and sports activities which promote and support commercial and business activity in the community. In the event the City and County identify certain improvements which they believe do not fit the criteria to be included in the plan for proposed facility improvements, representatives of the City and County will meet with representatives of the District to negotiate in good faith to resolve the City and County's concerns regarding the identified proposed improvements, and secure the City and County's approval of the District's plan for the facility improvements.

3. Reports. The District will provide the City and County with monthly updates on the progress of the proposed facility improvements, and provide a final written report upon completion of the improvements to the City and County, confirming that the funds received were appropriately spent upon approved projects.

4. Disbursement of Funds: The sum of \$100,000 shall be disbursed to the District by Wasco County within thirty (30) days of the City and County's approval of the project plan for expenditure of the Enterprise Zone Funds.

5. Amendments. This Agreement may be amended by mutual written agreement of the Parties, signed by the Parties.

6. Term and Termination. The term of this Agreement shall commence upon the 5th day of February, 2014, and terminate on December 31, 2015, unless extended by mutual written consent of all the parties to allow for completion of a facility improvement. Either party shall have the right to terminate this Agreement for any cause by providing the other party thirty (30) days written notice to the other party.

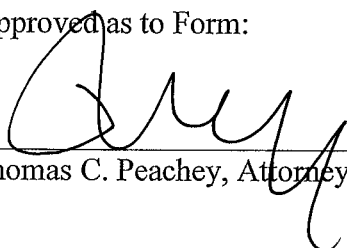
7. Agreement Effective. This Agreement when approved by the County Commission and executed by the authorized County officials, approved by the City Council and executed by its authorized officials, , and approved by the District and executed by its authorized officials, shall be then adopted and in effect and its terms and provisions enforceable by each respective body.

IN WITNESS WHEREOF, the County, the City, and the District have executed this Agreement the day and year first above written.

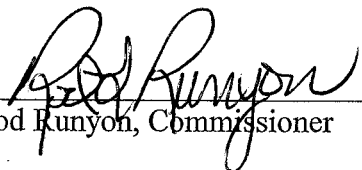
NORTHERN WASCO COUNTY PARKS AND RECREATION DISTRICT

By: 
Scott Green, Executive Director

Approved as to Form:


Thomas C. Peachey, Attorney for NWPRD

WASCO COUNTY

By: 
Rod Runyon, Commissioner


Absent
Scott Hege, Commissioner


Steve Kramer, Commissioner

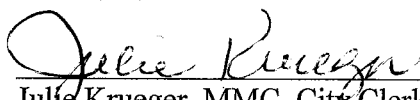
Approved as to form:


Eric Nisley, District Attorney

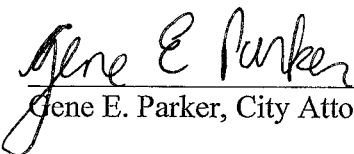
CITY OF THE DALLES

By: 
Stephen E. Lawrence, Mayor

ATTEST:


Julie Krueger, MMC, City Clerk

Approved as to form:


Gene E. Parker, City Attorney



CITY of THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481
FAX (541) 296-6906

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
December 8, 2014	Action Item	

TO: Mayor and City Council

FROM: Nolan K. Young, City Manager

DATE: November 21, 2014

ISSUE: Authorization for Northern Wasco County Parks & Recreation District (NWCP&R) to Utilize the Enterprise Zone Fee Revenue for Thompson Pool Project

BACKGROUND: The City of The Dalles and Wasco County have signed an agreement with NWCP&R concerning distribution of the Initial Enterprise Zone Fee from a 2013 Enterprise Zone Tax Abatement Agreement with Design LLC. The City and County agreed to provide \$100,000 of the \$1.2 million initial project fee to the District for facility improvements involving recreational sports activities which promote and support commercial and business activities in the community. The agreement requires that the District submit a plan for the proposed facility improvements. The District is requesting that the \$100,000 be applied to the construction of Thompson Pool. Because of higher than anticipated costs, the District needs an additional \$320,000 to complete the pool facility. Columbia Gateway Urban Renewal Agency has already dedicated \$220,000 toward this project. The District is requesting we authorize the expenditure of the \$100,000 toward this purpose.

BUDGET IMPLICATIONS: There are no budget implications for the City. The County currently has these funds and will distribute them to the District, if this request is approved by both the City Council and the County Commission.

COUNCIL ALTERNATIVES:

1. *Staff recommendation: Approve the use of \$100,000 of Enterprise Zone Funds by NWCP&R for the construction of Thompson Pool, contingent on approval by Wasco County Commission.*
2. Postpone approval pending more information from NWCP&R.
3. Deny this request.



UNITED STATES DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY

2014 Farm Bill

FACT SHEET

April 2014

Tree Assistance Program (TAP)

OVERVIEW

The Agricultural Act of 2014 (the 2014 Farm Bill) authorized the Tree Assistance Program (TAP) to provide financial assistance to qualifying orchardists and nursery tree growers to replant or rehabilitate eligible trees, bushes and vines damaged by natural disasters.

The 2014 Farm Bill makes TAP a permanent disaster program and provides retroactive authority to cover eligible losses back to Oct. 1, 2011.

TAP is administered by the Farm Service Agency (FSA) of the U.S. Department of Agriculture (USDA).

ELIGIBLE TREE TYPES

Eligible trees, bushes and vines are those from which an annual crop is produced for commercial purposes. Nursery trees include ornamental, fruit, nut and Christmas trees produced for commercial sale. Trees used for pulp or timber are ineligible.

ELIGIBLE LOSSES

To be considered an eligible loss:

- Eligible trees, bushes or vines must have been lost or damaged as a result of natural disaster;
- The individual stand must have sustained a mortality loss or damage loss in excess of 15 percent after adjustment for normal mortality or damage to be determined based on:
 - Each eligible disaster event, except for losses due to plant disease;
 - For plant disease, the time period as determined by the FSA for which the stand is infected.
- The loss could not have been prevented through reasonable and available measures;
- The damage or loss must be visible and obvious to the FSA representative; if the damage is no longer visible, FSA may accept other loss evidence that the agency determines is reasonable;

- FSA may require information from a qualified expert to determine extent of loss in the case of plant disease or insect infestation.

ELIGIBLE PRODUCERS

To qualify for TAP, orchardists and nursery tree growers must:

- Have suffered qualifying tree, bush or vine losses in excess of 15 percent mortality (adjusted for normal mortality) from an eligible natural disaster for the individual stand;
- Have owned the eligible trees, bushes and vines when the natural disaster occurred, but eligible growers are not required to own the land on which eligible trees, bushes and vines are planted;
- Replace eligible trees, bushes and vines within 12 months from the date the application is approved.

ACREAGE LIMITATIONS

The cumulative total quantity of acres planted to trees, bushes or vines for which a producer can receive TAP payments cannot exceed 500 acres annually.

PAYMENT LIMITATION AND ADJUSTED GROSS INCOME (AGI)

For 2012 and subsequent program years, no person or legal entity, excluding a joint venture or general partnership, may receive, directly or indirectly, more than \$125,000 total in payments under TAP.

For 2011, no person or legal entity, excluding a joint venture or general partnership, may receive, directly or indirectly, more than \$125,000 total in the 2011 program year in payments under TAP, when at least \$25,000 of such total 2011 program payments is from TAP, for losses from Oct. 1, 2011, through Dec. 31, 2011.



UNITED STATES DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY

2014 Farm Bill

FACT SHEET

December 2014

The Noninsured Crop Disaster Assistance Program for 2015 and Subsequent Years

OVERVIEW

The Noninsured Crop Disaster Assistance Program (NAP), reauthorized by the 2014 Farm Bill and administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA), provides financial assistance to producers of noninsurable crops to protect against natural disasters that result in lower yields or crop losses, or prevents crop planting.

ELIGIBLE PRODUCERS

An eligible producer is a landowner, tenant or sharecropper who shares in the risk of producing an eligible crop and is entitled to an ownership share of that crop. The 2014 Farm Bill specifies that an individual or entity's average adjusted gross income (AGI) cannot exceed \$900,000 to be eligible for NAP payments.

ELIGIBLE CROPS

Eligible crops must be commercially produced agricultural commodities for which crop insurance is not available and be any of the following:

- Crops grown for food;
- Crops planted and grown for livestock consumption, such as grain and forage crops, including native forage;
- Crops grown for fiber, such as cotton and flax (except trees);
- Crops grown in a controlled environment, such as mushrooms and floriculture;
- Specialty crops, such as honey and maple sap;
- Sea oats and sea grass;
- Sweet sorghum and biomass sorghum;
- Industrial crops, including crops used in manufacturing or grown as a feedstock for renewable biofuel, renewable electricity, or biobased products;
- Value loss crops, such as aquaculture, Christmas trees, ginseng, ornamental nursery, and turfgrass sod; and

- Seed crops where the propagation stock is produced for sale as seed stock for other eligible NAP crop production.

Producers should contact a crop insurance agent for questions regarding insurability of a crop in their county. For further information on whether a crop is eligible for NAP coverage, producers should contact the FSA county office where their farm records are maintained.

ELIGIBLE CAUSES OF LOSS

Eligible causes of loss include the following natural disasters:

- Damaging weather, such as drought, freeze, hail, excessive moisture, excessive wind or hurricanes;
- Adverse natural occurrences, such as earthquake or flood; and
- Conditions related to damaging weather or adverse natural occurrences, such as excessive heat, plant disease, volcanic smog (VOG) or insect infestation.

The natural disaster must occur during the coverage period, before or during harvest, and must directly affect the eligible crop.

COVERAGE LEVELS

NAP provides catastrophic level (CAT) coverage based on the amount of loss that exceeds 50 percent of expected production at 55 percent of the average market price for the crop.

The 2014 Farm Bill authorizes additional coverage levels ranging from 50 to 65 percent of production, in 5 percent increments, at 100 percent of the average market price. Additional coverage must be elected by a producer by the application closing date. Producers who elect additional coverage must pay a premium in addition to the service fee. Crops intended for grazing are not eligible for additional coverage.

FACT SHEET

NAP for 2015 and Subsequent Years

December 2014

For legal entities to be considered socially disadvantaged, the majority interest must be held by socially disadvantaged individuals.

COVERAGE PERIOD

The coverage period for NAP varies depending on the crop.

The coverage period for an annual crop begins the later of:

- 30 days after application for coverage and the applicable service fees have been paid; or
- The date the crop is planted (cannot exceed the final planting date).

The coverage period for an annual crop ends the earlier of the:

- Date the crop harvest is completed;
- Normal harvest date for the crop;
- Date the crop is abandoned; or
- Date the entire crop acreage is destroyed.

The coverage period for a perennial crop, other than a crop intended for forage, begins 30 calendar days after the application closing date and ends the earlier of:

- 10 months from the application closing date;
- The date the crop harvest is completed;
- The normal harvest date for the crop;
- The date the crop is abandoned; or
- The date the entire crop acreage is destroyed.

Contact a local FSA office for information on the coverage periods for perennial forage crops, controlled-environment crops, specialty crops, and value loss crops.

INFORMATION REQUIRED TO REMAIN ELIGIBLE FOR NAP

To be eligible for NAP assistance, the following crop acreage information must be reported:

- Name of the crop (lettuce, clover, etc.);
- Type and variety (head lettuce, red clover, etc.);

- Location and acreage of the crop (field, sub-field, etc.);
- Share of the crop and the names of other producers with an interest in the crop;
- Type of practice used to grow the crop (irrigated or non-irrigated);
- Date the crop was planted in each field; and
- Intended use of the commodity (fresh, processed, etc.).

Producers should report crop acreage shortly after planting (early in the risk period) to ensure reporting deadlines are not missed and coverage is not lost.

In addition, producers with NAP coverage must provide the following production information:

- The quantity of all harvested production of the crop in which the producer held an interest during the crop year;
- The disposition of the harvested crop, such as whether it is marketable, unmarketable, salvaged or used differently than intended; and
- Verifiable or reliable crop production records (when required by FSA).

When those records are required, producers must provide them in a manner that can be easily understood by the FSA county committee.

Producers should contact the FSA office where their farm records are maintained for questions regarding acceptable production records.

Failure to report acreage and production information for NAP-covered crops may result in reduced or zero NAP assistance. Be aware that acreage reporting and final planting dates vary by crop and by region. Producers should contact the FSA office where their farm records are maintained for questions regarding local acreage reporting and final planting dates.

For aquaculture, floriculture and ornamental nursery operations, producers must maintain records according to industry standards, including daily crop inventories. Unique reporting requirements apply to beekeepers and producers of Christmas trees, turf-grass sod, maple sap, mushrooms, ginseng, and commercial seed or forage crops. Producers should contact the FSA

FACT SHEET

NAP for 2015 and Subsequent Years

December 2014

producer requested coverage at the time of application.

PAYMENT LIMITATION

NAP payments received, directly or indirectly, will be attributed to the applicable individual or entity and limited to \$125,000 per crop year, per individual or entity.

COMMENTS AND SUGGESTIONS

FSA also wants to hear from producers and other interested stakeholders who may have suggestions or recommendations on the program. Written comments will be accepted *until Feb. 13, 2015* and can be submitted through www.regulations.gov.

MORE INFORMATION

Further information on NAP is available from your local FSA office at offices.usda.gov or on FSA's website at www.fsa.usda.gov/nap.

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If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

USDA is an equal opportunity provider and employer.

NEW USDA Declaration Process

Back in August 2012, USDA changed on how they do disaster Secretarial declarations including drought declarations.

This process authorizes individual farmers, local government officials, and other State officials to initiate requests for Secretarial disaster designations.

The local County Emergency Board will respond to the request and forward that request on to the State Emergency Board. Then State Emergency Board will forward on to the Washington DC for consideration.

This allows the process to be more direct and timely. Still need a disaster event and a 30% loss in a crop in the county.

FAST TRACK PROCESS

Drought Fast Track is a new mechanism that relates to the Drought Monitor conditions and if a county is in Level D-2 (Severe Drought) for 8 consecutive weeks it gets an automatic Declaration. County does not need the 30% loss in a crop.

As we know one of the major changes in the declaration world relates to drought declarations being driven by the drought monitor. If a county is in D2 (*severe drought*) for more than 8 weeks then the National Office will process a Secretarial Declaration automatically for that county and the contiguous counties. In this automatic process, the County Office does not need to do anything.

If it is not a D2 event then it is up to the County Emergency Board (CEB) to initiate the declaration process. The CEB must request the State Emergency Board (SEB) to process a declaration request. Please review Handbook 1-DIS, Paragraph 17 B on Page 2-4 which goes over the process.

Non Drought Process:

The County Office receives a request from a person or group, or more likely the CED initiates the process based on the event. Information is loaded into STORM system by the CED. The CEB then meets and reviews the information. The CEB then makes recommendation to SEB asking for approval – deferral – or rejection of the declaration request. Then the SEB then reviews the information and determines if a Secretarial determination is necessary. The SEB then sends the request to the Secretary of Agriculture.

Please note there still remains the 90 day timeframe from the date of the event to have the formal declaration request forwarded to the Secretary's Office.

Part 2 Secretarial Designations**16 Overview****A Authority**

7 CFR Part 759 authorizes individual farmers, local government officials, State Governors, State Agriculture Commissioner, State Secretary of Agriculture, other State government officials, and Indian Tribal Councils to initiate requests for disaster designations.

B Request Deadline

Requests for disaster designation must be in writing to the Secretary within 3 months of the ending date of a disaster.

C Secretarial Disaster Designation Request

Once a disaster designation recommendation has been made, CEB or SEB acknowledges receipt of the Report of Secretarial Disaster/Disaster Designation Request by preparing, dating, and signing FSA-937. FSA-937 (Exhibit 5) will establish the **date of receipt** for determining whether the disaster request meets the 3-month requirement. The request will also include the following:

- disaster event
- incidence period
- whether the request was made within 3 months of the disaster's ending date
- names of the counties impacted.

D Qualifying Loss

Only damages and losses resulting from a natural disaster are eligible. A qualifying loss occurs if FSA determines a minimum 30 percent production loss of at least 1 crop in the county occurred as a result of the disaster. The 30 percent production loss is **not** required if designation falls under the fast track procedure.

E Loss Determined by Survey

If there are production losses to 1 or more crops, but no qualifying production loss of at least 30 percent, the county may still be eligible for a Secretarial designation by completing the credit survey. The survey is completed by the State Office using the STORM application.

Note: See Exhibit 6 for an example of the survey.

17 State and County Office Action (Continued)

A State Office Action (Continued)

Step	Action
3 (Cntd)	<ul style="list-style-type: none"> • Deferral – SEB establishes a follow-up date, notifies CEB, and provides the date of request, date of deferral, reason for deferral, and target date for CEB to re-enter information into STORM to create LAR. <p>Note: The State Office forwards the memorandum to DAB, ES. The memorandum shall include the following:</p> <ul style="list-style-type: none"> • date of request • date of deferral • beginning date of incident period • ending date of incident period • disaster description • primary counties included in the deferral • brief summary of reason for deferral • target date to complete final review for approval or rejection. <ul style="list-style-type: none"> • Rejection – SED will: <ul style="list-style-type: none"> • send a copy of the memorandum of rejection to DAB, ES • notify the County Office of the rejection by memorandum, signed and dated by SED, which includes SEB minutes documenting the decision. The rejection notification will include the following: <ul style="list-style-type: none"> • date of rejection • beginning date of incident period • ending date of incident period • disaster description • brief summary of rejection and reasons. <p>Note: Notify the Governor or Tribal Council</p>

STATE DECLARATION
OFFICE OF
EMERGENCY
MANAGEMENT
SALEM

Wasco County November Freeze Damage Report

Lynn E. Long

Oregon State University Extension Service

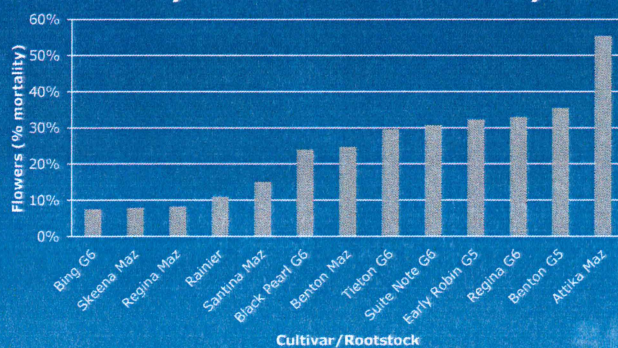
OSU Cemetery Block Variety Trial*

November 16

5:40-7:25

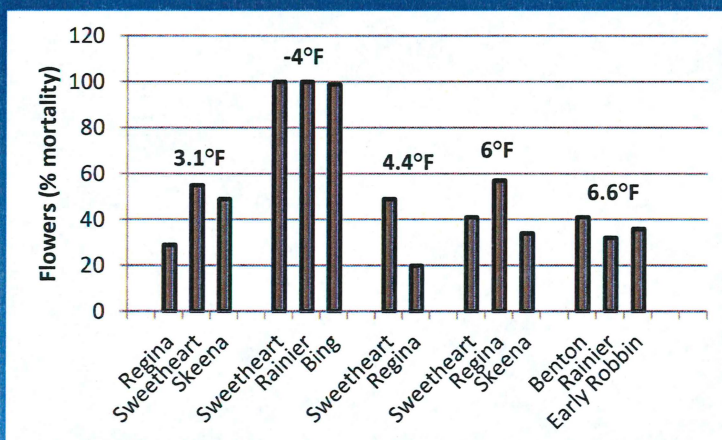
+2.5° F

Variety Trial Flower Bud Mortality



*Managed by Omeg Family Orchards

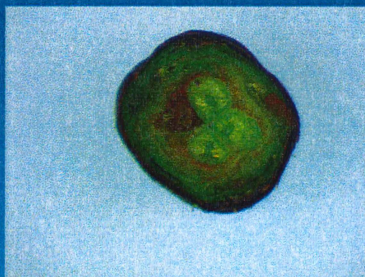
Wasco County Orchard Sites



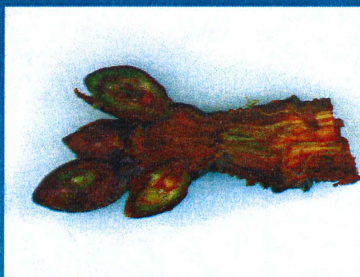
50% of flowers can still provide full crop

Cemetery Block Spur Damage

Regina/Gisela 6



Regina/Gisela 6



33% Bud Damage

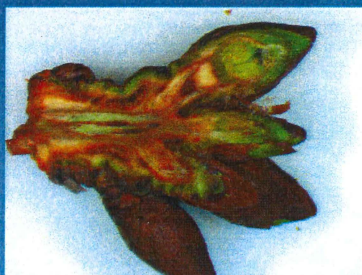
Spur Damage

Attika/Mazzard



55% Bud Damage

Bing/Gisela 6



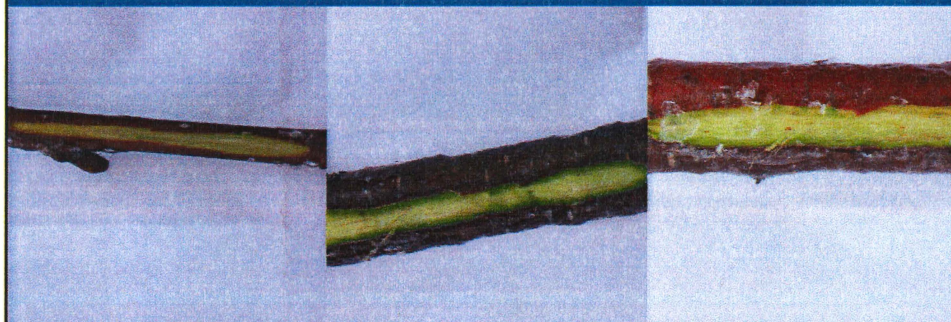
7% Bud Damage

Three Mile Sweetheart/Mazzard



Temp	11/15	11/16	11/17
	-4	-4	-0.5

Mill Creek Benton/MM 14



Temp	11/15	11/16	11/17
	+7.5	+6.6	+11.03

Mosier Tieton/Mazzard



Temp	11/15	11/16	11/17
	+6.5	+7.4	+7.4

Dufur Skeena/Mazzard



Temp	11/15	11/16	11/17	11/18
	9.3	5.75	7.5	3.1

Dallesport, WA Bing/Mazzard



Temp	11/15	11/16	11/17
	-1.3	-1.3	+3.1

Bacterial Canker



Parkdale Freeze/Bacterial Canker 2010

