

**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION / AGENDA WEDNESDAY, OCTOBER 19, 2016  
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 from three 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. If you require an interpreter, please contact the Commission Office at least 7 days in advance. **Las reuniones son ADA accesibles.** Por tipo de alojamiento especiales, por favor póngase en contacto con la Oficina de la Comisión de antemano, (541) 506-2520. TDD 1-800-735-2900.

Si necesita un intérprete por favor, póngase en contacto con la Oficina de la Comisión por lo menos siete días de antelación.

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
- [Discussion Items](#) (Items of general Commission discussion, not otherwise listed on the Agenda: [Measure 97 Follow-up](#); [MCCFL CDBG Project Owner’s Representative RFQ Submissions Opening](#))
- [Consent Agenda](#) (Items of a routine nature: minutes, documents, items previously discussed.): [Minutes-10.5.2016 Regular Session](#)

9:30 a.m.

[SWAC Rate Increase Recommendations](#) – John Zalaznik

9:45 a.m.

[Budget Adjustments](#)  
[Finance Update](#) } Mike Middleton

9:55 a.m.

[Act-On Software Agreement](#) – Debbie Jones/Paul Ferguson

10:05 a.m.

[Codes Enforcement Grant Application](#) – Joseph Ramirez

10:15 a.m.

[Transitional Housing](#) – Fritz Osborne

10:30 a.m.

[Executive Session per ORS 192.660 \(2\)\(i\) to review and evaluate the employment-related performance of the Chief Executive Officer of any public body, a public officer, employee or staff member who does not request an open hearing.](#)

**COMMISSION CALL  
NEW/OLD BUSINESS  
ADJOURN**

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) –Security Programs, ORS 192.660(2)(n) – Labor Negotiations



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 19, 2016

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

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

**Discussion List – Measure 97 Follow-up**

Chair Runyon reminded everyone that at the last session there had been an extensive discussion regarding Measure 97; both sides of the issue were represented. He said that a request had been made for the Board to pass a resolution in opposition to the measure but the question was raised as to what authority the Board had to act on such a resolution.

County Counsel Kristen Campbell explained that research confirmed the Board's hesitation to act; ORS 260.432 basically says that public time and resources should not be used to support a candidate or referendum. She added that the Commissioners are free to make their individual positions known; but may not act as a group in support of or opposition to of Measure 97.

**Discussion List – Charter Appeal Reserve Fund**

County Assessor/Tax Collector Jill Amery explained that some time ago, small cable companies disputed how they were being valued for tax purposes; the dispute went to court and a decision was made that they should be valued differently – that decision has been appealed. She said that some are not paying and will have to pay back taxes; some are paying taxes and may get a refund. She said that Charter is large enough to meet the reserve fund requirement threshold. How much being set aside is determined by each county; we have a reserve that is 60% of the value. She said that she does not anticipate the decision will come back at 100% and she is comfortable with the 60% level; adding \$75,000 to the Charter Reserve Fund will bring it to a balance of just over \$700,000. She concluded by saying that everyone is appealing and she expects this to go on for years; she will be attending an assessor's conference next week and will bring back any new information.

Chair Runyon asked if some counties are not doing this. Ms. Amery replied that they are required to have a reserve, but each county makes the decision as to how much to hold in reserve. She said that she thinks 60% puts Wasco County in a good position – we want to avoid causing a large payback for taxing districts when this is finally settled. She said that if the Board chooses, more can be set aside.

Commissioner Hege stated that he trusts Ms. Amery's judgement. Finance Director Mike Middleton added that it is a good idea to have the reserve, but holding back 100% would be inefficient; it is likely the final decision will be somewhere in the middle. Ms. Amery pointed out that if there is excess, it will be distributed to the taxing districts at that time.

Commissioner Hege commented that this is not just Wasco County's money; it is for all the taxing districts and the reserve fund will prevent districts from having to payback a large sum in the future. He said that the hope would be that we would be able to distribute some funds to the districts at the end of the appeal process. Ms. Amery confirmed.

**{{{Commissioner Kramer moved to set aside an additional \$75,000 into the Charter Communication Reserve Fund. Commissioner Hege seconded the motion which passed unanimously.}}}**

**Discussion List – MCCFL CDBG Owner’s Representative RFQ  
Submissions Opening**

Mr. Stone announced that we have received no submissions in response to the request for Quotes and therefore there is nothing to open. He said we will go back out for quotes.

**Consent Agenda – 10.5.2016 Regular Session Minutes**

Ms. White noted that on page 15 of the minutes a name is highlighted because she had not been able to hear the speaker clearly in order to provide the correct name for the minutes. She said that she has since learned the correct name (Ashbrook) and included that in the hard copy minutes prepared for the Board’s signatures.

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

**Department Reports – Assessor/Tax Collector**

Ms. Amery reported that tax bills have gone out for a total amount of approximately \$37 million. She stated that real market property values have gone up. She said that she will be talking to the radio stations to help get the message out to the public. She commented that Measures 5 and 50 are complicated and she wants to help citizens understand – property is taxed on the lower of two values: real market value and maximum assessed value. She said that Deschutes County has a great video to explain the process and she is referring people to that for information along with her efforts which includes radio spots and in-office literature. She stated that property owners can also come into the tax office to ask questions.

Commissioner Hege asked if the tax calculation – real market vs. maximum assessed value – varies by community. Ms. Amery said that she would look into it. She added that one issue not addressed in the video is the circumstance of older homes that have been improved.

**Agenda Item – LPSCC Grant Agreement**

Juvenile Services Director Molly Rogers explained that LPSCC is the Local Public Safety Coordinating Committee appointed by the Wasco County Board of Commissioners.

WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 19, 2016  
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She stated that although the Committee is mandated by statute, there are varying levels of activity across the state. She said that the Association of Oregon Counties (AOC) wants to strengthen that; they successfully applied for a grant and will be engaging a regional coordinator. She stated that Wasco County's LPSCC is the most active in the region – Hood River, Wasco, Sherman, Gilliam and possibly Wheeler counties. She stated that she has been chair of LPSCC for 14 years and will be happy to have the help. She pointed out that although it is a full time position, it will be shared among all the counties in the region.

Chair Runyon noted that there was some discussion of this at the recent District 3 conference. He said that this is a good opportunity to have someone do what Ms. Rogers does and rotate Committee Chairs.

Ms. Rogers said that there will be some transition time but she thinks it will be good. She said that she has asked that someone from our LPSCC be part of the hiring process. She said that some of the other counties in the region with less active LPSCC's will have some work to do; some only meet quarterly. She observed that some counties have more robust support for LPSCC – Multnomah has an entire LPSCC department; Yamhill has a research department that supports their LPSCC.

Chair Runyon noted that this is a three-year grant with no cost to the County. Commissioner Hege observed that it is all about our participation. Ms. Rogers agreed saying that it will need Board support. She added that AOC has committed to hiring locally.

Commissioner Hege asked if this position will be able to affect any regional efforts rather than just county by county. He asked if there would be a benefit to coordinating among the LPSCCs. Ms. Roger replied that she believes Hood River Commissioner Karen Joplin has a vision for some regional work and will want to work with the Coordinator toward that goal. She commented that she believes some of the other counties in the region will have some catching up to do before they can work regionally. She pointed out that some of the Wasco County LPSCC members also serve other counties – OSP, Public Health, mental health, etc. She suggested that quarterly regional meetings might be practical. Commissioner Hege said that he is concerned that some of those mentioned might not be able to attend four LPSCC meetings each month and he does not want to see them get burned out. Ms. Rogers agreed adding that service providers will report that our LPSCC has made headway and she does not want to lose

ground. Commissioner Hege concurred, saying that that is why it may make sense to be more regional. Ms. Rogers responded that they will certainly be looking at regional solutions.

**}}}Commissioner Hege moved to approve Resolution 16-025 supporting a grant agreement between the Oregon Criminal Justice Commission and the Association of Oregon Counties to provide staff for Local Public Safety Coordinating Councils. Commissioner Kramer seconded the motion which passed unanimously.}}**

**Agenda Item – SWAC Rate Increase Recommendations**

John Zalaznik, Environmental Health Supervisor with North Central Public Health District and member of the Solid Waste Advisory Committee, stated that the Landfill increase is a straightforward calculation of .85 of the CPI. He said that when reviewing the Waste Connections request the Committee was not clear on how they arrived at their figures as the math was not as direct. He stated that once Waste Connections District Manager Jim Winterbottom explained their calculation process, it was much clearer; they take into account the increase in the Landfill rates and then apply CPI to their own costs. He said that the Committee recommends approval for both rate increase requests. He said that in the future they will look at the formula to simplify the calculations.

Commissioner Kramer added that work is moving forward to revise the 1996 Solid Waste Ordinance. He explained that the Public Health Officer has indicated a desire to be removed from the Committee. He said that he is working with Mr. Zalaznik and others to reformulate the Committee composition after which the Committee can get to work on ordinance revision. He stated he has consulted with County Counsel and former Environmental Health Supervisor Glenn Pierce for guidance.

**}}}Commissioner Kramer moved to approve Resolution 16-023 approving the rate increases for the Wasco County Landfill. Commissioner Hege seconded the motion which passed unanimously.}}**

**}}}Commissioner Hege moved to approve Resolution 16-022 approving the rate increase for Waste Connections. Commissioner Kramer seconded the motion which passed unanimously.}}**

Mr. Winterbottom said that he thinks some of the disconnect resulted from their effort

to be completely transparent; the extra detail became confusing.

Commissioner Hege asked what Mr. Winterbottom could tell them about recycling in the southern part of Wasco County. Mr. Winterbottom replied that there are two recycling depots in Maupin; other people, that may or may not be customers, are also coming from outside that area to access the depots. He stated that they are trying to locate another area for a recycling depot, but Waste Connections takes a loss on the recycling process; they do not pass that loss on to customers. He said that they want to do the right thing and not see trash deposited on the side of the road. He said they are exploring the possibility of a DEQ grant but need a customer base of 4,000 – a long way to go in the rural part of the County. He said that the main problem is a depressed market for recyclables.

Commissioner Hege asked what they do with the recyclables when there is no market. Mr. Winterbottom replied that there is a market but it is a negative market – the value of the recyclables is less than the cost of collection and processing. He stated that they pay about \$17.50 per ton to get rid of it which is better than it was.

Commissioner Hege asked why the Asian market is so important for recyclables. Mr. Winterbottom responded that they do the most marketing and shipping and our recycled cardboard is reliable; when they slow down, we see a dip. He said that you can look out about three months to predict the market; they have no virgin material and so rely on recycled material.

#### **Agenda Item – Budget Adjustments**

Mr. Middleton reminded the Board that at a previous session they approved bringing a contracted position in-house as a full-time employee. As a result, there needs to be an adjustment to the budget; moving funds from contracted services to personnel.

Community Corrections Manager Fritz Osborne reported that the new position is working out well and made a difference starting with the first day. He said that clients are showing up, re-attending, doing homework and engaging in treatment. He stated that although this is anecdotal evidence, he sees a trend and estimated a savings of 12-18 days of NORCOR time for offenders participating in the program. He said that he sees the change in offenders who suddenly feel like they have a relationship with the people in the office – it breaks the authority/power atmosphere and is very exciting.

{{{Commissioner Hege moved to approve Resolution 16-020 transferring

appropriations within a fund. Commissioner Kramer seconded the motion which passed unanimously.}}

Mr. Middleton said that the IS transfer is for a back-up system that is very important; it can have a big fiscal impact in getting things done on a timely basis.

Information Services Director Paul Ferguson explained that this was on the rotation to be done in the next fiscal year. The current system loses the Friday information backup over the weekend which caused an issue with the financial system earlier this year. This will bring us up to full capacity. He said that another more difficult piece will be controlling our data more efficiently – that process will need to be added to the Strategic Plan.

Mr. Stone stated that his user directory is probably the largest in the County as it has the user drives of many predecessors because we needed to make sure we could access the data. However, some of those drives have information duplicated from the other drives which means the same data is stored multiple times. He said that it will be a long, large task and he is hopeful that the new Information Services employee will be able to help – we need to start managing our data.

Mr. Ferguson shared a graph (attached) illustrating the growth in data storage from 2010 to 2016. He noted that the graph does not include files outside of the data bases. He said that the current back up gives us one week of data storage; we need two weeks of storage. He stated that he believes it is critical to gain the storage now and would be inefficient to use the budgeted \$5,000 for maintenance now only to replace the system in 6 months.

Mr. Ferguson went on to say that at the end of three years, we will get an upgrade to the system; storage keeps getting cheaper, so we will get more for the same price.

{{{Commissioner Kramer moved to approve Resolution 16-021 transferring appropriations within a fund. Commissioner Hege seconded the motions which passed unanimously.}}}

Mr. Middleton explained that the Sheriff's Department has not expended their entire Homeland Security grant and have been given an extension to the end of the year to use the remaining \$16,802. He stated that it was not included in the budget and needs to be recognized.

Sheriff Magill stated that this is for the Bakeoven repeater site which is important for backup power. He noted that with today's power outage throughout southern Wasco County, they have limited coverage; this will rectify that situation. He stated that it is an important part of their infrastructure.

**{{{Commissioner Hege moved to approve Resolution 16-024 transferring appropriations within a fund. Commissioner Kramer seconded the motion which passed unanimously.}}}**

Sheriff Magill announced that they graduated their newest deputy on October 7<sup>th</sup> and anticipates having him fully on his own after the first of the year. He added that he expects Deputy Steen to return to duty in the first part of November; he has been serving in the military. He hopes to have confirmation of his return in the next 2 weeks.

Sheriff Magill stated that they just completed a tabletop exercise for responding to a school shooting; they were able to identify gaps and they will be addressing those. They also identified strengths. The exercise included people from Washington State. He said that he would invite the Commissioners to attend the next exercise.

Sheriff Magill praised the Community Corrections Team; the ripple effect from the work being done is paying huge dividends. He said he expects that will continue to grow and help improve our communities. He said that he is encouraged by the progress being made toward transitional housing. He stated that we are really turning a corner in that department.

Sheriff Magill continued by saying that they had received 24 applications for three 9-1-1 positions. Nineteen of the applicants tested; fourteen passed the test and eleven made it to oral interviews. He said that normally they only interview five, but the quality of the applicants was such that they felt it important to interview all eleven. He stated that from the eleven, they narrowed it to four; one of the four did not pass the background check. He explained that one of the candidates has a great depth of background and will be ready to start work in four weeks; her pay will need to be adjusted to reflect her level of experience and training. He said that the two part-timers look really good and he is excited to see 9-1-1 fully staffed. He added that they are in the process of getting a new radio contract; it has been out to bid for seven months – they are waiting for the last quote.

Sheriff Magill announced that he will be holding a Town Hall in Maupin on November

10<sup>th</sup> at 6 p.m.; he plans to hold them quarterly. He said that their strategic plan is done; it just needs a little polishing. They have a training committee that will begin working next month to revamp the training program; he anticipates some major changes. The narcotics team has been very busy; there was some marijuana training last night. The awards banquet will be held on January 28<sup>th</sup>.

Commissioner Hege asked that the Sheriff send the Board a notice for the Town Hall. He asked if there has been any resolution to the complaint in Pine Hollow regarding the discharge of firearms.

Sheriff Magill replied that what is occurring is legal and there is only one complainant. He said that the complainant will not give him names of others who are upset. He said that for right now, he has been in communication with OSP and ODFW and all are aware of the situation. He said that if there are issues, they will work together to resolve them if they feel anyone is being reckless. He said they are working closely together. He added that it is really a wildlife issue and it is in OSP's wheelhouse; they have the training.

Commissioner Hege asked if there had been any complaints from the last What the Festival. Sheriff Magill replied that they had received one complaint two days following the event. He said that he would send the after-action report to the Board.

#### **Agenda Item – Finance Update**

Mr. Middleton noted that the report being presented is unaudited numbers. He stated that financial reporting has been less than ideal and he wants to improve that. He said that part of the issue is that the reporting out of Eden is not very flexible; to solve that problem, he has exported data into Excel to create reporting. He said that he will be reporting regularly and will adjust what information he provides based on feedback from the Board. He said that the graphs contained in the packet show spending for this year and last year at the same point. He said that when they see trends in the graphs, they can investigate further; he will be happy to share the Excel file with the Board.

Mr. Middleton went on to demonstrate how the Excel file is set up and how it can be used to get detail. He used Administrative Services as an example where there was a significant change in expenditures over last year. He drilled down into the file, showing the reason for the increase to be additional staffing in Finance and the courthouse electrical upgrade.

The Board expressed their gratitude for the information presented saying that it is 100% more than what they have received in the past.

**Agenda Item – Codes Enforcement Grant Application**

Codes Enforcement Officer Joseph Ramirez stated that he just recently learned about this grant opportunity. He said he would like to use the money to get a truck and trailer and then contract through Juvenile Services to clean up properties and sort and recycle materials from those clean-ups. He said that oftentimes, property owners are not physically capable of the clean-up and cannot afford to hire a company to come in to do the clean-up. This would offer a lower cost solution to the property owner, would improve neighborhoods by bringing them into compliance and would be an avenue for income to support the work crew with additional supplemental income from scrap materials. He said that the grant application document is very rough right now but he hopes to have it completed next week. He said that there is no match but will take staff time; it will not create an overtime situation.

Mr. Stone noted that this will also help to pay for the juvenile work crew. Mr. Ramirez confirmed, saying that they are working to tie them into this program. He said he is also working to make this a self-funding program.

Commissioner Hege suggested that he use the vehicle committee to help reduce costs for the vehicle. Mr. Ramirez said they have just recently begun to talk about that. He said that the trailer would be about \$5,000 with sorting bins for recycling. He stated that he has talked to Fred about where the trailer can be stored and believes there is already room for it. He said that it may not be practical to use a roll-down vehicle as they will need the towing capacity of a truck.

Commissioner Kramer said that there are a lot of people looking at this but it needs to be quick as it is due by the 31<sup>st</sup>. Commissioner Hege stated that it is a great idea but the details need to be worked out.

**\*\*\*The Board was in consensus to apply for the DEQ Grant.\*\*\***

Chair Runyon stated that he has a conference call that it is important he be on and asked Commissioners Kramer and Hege if they could accommodate a recess to 1:00 p.m.; they agreed.

Chair Runyon recessed the session at 10:49 a.m.

The session resumed at 1:10 p.m.

**Agenda Item – Executive Session per ORS 192.660(2)(i)**

Chair Runyon opened an Executive Session of the Board of County Commissioners pursuant to ORS 192.660(2)(i) – to review and evaluate the employment-related performance of the Chief Executive Officer of any public body, a public officer, employee or staff member who does not request an open hearing. He stated that representatives of the news media and designated staff shall be allowed to attend the executive session; all other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, we will return to open session and welcome the audience back into the room.

Chair Runyon closed the Executive Session and adjourned the regular session at 2:22 p.m.

**Summary of Actions**

**Motions Passed**

- To set aside an additional \$75,000 into the Charter Communication Reserve Fund.
- To approve the Consent Agenda with the noted correction to the minutes.
- To approve Resolution 16-025 supporting a grant agreement between the Oregon Criminal Justice Commission and the Association of Oregon Counties to provide staff for Local Public Safety Coordinating Councils.
- To approve Resolution 16-023 approving the rate increases for the Wasco County Landfill.
- To approve Resolution 16-022 approving the rate increase for Waste Connections.
- To approve Resolution 16-020 transferring appropriations within a fund.
- To approve Resolution 16-021 transferring appropriations within a fund.
- To approve Resolution 16-024 transferring appropriations within a fund.

**Consensus**

- To apply for the DEQ Grant.

Wasco County  
Board of Commissioners

  
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Rod L. Runyon, Board Chair

  
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Scott C. Hege, County Commissioner

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

**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 19, 2016**

**DISCUSSION LIST**

**ACTION AND DISCUSSION ITEMS:**

1. [Measure 97 Follow-up](#) – Kristen Campbell
2. [MCCF CDBG Project Owner's Representative RFQ Submissions Opening](#)

**Discussion Item**  
**Veterans Services Advisory Committee**  
**Revised Bylaws**

- [2014 VSAC Bylaws](#)
- [Revised VSAC Bylaws](#)

**FILED  
WASCO COUNTY**

**2014 OCT 3 AM 10 06**

**LINDA BROWN  
COUNTY CLERK**

**WASCO COUNTY  
VETERANS SERVICES ADVISORY COMMITTEE  
BYLAWS**

**ARTICLE I**

**NAME**

The name of the Advisory Committee shall be the Wasco County Veterans Services Advisory Committee.

**ARTICLE II**

**PURPOSE**

The purpose of this Advisory Committee shall be to act as an advisory body to the Wasco County Board of Commissioners regarding veterans issues: to focus public attention on the history, preservation, services and needs of Veterans and their family members; to seek funds and resources necessary to accomplish and implement the intent and purposes of the County's commitment to provide services to Veterans and their families and to accomplish the goals of this Advisory Committee.

**ARTICLE III**

**MEMBERSHIP**

Section 1. Membership of this Advisory Committee shall be as follows:

- a. Seven members shall be appointed by the Wasco County Board of Commissioners and shall serve 2-year terms, with no limit on the number of terms served subject to application and approval of the Wasco Board of Commissioners. Each of these members shall be entitled to one vote.

b. Up to two ex-officio, not-voting members may be appointed by the Wasco County Board of Commissioners and shall serve for a 2-year term with no limit on the number of terms served.

*Ex-officio*

c. The Wasco County Veteran Service Officer shall be appointed as a ~~regular~~ non-voting member.

## ARTICLE IV

### OFFICERS AND COMMITTEES

Section 1. The officers shall be a Chairman, a Vice Chairman, and a Secretary. The term shall be for one year. With the exception of the Secretary, no person shall serve for more than two consecutive one year terms in office.

Section 2. The officers and members of the Advisory Committee shall serve as the governing body of the Advisory Committee.

Section 3. The direction of affairs of this organization shall rest with the Advisory Committee, subject to approval by the Wasco County Board of Commissioners or their designee. A majority of the members of this Advisory Committee shall constitute a quorum for the transaction of business.

Section 4. The Chairman shall be an ex-officio member of all Subcommittees, with the exception of the Nominating Committee.

Section 5. The Nominating Committee shall consist of three members appointed by the Chairman of the Advisory Committee. Nominations for officers shall be presented by the Nominating Committee. Nominations from the floor will be invited. No one shall be nominated without his/her consent.

Section 6. Officers shall be elected at the September meeting or the first meeting thereafter if there is no September meeting.

Section 7. Vacancies arising on the Advisory Committee shall be filled by appointment made by the respective Board of Commissioners.

## ARTICLE V

### DUTIES OF OFFICERS

Section 1. CHAIRMAN: To set and distribute meeting agendas, chair over and conduct meetings and to appoint all Subcommittees and be an ex-officio member thereof, except as limited herein.

Section 2. VICE-CHAIRMAN: To perform the duties of the Chairman and to preside over meetings of the Advisory Committee in the absence of the Chairman.

Section 3. SECRETARY: To provide Public Notice of meetings, to ensure compliance with Oregon Public Meetings Laws, to record attendance at all meetings, to take the minutes of all meetings and provide copies to the Wasco County Board of Commissioners and members of the Committee, to keep a list of membership together with their addresses, to notify the members of the time and place of meetings, and to conduct the correspondence of the committee.

## ARTICLE VI

### MEETINGS

Section 1. The Advisory Committee shall hold its September meeting for the purpose of election of officers, to receive various reports and to enact any other business.

Section 2. The Advisory Committee shall determine a schedule that best serves the Advisory Committee members. The Advisory Committee shall meet monthly.

Section 3. A special meeting may be held as directed by the Chairman or Advisory Committee, provided the membership and public are properly notified.

## ARTICLE VII

### AMENDMENTS

The Bylaws may be amended, subject to the approval of the Wasco County Board of Commissioners, at any regular meeting of this Advisory Committee by two-thirds of the members present, provided that notice of the proposed amendment shall have been read at one meeting and voted on at the next meeting.

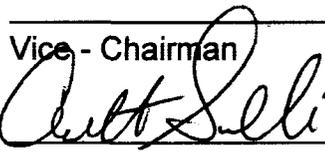
ARTICLE VIII

PARLIAMENTARY AUTHORITY

All meetings shall be conducted according to Robert's Rules of Order, Revised, except when in conflict with these Bylaws or with the laws of the State of Oregon.

ADOPTED by the Wasco County Veterans Advisory Committee this day 2<sup>nd</sup> of OCTOBER, 2014.

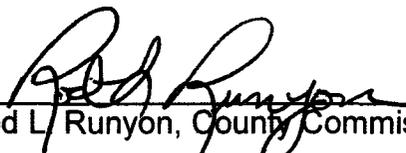
  
\_\_\_\_\_  
Chairman

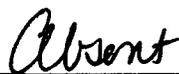
Vice - Chairman  
  
\_\_\_\_\_  
Secretary

ADOPTED by the governing body of Wasco County, Oregon, this day 17th of September, 2014.

WASCO COUNTY BOARD  
OF COMMISSIONERS

  
\_\_\_\_\_  
Scott Hege, Commission Chair

  
\_\_\_\_\_  
Rod L. Runyon, County Commissioner

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

**WASCO COUNTY  
VETERANS SERVICES ADVISORY COMMITTEE  
BYLAWS**

ARTICLE I

**NAME**

The name of the Advisory Committee shall be the Wasco County Veterans Services Advisory Committee.

ARTICLE II

**PURPOSE**

The purpose of this Advisory Committee shall be to act as an advisory body to the Wasco County Board of Commissioners regarding veterans issues: Focusing on the needs of the veteran community of Wasco County; to include seeking funding and other resources necessary to accomplish and implement the County's commitment to provide excellent service to the Veterans and their families. To advance and maintain the history of Wasco County Veterans Services.

ARTICLE III

**MEMBERSHIP**

Section 1. Membership of this Advisory Committee shall be as follows:

- a. Seven members shall be appointed by the Wasco County Board of Commissioners and shall serve 2-year terms, with no limit on the number of terms served subject to application and approval of the Wasco Board of Commissioners. Each of these members shall be entitled to one vote.

b. Up to two ex-officio, not-voting members may be appointed by the Wasco County Board of Commissioners and shall serve for a 2-year term with no limit on the number of terms served.

c. The Wasco County Veteran Service Officer shall be appointed as an ex-officio non-voting member.

## ARTICLE IV

### **OFFICERS AND COMMITTEES**

Section 1. The officers shall be a Chairman, a Vice Chairman, and a Secretary. The term shall be for one year. With the exception of the Secretary, no person shall serve for more than two consecutive one year terms in office.

Section 2. The officers and members of the Advisory Committee shall serve as the governing body of the Advisory Committee.

Section 3. The direction of affairs of this organization shall rest with the Advisory Committee, subject to approval by the Wasco County Board of Commissioners of their designee. A majority of the members of this Advisory Committee shall constitute a quorum for the transaction of business.

Section 4. The Chairman shall be an ex-officio member of all Subcommittees, with the exception of the Nominating Committee.

Section 5. The Nominating Committee shall consist of three members appointed by the Chairman of the Advisory Committee. Nominations for officers shall be presented by the Nominating Committee. Nominations from the floor will be invited. No one shall be nominated without his/her consent.

Section 6. Officers shall be elected at the September meeting or the first meeting thereafter if there is no September meeting.

Section 7. Vacancies arising on the Advisory Committee shall be filled by appointment made by the respective Board of Commissioners.

## ARTICLE V

### **DUTIES OF OFFICERS**

Section 1. CHAIRMAN: To set and distribute meeting agendas, chair over and conduct meetings and to appoint all Subcommittees and be an ex-officio member thereof, except as limited herein. Present reports to the Board of County

Commissioners Quarterly or as deemed necessary by the committee or the County Commissioners. Such reports should include advice, recommendations, and information important to the veteran community of Wasco County.

Section 2. VICE-CHAIRMAN: To perform the duties of the Chairman and to preside over meetings of the Advisory Committee in the absence of the Chairman.

Section 3. SECRETARY: To provide Public Notice of meetings, to ensure compliance with Oregon Public Meetings Laws, to record attendance at all meetings, to take the minutes of all meetings and provide copies to the Wasco County Board of Commissioners and members of the Committee, to keep a list of membership together with their addresses, to notify the members of the time and place of meetings, and to conduct the correspondence of the committee.

## ARTICLE VI

### MEETINGS

Section 1. The Advisory Committee shall hold its September meeting for the purpose of election of officers, to receive various reports and to enact any other business.

Section 2. The Advisory Committee shall determine a schedule that best serves the Advisory Committee members. The Advisory Committee shall meet monthly.

Section 3. A special meeting may be held as directed by the Chairman or Advisory Committee, provided the membership and public are properly notified.

Section 4. Hold special outreach meetings with the public at least annually.

## ARTICLE VII

### AMENDMENTS

The Bylaws may be amended, subject to the approval of the Wasco County Board of Commissioners, at any regular meeting of this Advisory Committee by two-thirds of the members present, provided that notice of the proposed amendment shall have been read at one meeting and voted on at the next meeting.

ARTICLE VIII

**PARLIAMENTARY AUTHORITY**

All meetings shall be conducted according to Robert’s Rules of Order, Revised, except when in conflict with these Bylaws or with the laws of the State of Oregon.

ADOPTED by the Wasco County Veterans Advisory Committee this day \_\_\_\_\_ of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice - Chairman

\_\_\_\_\_  
Secretary

ADOPTED by the governing body of Wasco County, Oregon, this day \_\_\_\_\_ of \_\_\_\_\_, 2016.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kristen Campbell  
County Counsel

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

**Discussion Item**  
**Measure 97 Follow-up**

- [No Documents have been submitted for this item](#)  
[– Return to Agenda](#)

**Discussion Item**  
**MCCFL CDBG Project Owner's Representative**  
**RFQ Submissions Opening**

- [No Documents have been submitted for this item](#)  
– [Return to Agenda](#)

**WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 19, 2016**

**CONSENT AGENDA**

1. [Minutes: 10.5.2016](#)



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 5, 2016

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

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

Ms. White asked to add a letter of support for grant funding for the Fifteen Mile Watershed to the agenda to the Discussion List.

**Department Directors**

ASSESSOR

County Tax Collector and Assessor Jill Amery announced that tax statements have been forwarded to Lane County and her office expects to certify on Friday, October 7<sup>th</sup>. She noted that although the tax rate is lower, property values are up and she expects to collect more taxes than last year. Tax statements will go out on the 17<sup>th</sup> or 18<sup>th</sup> of October.

Ms. Amery reported that the City of Antelope did not submit the necessary paperwork to collect revenues and therefore would not receive a portion of the taxes and in fact,

those taxes will not be collected from the citizens of Antelope. She explained that she had contacted the State and learned that by statute she cannot collect those taxes without the City's request; she has communicated that information to the City of Antelope.

Chair Runyon asked if the property owners within the city limits of Antelope will be paying any taxes. Ms. Amery responded that they will, but there will not be a line item for city taxes – if they do not examine their statements, they may not notice that omission. She said that she does not know if the City of Antelope has conveyed that information to their citizenry. She stated that it may be possible for them to direct bill city residents; she is not sure.

#### FINANCE DIRECTOR

Finance Director Mike Middleton reported that they are making progress on the 2015-2016 audit and are on schedule.

#### **Discussion List – VOCA Grant**

Victims Assistance Coordinator Judy Urness explained that the Board has already reviewed and approved the application for this grant. It is a one-time, non-competitive grant for which they apply each cycle. The grant must be spent by December 31, 2017.

Commissioner Hege noted that the grant agreement contains many requirements and asked if the County meets those requirements. Mr. Stone replied that there are a lot of federal requirements and he hopes that we have met them all. He said that he cannot say that we are in total compliance with all of them. Ms. Urness stated that she is in compliance for her portion of the requirements. She added that the grant monitor has told her that if they were to come to audit the grant, they would help in any areas of non-compliance to bring the County into compliance.

**{{{Chair Runyon moved to approve the Department of Justice Crime Victims' Services Division Victims of Crime Act 2016-2017 One-Time VOCA Non-Competitive Grant Award Agreement. Commissioner Kramer seconded the motion which passed unanimously.}}}**

#### **Discussion List – ODFW Payment in Lieu of Taxes**

Ms. Amery stated that this is notification of the amount owed by the Oregon

Department of Fish and Wildlife for fees they pay in lieu of taxes – this year’s bill is \$197.30 over last year’s bill. If they pay on-time, it will be \$29,746.40. Chair Runyon noted that this is for ODFW-owned properties throughout Wasco County.

Commissioner Hege asked how many acres this is. Ms. Amery replied that she would get that information for him. Commissioner Hege commended ODFW for making payments for properties that they have removed from the tax rolls, noting that most government entities do not.

**\*\*\*The Board was in consensus to sign the letter of notification to ODFW for payment of fees in lieu of taxes.\*\*\***

**Consent Agenda – 9.21.2016 Minutes**

Commissioner Hege asked if there have been any Happiness Month activities within the County. Ms. White replied that there is a donation drive underway and a brown bag lunch planned for next week. In addition, many departments are using the Happiness Calendar.

Commissioner Hege asked if there has been any movement toward bringing the discharge of firearms topic back before the Board. Commissioner Kramer responded that Sheriff Magill has been out of the office and has just recently responded. He reported that they are making efforts to resolve the issue.

Commissioner Hege noted that at the last session the Board was in consensus to have Commissioner Kramer move forward with a timber harvest on County property. He asked if there has been any progress with that. Commissioner Kramer replied that he has met with Local Oregon Department of Forestry representatives and developed a plan; he is scheduled to go out with a forester to do a sample marking of trees and has asked the County Surveyor to establish or identify corner markers for the property.

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

**Discussion – Wasco County Soil and Water/15Mile Watershed Council**

Watershed Coordinator Abbie Forrest reported that the Fifteenmile Watershed Council completed an above-ground water storage feasibility study which revealed that the plan to store water above ground is not at all feasible. She said that they have applied for a

grant to do a similar study for underground storage to augment low flows from the storage of excess water in peak flows. She explained that they are short \$50,000; they have applied for an Oregon Water Enhancement Board grant to complete the funding but they fall just short of the minimum grant funding requirement. She stated that they are looking for support in asking OWEB to adjust that funding limit. Much of the funding they already have in place will be withdrawn if not used.

Commissioner Hege asked why the above ground storage is not feasible. Ms. Forrest replied that in some areas they would have to buy all the surrounding land and create paved roads; in other areas it is not clear that there is sufficient stream flow. She stated that the underground storage would be an ejection site for water with a couple of main wells in the area. She said that it would be designed to keep the summer flows in the stream; a similar system is working well in Umatilla County.

Commissioner Kramer reported that he attended a Fifteenmile Watershed Council meeting a couple of weeks ago. The Council is in full support and he has encouraged them to write individual letters to OWEB as they will not be able to attend the meeting. He said that WCSWCD will be attending and he would like to lend County support to their efforts.

**\*\*\*The Board was in consensus to sign a letter of support for the request to adjust the fall 2016 OWEB Watershed Restoration Grant funding limit to include Fifteenmile Watershed managed underground storage facilities feasibility study.\*\*\***

#### **Agenda – Youth Services Strategic Plan**

Youth Services Director Molly Rogers reported that her team has recently completed their strategic plan and is seeking support for it from the Board. She stated that the process started a couple of years ago with the Sheriff; with the new County vision and culture, they have returned to it for a larger discussion. She stated that the discussion began with the leadership team meeting for the kick-off of the County culture and members of that team were included in some of the department discussions.

Ms. Rogers reviewed the plan (included in the Board Packet). She stated that their previous core values fit nicely with the County core values – relationships are primary. She reported that they participate in the County 100% Love post-its program internally and work with offenders to help them grow and learn to change behaviors.

Ms. Rogers said that Youth Services is one of the more stagnant pages on the County website and her team has been addressing that. They want to move forward with available technology and have already begun that process. They are looking at electronic monitoring and using Skype to check in with offenders who are living in the more remote areas of the County. She said that Ms. Gambee and Mr. Ferguson have been helpful. She said that they are moving toward being paperless for youth over 18.

Ms. Rogers went on to say that with the new website they will be able to place electronically submittable forms online; those forms are currently available to be printed and filled out by hand for delivery to her office. She said that they already have a generic email for Youth Services – the submissions will be directed to that inbox for retrieval by staff.

She stated that there is a plan to increase remote meetings – they do some of that now in conjunction with Oregon Youth Authority, but the technology is outdated. She said that she will budget for newer technology to be installed at Youth Services. She noted that they have monthly requirements for meeting which works fine if you are living in The Dalles but can be very difficult for the more remote residents.

Chair Runyon asked if there are challenges for the youth and families with technology on their end of the conversation. Ms. Rogers replied that they have not yet explored that but kids can use the equipment at their local school to check in.

Ms. Rogers said that for customer service they are looking at bringing in the youth and families as partners – they are not sure how that will look but are excited to explore the possibilities. She said that they want to make sure that the highest risk kids are getting the highest level of services; they have used this kind of approach on three cases and out of the three there have been no further referrals.

Chair Runyon asked if there is money available at the State level for these programs. Ms. Rogers said that there is for some of it. She added that Wasco County is a model for the State in working with the Youth Authority.

Ms. Rogers continued by saying that her department is working to communicate more openly with the rest of the County about the work they are doing. She noted that they had 100% attendance at the recent County BBQ.

Ms. Rogers stated that she hopes to bring their Work Crew Coordinator on full-time and partner with adult corrections. She said that the Work Crew Coordinator has agreements with North Wasco Parks and Recreation District among others and is going to do some wood sales with the excess fire wood.

Ms. Rogers said that she sees ensuring stable funding for NORCOR as partly her responsibility – we need a viable juvenile detention facility. Part of their plan for safety is to prevent and reduce offenses and to create safe work for the kids.

Ms. Rogers concluded by saying that they have an annual meeting and would like to invite other departments to join them for that.

Commissioner Hege asked if her staff is 100% on board with the plan and involved in its creation. Ms. Rogers replied that it used to feel more like she wrote the plan and then handed it out to staff; this time there were multiple meetings and staff from other departments were included to broaden perspective. She said that they have a commitment to democracy and everyone attended all of the strategic plan meetings. Strategic planning was added to staff meetings with review, comment and feedback – everyone's voice was heard.

Chair Runyon asked how they are changing their communications to fit in the 100% Love culture. Ms. Rogers replied that in their work it is pretty easy to get frustrated and engage in blaming. They are working to not make negative assumptions when talking about or with youth – rather than saying “Why did you do that stupid thing?” they ask “What was going on?” They are taking time to explain their decisions.

Ms. Rogers said that the document will always be a work-in-progress and they are looking for the Board's feedback now and throughout the year.

Commissioner Hege said that he likes the idea of an annual meeting to review and check in.

The Board commended the department on the good work they have done in developing their strategic plan.

**Agenda Item – The Dalles Main Street MOU Amendment**

The Dalles Main Street Executive Director Matthew Klebes stated that they feel storage units to protect Main Street equipment and decorations would be a better use of the funding than the purchase of another parklett. He said that the current stars and trees are currently stored where they are exposed to the elements; they are old and need to be replaced but he is reluctant to do so until there is a viable storage option.

Chair Runyon asked if this has to go back to the original committee for the immediate opportunity projects funding. Commissioner Hege replied that he believes it can be taken care of here – most of the ideas came from the entities receiving funding; if they believe this is a better use of the money, the Board and the City can consider that.

Ms. White interjected that City Manager Julie Krueger and the City Attorney Gene Parker are already aware of the request and have seen the amendment which will be presented to the City Council Monday evening.

Commissioner Hege asked how this will work. Mr. Klebes responded that North Wasco Park and Recreation District already has some lean-to shelters on their property and have agreed to allow The Dalles Main Street to construct similar structures attached to the current structures. He said that initial quotes were high but with volunteer efforts for construction and good local prices for materials, he believes that the project is doable although they may need to secure a small amount of additional funding.

Commissioner Kramer said that he believes this is a much better use of the funding than the additional parklett and he is in support of the amendment.

**\*\*\*Commissioner Kramer moved to approve the addendum to the MOU between Wasco County/City of The Dalles and The Dalles Main Street. Commissioner Hege seconded the motion which passed unanimously.\*\*\***

**Agenda Item – DLCD Grant and Voluntary Periodic Review**

Long-Range Planner Kelly Howsley-Glover said that the Planning Department wants to submit to voluntary periodic reviews from the Department of Land Conservation and Development and is looking for the Board's support for that.

**\*\*\*The Board was in consensus to sign the letter of support for periodic review**

**from the Department of Land Conservation and Development.\*\*\***

Ms. Howsley-Glover stated that they have truncated an agreement with DLCD for them to apply technical assistance and help with more robust photovoltaic language which will help with the broader long-range planning process.

Commissioner Hege asked how this will fold into the other work being done. Ms. Howsley-Glover replied that there will be a review next year, at that time, this work will be brought into the LUDO. The other part of the work is an audit of farm and forest uses; this work will help to inform the public conversations. She said that they see it as a useful review from a third party and an opportunity to get some technical support.

Mr. Stone noted that they have been applying for this for four years and it will help alleviate the work load for our Planning Department.

**{{{Commissioner Kramer moved to approve the MOU between the Oregon Department of Land Conservation and Development and Wasco County for Resource Zone Updates. Commissioner Hege seconded the motion which passed unanimously.}}}**

Chair Runyon called a recess at 10:12 a.m.

The session reconvened at 10:20 a.m.

**Agenda Item – Opposing Measure 97**

Dean McAllister, local grower, referenced an adopted Sherman County resolution opposing Measure 97 and stated that he is here with others to ask the Wasco County Board of Commissioners to pass a similar resolution. He read a prepared statement into the record:

I am Dean McAllister, vice president of WCFB and on the Board of Directors of OFB, where I represent Wasco, Sherman and Hood River Counties. I believe you have a copy of Sherman County Court's resolution to oppose Measure 97 because of the harm it will cause our farmers, ranchers and orchardists and we are asking that Wasco County Court make a similar resolution to oppose Measure 97. Yes, we need tax reform in Oregon, but it should include businesses and legislators who have the opportunity to vet and negotiate to make any taxation

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fair and equitable as possible. Taxation at the ballot box doesn't provide a fair and open public discussion of the consequences of a tax proposal. Measure 97 makes two emotional statements: 1) We are increasing funding for education, seniors and healthcare and 2) We are going to make the big corporations pay.

Measure 97 cannot and does not guarantee the monies collected will go to education, seniors or healthcare; it will go to the general fund and the distribution will be decided by our legislature as directed by our state constitution. Measure 97 language is vague and I believe the Oregon Department of Revenue will have a field day interpreting it as BOLI reinterpreted the minimum wage law passed by the legislature.

Taxing the gross receipts of any business is not fair or equitable as businesses need a profit to thrive and succeed. Measure 97 is not fair or equitable for even if a business is operating at a loss they would still be liable for the gross receipts tax. Measure 97 picks and chooses winners and losers. Right here in The Dalles, we have competing large chain grocery stores; one would be paying the tax and the other store would not. Only C corporations will be paying the gross receipts tax. This is not fair or equitable. Measure 97 is not fair or equitable for Agriculture as the sale of fruit and grain generally go through a broker or agency, so fruit and grain could be double taxed before it leaves Oregon. The Port of Portland ships more grain than any other terminal on the west coast. Perhaps just like the container business lost over two unions fighting over who flips a switch, maybe the Port of Tacoma would get the grain shipments to go along with the container business that the Port of Portland lost.

Measure 97 is not fair or equitable for agriculture as the products we buy – seed, equipment, chemicals or fuel – would increase from the distributor and increase from the retailer; our family farmers would be shouldering the cost of a tax on a tax. I remind you that farmers, ranchers and orchardists do not set their prices; the market tells us what price we get. We buy at retail and we sell at wholesale.

Agriculture is extremely important to the economic health and well-being of Wasco County. We raise over 35 crops in Wasco County with sales valued at well over \$100 million, with nearly all those sales outside Wasco County, Oregon and The United States – these are dollars that come back to Wasco County. Please

support and stand with our family farmers, agriculture, your constituents, your neighbors by passing a resolution against an unfair and inequitable ballot measure – Measure 97 – that harms agriculture and our family farmers.

The Dalles Area Chamber of Commerce President Lisa Faruharson reported that the Chamber Board has voted unanimously to oppose Measure 97 for the same reasons outlined by Mr. McAllister and the negative impact it will have on other local businesses; the trickle-down will affect every business and consumer.

Mike Urness stated that Measure 97 will devastate the auto industry. He stated that auto dealers will have to charge an additional 2.5% tax on every vehicle in the state which would make it more expensive to purchase a vehicle in Oregon than in neighboring states – on average it would cost \$1,250 more to purchase a vehicle. Dealerships that gross over \$25 million would have to add an additional 2.5% per vehicle.

Commissioner Hege noted that the lack of a sales tax in Oregon makes businesses competitive with other states; this additional tax would not. He stated that for the larger companies it may not seem like a big deal, but when the profit margin is small it will have a big impact. Mr. Urness agreed, adding that most dealerships operate on a 2% profit margin.

Phil Brady, teacher at the NORCOR Juvenile Facility, stated that as an elected body, it would be inappropriate for the Board to take a position – they can do that as individuals. He stated that it really doesn't matter what each side says – what matters is what is printed in the measure. He read the following statement into the record:

Honorable Commissioners Runyon, Hege, and Kramer:

First, I ask the Wasco County Board of County Commissioners not to take a position on Measure 97 simply because it is inappropriate for elected bodies to endorse candidates or ballot measure. It is customary for individual elected officers to endorse candidates and measures, but for governing bodies to tell citizens how to vote is an inversion of the sovereignty of the people.

Having said that, since you have opened a public space for comment on Measure 97, I would like to partially fill the space with some reasons why Measure 97 is a reasonable choice, plus I have a clarification to offer that responds to the legitimate concerns coming from the agricultural community.

I will start with agricultural cooperatives. My argument will be that it does not matter what one side or the other says. What matters is what is printed in the measure. Fortunately, Measure 97 is simple enough that we can read and understand it.

The first page is actually the revision to the tax code that was done in 2011 to create a tax exemption for agricultural coops - part (b). That section, and all the rest of the 2011 revision except for the two lines at the bottom is not changed by Measure 97.

Measure 97 amends a part of 2011 revision starting with (2) Each corporation... What ORS 317.710 refers to is the definition of Collectively Accessed Corporations or C Corps. What follows in the text only applies to C Corps, and the key change is the bottom lines where the minimum taxes for the highest brackets are replaced by a 2.5% tax on the excess of gross receipts over \$25 million. Only C Corps are affected by this tax. That is what the writing means, and that is what matters.

Sections 2, 3, 4, and 5 are new with Measure 97, and I will address part of them later.

I was pleased to hear Bud Pierce and Governor Brown speak last week about the need to improve Oregon's economy as a means to address several other issues including drug abuse and incarceration.

This bears on Measure 97 because the long range outcome of this measure will be improved attractiveness toward business. Without this measure, we will head for a spiral of decreasing quality of life and economic stagnation.

I will come back to this point at the end.

First, I take issue with the claim that this measure will raise prices for low income families. The prices set by large corporate consumer goods companies do not vary from one state to the next even when the tax environment varies. Stores like Walmart and Fred Meyer currently advertise the same prices in Oregon and Washington, and they aren't likely to start charging more in Oregon than just

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across the river. Electricity will change very little in Wasco because we receive most of our power from the BPA and local coops and PUDs. If one is buying high priced items like new cars, then those upscale consumers will be paying extra.

Since we are talking about pass on costs, the study that Defeat97 points to says that corporations will pay 1/3 and pass on 2/3. Another independent study expect that corporations will pay 3/4 and pass on 1/4. Given these are both estimates, it is reasonable to pick a fraction in the middle. Let's say half. Whatever point you pick in the middle, this tax has corporations pick up a greater share than other taxes we use that put 100% of the burden on citizens.

With the exception of the corporate income tax, which leads us to the next point. Reasonable people have raised the concern that the gross receipts tax is levied on income instead of profits. Here is why. As Donald Trump would say, big corporations are very smart; they know how to hide profits. So the experts who designed this tax, used gross receipts because it reflects the benefits corporations receive from operating in our state, and it is harder to hide.

There is one argument that you, our county commissioners should avoid posing for ethical reasons. The issue has to do with not guaranteeing that the funds will go to schools, and implies a distrust in how the money will be spent. We are in agreement that the revenue from the tax will not be earmarked for schools but will go to the general fund. Now, I know the three of you well enough to say that you are no better nor any worse than our elected leaders in Salem starting with John Huffman, whom I admire greatly. Furthermore, the process that you use to disperse the county budget is close to the process that the state legislature uses to disperse the general fund. To disparage them and their process is also to discredit you and your process. I, personally, do trust you to manage our county government. Please do not undermine the hard work that your counterparts do to manage the state government.

I turn now to discussing employment and how to encourage businesses to settle in Oregon.

In addition to business costs and taxes, many factors are involved in this decision including location, housing, crime, quality of life and education. Oregon rates

very favorably when it comes to business costs and overall business tax burden. But we rate lower in quality of life and very much lower in education. The reason why we hear whispers that our lack of support for education is the reason why a business did not settle in The Dalles is because it is true. Moreover, Wasco County is in competition, education wise, with a neighboring county that levies more in education taxes, has newer buildings, and pays more in teacher salaries. Our school can't afford to lose any more educational support from the state without losing all of best and brightest to our upscale neighbor.

The reason why Measure 97 will improve our business attractiveness is because we can afford to trade some of our low overall business tax burden for an increase in the areas that we need improvement: health care, transportation, education, and the ability of government to provide a safe and secure environment. This is how we are going to get to Dr. Pierce's and Gov. Brown's shared vision of more prosperity in the long run. In the short run, estimates predict that there will be a decrease in the number of new private sector jobs which will be offset by an increase in higher paying public sector jobs. This is exactly what we need, because the attributes that business see lacking here are the services the public sector provides. The route to more private sector growth is through public sector support.

With the need for more public sector jobs in mind, we can talk about regression. Start with a state like Washington that has a sales tax. Right there, they have a big dose of regresivity in their individual tax burden. In comparison, there is much, much less regression in our tax burden. Now look at measure 97. The regressive element of this tax is only going to be compounded occasionally, will not happen in many transactions, will be diluted by having the corporations assume roughly half of the tax, and will only derive from just a 2.5% tax on the highest marginal bracket of a restricted segment of the economy. It is a justifiable and overall positive to accept a small increase in regression in exchange for increased government services which benefit the poor and needy most and give our state a stable financial path to prosperity.

In closing, because you are making this recommendation with the implication that you are forming a considered, well researched judgement, you do not have the simple task of just looking at the tax itself. You also have the responsibility to weigh how this tax will improve our state and appreciate the damage that will

occur without this tax when our state government cannot provide essential services. The consequences are part of the decision.

Mr. Brady went on to say that the bill originated in the teachers' and nurses' unions. He stated that looking at the tax structure, there is not enough in the general fund and schools have been struggling. He said that 71 economists have signed on to the measure; they took the minimum tax and changed the highest level to 2.5%.

Chair Runyon commended the participants in the respect they have shown one another in expressing opposing points of view.

Dan Erickson, Chair of Oregon Cherry Growers, said that he appreciates Mr. Brady's comments and agrees that there is a need. He stated that the problem with Measure 97 is that it picks on approximately 1,000 corporations of varying sizes; it is extremely unfair to some and has limited impact on others. He explained that under this measure, the Oregon Cherry Growers Cooperative would be taxed. The Cherry Growers Cooperative is mandated to remain profitable; they raise four to five tons of cherries but also purchase from non-members which will make the Cooperative taxable. He stated that combined with taxes already in place, had Measure 97 been in force last year the Cooperative would have shown a net loss – similar to auto dealers, cherry growers have thin profit margins. Measure 97 will make Oregon cherry growers non-competitive. He observed that there is already a high minimum wage that will escalate over the next five years. He said that Michigan is their main competitor; they have an \$8.50 minimum wage which is already \$4.00 less than Oregon's minimum wage which makes it hard for Oregon cherry growers to compete. He said that we lose the competitive edge east of the Rockies due to transportation costs. He stated that Measure 97 is unfriendly to business – government regulations and market demands already apply pressure to businesses. He reported that the Cooperative has already lost 15 growers – 14 of which were driven out of business. He concluded by saying that the Cooperative also processes blueberries and other fruit – all of those will be taxed.

Mr. McAllister agreed, saying that we do need tax reform but we need a more public discussion of the consequences of proposals. He said that between Safeway and Fred Meyer – one will pay the tax and the other will not; we do not know what the department of revenue will do with that. He stated that Measure 5 was a disaster and is why the schools are in this situation. There is no guarantee on how the legislature will distribute funds. We need reform and more money for schools; there is no question

there.

Ken Bailey of Orchard View Farms stated that his business would be subject to the tax. He said that on a bad year they may not make the minimum \$25 million in gross; but on the years that they do, it would eliminate the profit margin. He went on to say that even in bad years, they would experience a hardship through the pass-through costs from other businesses. He said that while Measure 97 would not put him out of business, it will devastate smaller farmers. He agreed that we need tax reform, but it needs to be done thoughtfully with a public dialog and everyone needs to pay for it – if everyone believes someone else is paying, they will abuse it; everyone needs to be invested in it. He concluded by saying that they need to be transparent about how the increased costs will be passed on.

Tim Dahle of Dahle Orchard said that Measure 97 would add bureaucracy to the government. He stated that the concept of a public union advocating to add more public employees is not a good model for decision-making. He said that he believes it is appropriate for the Board to weigh in as it affects the economy of Wasco County.

Mr. Dahle went on to say that it is a big hurdle to go after gross receipts; a business can have gross receipts and still lose money – the lay citizen does not understand that. He observed that some of this is the life savings and retirement for the business owners. He stated that he believes tax reform should come from public discourse; this is an inappropriate way to pass a new tax – it preys on the lack of understanding for the average citizen.

Stan **Eisbert** said that the trickle down will impact his business which is \$1 million dollars gross with a 0-5% margin. He said it will impact his ability to get bank loans and he will pay the tax indirectly through his cost of production. He said that trying to accumulate some net worth will be impossible. He said that even the little guys will be paying somehow.

Mr. Erickson said that when the minimum tax went into effect it already put businesses at risk; under this tax there would have been a \$300,000 loss to the cherry growers.

Mr. Brady noted that the Cherry Growers are a C corporation. Mr. Erickson replied that they could become an S corporation to get away from this tax but they became a C corporation for specific reasons having to do with estate planning, etc. He said that the

Cooperative has had lawyers and experts review the measure for impacts.

Ken Polehn of Polehn Farms said he encourages the Board to oppose Measure 97 for all the reasons stated.

Chair Runyon stated that Measure 97 will be on the ballot. He said that this is the perfect place for this discussion as it will help get the message out – it doesn't always have to be something the Board is voting on. He asked County Counsel Kristen Campbell if the Board can vote on the resolution opposing Measure 97.

Ms. Campbell replied that she has not spoken to Sherman County as to where they found the authority for their resolution. She noted that the resolution does not bind the Board to any action or inaction.

Mr. Bailey said that he appreciates the public meeting and appreciates the question. He said that the Board may want to take the time to look into it; providing this forum for opposition and support is good.

Commissioner Hege asked Mr. Erickson, former County Judge, if he remembers the Court taking a position on anything. Mr. Erickson said he could not remember specifically but is pretty sure that they did.

Ms. Campbell recommended that the Board take it under advisement. Mr. Erickson suggested that they might approve the resolution pending a final opinion from County Counsel.

Chair Runyon said that he personally doesn't have any problem with the resolution but would still like to have a final opinion from Ms. Campbell.

Commissioner Kramer said that he believes that he was elected by the voters as their representative. He said he tries to take in all the information and then make a decision. He said that the majority of his constituents oppose this measure. He noted that we are 98.6% agricultural in Wasco County. He said that he believes it is appropriate to take a position.

**{{{Commissioner Kramer moved to approve Resolution 16-020 contingent on an opinion from County Counsel. The motion died without a second.}}}**

Commissioner Hege said that he would not want to have to rescind the order should it turn out that there is not authority for it. Ms. Campbell stated that her preference would be to wait for two weeks before formally adopting. Commissioner Hege said that he thinks it will be legal, but he would prefer to wait.

Chair Runyon said that he would sign the resolution and move along and he thinks Commissioner Kramer would as well; however, we can afford the time to make sure that we are doing it correctly.

Commissioner Hege commented that this is a good forum for discussion; Measure 97 is one of the more significant measures we have seen – a \$3 billion annual change. He stated that it is too drastic and he will not support it. He pointed out that the State conducted a study – this will set up a pyramid where the tax will be added at several points and has the potential for unintended consequences that we do not understand. He said that he is concerned. He added that he knows that the political pressures faced by legislators can sometimes force them into a corner when making distribution decisions. He observed that Oregon is not the most competitive state and this will make us even less competitive. He reported that in the last six months he has worked with businesses that have expressed their discomfort with this measure and one that made the decision to not locate here because of it. He went on to say that Measure 50 has failed us along with others after it; it has put us into this situation. He agreed that we do have a problem with schools and they need to take the time to come to a thoughtful solution; maybe this will wake them up to do that. He concluded by saying that he appreciates everyone being here – we need to have the discussion.

Mr. Erickson asked if the Board would bring this back for more discussion. Chair Runyon replied that he expects it to be on the Discussion List at the next session. He said that his only question is around the proper process.

Commissioner Hege said that he is concerned about the City of Antelope. Mr. Stone noted that the Assessor reached out several times. Chair Runyon said that he has been to Antelope City Council meetings where no one has shown up. He reminded Commissioner Hege that at one point the Board of County Commissioners had to appoint a mayor because no one wanted to do it. Commissioner Hege acknowledged the challenges, saying that he would just like to know more about what is happening. He noted that former Clerk Linda Brown had advised that it is in the County's interest

that Antelope remain incorporated. He said that perhaps we can offer them some help.

Chair Runyon commented that the Finance Director has been present for the entire meeting and asked if he had anything he needed to bring to the Board. Mr. Middleton replied that he is there to observe, gain knowledge and offer information when needed. Mr. Stone added that Mr. Middleton is primary to the processes of the County and he appreciates the time he takes to attend the sessions.

Commissioner Hege asked when the Board might expect to start seeing financial statements. Mr. Middleton replied that he and Mr. Stone have been working on that and he hopes to have them by the next meeting. He said that it is a work-in-progress; he looks forward to feedback from the Board to improve it and make sure it is a relevant and not static report.

Mr. Stone said that it will be a level of reporting the Board has not seen before with context that will make it meaningful. Commissioner Hege commented that the Board needs that education and awareness; it could be very simple with more detail if there is something concerning.

Mr. Middleton stated that month-end closings have been a challenge and he wants to get that cleaned up; for instance, credit card expenditures can show up sometimes as late as two months after the purchase – those should be weekly. He said that he wants to be current – if we track more in real time, the information will be more reliable.

Chair Runyon asked that he makes sure that it is understandable and suggested that he take the time to do some training with each Commissioner. Mr. Middleton replied that he and Mr. Stone have discussed that aspect as well; one of the goals is more training.

Chair Runyon adjourned the session at 11:35 p.m.

The regular session reconvened at 11:25 a.m. and was adjourned.

### Summary of Actions

#### Motions Passed

- **To approve the Department of Justice Crime Victims' Services Division Victims of Crime Act 2016-2017 One-Time VOCA Non-Competitive Grant**

**Award Agreement.**

- **To approve the Consent Agenda.**
- **To approve the addendum to the MOU between Wasco County/City of The Dalles and The Dalles Main Street.**
- **To approve the MOU between the Oregon Department of Land Conservation and Development and Wasco County for Resource Zone Updates.**

**Consensus**

- **To sign the letter of notification to ODFW for payment of fees in lieu of taxes.**
- **To sign a letter of support for the request to adjust the fall 2016 OWEB Watershed Restoration Grant funding limit to include Fifteenmile Watershed managed underground storage facilities feasibility study.**
- **To sign the letter of support for periodic review from the Department of Land Conservation and Development.**

Wasco County  
Board of Commissioners

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

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

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

**Agenda Item**  
**SWAC Rate Increase Recommendations**

- [Waste Connections Rate Calculation Formula](#)
- [Wasco County Landfill Request Letter](#)
- [Wasco County Landfill Proposed Rate Increases](#)
- [Resolution 16-023 Approving Wasco County  
Landfill Rate Increases](#)
- [Waste Connections Request Letter](#)
- [Waste Connections Proposed Rate Increases](#)
- [Resolution 16-022 Approving Waste Connections  
Rate Increases](#)

Dear Commissioner:

It has come to our attention that you would like clarification on how we calculate the landfill pass through portion of our rate calculation. Our rate is broken into landfill and service components. The landfill component is based on an average weight per vessel, multiplied by the average number of collections in the service period and the cost per pound at the landfill.

When the landfill tip fee increases 1% we increase that portion of our rate one percent. In addition, we recognize that we are allowed a profit margin on our costs. Profit margins are allowed to provide cash flow, to pay taxes, to invest further in our business and to pay shareholders. If a cost increases and our revenue increases the exact same amount, the profit margin of the business decreases. Over time, this can become a serious problem for a business. In pass through calculations, it has been our practice to add an adjustment to hold company profit margins stable with regard to the landfill component of the rate. It's important to note that we only do this adjustment on hard-cost increases like landfill expense. On the service increase portion, we only apply the general CPI Index because we have some ability to manage our costs. A sample illustration of a pass through increase is provided below.

	Old Rate	Pass Through	New Before Coverage	Margin coverage	Proposed Rate
Revenue	1,000.00	5.00	1,005.00	0.50	1,005.50
Disposal	(200.00)	(5.00)	(205.00)		(205.00)
Other Costs	(700.00)	-	(700.00)		(700.00)
Net income	100.00	-	100.00	0.50	100.50
	10.0%	0%	9.95%		10.00%

In a low inflation environment, this is a small amount of money. For example, in our 2017 rate adjustment proposal, the margin coverage addition is \$0.01 per month on 32 gallon weekly service, and \$0.04 on a 1.5 yard weekly service container.

We believe that it is reasonable and justifiable to retain margins on fixed cost increases, and important to note that it is not a significant amount to an individual rate payer. We hope this illustration is useful and addresses your concerns.

# Wasco County Landfill

2550 Steele Rd  
The Dalles, OR 97058  
541/296-4082  
FAX 541/296-6449

August 22, 2016

John Zalaznik  
North Central Public Health District  
419 East Fifth Street, Room 100  
The Dalles, OR 97058

RE: Wasco County Landfill, 2017 Rate Change

Dear John Zalaznik:

In accordance with the current license agreement between the Wasco County Landfill (WCL) and Wasco County, we plan to adjust our rates in 2017. A summary of the rate change is as follows:

The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C 1982-84=100) for 2016 is 1.0%. Eighty-five percent of the CPI is .85%. The new rates for the year 2017 will reflect .85% increase.

The Wasco County license fee for 2016 was \$109254.00 this will increase to \$110183.00 in 2017 due to the .85% CPI.

The County's Host Fee will change from \$1.51 to \$1.52 per ton in 2017 due to the .85% CPI.

The HHW Fee will change from \$7.88 to \$7.95 per ton in 2017 due to the .85% CPI.

A proposed rate schedule for 2017 is attached for your reference.

Please feel free to contact me if you have any questions.

Sincerely,



Nancy Mitchell  
Wasco County Landfill  
Site Manager

**Wasco County Landfill**  
**New Rates effective January 1, 2017**

**Wasco County**

\$ 34.35 per ton + \$7.95 (HHW Fee) = \$ **42.30** per ton

**Hood River and Sherman County**

\$ 38.33 per ton + \$7.95 (HHW Fee) = \$ **46.28** per ton

**Out of County**

**\$38.33** per ton

**ACM: In-County**

\$ **85.54** per ton

**ACM: Out of County**

\$ **87.19** per ton

**PCS: In-County**

\$ **31.62** per ton

**PCS: Out of County**

\$ **33.36** per ton

**Public minimum is \$40.00**

# Databases, Tables & Calculators by Subject

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## Consumer Price Index - Urban Wage Earners and Clerical Workers

**Series Id:** CWUR0400SA0  
 Not Seasonally Adjusted  
**Area:** West urban  
**Item:** All items  
**Base Period:** 1982=64=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2006	196.3	197.2	198.3	200.0	201.9	201.5	201.7	202.5	202.4	201.3	200.6	200.8	200.4	199.2	201.6
2007	201.946	203.036	205.173	206.521	207.795	207.311	206.927	206.624	207.164	208.304	209.629	209.488	206.660	205.297	208.023
2008	210.342	210.816	213.159	214.355	216.029	218.508	219.248	217.854	217.028	215.499	210.870	208.088	214.316	213.868	214.765
2009	209.367	210.492	210.661	211.386	212.263	213.973	213.541	213.988	214.490	214.718	214.228	213.919	212.752	211.357	214.147
2010	214.664	214.710	215.457	215.873	216.044	215.681	215.824	216.048	215.804	216.273	216.267	216.847	215.791	215.405	216.177
2011	217.995	219.368	221.830	223.268	223.944	223.237	222.815	223.204	224.237	224.268	223.785	222.968	222.577	221.607	223.546
2012	223.849	224.956	227.271	227.686	228.189	227.543	226.460	227.681	228.798	229.849	227.767	226.585	227.220	226.582	227.857
2013	227.197	229.319	230.226	230.056	230.555	230.723	230.882	231.084	231.553	231.244	230.390	230.356	230.299	229.679	230.918
2014	230.937	231.785	233.375	234.081	235.579	235.845	236.051	235.820	235.974	235.343	233.499	232.108	234.200	233.600	234.799
2015	230.843	232.364	234.802	235.222	237.509	237.441	238.151	237.791	236.999	236.728	236.003	235.728	235.798	234.697	236.900
2016	236.888	236.747	237.415	238.757	240.005	240.405	240.433							238.370	

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**2017 Rates**

Disposal Type	2016	0.85%	2017	2017 RATE with HHW
Municipal Solid Waste – In-County	\$34.06	\$0.29	\$34.35	<b>\$42.30</b>
Municipal Solid Waste – Out-of-County	\$38.01	\$0.32	\$38.33	
Municipal Solid Waste – Hood River, Sherman	\$38.01	\$0.32	\$38.33	<b>\$46.28</b>
Municipal Solid Waste – Hood River recycling	\$34.06	\$0.29	\$35.87	<b>\$43.82</b>
Construction & Demolition Waste – In-County	\$34.06	\$0.29	\$34.35	<b>\$42.30</b>
Construction & Demolition Waste – Out-of-County	\$38.01	\$0.32	\$38.33	
Industrial Waste – In-County	\$34.06	\$0.29	\$34.35	<b>\$42.30</b>
Industrial Waste – Out-of-County	\$38.01	\$0.32	\$38.33	
Petroleum Contaminated Soil – In-County	\$31.35	\$0.27	\$31.62	
Petroleum Contaminated Soil – Out-of-County	\$33.08	\$0.28	\$33.36	
Asbestos – In-County	\$84.82	\$0.72	\$85.54	
Asbestos – Out-of-County	\$86.46	\$0.73	\$87.19	
Wasco County Host Fee	\$1.51	\$0.01	<b>\$1.52</b>	
HHW Fee	\$7.88	\$0.07	<b>\$7.95</b>	
License Fee	\$109,254.00	\$929	<b>\$110,183</b>	

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

IN THE MATTER OF APPROVING )  
RATE INCREASES FOR THE ) RESOLUTION  
WASCO COUNTY LANDFILL ) #16-023

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

WHEREAS, in August, 2016, the Wasco County Landfill submitted a rate increase request in accordance with the current license agreement between Wasco County and the Wasco County Landfill; and

WHEREAS, in September, 2016, the Wasco County Solid Waste Committee reviewed the request and has recommended approval of the Wasco County Landfill's proposed rate increases as attached hereto and by this reference made part thereof; and

WHEREAS, on October 19, 2016, the Board voted to approve the requested rate increases.

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMISSERS HEREBY RESOLVES to approve the Wasco County Landfill rate increases as outlined in the attached rate schedule, effective January 1, 2017.

DATED this 19th day of October, 2016.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Kristen Campbell, County Counsel

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



WASTE CONNECTIONS, INC.  
*Connect with the Future®*  
*The Dalles Disposal*

Wasco County Board of Commissioners  
511 Washington Street  
Suite 302  
The Dalles OR 97058-2237

TO: Wasco County Commissioners  
RE: Solid Waste proposed rates

Attention:  
Commission Members

Dear Commission Members,

The Dalles Disposal would like to respectfully request a rate adjustment averaging approximately .85% to help offset rising operational costs and disposal fees. We request this adjustment to be effective January 1, 2017. Some examples of these increases include but are not limited to, health care costs, environmental compliance, and fleet maintenance.

We use The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C) to benchmark our changes in operational costs. The most recent July to July comparison increased 1.0% and we believe this is a good indicator of our overall experience. The Wasco County Landfill anticipates increasing both its gate rate and the pass-through Household Hazardous Waste tax by .85% effective January 1<sup>st</sup>. We have incorporated these increases into the attached proposed rate schedule.

We would like to be scheduled on the Board of Commissioners agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide Wasco County with high quality solid waste services.

Sincerely,

Jim Winterbottom  
District Manager

= Different

**TD WASCO COUNTY RURAL GARBAGE RATES**

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	0.85%		TOTAL INCREASE	NEW RATE
		Total LF Increase	Business Increase		
<b>RESIDENTIAL</b>					
<b>CANS/ROLLCARTS</b>					
Weekly					
- (1) 20 gal can (NewRate)	\$11.55	\$0.02	\$0.08	\$0.10	\$11.65
- (1) 32 gal can	\$19.63	\$0.03	\$0.14	\$0.17	\$19.80
- 90 gal rollcart	\$29.88	\$0.08	\$0.19	\$0.27	\$30.15
- 105 gal cart (Phase Out)	\$31.68	\$0.10	\$0.19	\$0.29	\$31.97
- each add'l can/cart added at price of 1st unit					
EOW					
- (1) 32 gal can	\$15.48	\$0.02	\$0.12	\$0.14	\$15.62
- 90 gal rollcart	\$26.85	\$0.05	\$0.19	\$0.24	\$27.09
Call In					
- (1) 32 gal can	\$13.23	\$0.01	\$0.11	\$0.11	\$13.34
- 90 gal rollcart	\$17.81	\$0.02	\$0.13	\$0.16	\$17.97
<b>SPECIAL CHARGES</b>					
* The following additional charges :					
whose cans, rollcarts or containers pose a potential safety risk					
to our employees due to the difficult and unsafe location of					
their service containers.					
Additional Charge:					
- Sunken Can	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
- Excess distance	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
- Steps/stairs	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
- Through gate	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
-extra can/bag/box	\$6.69	\$0.00	\$0.05	\$0.06	\$6.75
- loose yardage per yd	\$27.70	\$0.06	\$0.18	\$0.25	\$27.95
(over-the-top extra around conts-cans-rollcarts					
or on the ground)					
- bulk items (*Bring to transfer station)					
- return trip can	\$6.55	\$0.00	\$0.05	\$0.06	\$6.61
- return trip rollcart	\$9.66	\$0.00	\$0.08	\$0.08	\$9.74
- rollcart redelivery	\$10.01	\$0.00	\$0.09	\$0.09	\$10.10
- Off day PU	\$7.17	\$0.00	\$0.06	\$0.06	\$7.23
- Delinquent fee	\$12.80	\$0.00	\$0.11	\$0.11	\$12.91
(Acct delinquent after 30 days from billing)					
- NSF/unhonorred check fee	\$30.20	\$0.00	\$0.26	\$0.26	\$30.46
- New Acct set up fee	\$6.58	\$0.00	\$0.06	\$0.06	\$6.64
- Change in service	\$6.58	\$0.00	\$0.06	\$0.06	\$6.64
(name/address/service)					

## TD WASCO COUNTY RURAL GARBAGE RATES

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	0.85%		TOTAL INCREASE	NEW RATE
		Total LF Increase	Business Increase		
<b>COMMERCIAL</b>					
Weekly					
- (1) 32 gal can	\$23.18	\$0.03	\$0.17	\$0.20 ✓	\$23.38
- 90 gal rollcart	\$34.45	\$0.08	\$0.23	\$0.31 ✓ .29	\$34.76
- each add'l can/cart added at price of 1st unit					
<b>EOW</b>					
- (1) 32 gal can	\$18.60	\$0.02	\$0.14	\$0.16 ✓	\$18.76
<b>Call In</b>					
- (1) 32 gal can	\$14.55	\$0.01	\$0.12	\$0.13 ✓ .12	\$14.68
- 90 gal rollcart	\$19.61	\$0.02	\$0.15	\$0.17 ✓	\$19.78

### **SPECIAL CHARGES**

\* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.

#### Additional Charge:

- Sunken Can	\$23.47	\$0.00	\$0.20	\$0.20 ✓	\$23.67
- Excess distance	\$23.47	\$0.00	\$0.20	\$0.20 ✓	\$23.67
- Steps/stairs	\$23.47	\$0.00	\$0.20	\$0.20 ✓	\$23.67
- Through gate	\$23.47	\$0.00	\$0.20	\$0.20 ✓	\$23.67
			\$0.00		
-extra can/bag/box	\$6.69	\$0.00	\$0.05	\$0.06 ✓	\$6.75
- loose yardage per yd	\$27.70	\$0.06	\$0.18	\$0.25 ✓ .24	\$27.95
(*extra garbage ontop or around cans and rollcarts which must be manually handled & placed in truck)					
- bulk items (*Bring to transfer station)					
- return trip can	\$6.55	\$0.00	\$0.05	\$0.06 ✓	\$6.61
- return trip rollcart	\$9.69	\$0.01	\$0.07	\$0.08 ✓	\$9.77
- rollcart redelivery	\$10.01	\$0.00	\$0.09	\$0.09 ✓	\$10.10
- Off day PU	\$7.17	\$0.00	\$0.06	\$0.06 ✓	\$7.23
- Delinquent fee	\$12.80	\$0.00	\$0.11	\$0.11 ✓	\$12.91
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$30.20	\$0.00	\$0.26	\$0.26 ✓	\$30.46
- New Acct set up fee	\$6.58	\$0.00	\$0.06	\$0.06 ✓	\$6.64
- Change in service (name/address/service)	\$6.58	\$0.00	\$0.06	\$0.06 ✓	\$6.64

**TD WASCO COUNTY RURAL GARBAGE RATES**

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	0.85%		TOTAL INCREASE	NEW RATE
		Total LF Increase	Business Increase		
<b>CONTAINERS</b>					
1 1/2 Yd Containers					
- Call In	\$33.52	\$0.05	\$0.24	\$0.30	<del>0.28</del> \$33.82
- EOW	\$48.09	\$0.11	\$0.32	\$0.43	<del>0.41</del> \$48.52
- 1XPW	\$96.27	\$0.22	\$0.64	\$0.86	<del>0.82</del> \$97.13
- Additional day rate = # days x 1 x wk rate					
2 Yd Containers					
- Call In	\$44.15	\$0.07	\$0.32	\$0.39	<del>0.38</del> \$44.54
- EOW	\$63.90	\$0.15	\$0.42	\$0.57	<del>0.54</del> \$64.47
- 1XPW	\$127.65	\$0.30	\$0.85	\$1.15	<del>1.09</del> \$128.80
- Additional day rate = # days x 1 x wk rate					
3 Yd Containers					
- Call In	\$63.51	\$0.10	\$0.46	\$0.56	<del>0.54</del> \$64.07
- 1XPW	\$192.52	\$0.45	\$1.28	\$1.73	<del>1.64</del> \$194.25
- Additional day rate = # days x 1 x wk rate					
<b>SPECIAL CHARGES</b>					
- Delivery	\$32.05	\$0.00	\$0.27	\$0.27	\$32.32 ✓
- Rent	\$31.27	\$0.00	\$0.27	\$0.27	\$31.54 ✓
- Rent-a-bin	\$71.08	\$0.00	\$0.60	\$0.60	\$71.68 ✓
- Loose yardage	\$27.70	\$0.06	\$0.18	\$0.25	<del>0.24</del> \$27.95
Containers with difficult access (per cont chg)					
- Not on solid surface	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67 ✓
- Stuck in the mud	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67 ✓
- Lodged in loose gravel	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67 ✓
- Overweight	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67 ✓
- Excess distance	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67 ✓
- Rolloff curb	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67 ✓
<b>COMPACTORS</b>					
* 50,000 max gross weight					
- Per compacted yard	\$30.57	\$0.17	\$0.12	\$0.30	<del>0.26</del> \$30.87
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$306.16	\$0.00	\$2.60	\$2.60	\$308.76 ✓
- Extra miles over 15	\$3.03	\$0.00	\$0.03	\$0.03	\$3.06 ✓

## TD WASCO COUNTY RURAL GARBAGE RATES

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	0.85%		TOTAL INCREASE	NEW RATE
		Total LF Increase	Business Increase		
<b>DROP BOXES</b>					
- 10 yd min fee empty	\$218.61	\$0.64	\$1.35	\$1.99	1.86 \$220.60
- 15 yd min fee empty	\$327.96	\$0.95	\$2.03	\$2.98	2.79 \$330.94
- 20 yd min fee empty	\$437.24	\$1.27	\$2.70	\$3.97	3.72 \$441.21
- 30 yd min fee empty	\$655.83	\$1.91	\$4.05	\$5.96	5.57 \$661.79
- Delivery	\$73.86	\$0.00	\$0.63	\$0.63	✓ \$74.49
- Pickup	\$73.86	\$0.00	\$0.63	\$0.63	✓ \$74.49
- Swap	\$73.86	\$0.00	\$0.63	\$0.63	✓ \$74.49
- Ex miles over 15	\$3.03	\$0.00	\$0.03	\$0.03	✓ \$3.06
- Demurrage per day after 5 days	\$14.35	\$0.00	\$0.12	\$0.12	✓ \$14.47
- LS ydg	\$27.69	\$0.06	\$0.18	\$0.25	.24 \$27.94
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					

**TD WASCO COUNTY SOUTH COUNTY GARBAGE RATES**

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	0.85% 0.85%		TOTAL INCREASE	NEW RATE
		Total LF Increase	Business Increase		
<b>RESIDENTIAL</b>					
<b>CANS/ROLLCARTS</b>					
Weekly					
- (1) can	\$22.72	\$0.03	\$0.17	\$0.20	\$22.92 <i>.19</i>
- (2) cans	\$35.01	\$0.06	\$0.25	\$0.31	\$35.32 <i>-30</i>
- (3) cans	\$46.50	\$0.09	\$0.32	\$0.41	\$46.91 <i>-40</i>
- each additional can	\$6.96	\$0.03	\$0.03	\$0.06	\$7.02
Semi-Monthly/Monthly					
- (1) can, once a month	\$9.43	\$0.00	\$0.07	\$0.07	\$9.50 <i>-08</i>
- (1) can, twice a month	\$14.37	\$0.01	\$0.11	\$0.12	\$14.49
Call In					
- (1) can	\$9.83	\$0.00	\$0.08	\$0.08	\$9.91

# TD WASCO COUNTY SOUTH COUNTY GARBAGE RATES

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	0.85%		TOTAL INCREASE		NEW RATE
		Total LF Increase	Business Increase			
<b>CONTAINERS</b>						
1 1/2 Yd Containers						
- Once a week	\$116.95	\$0.23	\$0.81	\$1.04	.99	\$117.99
- Twice a week	\$209.90	\$0.45	\$1.43	\$1.88	1.78	\$211.78
- Once a month	\$58.81	\$0.05	\$0.46	\$0.51	.50	\$59.32
- Twice a month	\$76.06	\$0.11	\$0.56	\$0.67	.65	\$76.73
2 Yd Containers						
- Once a week	\$145.84	\$0.29	\$1.00	\$1.29	1.24	\$147.13
- Twice a week	\$259.60	\$0.60	\$1.73	\$2.33	2.21	\$261.93
- Once a month	\$67.19	\$0.06	\$0.52	\$0.58	.57	\$67.77
- Twice a month	\$94.48	\$0.15	\$0.68	\$0.83	.80	\$95.31
3 Yd Containers						
- Once a week	\$233.84	\$0.45	\$1.63	\$2.08	1.99	\$235.92
- Twice a week	\$419.71	\$0.89	\$2.85	\$3.74	3.57	\$423.45
- Once a month	\$117.49	\$0.11	\$0.92	\$1.03	1.00	\$118.52
- Twice a month	\$152.07	\$0.23	\$1.11	\$1.34	1.29	\$153.41
4 Yd Containers						
- Once a week	\$291.58	\$0.60	\$2.00	\$2.60	2.48	\$294.18
- Twice a week	\$581.10	\$1.20	\$3.98	\$5.18	4.94	\$586.28
- Once a month	\$134.43	\$0.14	\$1.03	\$1.17	1.14	\$135.60
<b>SPECIAL CHARGES</b>						
- Delivery	\$33.61	\$0.00	\$0.29	\$0.29		\$33.90
<b>TEMPORARY CONTAINERS</b>						
- 1.5 Yd Cleanup	\$35.03	\$0.05	\$0.26	\$0.31	.30	\$35.34
- 2 Yd Cleanup	\$44.74	\$0.06	\$0.33	\$0.39	.38	\$45.13
- 3 Yd Cleanup	\$69.99	\$0.11	\$0.51	\$0.62	.60	\$70.61
- 4 Yd Cleanup	\$89.45	\$0.14	\$0.65	\$0.79	.76	\$90.24
<b>DROP BOXES</b>						
- 10 yd min fee empty	\$249.30	\$0.64	\$1.61	\$2.25	2.12	\$251.55
- 20 yd min fee empty	\$339.65	\$1.28	\$1.87	\$3.15	2.89	\$342.80
- 30 yd min fee empty	\$430.01	\$1.91	\$2.13	\$4.04	3.66	\$434.05
- Delivery	\$54.60	\$0.00	\$0.46	\$0.46		\$55.06
- Pickup	\$54.60	\$0.00	\$0.46	\$0.46		\$55.06
- Demurrage per day after 5 days	\$19.05	\$0.00	\$0.16	\$0.16		\$19.21

## TD WASCO COUNTY UGA GARBAGE RATES

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	CPI		TOTAL INCREASE	BASIC NEW RATE
		0.85% Total LF Increase	0.85% Business Increase		
<b>RESIDENTIAL</b>					
<b>CANS/ROLLCARTS</b>					
Weekly					
- (1) 20 gal can	\$11.55	\$0.02	\$0.08	\$0.10 ✓	\$11.65
- (1) 32 gal can	\$17.56	\$0.03	\$0.12	\$0.16 <del>.15</del>	\$17.72
- 90 gal rollcart	\$25.46	\$0.08	\$0.15	\$0.23 <del>.22</del>	\$25.69
- 105 gal cart (Phase Out)	\$27.29	\$0.10	\$0.15	\$0.25 <del>.23</del>	\$27.54
- each add'l can/cart added at price of 1st unit					
EOW					
- (1) 32 gal can	\$14.84	\$0.02	\$0.11	\$0.13 ✓	\$14.97
Call In					
- (1) 32 gal can	\$12.17	\$0.01	\$0.10	\$0.11 <del>.10</del>	\$12.28
- 90 gal rollcart	\$17.75	\$0.02	\$0.13	\$0.16 <del>.15</del>	\$17.91
<b>YARD DEBRIS</b>					
* 12 month min sign-up period					
* \$18 restart fee if service cancelled and restarted within year					
* 60 gal yard debris cart					
<b>RESIDENTIAL</b>					
Weekly - 60 gal recycling	\$8.67	\$0.05	\$0.03	\$0.08 <del>.07</del>	\$8.75
EOW - 60 gal recycling	\$5.91	\$0.03	\$0.02	\$0.06 <del>.05</del>	\$5.97
Extra Yard Debris	\$6.62	\$0.00	\$0.05	\$0.06	\$6.68

## TD WASCO COUNTY UGA GARBAGE RATES

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	CPI		TOTAL INCREASE	BASIC NEW RATE
		0.85% Total LF Increase	0.85% Business Increase		
<b>SPECIAL CHARGES</b>					
* The following additional charges . whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.					
Additional Charge:					
- Sunken Can	\$23.47	\$0.00	\$0.20	\$0.20 ✓	\$23.67
- Excess distance	\$23.47	\$0.00	\$0.20	\$0.20 ✓	\$23.67
- Steps/stairs	\$23.47	\$0.00	\$0.20	\$0.20 ✓	\$23.67
- Through gate	\$23.47	\$0.00	\$0.20	\$0.20 ✓	\$23.67
-extra can/bag/box	\$6.57	\$0.00	\$0.05	\$0.06 ✓	\$6.63
- loose yardage per yd (over-the-top extra around conts-cans-rollcarts or on the ground)	\$27.70	\$0.06	\$0.18	\$0.25 <u>24</u>	\$27.95
- bulk items (*Bring to transfer station)					
- return trip can	\$6.55	\$0.00	\$0.05	\$0.06 ✓	\$6.61
- return trip rollcart	\$9.66	\$0.00	\$0.08	\$0.08 ✓	\$9.74
- rollcart redelivery	\$10.01	\$0.00	\$0.09	\$0.09 ✓	\$10.10
- Delinquent fee (Acct delinquent after 30 days from billing)	\$12.80	\$0.00	\$0.11	\$0.11 ✓	\$12.91
- NSF/unhonored check fee	\$30.20	\$0.00	\$0.26	\$0.26 ✓	\$30.46
- New Acct set up fee	\$5.75	\$0.00	\$0.05	\$0.05 ✓	\$5.80
- Change in service (name/address/service)	\$5.75	\$0.00	\$0.05	\$0.05 ✓	\$5.80

## TD WASCO COUNTY UGA GARBAGE RATES

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	CPI		TOTAL INCREASE		BASIC NEW RATE
		0.85% Total LF Increase	0.85% Business Increase			
<b>COMMERCIAL</b>						
Weekly						
- (1) 32 gal can	\$21.21	\$0.03	\$0.15	\$0.19	.18	\$21.40
- 90 gal rollcart	\$32.42	\$0.08	\$0.21	\$0.29	.28	\$32.71
- each add'l can/cart added at price of 1st unit						
<b>EOW</b>						
- (1) 32 gal can	\$17.92	\$0.02	\$0.14	\$0.16	.15	\$18.08
<b>Call In</b>						
- (1) 32 gal can	\$13.41	\$0.01	\$0.11	\$0.12	.11	\$13.53
- 90 gal rollcart	\$19.36	\$0.02	\$0.15	\$0.17	.16	\$19.53

### **SPECIAL CHARGES**

\* The following additional charges are accessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.

#### Additional Charge:

- Sunken Can	\$23.47	\$0.00	\$0.20	\$0.20	✓	\$23.67
- Excess distance	\$23.47	\$0.00	\$0.20	\$0.20	✓	\$23.67
- Steps/stairs	\$23.47	\$0.00	\$0.20	\$0.20	✓	\$23.67
- Through gate	\$23.47	\$0.00	\$0.20	\$0.20	✓	\$23.67
-extra can/bag/box	\$6.57	\$0.00	\$0.05	\$0.06	✓	\$6.63
- loose yardage per yd (*extra garbage ontop or around cans and rollcarts which must be manually handled & placed in truck)	\$27.70	\$0.06	\$0.18	\$0.25	.24	\$27.95
- bulk items (*Bring to transfer station)						
- return trip can	\$6.55	\$0.00	\$0.05	\$0.06	✓	\$6.61
- return trip rollcart	\$9.69	\$0.00	\$0.08	\$0.08	✓	\$9.77
- rollcart redelivery	\$10.01	\$0.00	\$0.09	\$0.09	✓	\$10.10
- Off day PU	\$7.17	\$0.00	\$0.06	\$0.06	✓	\$7.23
- Delinquent fee (Acct delinquent after 30 days from billing)	\$12.80	\$0.00	\$0.11	\$0.11	✓	\$12.91
- NSF/unhonored check fee	\$30.20	\$0.00	\$0.26	\$0.26	✓	\$30.46
- New Acct set up fee	\$5.75	\$0.00	\$0.05	\$0.05	✓	\$5.80
- Change in service (name/address/service)	\$5.75	\$0.00	\$0.05	\$0.05	✓	\$5.80

## TD WASCO COUNTY UGA GARBAGE RATES

Proposed Increase January 1, 2017

SERVICE	8/1/2016 CURRENT RATE	CPI		TOTAL INCREASE	BASIC NEW RATE
		0.85% Total LF Increase	0.85% Business Increase		
<b>CONTAINERS</b>					
1 1/2 Yd Containers					
- Call In	\$31.76	\$0.05	\$0.23	\$0.28	\$32.04
- EOW	\$44.42	\$0.11	\$0.29	\$0.40	\$44.82
- 1XPW	\$88.88	\$0.22	\$0.58	\$0.80	\$89.68
- Additional day rate = # days x 1 x wk rate					
2 Yd Containers					
- Call In	\$42.73	\$0.07	\$0.31	\$0.38	\$43.11
- EOW	\$59.38	\$0.15	\$0.39	\$0.53	\$59.91
- 1XPW	\$118.74	\$0.30	\$0.77	\$1.07	\$119.81
- Additional day rate = # days x 1 x wk rate					
3 Yd Containers					
- Call In	\$63.51	\$0.10	\$0.46	\$0.56	\$64.07
- EOW	\$88.87	\$0.22	\$0.58	\$0.80	\$89.67
- 1XPW	\$177.74	\$0.45	\$1.15	\$1.60	\$179.34
- Additional day rate = # days x 1 x wk rate					
<b>SPECIAL CHARGES</b>					
- Delivery	\$32.37	\$0.00	\$0.28	\$0.28	\$32.65
- Rent	\$31.59	\$0.00	\$0.27	\$0.27	\$31.86
- Rent-a-bin	\$71.08	\$0.00	\$0.60	\$0.60	\$71.68
- Loose yardage	\$27.70	\$0.06	\$0.18	\$0.25	\$27.95
Containers with difficult access (per cont chg)					
- Not on solid surface	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
- Stuck in the mud	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
- Lodged in loose gravel	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
- Overweight	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
- Excess distance	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
- Rolloff curb	\$23.47	\$0.00	\$0.20	\$0.20	\$23.67
<b>COMPACTORS</b>					
* 50,000 max gross weight					
- Per compacted yard	\$30.78	\$0.17	\$0.12	\$0.30	\$31.08
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$350.62	\$0.00	\$2.98	\$2.98	\$353.60
- Extra miles over 15	\$2.93	\$0.00	\$0.02	\$0.02	\$2.95

## TD WASCO COUNTY UGA GARBAGE RATES

Proposed Increase January 1, 2017

CPI

SERVICE	8/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	TOTAL INCREASE	BASIC NEW RATE
<b>DROP BOXES</b>					
- 10 yd min fee empty	\$201.12	\$0.64	\$1.20	\$1.84 <i>1.71</i>	\$202.96
- 15 yd min fee empty	\$301.74	\$0.95	\$1.80	\$2.76 <i>2.57</i>	\$304.50
- 20 yd min fee empty	\$402.21	\$1.27	\$2.40	\$3.67 <i>3.42</i>	\$405.88
- 30 yd min fee empty	\$603.35	\$1.91	\$3.60	\$5.51 <i>5.13</i>	\$608.86
- Delivery	\$67.45	\$0.00	\$0.57	\$0.57 ✓	\$68.02
- Pickup	\$67.45	\$0.00	\$0.57	\$0.57 ✓	\$68.02
- Swap	\$67.45	\$0.00	\$0.57	\$0.57 ✓	\$68.02
- Ex miles over 15	\$2.93	\$0.00	\$0.02	\$0.02 ✓	\$2.95
- Demurrage per day after 5 days	\$14.36	\$0.00	\$0.12	\$0.12 ✓	\$14.48
- LS ydg	\$27.70	\$0.06	\$0.18	\$0.25 <i>.24</i>	\$27.95

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

IN THE MATTER OF APPROVING )  
RATE INCREASES FOR ) RESOLUTION  
WASTE CONNECTIONS ) #16-022

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

WHEREAS, in August, 2016, Waste Connections submitted a rate increase request in accordance with the current license agreement between Wasco County and Waste Connections, Inc.; and

WHEREAS, in September, 2016, the Wasco County Solid Waste Committee reviewed the request and has recommended approval of the Waste Connections' proposed rate increases as attached hereto and by this reference made a part thereof; and

WHEREAS, on October 19, 2016, the Board voted to approve the requested rate increases.

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMISSERS HEREBY RESOLVES to approve the Waste Connections rate increases as outlined in the attached rate schedule, effective January 1, 2017.

DATED this 19<sup>h</sup> day of October, 2016.

WASCO COUNTY  
BOARD OF COMMISSIONERS

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

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

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

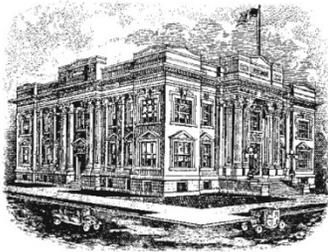
APPROVED AS TO FORM:

\_\_\_\_\_  
Kristen Campbell, County Counsel

## **Agenda Item**

### **Budget Adjustments**

- [Community Corrections Staff Memo](#)
- [Resolution 16-020 Community Corrections Budget Adjustment](#)
- [Information Services Staff Memo](#)
- [Resolution 16-021 Information Services Budget Adjustment](#)
- [Sheriff's Memo](#)
- [Resolution 16-024 Sheriff's Department Budget Adjustment](#)



**WASCO COUNTY**  
**DEPARTMENT OF COMMUNITY CORRECTIONS**  
421 EAST SEVENTH STREET, ANNEX B  
THE DALLES, OREGON 97058  
PHONE: (541) 506-2570  
FAX: (541) 506-2571



ADULT PAROLE & PROBATION  
POST-PRISON SUPERVISION  
COMMUNITY SERVICE

October 13, 2016

From: Fritz Osborne, Wasco County Community Corrections  
To: Wasco County Board of Commissioners  
Subject: Budget Line Item Adjustment

Our Treatment Counselor was originally a contract position which was funded out of Materials & Services in our budget. This position was converted to an FTE position per approval by the Board at the August 17<sup>th</sup> Commissioners Meeting. This position has now been hired and filled and needs to be accounted for in Personal Services for personnel budgeting purposes. This is position is a new job class which is not reflected by current line items. To clearly account for this staff a new "Treatment Counselor" line item needs to be created in my staffing budget.

If you have any questions please contact me. Thank you and have a good day.

Fritz Osborne  
Manager, Wasco County Community Corrections



Wasco County Budget for Fiscal Year 2016-2017 was adopted.

NOW, THEREFORE, IT IS HEREBY RESOLVED: That \$65,000 in unanticipated increase in requirements in Community Corrections Fund Personal Services (Treatment Counselor) is offset by a decreased requirement in Community Corrections Fund Materials & Services (contracted services) expenses of \$65,000. This is a change within the fund and does not increase the overall appropriation for the fund. The fiscal year 2016-17 budget is hereby amended as follows:

Fund	Classification	Increase/Decrease	
227	Personal Services	\$65,000	Increase
227	Materials & Services	-\$65,000	Decrease

DATED this 19<sup>th</sup> day of October, 2016.

WASCO COUNTY  
BOARD OF  
COMMISSIONERS

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

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kristen Campbell  
Wasco County Counsel

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



Board of Commissioners,

It is time to purchase our annual maintenance/support for our Unitrends backup system. This is currently budgeted for \$5,000.00. This system is scheduled to be replaced next year on it's normal rotation. However I am recommending that we replace it this year due to increased demands on the system causing us to reach the units capacity and decreasing the availability of data backups. There are several reasons for this increase in demand:

1. We added another day of backups to the system after the Eden server crash, so we would not lose another day of data if a system would crash between the Thursday night backup and the Weekend master backups..
2. We have added several new databases since the last upgrade.
  - a. Ascend, Proval, EIS RMS EIS CAD
3. Growth of existing databases
4. Increase in active data

It is for these reasons I am recommending we apply the currently budgeted \$5000.00 for the annual maintenance and do a budget adjustment of \$31,000.00 to purchase the upgraded system now which will double our current capacity. The new system comes with 36 months of maintenance and an option to pre purchase a replacement unit at the end of the 36 months. Please approve the attached budget resolution.

Thank you,

Paul Ferguson, Information Services Director



being designed for this type of unforeseen situation for the adopted Wasco County Budget for Fiscal Year 2016-2017.

NOW, THEREFORE, IT IS HEREBY RESOLVED: That \$36,000 in unanticipated increase in requirements in General Fund Administrative Services (Information Technology - Equipment) be offset by a decrease in the General Fund Contingency available appropriation of \$36,000. This is a change within the fund and does not increase the overall appropriation for the fund. The fiscal year 2016-17 budget is hereby amended as follows:

Fund	Classification	Increase/Decrease	
101	Administrative Services	\$36,000	Increase
101	Contingency	-\$36,000	Decrease

DATED this 19<sup>th</sup> day of October, 2016.

WASCO COUNTY  
BOARD OF  
COMMISSIONERS

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

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kristen Campbell  
Wasco County Counsel

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



# WASCO COUNTY

## SHERIFF

511 Washington St., Suite #102  
The Dalles, Oregon 97058  
Phone 541-506-2580  
Fax 541-506-2581

To: Wasco County Board of Commissioners

October 12, 2016

Re: Grant # 15-255

Dear commissioners,

During fiscal year 2015/16 the Wasco County Sheriff's Office sought a State Homeland Security Grant (SHSG) for the upgrade and acquisition of a backup power source for the Bakeoven repeater radio site. This upgrade will provide emergency backup power utilizing a propane powered generator.

The Bakeoven repeater site provides critical communications for south Wasco County First Responders as well as the Sheriff's Office. This repeater site's primary function is to provide communications for a large part of the Deschutes River Corridor and the cities of Maupin and Shaniko.

The application for the grant was submitted in late 2015; however our office has not expended the entire funding stream for this project. The below balance needs to be rolled into the 2016/17 budget.

Based on the above situation I would formally request a budget adjustment of \$16,802.00 so the project can be completed. Please note there is no match required for this grant and is fully funded by the SHSG program. All moneys expended will be reimbursed back into the general fund upon receipt of payment from the SHSG program.

Thank you for your continued support of the infrastructure upgrades for the Wasco County Sheriff's Office.

Sincerely,

Lane Magill  
Wasco County Sheriff's Office

Cc: Mike Middleton Wasco County Finance Director



extended until December 31<sup>st</sup>, 2016.

IT FURTHER APPEARING TO THE BOARD: That the expense will be completely offset by the grant revenue for Fiscal Year 2016-2017.

NOW, THEREFORE, IT IS HEREBY RESOLVED: That \$16,802 in General Fund – Sheriff Department (Capital Expense) appropriated expense increase offset by an increase in the General Fund – Sheriff Department (Grant Revenue) appropriation of \$16,802. The fiscal year 2016-17 budget is hereby amended as follows:

Fund	Classification	Increase/Decrease	
101	Sheriff Expenditure	\$16,802	Increase
101	Sheriff Revenue	\$16,802	Increase

DATED this 19<sup>th</sup> day of October, 2016.

WASCO COUNTY  
BOARD OF  
COMMISSIONERS

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

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kristen Campbell  
Wasco County Counsel

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

## **Agenda Item**

### **Finance Update**

- [1<sup>st</sup> Quarter Revenue Comparison](#)
- [1<sup>st</sup> Quarter Revenue Graphic](#)
- [1<sup>st</sup> Quarter Expense Comparison](#)
- [1<sup>st</sup> Quarter Expense Graphic](#)

## FY17 Comparison of Revenue to Budget and Prior Year to Date

Fund	Division	Department	Account	Acct	Subaccount	Data						
						FY17 Bud	FY17 Q1 Actual	YTD Change \$	YTD Change %	FY17 % of Budget use	Budget Revenue Use Change	FY16 Q1 Actual
GENERAL FUND	ADMINISTRATION					294,220	31,241	(30,506)	-49.4%	10.6%	-9.8%	61,747
	ADMINISTRATIVE SERVICES					398,376	95,046	30,853	48.1%	23.9%	2.5%	64,193
	ASSESSMENT & TAXATION					17,550	10,202	(1,037)	-9.2%	58.1%	5.4%	11,240
	COUNTY CLERK					134,700	39,913	(10,841)	-21.4%	29.6%	-11.0%	50,754
	DISTRICT ATTORNEY					174,326	35,462	8,339	30.7%	20.3%	3.7%	27,123
	NON-DEPARTMENTAL RESOURCES					11,655,159	497,728	(315,527)	-38.8%	4.3%	-3.6%	813,256
	PLANNING					146,150	34,838	(43,451)	-55.5%	23.8%	-30.5%	78,289
	PUBLIC WORKS					16,065	2,700	(2,450)	-47.6%	16.8%	-22.6%	5,150
	SHERIFF					429,290	78,187	(16,299)	-17.3%	18.2%	-3.5%	94,486
YOUTH SERVICES					43,300	10,331	1,207	13.2%	23.9%	-6.9%	9,123	
PUBLIC WORKS FUND	NON-DEPARTMENTAL RESOURCES					26,780	7,155	539	8.2%	26.7%	-4.4%	6,615
	PUBLIC WORKS					2,688,400	342,386	(24,830)	-6.8%	12.7%	-0.3%	367,216
COUNTY FAIR FUND	ADMINISTRATION					140,080	83,339	11,402	15.8%	59.5%	10.1%	71,937
	NON-DEPARTMENTAL RESOURCES					29,470	74	(60)	-44.7%	0.3%	-0.2%	134
COUNTY SCHOOL FUND	ADMINISTRATION					280,200	57,041	(31,320)	-35.4%	20.4%	-11.2%	88,361
LAND CORNER PRESERVATION FUND	NON-DEPARTMENTAL RESOURCES					470	106	(21)	-16.4%	22.6%	4.5%	127
	PUBLIC WORKS					32,000	8,120	(1,624)	-16.7%	25.4%	-10.7%	9,744
FOREST HEALTH PROGRAM FUND	NON-DEPARTMENTAL RESOURCES					380	108	(109)	-50.1%	28.4%	6.8%	217
HOUSEHOLD HAZARDOUS WASTE FUND	NON-DEPARTMENTAL RESOURCES					450	249	42	20.1%	55.4%	9.3%	207
	PUBLIC HEALTH					330,800	55,648	(1,619)	-2.8%	16.8%	-1.3%	57,267
SPECIAL ECON DEV PAYMENTS FUND	ADMINISTRATION					1,240,000	46,963	46,963	#DIV/0!	3.8%	3.8%	-
	NON-DEPARTMENTAL RESOURCES					2,000	1,269	1,169	1174.0%	63.5%	#DIV/0!	100
LAW LIBRARY FUND	DISTRICT ATTORNEY					25,000	25,531	-	0.0%	102.1%	-25.5%	25,531
	NON-DEPARTMENTAL RESOURCES					700	199	25	14.5%	28.5%	-0.5%	174
DISTRICT ATTORNEY	DISTRICT ATTORNEY					2,500	1,476	423	40.2%	59.0%	-11.1%	1,053
	NON-DEPARTMENTAL RESOURCES					100	28	(9)	-24.0%	27.6%	3.4%	36
MUSEUM	ADMINISTRATION					94,000	16,915	(6,976)	-29.2%	18.0%	-20.3%	23,890
	NON-DEPARTMENTAL RESOURCES					18,475	265	(4,365)	-94.3%	1.4%	-23.6%	4,629
WEED & PEST CONTROL FUND	NON-DEPARTMENTAL RESOURCES					600	324	97	42.8%	54.1%	16.2%	227
	PUBLIC WORKS					213,500	55,233	43,866	385.9%	25.9%	20.3%	11,368
911 COMMUNICATIONS FUND	NON-DEPARTMENTAL RESOURCES					241,312	45	(54,765)	-99.9%	0.0%	-24.9%	54,809
	SHERIFF					753,375	444,790	383,552	626.3%	59.0%	50.4%	61,238
PARKS FUND	ADMINISTRATION					69,785	32,160	6,324	24.5%	46.1%	13.4%	25,836
	NON-DEPARTMENTAL RESOURCES					575	224	62	38.2%	39.0%	-1.6%	162
COMMUNITY CORRECTIONS FUND	NON-DEPARTMENTAL RESOURCES					2,000	1,304	769	143.7%	65.2%	38.4%	535
	SHERIFF					1,504,382	518,091	269,760	108.6%	34.4%	10.9%	248,332
COURT FACILITIES SECURITY FUND	ADMINISTRATION					3,500	5,318	(555)	-9.5%	152.0%	132.7%	5,874
	NON-DEPARTMENTAL RESOURCES					355	132	51	62.5%	37.1%	4.7%	81
COMM ON CHILDREN & FAMILIES FUND	NON-DEPARTMENTAL RESOURCES					600	154	14	9.9%	25.7%	-2.4%	140

## FY17 Comparison of Revenue to Budget and Prior Year to Date

Fund	Division	Department	Account	Acct	Subaccount	Data						
						FY17 Bud	FY17 Q1 Actual	YTD Change \$	YTD Change %	FY17 % of Budget use	Budget Revenue Use Change	FY16 Q1 Actual
COMM ON CHILDREN & FAMILIES FUND	YOUTH SERVICES					147,000	15,488	15,488	#DIV/0!	10.5%	10.5%	-
KRAMER FIELD FUND	NON-DEPARTMENTAL RESOURCES					165	46	6	14.9%	28.1%	1.2%	40
CLERK RECORDS FUND	COUNTY CLERK					7,250	2,358	(492)	-17.3%	32.5%	-11.7%	2,850
	NON-DEPARTMENTAL RESOURCES					175	51	6	14.4%	29.4%	-15.6%	45
ROAD RESERVE FUND	NON-DEPARTMENTAL RESOURCES					15,000	3,952	514	14.9%	26.3%	-0.1%	3,438
CAPITAL ACQUISITIONS FUND	NON-DEPARTMENTAL RESOURCES					912,650	2,924	(173,762)	-98.3%	0.3%	-24.7%	176,686
911 EQUIPMENT RESERVE	NON-DEPARTMENTAL RESOURCES					1,200	337	44	14.9%	28.1%	3.7%	293
FACILITY CAPITAL RESERVE	NON-DEPARTMENTAL RESOURCES					912,000	2,565	(173,615)	-98.5%	0.3%	-24.8%	176,180
GENERAL OPERATING RESERVE	NON-DEPARTMENTAL RESOURCES					812,000	2,919	(148,885)	-98.1%	0.4%	-24.7%	151,804
CDBG GRANT FUND	ADMINISTRATION					5,478,470	38,706	38,706	#DIV/0!	0.7%	0.7%	-
	NON-DEPARTMENTAL RESOURCES					200	15	15	#DIV/0!	7.5%	#DIV/0!	-
						29,297,035	2,609,657	(182,882)	-6.5%	8.9%	-2.2%	2,792,539

## FY17 Comparison of Revenue to Budget and Prior Year to Date

Fund	Division	Department	Account	Acct	Subaccount	FY16 % of Budget use
GENERAL FUND	ADMINISTRATION					20.5%
	ADMINISTRATIVE SERVICES					21.4%
	ASSESSMENT & TAXATION					52.8%
	COUNTY CLERK					40.6%
	DISTRICT ATTORNEY					16.6%
	NON-DEPARTMENTAL RESOURCES					7.9%
	PLANNING					54.3%
	PUBLIC WORKS					39.4%
	SHERIFF					21.7%
	YOUTH SERVICES					30.7%
PUBLIC WORKS FUND	NON-DEPARTMENTAL RESOURCES					31.1%
	PUBLIC WORKS					13.0%
COUNTY FAIR FUND	ADMINISTRATION					49.4%
	NON-DEPARTMENTAL RESOURCES					0.5%
COUNTY SCHOOL FUND	ADMINISTRATION					31.6%
LAND CORNER PRESERVATION FUND	NON-DEPARTMENTAL RESOURCES					18.2%
	PUBLIC WORKS					36.1%
FOREST HEALTH PROGRAM FUND	NON-DEPARTMENTAL RESOURCES					21.7%
HOUSEHOLD HAZARDOUS WASTE FUND	NON-DEPARTMENTAL RESOURCES					46.1%
	PUBLIC HEALTH					18.1%
SPECIAL ECON DEV PAYMENTS FUND	ADMINISTRATION					0.0%
	NON-DEPARTMENTAL RESOURCES					#DIV/0!
LAW LIBRARY FUND	DISTRICT ATTORNEY					127.7%
	NON-DEPARTMENTAL RESOURCES					29.0%
DISTRICT ATTORNEY	DISTRICT ATTORNEY					70.2%
	NON-DEPARTMENTAL RESOURCES					24.2%
MUSEUM	ADMINISTRATION					38.3%
	NON-DEPARTMENTAL RESOURCES					25.0%
WEED & PEST CONTROL FUND	NON-DEPARTMENTAL RESOURCES					37.9%
	PUBLIC WORKS					5.5%
911 COMMUNICATIONS FUND	NON-DEPARTMENTAL RESOURCES					25.0%
	SHERIFF					8.7%
PARKS FUND	ADMINISTRATION					32.7%
	NON-DEPARTMENTAL RESOURCES					40.5%
COMMUNITY CORRECTIONS FUND	NON-DEPARTMENTAL RESOURCES					26.8%
	SHERIFF					23.6%
COURT FACILITIES SECURITY FUND	ADMINISTRATION					19.3%
	NON-DEPARTMENTAL RESOURCES					32.4%
COMM ON CHILDREN & FAMILIES FUND	NON-DEPARTMENTAL RESOURCES					28.1%

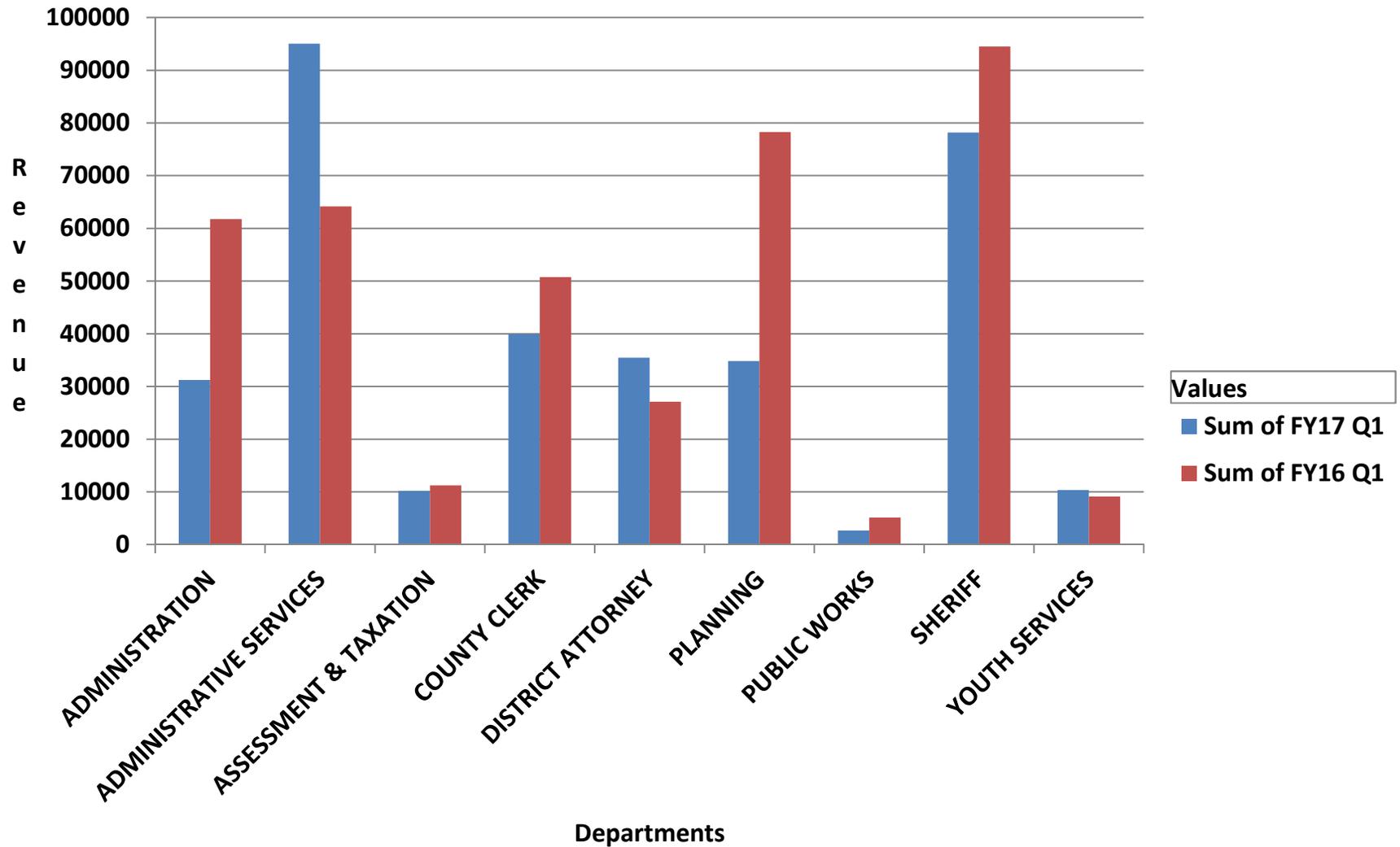
**FY17 Comparison of Revenue to Budget and Prior Year to Date**

Fund	Division	Department	Account	Acct	Subaccount	FY16 % of Budget use
COMM ON CHILDREN & FAMILIES FUND	YOUTH SERVICES					0.0%
KRAMER FIELD FUND	NON-DEPARTMENTAL RESOURCES					26.9%
CLERK RECORDS FUND	COUNTY CLERK					44.2%
	NON-DEPARTMENTAL RESOURCES					44.9%
ROAD RESERVE FUND	NON-DEPARTMENTAL RESOURCES					26.4%
CAPITAL ACQUISITIONS FUND	NON-DEPARTMENTAL RESOURCES					25.1%
911 EQUIPMENT RESERVE	NON-DEPARTMENTAL RESOURCES					24.4%
FACILITY CAPITAL RESERVE	NON-DEPARTMENTAL RESOURCES					25.1%
GENERAL OPERATING RESERVE	NON-DEPARTMENTAL RESOURCES					25.1%
CDBG GRANT FUND	ADMINISTRATION					0.0%
	NON-DEPARTMENTAL RESOURCES					#DIV/0!
						11.1%

R/E Div

Sum of FY17 Q1 Sum of FY16 Q1

### General Fund Revenue Compared to Prior Year to Date



Division

**FY17 Comparison of Current Expense to Budget and Prior Year to Date**

Fund	Division	Depart ment	Ac ct	Account	Data							
					FY17 Bud	FY17 Q1 Act	YTD Change \$	YTD Change	FY17 % of Budget	Budget Use % Change	FY16 Q1 Act	FY16 % of Bud
GENERAL FUND	ADMINISTRATION				3,583,266	832,055	(30,096)	-3.5%	23.2%	-0.6%	862,151	23.9%
	ADMINISTRATIVE SERVICES				2,899,145	671,197	179,579	36.5%	23.2%	1.7%	491,619	21.5%
	ASSESSMENT & TAXATION				853,087	181,669	5,494	3.1%	21.3%	0.7%	176,175	20.6%
	COUNTY CLERK				344,836	75,688	(614)	-0.8%	21.9%	-2.3%	76,303	24.3%
	DISTRICT ATTORNEY				576,865	137,539	1,533	1.1%	23.8%	-1.5%	136,007	25.3%
	NON-DEPARTMENTAL EXPENDITURES				8,166,796	-	(558,990)	-100.0%	0.0%	-9.6%	558,990	9.6%
	PLANNING				759,017	151,547	42,443	38.9%	20.0%	3.9%	109,104	16.1%
	PUBLIC WORKS				67,614	14,343	(76)	-0.5%	21.2%	-0.6%	14,419	21.8%
	SHERIFF				2,315,743	517,566	(15,958)	-3.0%	22.3%	-1.9%	533,524	24.3%
YOUTH SERVICES				534,020	129,710	10,901	9.2%	24.3%	0.2%	118,809	24.1%	
PUBLIC WORKS FUND	NON-DEPARTMENTAL EXPENDITURES				4,781,841	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
	PUBLIC WORKS				3,187,339	715,800	218,811	44.0%	22.5%	2.9%	496,989	19.6%
COUNTY FAIR FUND	ADMINISTRATION				223,653	116,295	(8,238)	-6.6%	52.0%	-9.5%	124,533	61.5%
	NON-DEPARTMENTAL EXPENDITURES				55,188	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
COUNTY SCHOOL FUND	ADMINISTRATION				290,000	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
LAND CORNER PRESERVATION FUND	NON-DEPARTMENTAL EXPENDITURES				12,500	-	(625)	-100.0%	0.0%	-5.5%	625	5.5%
	PUBLIC WORKS				67,039	16,774	(2,710)	-13.9%	25.0%	-5.3%	19,484	30.3%
FOREST HEALTH PROGRAM FUND	ADMINISTRATION				2,219	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
	NON-DEPARTMENTAL EXPENDITURES				75,000	-	(25,000)	-100.0%	0.0%	-25.0%	25,000	25.0%
HOUSEHOLD HAZARDOUS WASTE FUND	PUBLIC HEALTH				583,064	35,942	7,817	27.8%	6.2%	0.9%	28,125	5.3%
SPECIAL ECON DEV PAYMENTS FUND	ADMINISTRATION				2,130,800	206,400	136,400	194.9%	9.7%	4.3%	70,000	5.4%
LAW LIBRARY FUND	DISTRICT ATTORNEY				40,000	2,256	117	5.5%	5.6%	0.3%	2,139	5.3%
	NON-DEPARTMENTAL EXPENDITURES				118,285	-	(2,000)	-100.0%	0.0%	-1.9%	2,000	1.9%
DISTRICT ATTORNEY	DISTRICT ATTORNEY				19,525	1,230	600	95.3%	6.3%	3.5%	630	2.8%
	NON-DEPARTMENTAL EXPENDITURES				1,810	-	(1,250)	-100.0%	0.0%	-18.5%	1,250	18.5%
MUSEUM	ADMINISTRATION				275,149	22,476	1,780	8.6%	8.2%	-0.7%	20,695	8.9%
	NON-DEPARTMENTAL EXPENDITURES				21,326	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
WEED & PEST CONTROL FUND	NON-DEPARTMENTAL EXPENDITURES				131,762	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
	PUBLIC WORKS				252,338	42,558	(17,700)	-29.4%	16.9%	-7.2%	60,257	24.0%
911 COMMUNICATIONS FUND	NON-DEPARTMENTAL EXPENDITURES				16,081	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
	SHERIFF				1,000,111	247,890	(12,068)	-4.6%	24.8%	-2.1%	259,959	26.9%
PARKS FUND	ADMINISTRATION				85,263	16,624	5,136	44.7%	19.5%	6.1%	11,488	13.4%
	NON-DEPARTMENTAL EXPENDITURES				120,697	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
COMMUNITY CORRECTIONS FUND	NON-DEPARTMENTAL EXPENDITURES				921,432	-	(90,032)	-100.0%	0.0%	-22.2%	90,032	22.2%
	SHERIFF				1,528,950	166,563	(5,405)	-3.1%	10.9%	-9.4%	171,968	20.3%
COURT FACILITIES SECURITY FUND	ADMINISTRATION				36,000	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
	NON-DEPARTMENTAL EXPENDITURES				80,107	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
COMM ON CHILDREN & FAMILIES FUND	NON-DEPARTMENTAL EXPENDITURES				49,879	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
	YOUTH SERVICES				209,846	31,769	1,511	5.0%	15.1%	-6.4%	30,258	21.5%
KRAMER FIELD FUND	ADMINISTRATION				33,145	-	-	#DIV/0!	0.0%	0.0%	-	0.0%

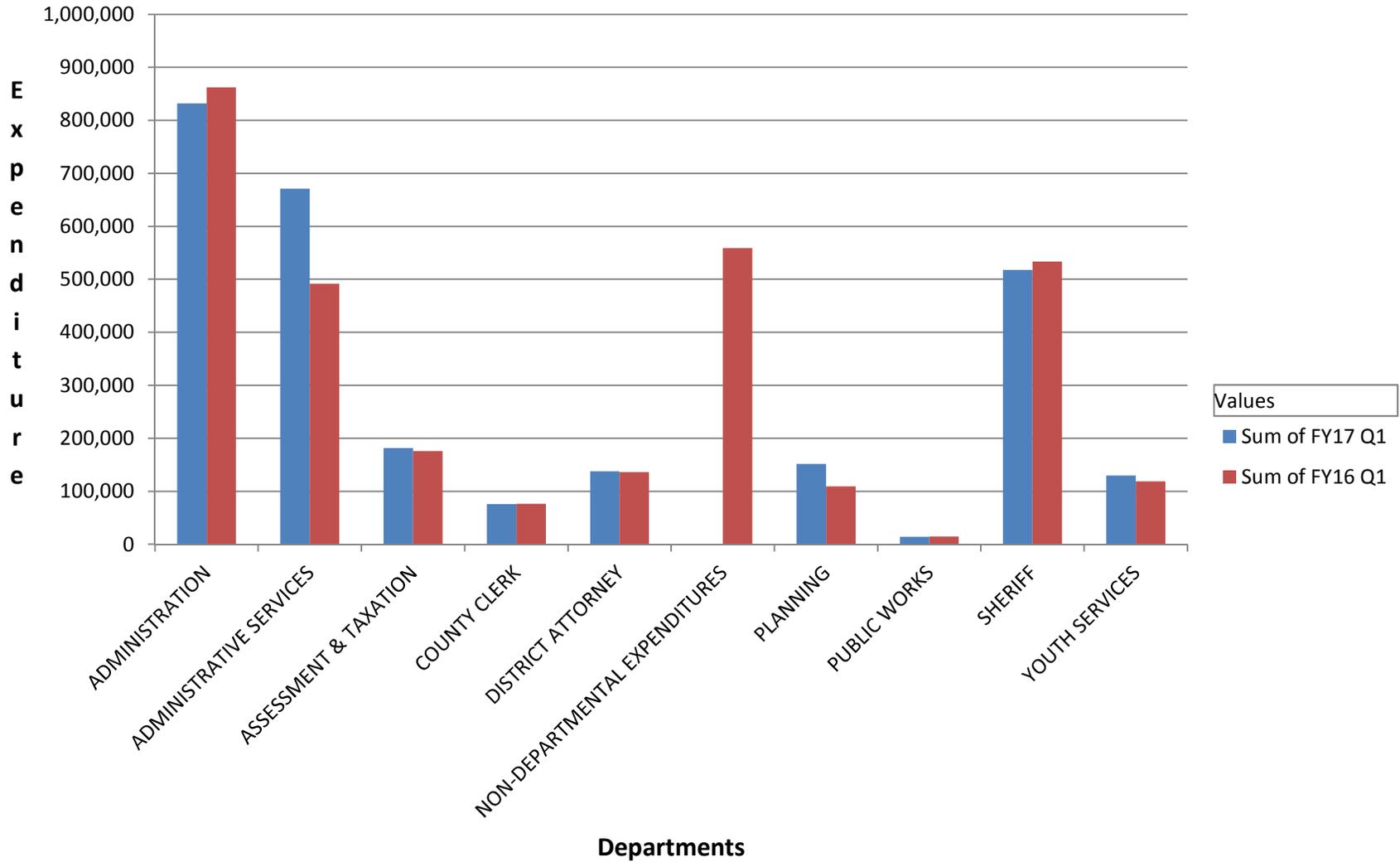
### FY17 Comparison of Current Expense to Budget and Prior Year to Date

Fund	Division	Department	Account	Data							
				FY17 Bud	FY17 Q1 Act	YTD Change \$	YTD Change	FY17 % of Budget	Budget Use % Change	FY16 Q1 Act	FY16 % of Bud
CLERK RECORDS FUND	COUNTY CLERK			50,825	-	(731)	-100.0%	0.0%	-1.8%	731	1.8%
ROAD RESERVE FUND	PUBLIC WORKS			2,815,000	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
CAPITAL ACQUISITIONS FUND	ADMINISTRATION			2,802,650	-	-	#DIV/0!	0.0%	#DIV/0!	-	#DIV/0!
911 EQUIPMENT RESERVE	SHERIFF			240,600	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
FACILITY CAPITAL RESERVE	ADMINISTRATION			2,734,000	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
GENERAL OPERATING RESERVE	ADMINISTRATION			2,812,000	-	-	#DIV/0!	0.0%	0.0%	-	0.0%
CDBG GRANT FUND	ADMINISTRATION			5,508,670	2,147	2,147	#DIV/0!	0.0%	0.0%	-	0.0%
				53,414,482	4,336,038	(157,225)	-3.5%	8.1%	-2.4%	4,493,263	10.5%

R/E

Sum of FY17 Q1 Sum of FY16 Q1

## General Fund Expense Compared with Prior Year to Date



Division

**Agenda Item**  
**Act-On Software Agreement**

- [Click Wrap Master Services Agreement](#)

# CLICKWRAP MASTER SERVICES AGREEMENT

Last updated: July 25, 2016

**By agreeing to this Clickwrap Master Services Agreement (“Agreement”) you represent that you have the right to bind your organization (“Customer”) to its terms and conditions. If you do not have such right you should not agree to this Agreement or use the Services.**

## 1 Ordering

Customer may order from Act-On (a) rights to access and use Act-On’s online service including any add-ons or modules (collectively the “Services”) and/or (b) related professional services (collectively, “Professional Services”). The specifics of each Customer order will be set forth on order forms or similar documents agreed to by the parties (“Order Forms”). Each Order Form constitutes a binding commitment to purchase the items described on such Order Form under this Agreement. All Order Forms are incorporated herein by reference.

## 2 License Rights and Restrictions

**2.1 Scope and Access Rights.** Customer may access and use the Services in accordance with and subject to any restrictions set forth in this Agreement and other documents expressly referenced herein. Subject to the terms and conditions of this Agreement, Act-On hereby grants to Customer and its designated users (“Users”) a limited, worldwide, non-exclusive, non-transferable, non-sublicensable right to (a) access and use the Services for Customer’s business purposes in accordance with Act-On’s published technical documentation made available by Act-On (collectively, “Documentation”); and (b) use the Documentation in connection with the Services. If the Order Form indicates that Customer is an Agency (as defined in the Order Form) then Customer may use the Services for the benefit of its customers, subject to the

restrictions set forth in the Order Form. The Services will include an interface component (“Interface”) to allow individual users and administrators designated by Agency Customers (“Agency Users”) to configure and manage the Services. Each Agency User will be provided access to and use of the Interface. Customer is responsible for ensuring the security and confidentiality of all access credentials and for all liabilities incurred through use of the Services by Users and Agency Users.

**2.2 Restrictions.** Except as otherwise permitted hereunder, Customer agrees not to: (a) reverse engineer or otherwise attempt to discover the source code of or trade secrets embodied in the Services, except to the extent such restriction is not permitted by law; (b) distribute, transfer, sublicense, or otherwise make available the Services (or any portion thereof) to third parties other than Users, or as otherwise provided herein; (c) use the Services in violation of the Documentation or any applicable law, rule or regulation, including any export/import laws, or (d) in any way access, use, or copy any portion of the Services to directly or indirectly develop, promote, distribute, sell or support any competitive product or service.

**2.3 Support Services.** Act-On will provide Customer with technical support services pursuant to the terms and conditions set forth at <http://www.act-on.com/support-terms>.

**2.4 Professional Services.** Act-On or its third party providers will perform the Professional Services set forth on the applicable Order Form (if any). The particulars of each Professional Services engagement will be as set forth in statements of work (each an “SOW”) entered into by the parties. Act-On will retain all right, title and interest in and to all deliverables (including any and all intellectual, property rights therein) provided under each SOW (“Deliverables”) except to the extent that they contain any pre-existing Customer intellectual property. Customer’s rights to the Deliverables shall be the same as Customer’s rights to the Services to which such Deliverables pertain.

**2.5 Customer Content.** Customer (a) owns all content and data that it uploads via the Services (“Customer Content”), including, without limitation, any data about or relating to email recipients (“Recipient Data”); (b) shall be solely responsible for the accuracy and quality of any and all Customer Content; (c) acknowledges that the performance of the Services is dependent on the accuracy and quality of Customer Content and Customer’s compliance with industry best practices with respect to use of the Services; and (d) understands that Act-On cannot guarantee deliverability of the Customer Content to Recipients (defined below). Act-On may collect and use data derived from Customer’s use of the Services (“Usage Data”) for its own internal business purposes, and may only disclose Usage Data in an anonymous, aggregated format that in no way identifies Customer or any of the recipients of Customer

Content (“Recipients”). To the extent (if any) that Act-On acts as a data processor in processing personal data in connection with the Services: (a) Act-On will only process such personal data for the purposes necessary for providing the Services and in accordance with Customer’s written instructions (which Customer agrees will be consistent with the Agreement) and (b) Act-On will take appropriate technical and organizational measures against unauthorized or unlawful processing of such personal data and accidental loss or destruction of, or damage to, such personal data.

## 3 Compliance

Customer warrants that it shall (a) comply with this Agreement, Act-On’s Acceptable Use Policy (found at: <http://www.act-on.com/acceptable-use-policy/>, and incorporated herein by this reference) (the “AUP”), and all applicable laws relating to its use of the Services, including, without limitation, any privacy laws applicable to the collection, use and sharing of Recipient Data by Customer, or by Act-On on behalf of Customer, via the Services; (b) ensure that Customer and Act-On have the right to collect, use and share Recipient Data via the Services; and (c) provide adequate notice to, obtain any necessary consents from, and establish any applicable terms and conditions with Recipients and any other third parties, as required under all applicable laws with respect to the Recipient Data collected, used, transmitted and shared by Customer or by Act-On via the Services. Customer shall indemnify, defend and hold Act-On and its partners harmless from and against any and all claims or liabilities of any kind arising out of a breach of the foregoing warranties.

## 4 Fees

All fees for licenses to the Services and/or for Professional Services (collectively, the “Fees”) will be set forth on the applicable Order Form. Unless otherwise agreed to in writing by the parties, Customer will pay to Act-On or its authorized reseller all Fees owed within thirty (30) days after Act-On’s issuance of an invoice. Customer is responsible for any and all applicable sales, use and other taxes (other than taxes based on Act-On’s income). Each party is responsible for its own expenses under this Agreement. Customer agrees that its purchases are not contingent on (a) any specific level of deliverability of Customer Content or (b) the delivery of any future functionality or features or promises related thereto.

## 5 Term and Termination

**5.1 Term.** This Agreement shall continue in effect until terminated as set forth herein. The term of each license to the Services purchased by Customer will commence on the date set forth on the applicable Order Form and will continue for the period set forth on such Order Form, including any renewal term, as set forth below (collectively, the “Subscription Term”). Unless otherwise set forth on the applicable Order Form, Customer’s license to the Services will automatically renew for the renewal periods set forth in the Order Form at the Fees designated by Act-On prior to such renewal date, unless Customer gives Act-On written notice of its intent not to renew on the same terms at least thirty (30) days prior to the end of the applicable Subscription Term or renewal term.

**5.2 Termination and Suspension.** This Agreement and/or any Order Form, if applicable, may be terminated (a) by either party if the other party materially breaches this Agreement and does not cure the breach within thirty (30) days after receiving written notice thereof from the non-breaching party, (b) as set forth in Section 8.2 or (c) by either party if the other party provides proof that it made a general assignment for the benefit of creditors, suffered or permitted the appointment of a receiver for its business or assets, or availed itself of or became subject to any proceeding under the US Federal Bankruptcy Act or any other foreign or domestic statute, law, rule or regulation relating to insolvency or the protection of rights of creditors. Act-On shall have the right to limit, suspend, require modifications to the administration of Customer’s account, or terminate Customer’s access to or use of the Services if Customer (a) violates any of the terms of this Agreement, the AUP, or any applicable law, (b) uses the Services in a manner that harms or threatens to harm Act-On or its customers, or (c) is the subject of abuse complaints from Recipients or third parties.

**5.3 Effect of Termination.** Upon any termination of this Agreement or an Order Form (a) all rights licensed and obligations required thereunder shall immediately cease; provided that Sections 4, 5.3, 6, 7, 8.3, 8.4 and 9 shall survive termination, and (b) Customer shall pay to Act-On any Fees accrued or outstanding prior to the date of termination.

## 6 Proprietary Rights

As between the parties, Act-On or its partners will retain all ownership rights in and to the Services, all updates and/or upgrades thereto, the Documentation, Deliverables, and other derivative works of the Services and/or Documentation that are provided by Act-On or its partners, including any suggestions, ideas, enhancement requests, feedback, recommendations or other information provided by Customer or any other party relating to the Services, and all intellectual property rights incorporated into or

related to the foregoing. As between the parties hereto, Customer will retain all ownership rights in and to all Customer Content.

## 7 Confidentiality

“Confidential Information” means, with respect to a party (the “disclosing party”), information that pertains to such party’s business, including, without limitation, technical, marketing, financial, employee, planning, product roadmaps and documentation, performance results, pricing, and other proprietary information.

Confidential Information will be designated and/or marked as confidential when disclosed, provided that any information that the party receiving such information (the “receiving party”) knew or reasonably should have known is considered confidential or proprietary by the disclosing party, will be considered Confidential Information of the disclosing party even if not designated or marked as such. The receiving party shall preserve the confidentiality of the disclosing party’s Confidential Information and treat such Confidential Information with at least the same degree of care that the receiving party uses to protect its own Confidential Information, but not less than a reasonable standard of care. The receiving party will use the Confidential Information of the disclosing party only to exercise rights and perform obligations under this Agreement. Confidential Information of the disclosing party will be disclosed only to those employees and contractors of the receiving party with a need to know such information. The receiving party shall not be liable to the disclosing party for the release of Confidential Information if such information: (a) was known to the receiving party on or before the effective date of this Agreement without restriction as to use or disclosure; (b) is released into the public domain through no fault of the receiving party; (c) was independently developed solely by the employees of the receiving party who have not had access to Confidential Information; or (d) is divulged pursuant to any legal proceeding or otherwise required by law, provided that, to the extent legally permissible, the receiving party will notify the disclosing party promptly of such required disclosure and reasonably assists the disclosing party in efforts to limit such required disclosure.

## 8 Act-On Warranties, Act-On Indemnification, Limitation of Liability, Insurance.

**8.1 By Act-On.** Act-On warrants that (a) the Services, as delivered and when used in accordance with the Documentation, will perform in all material respects as specified in the Documentation, (b) the Professional Services will be performed in a professional and workmanlike manner in accordance with the standards in Act-On's industry, and (c) Act-On will not knowingly introduce any "back door," "time bomb," "Trojan horse," "worm," "drop dead device," "virus," "preventative routines" or other computer software routines within the Services that are intentionally designed to permit unauthorized access to or use of either the Services or Customer's computer systems ("Viruses"). In the event of any breach of the warranty in subsections (a) or (b) above, Act-On shall, as its sole liability and Customer's sole remedy, diligently remedy any deficiencies that cause the Services or Professional Services, as applicable, to not conform to the foregoing warranty promptly after its receipt of written notice from Customer. Act-On will not be liable to the extent that any breach of the foregoing warranties are caused by (i) third-party components (including in combination with the Services) not provided by Act-On; (ii) unauthorized use or use of the Services other than in accordance with the Documentation or (iii) Viruses introduced by Customer or its agents (collectively, "Exclusions").

**8.2 Indemnification.** Act-On will defend at its own expense any action against Customer brought by a third party to the extent that the action is based upon a claim that the Services or Deliverables infringe or misappropriate any copyright or trade secret rights, and Act-On will pay those costs and damages finally awarded against Customer in any such action that are specifically attributable to such claim, or those costs and damages agreed to in a monetary settlement of such action. The foregoing obligations are conditioned on Customer notifying Act-On promptly in writing of such action, Customer giving Act-On sole control of the defense thereof and any related settlement negotiations, and Customer cooperating and, at Act-On's reasonable request and expense, assisting in such defense. If the Services (or any component thereof) or a Deliverable becomes, or in Act-On's opinion is likely to become, the subject of an infringement claim, Act-On may, at its option and expense, either (a) procure for Customer the right to continue exercising the rights licensed to Customer in this Agreement, or (b) replace or modify the Services or Deliverable so that it becomes non-infringing and remains functionally equivalent. If neither of the foregoing options are, in Act-On's reasonable opinion, commercially reasonable, Act-On may terminate this Agreement and will refund to Customer a pro-rata portion of any applicable prepaid Fees. Notwithstanding the foregoing, Act-On will have no obligation under this Section 8.2 or otherwise with respect to any infringement claim based upon (i) any Exclusions or (ii) Customer Content. This Section 8.2 states Act-On's entire liability and Customer's sole and exclusive remedy for infringement claims and actions.

**8.3 Disclaimer.** THE EXPRESS WARRANTIES IN SECTION 8.1 ARE THE EXCLUSIVE WARRANTIES OFFERED BY ACT-ON AND ALL OTHER WARRANTIES, INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE, NON-INFRINGEMENT, ACCURACY, QUIET ENJOYMENT, TITLE, MERCHANTABILITY AND THOSE THAT ARISE FROM ANY COURSE OF DEALING OR COURSE OF PERFORMANCE ARE HEREBY DISCLAIMED.

**8.4 Limitation of Liability.** IN NO EVENT SHALL EITHER PARTY BE LIABLE TO CUSTOMER OR TO ANY THIRD PARTY, WHETHER UNDER THEORY OF CONTRACT, TORT OR OTHERWISE, FOR ANY INDIRECT, INCIDENTAL, PUNITIVE, CONSEQUENTIAL, OR SPECIAL DAMAGES (INCLUDING ANY DAMAGE TO BUSINESS REPUTATION, LOST PROFITS OR LOST DATA), WHETHER FORESEEABLE OR NOT AND WHETHER SUCH PARTY IS ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN ADDITION, BOTH PARTIES' AGGREGATE CUMULATIVE LIABILITY IN CONNECTION WITH THIS AGREEMENT, INCLUDING THE SERVICES, PROFESSIONAL SERVICES AND INTELLECTUAL PROPERTY PROVIDED HEREUNDER, SHALL NOT EXCEED, IN THE AGGREGATE AND REGARDLESS OF WHETHER UNDER THEORY OF CONTRACT, TORT OR OTHERWISE, THE TOTAL OF THE FEES ACTUALLY PAID BY CUSTOMER UNDER THIS AGREEMENT DURING THE ONE (1) YEAR PERIOD PRIOR TO THE DATE THAT SUCH LIABILITY FIRST ARISES. HOWEVER, THERE IS NO LIMITATION ON DIRECT LOSS, CLAIM OR DAMAGES ARISING AS A RESULT OF AN INFRINGEMENT OF EITHER PARTY'S INTELLECTUAL PROPERTY RIGHTS OR IN CONNECTION WITH A PARTY'S INDEMNIFICATION OBLIGATIONS.

**8.5 Insurance.** Act-On, at its own expense, will maintain at a minimum the following insurance coverages: (a) Commercial General Liability Insurance with coverage in an amount equal to or greater than US\$1,000,000 per occurrence combined single limit, (b) Commercial Automobile Liability Insurance with coverage in an amount equal to or greater than US\$1,000,000 per occurrence/aggregate, (c) Worker's Compensation Insurance with coverage complying with at least the statutory limits of coverage within the relevant state of employment, (d) Errors and Omissions Insurance with coverage in an amount equal to or greater than US\$5,000,000 per occurrence/aggregate and (e) Umbrella/Excess Liability Insurance with coverage in an amount equal to or greater than US\$10,000,000 per occurrence/aggregate.

## 9 Miscellaneous

Each party will be excused from any delay or failure in performance hereunder caused by reason of any occurrence or contingency beyond its reasonable control, including but not limited to acts of God, earthquake, labor disputes and strikes, riots, war and governmental requirements. The obligations and rights of the party so excused will be extended on a day-to-day basis for the period of time equal to that of the underlying cause of the delay. The parties are independent contractors with respect to each other, and nothing in this Agreement shall be construed as creating an employer-employee relationship, a partnership or a joint venture between the parties. This Agreement controls the actions of all party representatives, officers, agents, employees and associated individuals. The terms of this Agreement shall be binding on the parties, and all successors to the foregoing. Except as otherwise set forth herein, neither party will assign, transfer or delegate its rights or obligations under this Agreement (in whole or in part) without the other party's prior written consent, except pursuant to a transfer of all or substantially all of such party's business and assets, whether by merger, sale of assets, sale of stock, or otherwise. Any attempted assignment, transfer or delegation in violation of the foregoing shall be null and void. All modifications to or waivers of any terms of this Agreement must be in a writing that is signed by the parties hereto and expressly references this Agreement. This Agreement shall be governed by the laws of the State of Oregon, without regard to its conflict of laws rules. The exclusive venue and jurisdiction for any and all disputes, claims and controversies arising from or relating to this Agreement shall be the state or federal courts located in Multnomah County, Oregon. Each party waives any objection (on the grounds of lack of jurisdiction, forum non conveniens or otherwise) to the exercise of such jurisdiction over it by any such courts. In the event that any provision of this Agreement conflicts with governing law or if any provision is held to be null, void or otherwise ineffective or invalid by a court of competent jurisdiction, such provision shall be deemed to be restated to reflect as nearly as possible the original intentions of the parties in accordance with applicable law. No waiver of any breach of any provision of this Agreement shall constitute a waiver of any prior, concurrent or subsequent breach of the same or any other provisions hereof, and no waiver shall be effective unless made in writing and signed by an authorized representative of the waiving party. This Agreement includes any Order Forms agreed to by the parties in writing and all expressly referenced documents. Collectively the foregoing constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements or communications, including, without limitation, any quotations or proposals or other documents submitted by the parties. The terms on any purchase order or similar document submitted by Customer to Act-On will have no effect and are hereby rejected. All notices, consents and approvals under this Agreement must be delivered in writing by courier, by facsimile, or by certified or registered mail, (postage prepaid and return

receipt requested) to the other party at the address set forth in this Agreement and/or the applicable Order Form and, if sent to Act-On, will be sent to its General Counsel.

## Addendum

The following terms and conditions supplement or modify the terms and conditions of the Agreement to the extent Customer has indicated on an applicable Order Form that Customer has its principal place of business in one of the jurisdictions set out below.

In the event of any inconsistencies between this Addendum and the provisions of the Agreement, this Addendum shall prevail. Unless expressly amended in this Addendum, the provisions of the Agreement shall remain in full force and effect.

## **All countries in the Europe, Middle East and Africa (EMEA) region, except for France and Germany:**

1. Notwithstanding any provision of the Agreement to the contrary, neither party excludes or limits its liability for (i) personal injury or death caused by its negligence, (ii) fraud or fraudulent misrepresentation, or (iii) any other liability which may not lawfully be excluded or limited.
2. At the end of Section 2.5 the following sentence is added: “In this Section 2.5, “data processor”, “personal data” and “process” shall bear the meanings ascribed to them in the EU Data Protection Directive (95/46/EC) and all applicable local laws and regulations implementing such Directive and any other European Union data protection and privacy laws from time to time (including the General Data Protection Regulation when in force).”
3. References to “warranties” in section 8.3 (other than the first such reference) shall be deemed to include references to “conditions and other terms” and references in Section 8.4 to “tort” shall be deemed to include negligence. In Section 8.4, the words “in no event shall Act-On be liable to Customer or to any third party, whether under theory of contract, tort or otherwise, for any indirect, incidental, punitive, consequential, or special damages (including any damage to business reputation, lost profits or lost data), whether foreseeable or not and whether Act-On is advised of the possibility of such damages” is replaced with: “Act-On will not be liable (whether under theory of contract, tort including negligence or otherwise) under or in connection with the Services or the Agreement for any: (a) loss of profit; (b) loss of or damage to reputation or goodwill;(c) loss of opportunity;(d)

loss of anticipated savings; (e) loss or waste of management or other staff time; or (f) indirect, consequential or special loss.”

4. Each party acknowledges that in entering into the Agreement, it has not relied on any statement, communication, representation or misrepresentation not expressly set out in the Agreement.
5. Notwithstanding Section 9, the Agreement shall be governed by the laws of England and Wales. The exclusive venue and jurisdiction for any and all disputes, claims and controversies arising from or relating to the Agreement shall be the courts of England.

## France:

1. In Section 5.2 and 8.2, the words “may be terminated”, “terminate Customer’s access” and “terminate this Agreement” are replaced with: “may be terminated as of right (“de plein droit”) without any judicial formalities”, “terminate as of right (“de plein droit”) without any judicial formalities Customer’s access” and “terminate as of right (“de plein droit”) without any judicial formalities”.
2. Section 5.2 (c) is modified as follows: “(c) subject to the receiver’s right to continue the Agreement, by either party if the other party makes a general assignment for the benefit of creditors, suffers or permits the appointment of a receiver for its business or assets, or avails itself of or becomes subject to any proceeding under the US Federal Bankruptcy Act or any other foreign or domestic statute, law, rule or regulation relating to insolvency or the protection of rights of creditors.”
3. In Section 4, after the words “Unless otherwise agreed to in writing by the parties, Customer will pay to Act-On or its authorized reseller all Fees owed within thirty (30) days after Act-On’s issuance of an invoice”, the following is added: “In the event of failure to pay an invoice within this deadline, the unpaid amounts will give rise to the payment of late payment interest, equal to three (3) times the applicable legal interest as well as to a fixed amount of 40 euros to compensate for recovery costs. If the amount of the recovery costs exceeds that fixed amount of 40 euros and is duly documented, Act-On may ask for an additional compensation. Interest will begin to run on the day following the due date of the relevant invoice.”
4. Notwithstanding Section 9, this Agreement shall be governed by the laws of France. The exclusive venue and jurisdiction for any and all disputes, claims and controversies arising from or relating to this Agreement shall be the competent court within the jurisdiction of the Court of Appeal of Paris, France.

## Germany:

1. In Section 2.1, after the word “non-exclusive” the word “non-perpetual” is added.
2. In Section 2.2, after the words “Except as otherwise expressly permitted hereunder” the following words are added: “or allowed according to §§ 69d et seq. of the German Copyright Act”.
3. If the Professional Services are regarded as works in terms of §§ 631 et seqq. of the German Civil Code (Bürgerliches Gesetzbuch, “BGB”), any defects in the Professional Services in terms of § 633 (2) BGB shall be remedied by Act-On through either free-of-charge removal of defects (repair) or replacement, in Act-On’s sole discretion. If the defect cannot be remedied within a reasonable period, or if the repair or replacement has failed for other reasons, Customer may, at its discretion, either withdraw from the relevant SOW or reduce the fees for the Professional Services. Act-On’s liability regardless of fault due to initial defects (§ 536a (1) Alt. 1 BGB) is excluded, unless Act-On acted intentionally.”
4. In Section 8.1, the following words are added: “Any warranty claims against Act-On shall expire after one year provided that Act-On did not cause a defect intentionally or in case of breach of a guarantee.”
5. Section 8.4 is replaced with the following words: “For damages with respect to injury to health, body or life caused by Act-On, Act-On’s representatives or Act-On’s agents in the performance of the contractual obligations, Act-On is fully liable. Act-On is fully liable for damages caused willfully or by gross negligence by Act-On, Act-On’s representatives or Act-On’s agents in the performance of the contractual obligations. The same applies to damages which result from the absence of a quality which was guaranteed by Act-On or to damages which result from malicious action of Act-On. If damages, except for such cases covered by sentence no. 1 or sentence no. 4, with respect to a breach of a contractual core duty are caused by slight negligence, Act-On is liable only for the amount of the damage which was typically foreseeable. Contractual core duties, abstractly, are such duties whose accomplishment enables proper fulfillment of the Agreement in the first place and whose fulfillment a contractual party regularly may rely on. Act-On’s liability based on the German Product Liability Act remains unaffected. Any further liability of Act-On is excluded. The limitation period for claims for damages against Act-On expires after one (1) year, except for such cases covered by sentences 1, 2 or 4.
6. In Section 7, the following words are added: “The receiving party’s obligation under this Section 7 shall expire five years after the term of this Agreement.”
7. **NOTWITHSTANDING SECTION 9, THIS AGREEMENT SHALL BE GOVERNED BY THE LAWS OF GERMANY. THE EXCLUSIVE VENUE AND JURISDICTION FOR ANY AND ALL DISPUTES, CLAIMS AND CONTROVERSIES ARISING FROM OR RELATING TO THIS AGREEMENT SHALL BE THE COURTS OF HAMBURG, GERMANY.**

# All countries in the Japan and Asia Pacific (JAPAC) region including Singapore and Australia:

1. Notwithstanding any provision of the Agreement to the contrary, neither party excludes or limits its liability for (i) personal injury or death caused by its negligence, (ii) fraud, or (iii) any other liability which may not be lawfully excluded or limited.
2. The following provision shall be added at the end of Section 2.5 of the Agreement: “To the extent (if any) that Act-On acts as a Data Intermediary in processing Personal Data in connection with the Services: (a) Act-On will only process such Personal Data for the purposes necessary for providing the Services and in accordance with Customer’s written instructions (which Customer agrees will be consistent with the Agreement); and (b) The Customer represents and warrants to Act-On that it has obtained all necessary consents from all Users including any individual user of the Services for the transfer of any of their Personal Data and Recipient Data to any party including third parties within and outside of Singapore, for Act-On to provide the Services under this Agreement; and (c) Act-On will provide reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, copying, modification, disposal or similar risks with respect to Personal Data processed by Act-On in connection with the Services as required under the *Personal Data Protection Act 2012*(Singapore Statutes) (“**PDPA**”).  
In this Section 2.5, “Data Intermediary”, “Personal Data” and “process shall bear the meanings ascribed to them in the PDPA. References to any Singapore statute or Singapore statutory provision include, unless the context otherwise requires, a reference to that Singapore statute or Singapore statutory provision as modified, replaced, re-enacted or consolidated and in force from time to time prior to the date of this Agreement and any subordinate legislation made under the relevant statute or statutory provision (as so modified, replaced, re-enacted or consolidated) in force in Singapore from time to time prior to the date of this Agreement.”
3. In Section 9 the following words are added: “A person who is not a party to this Agreement shall not be able to enforce any term in this Agreement under any laws purporting to grant such rights, which shall be excluded to the fullest extent permissible.”
4. Notwithstanding Section 9, Customer acknowledges and agrees that in the event of any breach or threatened breach of this Agreement, Act-On shall be authorized and entitled to seek, from any court of competent jurisdiction,

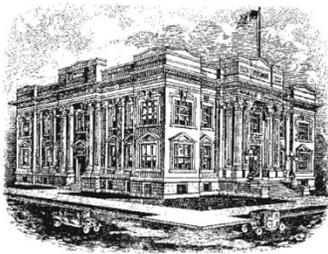
preliminary and permanent injunctive relief in addition to any other rights or remedies to which Act-On may be entitled. This Agreement shall be governed by and determined in accordance with the laws of the Republic of Singapore and the parties hereby submit to the non-exclusive jurisdiction of the courts of the Republic of Singapore.

**Agenda Item**  
**Codes Enforcement Grant Application**

- [No documents have been submitted for this item](#)  
– [Return to Agenda](#)

**Agenda Item**  
**Transitional Housing**

- [Staff Memo](#)
- [Contract](#)



**WASCO COUNTY**  
**DEPARTMENT OF COMMUNITY CORRECTIONS**  
421 EAST SEVENTH STREET, ANNEX B  
THE DALLES, OREGON 97058  
PHONE: (541) 506-2570  
FAX: (541) 506-2571



October 17, 2016

ADULT PAROLE & PROBATION  
POST-PRISON SUPERVISION  
COMMUNITY SERVICE

From: Fritz Osborne, Wasco County Community Corrections  
To: Wasco County Board of Commissioners  
Subject: Request for Transitional Housing Emergency Procurement Exemption

In January of this year I began seeking community partnerships to establish transitional housing in The Dalles. After several meetings I had one small nonprofit in Hood River interested in collaboration. Over the course of this year a tentative working agreement was ironed out and proposed to the County Administrator. Upon review of the nonprofit's budget and tax statements it was determined that they would be highly reliant on Wasco County to maintain their programs. It was recommended that I seek additional support and partnership towards this effort. An alternative option included utilizing space at NORCOR's Work Release area but the costs for staffing a new program there was prohibitive and does not provide the environment of a house in the community.

At this time I consulted with Kim Travis, Housing Outreach Integrator for the Oregon Department of Housing and Community Services. She put me in contact with Bridges To Change, a large and growing non-profit in Portland that currently operates transitional housing for Community Corrections departments in Multnomah, Washington and Clackamas counties. Bridges To Change came highly recommended from the Community Corrections directors of those counties who use the same grant funds that I have. Bridges To Change is interested in expanding in Wasco County, replicating their successful model for us. They've provided their balance sheets, audits, existing contracts, and cost breakdowns. The cost of their program is equivalent to what is charged to the other Oregon counties and be less expensive than any options I'd previously identified.

We are now well into Fall and our need to implement transitional housing is critical. As authorized by ORS 279B.080, our public contracting rules state that we "may make emergency procurements of goods or services," by describing the method used for the selection of the particular contractor (which has been stated above) and by documenting the nature of the emergency.

The nature of the emergency may be summarized by the following points:

- The process to establish a transitional housing program on the ground takes time as it is.
- Winter is coming and the weather has already created challenges for homeless offenders.
- We currently have specific offenders in crisis who pose a risk to the community, regularly land in jail, and who would qualify for transitional housing and benefit from its programs.
- The funding for this program comes from State grants with deadlines ending this fiscal year.

Based on this background I am requesting that the Board grant an Emergency Procurement Exemption for the direct appointment of a Transitional Housing Contract with Bridges to Change according to General Provision 21(3)(a)(ii) of the Wasco County Public Contracting Regulations.

Thank you for your consideration on this matter.

Fritz Osborne  
Manager, Wasco County Community Corrections

## **Agenda Item**

**Executive Session Per ORS 192.660 (2)(i) to review and evaluate the employment-related performance of the Chief Executive Officer of any public body, a public officer, employee or staff member who does not request an open hearing**

- [No documents have been submitted for this item –  
Return to Agenda](#)

Database Growth 2010-2016

