WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION / AGENDA WEDNESDAY,AUGUST 5, 2015
LOCATION: Wasco County Courthouse, Room #302
511 Washington Street, The Dalles, OR 97058

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

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

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

9:00 a.m. **CALL TO ORDER**

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

- Corrections or Additions to the Agenda
- Administrative Officer - Tyler Stone: Comments
- Discussion Items (Items of general Commission discussion, not otherwise listed on the Agenda) Surplussing Water Craft and Trailer, The Dalles Chronical Legal Notices Contract, Title VI Policy, Local Public Safety Coordinating Council Appointment, Facilitation Contract, Chamber of Commerce Dues, Board Reassignments
- Consent Agenda (Items of a routine nature: minutes, documents, items previously discussed.) Minutes: 8.5.2015 Regular Session

9:30 a.m. **Mid-Columbia Center for Living Community Development Grant Public Hearing**
Ordinance Ratifying Intergovernmental Agreement (IGA)
Mid-Columbia Center for Living/Wasco, Hood River, & Sherman Counties IGA – Barbara Seatter

9:50 a.m. **Amended Vacation Policy** – Chris McNeel

10:00 a.m. **Charter Franchise Agreement** – Tyler Stone

10:10 a.m. **Wasco County Soil & Water Conservation District Mill Creek Project** – Shilah Olson

10:25 a.m. **Coordinated Care Organization Update** - Molly Rogers, Coco Yakley, Dr. Kristen Dillon

10:45 a.m. **Home Rehabilitation Program** – Richard Morrow

11:00 a.m. **Marijuana Legislation & Local Regulations Overview** – Angie Brewer

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
AUGUST 5, 2015

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

At 9:00 a.m. Chair Hege opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance. He explained that there had been a plan to have only one Board session in August; many months ago, Commissioner Runyon had planned a vacation for this time and so is calling in to participate in today's session.

Ms. White said that the ODVA item was being addressed through the Finance office and there are two additions to the agenda:

- Additional staff for Community Corrections
- Accepting and Appropriating PUD Grant Funding for the Fort Dalles Museum

Public Comment – Enterprise Zone

Widge Johnson commended the negotiating team on the work they did to achieve an agreement with Design LLC (Google).

Discussion List – Additional Staff for Community Corrections

Sheriff Rick Eiesland reported that the State budget has been finalized and 1145/3194 funding for Public Safety are both up – there is a total of nearly $878,000 for the biennium. He reminded the Board that last November Community Corrections had lost a position through attrition; that position was not filled. He said that with the additional funding, he would like to move forward to add the fourth position back to Community Corrections. He stated that the manager currently carries a case load and will continue to have cases.

Chair Hege asked what the staff size had been previously. Sheriff Eiesland replied that at one time there were four plus the manager, explaining that the office used to do misdemeanors but is not funded for that work. He added that they do some limited misdemeanor work for diversion and domestic assaults. He said that they no longer participate in Drug Court, but their participation in that program makes for a smoother transition. He stated that with the extra money they hope to start some new programs.

Chair Hege asked if any of the money would be used to support that jail component. Sheriff Eiesland responded that it would be an upcoming discussion at the Local Public Safety Coordinating Council. He said that he would appreciate a Commissioner engaging in that discussion to help form a recommendation to LPSCC. He added that he would appreciate Mr. Stone's participation as well.

Chair Hege asked if that has always been the process. Sheriff Eiesland replied that it is in statute and said that HB3194 is placing more responsibility with LPSCC to help distribute the money.

Commissioner Runyon noted that he serves on LPSCC and would be happy to work with Sheriff Eiesland to form a recommendation. He said he thinks that each of the other Commissioners should have a conversation with the Sheriff to be informed and offer feedback.

{{{Commissioner Kramer moved to approve the Sheriff's request to hire a new Parole Officer at Community Corrections. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Victim's Assistance

Victim's Assistance Coordinator Judy Urness explained that the County receives two

grants for Victim's Services. She noted that historically the grants are secured through separate application processes but this year the State has integrated the two grants into one online application process. She said that she hopes to have everything ready by Friday for Chair Hege's signature.

Chair Hege said that historically there have been compliance issues with these applications; he asked if it has been reviewed to be sure the County is compliant.

Mr. Stone said he has the same concerns each time this and similar grants come up for renewal. He stated that these kinds of grants place a burden on the County for an Equal Employment Opportunity Plan which can cost $10,000-$15,000 to establish and also has costly annual maintenance costs.

Ms. Urness stated that she filled out an EEOP form and it was acceptable. She acknowledged that some of the funding is federal. Chair Hege said that it concerns him and he wants to make sure.

{{{Commissioner Kramer moved to approve the Oregon Department of Justice 2015-2017 Victims of Crime Act & Criminal Fine Account Non-Competitive Program Grant Application. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – IGA 9908 Amendment 2

Ms. White explained that this amendment extends funding for the Truancy Program administered by Youth Services. She said that Juvenile Director Molly Rogers meets monthly with representatives from the schools, courts, law enforcement, etc. to collaborate on solutions to truancy issues. In addition, during the school year there is a Student Success Team that meets with students and their families who struggle with attendance challenges to brainstorm strategies for keeping the student engaged in their education.

{{{Commissioner Kramer moved to approve IGA 9908 Amendment 2. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – ODOT Agreement #30775

Ms. White reminded the Board that at the July 17, 2015 session, MCCOG Transportation Director Dan Schwanz had presented a contract in which the County engages MCCOG to operate the Dial-a-Ride program for Wasco County. At that

time he had explained that a contract would be forthcoming from the State for the funding of this program but he would be unable to be here to present that contract. Ms. White explained that this is the contract to which Mr. Schwanz referred. The matching funds are from MCCOG.

{{{Commissioner Runyon moved to approve Oregon Department of Transportation Public Transit Division Agreement #30775 Operating #5310. Commissioner Kramer seconded the motion which passed unanimously.}}}

Discussion List – Economic Development Commission Appointment

Ms. White explained that Jeff Renard had stepped down from Position 6 on the EDC; this position represented The Dalles Chamber of Commerce. She said that when the EDC redefined their role, they also redefined Position 6 to represent all the Chambers of Commerce in Wasco County. However, since this appointment completed the term of a The Dalles Chamber member, they felt it appropriate to fill that with someone from The Dalles Chamber of Commerce.

Commissioner Runyon said that he thinks Ms. Wimmer will be an excellent addition to the EDC. Both Chair Hege and Commissioner Kramer concurred.

{{{Commissioner Kramer moved to approve Order 15-065 appointing Nan Wimmer to Position 6 on the Economic Development Commission. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Early Learning Hub Appointment

Commissioner Kramer announced that on Friday he would be attending interviews for candidates to act as a coordinator for the project. He said that he has been in contact with Youth Think Coordinator Debby Jones who has graciously agreed to be the Wasco County Representative on the Early Learning Hub Governance Board.

Chair Hege asked if the Hub has been officially recognized. Commissioner Kramer replied that it had been. Chair Hege asked if there is funding for it. Commissioner Kramer said that there is some funding. He reported that Superintendent of the Columbia Gorge Educational Service District Gary Peterson is Chair of the Governance Board and Child Care Partners Director Nancey Patten is Vice Chair. He thanked Ms. Jones for her willingness to serve and expressed his confidence in her. Commissioner Runyon added that it is difficult to find volunteers and Ms. Jones has a lot of good experience to bring to the table.

{{{Commissioner Kramer moved to approve Order #15-066 appointing Debby Jones as Wasco County's representative on the Four Rivers Early Learning Hub Governance Board. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Boat Ramp Sign

Commissioner Kramer said that this is the proposed sign for the boat ramp in Pine Hollow. He said that he wanted to be sure that Board has an opportunity to approve the County being added to the sign; he said that he can support either choice. He noted that he has worked on this project for two years and is moving forward with the South Wasco Alliance as the potential lead. He stated that private businesses and citizens have provided the matching funds for the Oregon State Marine Board MAP grant. SWA has proposed the sign so that users are aware of who is supporting the amenity for the community.

Chair Hege stated that he thinks the sign is great; it is good to recognize contributors. He said that the County does not need to be on the sign but he does not have any issues with the County being included on the sign.

Commissioner Runyon thanked Commissioner Kramer for all his work on this. He observed that all three Commissioners have connected with the SWA but Commissioner Kramer has gone over and above in his efforts.

*****The Board was in consensus to allow the County to be included on the SWA sign for the Pine Hollow boat ramp facility.*****

Agenda Item – Solid Waste Advisory Committee Franchise Recommendation

SWAC Chair Dr. Vern Harpole said that at its last meeting the Solid Waste Advisory Committee had received a request from Mel's Sanitary to approve the sale of that business to Waste Connections. He said that SWAC recommends that the sale be approved. He added that SWAC would like to thank Commissioner Kramer who has taken on the task of rewriting some of the documents that are in real need of repair.

Commissioner Kramer said that John Zalaznick and Erwin Sweetam are also participating in that effort. He stated that as they complete their work on the documents, they will move then on the Mr. Stone and County Counsel.

Chair Hege asked if statute requires that the Board of Commissioners approve the sale. Dr. Harpole replied affirmatively.

Mr. Stone reported that this process has already been moved to County Counsel Kristen Campbell; he stated that should the Board choose to move forward with a recommendation, he would recommend they do so with the caveat that it be with the concurrence of counsel. He said perhaps Commissioner Kramer has more detail.

Commissioner Kramer said that he does not think the transfer will hinder operations but that Keith Mobley has more detail. Mr. Mobley explained that he is representing Mel's Sanitary. He said that this is semi-routine but involves a franchise from the County and he is happy to help address any issues that may be encountered.

Chair Hege asked that Mr. Stone work with Ms. Campbell.

Commissioner Kramer asked if the boundary will change. Mr. Sweetam replied that it will not.

Lisa Gambee said that she has just set up with Mel's Sanitary and wanted to know if the recycling service will continue. Mel Barlow replied that it will be closed but residents will be able to go to Maupin or The Dalles for recycling.

Commissioner Kramer said that there will be a conversation at Household Hazardous Waste regarding the recycling; he hopes there will be a solution in the future. He disclosed that he had previously been employed by Mel's Sanitary but was no longer an employee and will not financially profit from this transaction.

{{{Commissioner Kramer moved to accept the recommendation for the sale and transfer of franchise pending legal review. Commissioner Runyon seconded the motions which passed unanimously.}}}

Mr. Barlow thanked the residents of Wasco County for the privilege of serving them. Commissioner Kramer thanked Mr. Barlow for being such a good corporate citizen.

Discussion List – Accept and Appropriate Resolution

Ms. White reminded the Board that at a previous Board session they had approved the Museum Commission's application for grant funds from the Northern Wasco County PUD. Those funds have been awarded and at a subsequent session the Board approved a letter requesting the release of those funds. She reported that the County has since received the funds which cannot be accessed until they are accepted and

appropriated in the budget. She explained that this resolution is the mechanism to accomplish that so that the work can go forward.

{{{Commissioner Kramer moved to approve Resolution 15-009 accepting and appropriating unanticipated Northern Wasco County grant funds in the amount of $9,871.25 during fiscal year 2015-2016. Commissioner Runyon seconded the motion which passed unanimously.}}}

Consent Agenda – Minutes/Plat

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

Agenda Item – Senior Planner Position

Planning Director Angie Brewer reported that an offer has been extended to a Senior Planner candidate. She thanked members of the staff for their participation in the interview process. She stated that the candidate has responded with a salary request that coincides with Step 5. She said that the candidate is highly qualified for this key position and she strongly encouraged the Board to approve the request. She stated that no other applicant brought the same level of qualifications; he brings more than 15 years of experience as a planner and planning director and has tentatively accepted the offer.

Commissioner Runyon said that he has spent time with both Ms. Brewer and Mr. Stone regarding the candidate and is pleased with the selection.

Chair Hege asked if the Planning Commission had been involved in the process. Ms. Brewer replied that they had not participated in the interview process but she has kept them updated.

Commissioner Kramer stated he had also had a conversation with Ms. Brewer and approves of the selection.

{{{Commissioner Kramer moved to approve Step 5 for the Senior Planner candidate and to move forward with the hire. Commissioner Runyon seconded the motions which passed unanimously.}}}

Chair Hege asked about the other open positions in the Planning Department. Ms. Brewer replied that she would be meeting with Human Resource Generalist Barbara Case next week to create job descriptions. She said she has been wearing both the

Planning Director and Senior Planner hats for many months and is excited to have a new Senior Planner.

Agenda Item – Public Works

PUBLIC WORKS BUILDING UPDATE

Public Works Director Arthur Smith reported that he had contacted the Peter Meijer Architect to negotiate a scope of work to deliver what the County wants and reduce costs. He said that the negotiations are going well and the firm has been very receptive to have a partnership to give the County the desired product. Ms. Brewer added that it may be that reducing costs will mean getting only one or two options rather than the three originally requested.

Chair Hege said that they should use their professional judgement. Mr. Smith said that there will be a proposal that will be forwarded to the Board for comment.

Mr. Stone said that one option would be fine if the County has significant input in the design process.

Chair Hege asked if some of the other easier items have been addressed. Ms. Brewer replied that they have done some of the small things but most of it is still coming; the backlog at Planning and work load at Public Works has slowed progress.

WARM SPRINGS WEED CONTRACT

Mr. Smith explained that the County has had a relationship with the Confederated Tribes of Warm Springs since the 80s; the contract is up for renewal and the Tribes want to continue. He said that the contract was reviewed by County Counsel and returned with comments. He said he is working to come up with language that will be acceptable to both the Tribes and the County. He said that he wants to get the contract approved; the Weed Department needs this work and he would like to move forward.

Commissioner Kramer questioned the 2014 start date in the contract. Mr. Smith replied that it was a typo and is being corrected.

Chair Hege asked if this contract covers County costs. Mr. Smith replies that it does; it is a good contract for the County.

{{{Commissioner Kramer moved to approve the Confederated Tribe of Warm

Springs weed Control Contract pending County Counsel approval. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege noted that the County owns land on 7 Mile where there had been a pit; he said that there is a weed problem there and wanted to know if Weed Superintendent Merle Keys is working on that. Mr. Smith replied that the problem at that site is skeleton weed which can only be effectively sprayed during certain times in its growth cycle. He said that Mr. Keys is aware of the problem and will be addressing it at the appropriate time.

CITY OF THE DALLES/WASCO COUNTY COLLABORATIVE ROADS PROJECT

Mr. Smith said that the work on this project will begin on August 17th with 30 projected segments in the scope of work. He said that the materials have been ordered and jobs assigned. He reported that a lot of time has gone into the logistics. He suggested that August 18th would be a good opportunity for a site inspection. He said he would continue to work with Ms. White to make those arrangements.

WAMIC GRADE PROJECT FUNDS TRANSFER AGREEMENT AMENDMENT

Mr. Smith said that he had worked with former Finance Director Monica Morris on this before she left. He said that she had advised that his authority for this project resided in the 2014-2015 fiscal year and suggested that he send the money to them at that time in case there were any cost overruns. This transfer agreement recognizes that payment. He said that the project is going smoothly and it is possible that the County will get the money back.

Commissioner Kramer observed that the traffic control for the project seems to be going well. Mr. Smith agreed saying that he has not received any calls. Sherry Smith did contact him to say that 20 minute delays may be too long on days when the temperature exceeds 100°; the crews have been trying to mitigate that circumstance. He stated that the contractor has also been working with the local agricultural community for the movement of farm implements.
Commissioner Kramer pointed out that there is a little bit of pain to get this big project done and the local community seems to be adjusting to it. Mr. Smith stated that it should be paved and striped by the end of September; it will be the best road in the County when it is done.

{{{Commissioner Kramer moved to approve the Western Federal Lands

Highway Division, FHWA Agreement #DTFH70-14-E-00012 Amendment 3 for the Cody Road-Wamic Market Grade Reconstruction. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege called a recess at 10:10 a.m.

The session reconvened at 10:15 a.m.

Agenda Item – Assessor's Report

County Assessor Jill Amery reviewed the numbers in the report included in the Board Packet. She reported that it has been a much smoother process than last year although they have discovered some things in the Ascend program that can be improved for next year.

Chair Hege asked about the money set aside for a possible Comcast refund. Ms. Amery replied that there are some legislative issues regarding how Comcast and other cable network providers are taxed – their tax funds along with interest have been set aside in case a refund is directed. She said that there was a decision made but a portion was sent back to the judge for further deliberation. She said that the interest on the taxes is significant – 16-18%.

Chair Hege stated that the interest rate should float with the market. Ms. Amery agreed saying that it is very difficult for taxpayers who fall behind to catch up when the interest rate is so high; however, it is set in statute.

Chair Hege asked if Ms. Amery has been attending the Assessor's meetings. Ms. Amery replied that she has not had time to go to the meetings that require travel but has attended those that are more local. She reported that there is a conference in Hood River next week that she will be attending.

Ms. Amery went on to say that June 30 was a challenge last year but there is now a monthly process in place that has helped and this year has gone smoothly.

She reported that credit card payments were implemented at the counter and on the website in October of last year. They also accept e-checks which carry a flat fee of $2.00. She said that they took 134 credit card payments and 15 e-checks which is good for the first year as it takes a while for people to catch on.

Chair Hege asked if we are promoting the electronic payments. Ms. Amery replied

that they will put the information in the mailings. She said that this should help those last-minute payers avoid late fees. Chair Hege asked if the bill comes up when paying online. Ms. Amery responded that it does – there is a new software version coming out that they are waiting to implement.

Ms. Amery stated that Lane County is helping to make mapping changes happen more quickly. She is waiting for a report from them so she can look at costs. This will help inform the fee structure and she expects some fees will come down while others will increase.

Ms. Amery said that the conversion work is going on full time now – about 15 are entered per day with a backlog of 6,000. She said that the appraiser trainee coming onboard will help with the conversion work. She said that the trainee already has some experience and will be sitting for the exam very soon.

Ms. Amery reported that they have one more position to fill; private industry is booming and it is hard to get someone. She said that even when the data is all entered there will be more work to do to make it usable and they will need the staff. She stated that their CAFFA funding has increased commensurate with the increased staffing. She said she expects $196,000 but the state is predicting less.

Ms. Amery said that the committee formed to address the issue of County-owned properties has met and is identifying which properties can be sold. Once that list is complete, they will review it and make recommendations for action.

In conclusion, Ms. Amery reported that her staff is a well-functioning team. She said that they still have a lot to do but are looking forward and she is very proud of them.

Chair Hege asked if it is possible to get the tax codes into the GIS system. Ms. Amery replied that when the Ascend web information is available she will talk to Tycho Granville to see what is possible. She said the information will be available through the Assessor's system. She added that she has a map that outlines the tax code areas and even if that could be overlaid in the GIS system, it would be helpful.
Chair Hege asked for an update on the status of Treasury and how the interface is going with that office.

Mr. Stone reported that Interim Finance Director Debbie Smith-Wagar has made a lot of progress; there is $2,000 that they are trying to find; we know where it is on the tax side but need to find it in finance. He said that they now reconcile monthly and

the relationship with the Assessor is solid, they just have to overcome all the transition glitches. Things are going well; internal controls are being set up and he feels positive about the process and where we are.

Chair Hege asked about the upcoming audit. Mr. Stone said that items that needed to be addressed have been and that will be recognized in the audit. However, he predicts there will be findings as we will be looking at a time when the County was still challenged with Treasury issues, but those findings will include the fact that the County has taken the necessary steps to correct the situation.

Ms. Amery added that the new accounting clerk in Finance is great; they just did their download and it was to the penny. She said that in reconciling there is a $50 discrepancy but they think they know where it is. She reported that they are implementing Lock Box and want to have it in place this year.

Mr. Stone said that a year ago there was not a team aspect; now there is a great team effort and they are supporting one another interdepartmentally.

Chair Hege said this represents a huge sigh of relief.

Retired County Clerk Linda Brown said she has some information Ms. White had requested. Mr. Stone said that as part of the changes made at Community Corrections, staff had been moved to a 40 hour week and there was some question as to whether or not that could be done; he had asked when the 37.5 hour week had been instituted and to whom it applied.

Ms. Brown said that a 1968 ballot measure had put the County under civil service. The first personnel ordinance had set the hours of operation at 8:30 a.m. to 5:00 p.m. She reported that the ordinance says that the Courthouse employees work a 7.5 hour day and those outside the Courthouse work an 8 hour day.

Mr. Stone said that as soon as an HR person is hired, they will be looking at the ordinance to update or eliminate it, noting that it is outdated. He pointed out that there are a lot of big projects that need attention and he does not want to overwhelm staff.

Agenda Item – Walnut Street Property

Facilities Manager Fred Davis reported that he did a thorough walk-through of the property and has some solid information on what needs to be done. He said that he

had spoken to the Mid-Columbia Housing Authority and they are not running a rental program at this time. He then reviewed the memo included in the Board Packet.

Commissioner Runyon asked what the options are outside of leveling the house. Mr. Davis responded that they could try to sell it for $1.00 and have it moved or close it up which will attract vandalism and squatting.

Commissioner Runyon said that if it is not leveled the upgrades will have to be done. He asked what the County would do with the property if the house were to be removed. Mr. Davis said that removing the house will eliminate the costs and risks associated with it; longer term it is an advantage to have the property but there are no immediate plans or needs. He said it would have to be fenced.

Commissioner Runyon asked if there is any potential for cell towers on the property. Mr. Stone replied that the nearby BPA tower provides too much interference. Mr. Davis added that a cell tower would require a 20 year lease that might interfere with County plans for the property.

Chair Hege noted that the $20,000 - $25,000 needed to improve the property would take over 2 years to recover through rent. He said that if the County has plans to develop the property it does not make sense. He said he thinks we should look into having it moved and if that does not work, look at the cost of razing. He said that in his opinion, it doesn't make sense to invest in the house.

Commissioner Kramer agreed. Commissioner Runyon said that we definitely need to look at both options.

*****The Board was in consensus to direct Facilities Manager Fred Davis to move forward to explore the possibility of having the Walnut Street house moved and determine the cost of having it razed.*****

Keith Mobley observed that Habitat for Humanity might be interested in the house.

Mr. Stone reported that with the addition of more staff to the Assessor's office they are running out of space. He noted that the Clerk has a staff of 4 while the Assessor has a staff of 13 and they have talked about the possibility of swapping space. He said that the other option is the unused jail cell space but that would take a lot of renovation to make it useful.

Agenda Item – Proposed Tax Levy

Veterans Service Officer Russell Jones said that at the July 17th Board session, the Veterans Services Advisory Committee had requested a tax levy to support the Veterans Service Office. The Board had questions and they are here today to answer those questions. He provided an informational hand-out to the Board (attached).

Mr. Jones stated that the current budget for the office is $131,000. He reported that the volunteer coordinator is retiring from that position. He said that the State has recognized their volunteer staffing program and he would like for that to continue. He said that they would like to add a member to their staff to act as office manager and volunteer coordinator. He said the additional staff would require a total budget of $196,000. He stated that the requested levy would bring in approximately $230,000 after compression, which is about $30,000 more than what is needed. He said that the question becomes whether they want to pursue the levy or ask the Board to support the third position.

Further discussion ensued regarding the other possibilities for legislative changes that might allow for a veterans taxing district. Chair Hege stated that he would support the idea of taking this to a vote if the funds could be outside of general fund dollars. Commissioner Kramer said that he could support that but pointed out that the community has already said they are not interested in any new taxes.

Mr. Stone said that they would do more work to explore that.

Commissioner Runyon said that he understands the passion involved in this issue and he would like to recognize all that has already taken place to support the veterans program.

Mr. Jones pointed out that the funding for Patrick Wilbern's position will expire in 2016. Chair Hege said that can be addressed through the normal budget process. Mr. Stone said that he will continue to support the current service level while moving through this exploratory process.
Chair Hege called a recess at 11:28 a.m.

The session reconvened at 11:32 a.m.

Agenda Item – Enterprise Zone Resolution and Agreement

Chair Hege said that the Board heard from many people and is ready to hear from anyone today who has not spoken previously or has something new to say.

Ms. Coats asked if the agreement has a decommissioning clause. Chair Hege said that is a good point but there is not such a clause. He stated that he has not seen those types of clauses in other than wind farms.

Ms. Coats pointed out that the facility is on the Riverfront Trail and would be an eyesore if abandoned. Chair Hege replied that he understands the concern but he is not concerned about that.

Mike Bertrand thanked the City and the County for holding the hearing on Monday evening. He said that it provided an opportunity to hear a variety of issues and concerns. He said that one thing he did not hear was about property tax relief. He said that when the PUD was contemplating a large project 40 years ago they engaged in a public relations campaign to educate the public; the result was that they got 80% of the vote. He said that he believed this should go to a vote as well. He said that he thinks this should be a 50/50 deal. He said that he understands why the taxing authorities are enamored of the deal as they will get some money from it. He asked if the money has been allocated.

Chair Hege replied that the City has done more work around allocation than the County has; the County has deferred those decisions until the funds are being realized. Mr. Bertrand said that he doesn't see money going out to other towns in the County and thinks there needs to be more.

Wayne Lease said that Google will begin paying $800,000 in the next fiscal year for the second enterprise zone. He asked when payments will begin for the third enterprise zone. Chair Hege replied that it will start once the facility has been built. Mayor Steve Lawrence said that he thinks that 2018 should be the year after it goes on line.

Mr. Lease said that there will be instant gratification as there will be revenue for the building permit fee which will probably be three times greater than the last fee they paid. He said that the last fee they paid was misused and the County needs to make it clear to MCCOG that they need to be transparent and fiscally responsible for how that money is managed. He went on to say that we have a high dropout rate and SD21 is not the only district in the County. He said that we lack vocational programs.

Chair Hege said that there will also be an initial payment at a minimum of $1.4 million plus one-quarter million for the Port of The Dalles.

Corliss Marsh said that she has been to the hearing and the City Council meeting; she appreciates the team and supports the agreement but is concerned about how it is distributed. She pointed out that if the money were being collected as taxes the Library would be getting some of those funds. She asked how the distribution would be decided.

Chair Hege replied that this is a unique situation in that the City and County jointly operate the Enterprise Zone and technically will decide the distribution of the funds. He said that they want to be transparent. He noted that Representative Huffman has suggested that it be done on the distribution formula and he expects that they will talk about that again. He reported that he had been for that method of distribution but to think about it further they want to talk about how the resources can be best used as opposed to dividing it up based on the tax distribution formula. He said they try to use the initial fee for projects that will have a significant impact. Mayor Lawrence added that they would also like to see an immediate impact.

Ms. Marsh asked how the school district got 30% of the last Enterprise Zone fee. Mayor Lawrence said that the City gets 35%, the County gets 35% and the School District gets 30% and each can determine how to use those funds. He reported that last time they talked to people to see where the needs were; then it came before the governing bodies. He said that perhaps they could have hearings to get more input. He said that when they got the first $250,000 they agreed to give the college $100,000 a year to develop an IT program. He said that the college got the funds for seven years but never developed the program. He stated that it was then recommended that they be given $75,000 per year for two years after which the funding would end. He said that what they learned from that experience is that when the funds are distributed they need to be accompanied by an IGA to set goals and checks. He said that is what happened with the School District. He said they do not second guess them but want to make sure it is being spent as agreed. He said that they plan to do that for everyone; it was done openly and in Council – approved by both governing bodies. He said that perhaps they need to take an extra step to allow for more public input.

Keith Mobley said that he returned to the area in 1988 with an interest in telecommunication and broadband; out of that came QLife with the hope that there would be benefits and there have been - it is a community asset. He said that Google came in to the area in 2002 with many NDAs; he said that there had been another community that had broken their NDAs and that is why Google came here. He

pointed out that other data centers have come to Oregon and to here because they got better deals elsewhere and because we have gotten better at negotiating. He said that this is a good deal and having Google here has been good for our community and should be celebrated. He said that the negotiating team should be congratulated and he heartily endorses it.

Chair Hege pointed out that this is Google's first data center in the U.S.; they have located around the world and could go other places.

Rodger Nichols said that it is interesting that entities that live with and curse government edicts turn around and put strings on the money they put out. He said he would rather that the school spend money on classes.

Widge Johnson said that the thinks this is wonderful and the team did a great job except that in the eight months they should have thought about carving out a chunk of time at the end to market it to the public. She said that in the four business days between the announcement and the public hearing she had to scramble for information to answer her questions. She asked that they keep that in mind for the future. She pointed out that this is not the first time it has happened. She said that they need to give people more time; she thinks the community is for it, they just want to be part of it. Chair Hege said that he thinks those are wise comments and he concurs.

Superintendent Candi Armstrong thanked the team for their hard work in bringing this forward. She said that at the hearing she spoke of Google being a benefit. She noted that the School Board is neutral and the Enterprise Zone is the prevue of the City and County. She said that the curb appeal decision was made because when people come to locate here they drive by the school and find that it is not appealing. She said that they have spent their funds on education and this was an opportunity to improve the issue of curb appeal. Mayor Lawrence added that the requirement that the mascot change was very expensive for signage, etc. and this was a way to fund that without taking money away from education.

Mr. Bertrand asked Mr. Stone if he thinks we got enough money. Mr. Stone said that he is an Administrative Officer and Administrative Officers always want more but this is the deal that was struck.

Commissioner Kramer read an email from Mike Davis into the record (attached).

Lisa Gambee stated that she is a South Wasco County resident and now County Clerk; she is also a member of the South Wasco Alliance. She said that one of the unforeseen benefits of Google was a grant to run a survey to see what is needed in rural Wasco County for connectivity. She said that they were able to feed that information to the State to get more funds to bring high speed internet broad band to the rural communities. She pointed out that these benefits are not part of the agreement but would not happen without Google's presence in the community. She said she supports the agreement.

Chair Hege said that it was a good comment; Google is not a headline-grabber and they don't want this to be a company town but they do a lot of good in the community.

Commissioner Kramer reported that Dufur has also benefitted; they now have desk top and laptop computers available for check-out. He said that they have also gotten computer science instruction and Gorge Explorers that Google put together for STEM. He said that they identify students that are falling behind and tutor them to get them up to speed. He said that they do many things in the community – the wind challenge, Gravity Games and 4-H programs.

Al Wynn said that he is not opposed to the agreement but for him the rush is the problem – it is out of balance. He said that the community needs time to digest – the team had eight months to understand. He said that he thinks it would be prudent to slow it down and not let fear drive the decision.

Mr. Bertrand asked what the discussion had been at the City. Chair Hege replied that there had been a lot of discussion among the Council members.

Mr. Lease asked how this was decided. Chair Hege replied that it began eight months ago and Google had hoped they would be done by mid-January. He said that the negotiating team thought the timeline was optimistic. He said that there was a lot of negotiation and the team took the necessary amount of time to get an agreement that was good for both. He said that as they got to the end of Google's time frame he does not think that the time pressure was not fear but reality. He said that this is not a done deal on the Google side as it has to go through their process for approval. He said that there is a timing element for them; they are running a business and they have a legitimate need for a decision.

Mr. Lease asked when they had the first opportunity to tell the public. Chair Hege

replied that on the Friday before the Monday joint executive session it was determined that it was ready for the City Council and Board of Commissioners to see it and determine if it could go to the public. He said that following that meeting was the first opportunity to get it out to the public. He said that there were some parallel negotiations that occurred elsewhere.

Brenda Coats said that she does not think that her concerns about decommissioning were heard. She said that she recognizes that Chair Hege has some credentials that most do not possess but the wind farms had to learn the hard way. She said that she believes that the curb appeal of the school is important; when we don't take care of it, it says that we don't care about our community. She said that if Google does not plan to leave, they won't mind a decommissioning clause.

Victor Johnson asked that if they knew then what they know now would they go back and create a space up front in the negotiations to allow for the public to digest the information. He said that if the answer is yes, that is a blind spot; if there is one blind spot, there is the possibility of others. He said that he is on board and thinks that the Board should pass it today but even the Councilors and Commissioners had a short review time and that should be considered for the future. He said that he hopes that the Board is hearing this and listening to the community – the community wants to feel they are a part of this. He said that right now you are about 50/50 but with more time could have more in favor - 70/30 or 80/20.

Mayor Lawrence said that he had said something that was misinterpreted. When he had pointed out that the City and County were not mandated to have the public hearing he was trying to illustrate that despite that they had chosen to do so and in fact insisted upon it in negotiations. He said that he was sorry for the misunderstanding.

Mr. Mobley said that the public hearing and today's meeting have been exemplary – people have been given an opportunity to speak. He said that he must point out that this is a representative form of government. He said that our governing bodies have presented to us a package that is well worth our approval. He said it would have been nice to have more time and this will inform us in the future to do that.

Mr. Lease stated that he is grateful for the work that has been done by the team.

Chair Hege said that everyone who comes to speak is appreciated – attendance is typically very low and the Board wishes more people would become engaged in local government.

Chair Hege closed public testimony and asked the Commissioners how they wanted to move forward.

Commissioner Kramer said that he has heard all of the testimony and from others who have contacted the Board but could not attend. He said that the constituents who put him in office have told him overwhelmingly to move forward with this process. He said that there is more than one issue and the Board has received the message loud and clear; they will make sure in the future they will do more to hear from the public.

{{{Commissioner Kramer moved to approve Resolution 15-008 approving a third enterprise tax abatement agreement with Wasco County and Design LLC. Commissioner Runyon seconded the motion.

DISCUSSION

Commissioner Runyon said he is sorry that he cannot be there but he has spent time calling people. He also stated that he has confidence in the people who were negotiating. This has not been a five or six day deal; people we trust put in a lot of hours to come to this agreement. He said that he has read a lot of emails and gone over his hearing notes; one thing that has struck him is that this one company is doing so much more than a lot of smaller companies could have done. He stated that Google is the vanguard of other companies seeing their success in being here and will want to come as well. He said other industries will look at the Port because Google is there. He said another citizen pointed out that we are getting a lot of high-wage earners in the community – talented people who spend their money here even if they live elsewhere. He added that those talented people may decide to stay with Google or perhaps start their own business here. He said that this is a long-term relationship. He said that the County will keep options open and be thorough in the decisions on how to spend the money.

Chair Hege said that he has been involved in this a long time and feels very strongly that this is an incredible thing. He stated that he has been in economic development for a long time and this doesn't happen very often. He said that he realizes that people are frustrated and think that they were not heard but he said that the Board has listened and a lot of good points have been made. He said he has taken in all the concerns that he has heard and wants to address some of those concerns.

He said that one concern is that Google needs to pay more – over 50% of the people who commented mentioned that. He said that he does not agree. He stated that he

likes a company to come that is successful and wealthy as opposed to a company that is struggling. He said that although it may not be a lot for Google, it is a lot for this community. He said that the team fought hard – blood, sweat and tears; he is surprised that they got the deal that they got. He stated that at the minimum this is 6-10 times better than any other agreement in the State of Oregon – it is huge! He said that the fees are more than three times what the highest taxpayer pays.

Chair Hege went on to say that people said that the team was not competent to negotiate. He stated that he disagrees – there was a broad band of opinions on the team and it was not just a job for the team; this team cares about the community.

Chair Hege said that he agrees that there is a limited amount of land in the Port and diversification is important. He said that that was part of the discussion. He noted that the Port still has sites and will continue to invest and develop more sites. He said that diversification is a goal; he was at the Port for 15 years and when he started there, there was only one business. It takes time and effort and diversification is critical.

Chair Hege stated that he agrees that the Riverfront Trail needs to be considered. He reported that he has had many serious discussions with contacts at Google and they have committed to that; the public should engage in that discussion.

Chair Hege said that for the decisions regarding distribution transparency is key. He said that when those discussions occur they need to be thoughtful about the process.

Chair Hege said that he agrees that this was a short time and he worked hard on this – he really wanted to give the public more time. He said he lost on that issue and was sorry – he tried really hard and was on the phone last night trying to get more time. He said that he is not sure why, but they need for a decision to be made today.

Chair Hege called for a vote. The motion passed unanimously.}}}

{{{Commissioner Kramer moved to enter into an agreement for a third Enterprise Zone Tax Abatement Agreement between the City of the Dalles, Wasco County and Design LLC. Commissioner Runyon seconded the motion which passed unanimously.}}}

Commissioner Runyon stated that it is a job well-done.

Chair Hege adjourned the meeting at 12:49 p.m.

Summary of Actions

Motions Passed

- **To approve the Sheriff's request to hire a new Parole Officer at Community Corrections.**
- **To approve the Oregon Department of Justice 2015-2017 Victims of Crime Act & Criminal Fine Account Non-Competitive Program Grant Application.**
- **To approve IGA 9908 Amendment 2.**
- **To approve Oregon Department of Transportation Public Transit Division Agreement #30775 Operating #5310.**
- **To approve Order 15-065 appointing Nan Wimmer to Position 6 on the Economic Development Commission.**
- **To approve Order #15-066 appointing Debby Jones as Wasco County's representative on the Four Rivers Early Learning Hub Governance Board.**
- **To accept the recommendation for the sale and transfer of franchise pending legal review.**
- **To approve Resolution 15-009 accepting and appropriating unanticipated Northern Wasco County grant funds in the amount of $9,871.25 during fiscal year 2015-2016.**
- **To approve the Consent Agenda – 7.1.2015 Regular Session Minutes, 7.8.2014 Special Session Minutes, 7.15.2015 Regular Session Minutes, Industrial Park Plat.**
- **To approve Step 5 for the Senior Planner candidate and to move forward with the hire.**
- **To approve the Confederated Tribe of Warm Springs Weed Control Contract pending County Counsel approval.**
- **To approve the Western Federal Lands Highway Division, FHWA**

Agreement #DTFH70-14-E-00012 Amendment 3 for the Cody Road-Wamic Market Grade Reconstruction.

- **To approve Resolution 15-008 approving a third enterprise tax abatement agreement with Wasco County and Design LLC.**

- **To enter into an agreement for a third Enterprise Zone Tax Abatement Agreement between the City of the Dalles, Wasco County and Design LLC.**

Consensus

- **To allow the County to be included on the SWA sign for the Pine Hollow boat ramp facility.**

- **To direct Facilities Manager Fred Davis to move forward to explore the possibility of having Walnut Street house moved and determine the cost of having it razed.**

WASCO COUNTY BOARD
OF COMMISSIONERS

Scott Hege, Commission Chair

Rod Runyon, County Commissioner

Steve Kramer, County Commissioner

Return to Agenda

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
AUGUST 19, 2015

DISCUSSION LIST

ACTION AND DISCUSSION ITEMS:

1. Surplussing Water Craft & Trailer – Lane Magill
2. The Dalles Chronicle Legal Notices Contract – Kathy White
3. Title VI Policy – Kathy White
4. LPSCC Appointment
5. Facilitation Contract – Commissioner Kramer
6. Chamber of Commerce Dues
7. Board Reassignments

Return to Agenda

Discussion Item
Surplussing Water Craft & Trailer

- Sheriff's Memo
- Discovery Maritime Letter & Photos
- Discovery Maritime Tax Exempt Designation
- OSMB Inventory Sheets
- Boat Title
- Disposition Recommendation
- Order 15-071 Surplussing Boat & Trailer

Return to Agenda

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 08/12/2015

Re: Surplus of County/State Vessel

Dear Commissioners:

A number of years ago the Wasco County Sheriff's Office in conjunction with the Oregon State Marine Board (OSMB), was transferred a 1993 Zodiac boating vessel and trailer from Tillamook County Sheriff's Office.

Wasco County no longer utilizes this equipment, and is requesting the equipment be surplus to the Discovery Maritime Museum. Please see the attached documentation of the organization. Also of note the vehicle has been authorized for liquidation by the OSMB. (See attached letter).

The following vehicle listed is the recommended vehicle:

- 1993 13' Hybrid PWC Zodiac (HIN# XDC05113F293) (1109 hours of service)
- 1993 EZ Loader Trailer (VIN# ZE1BCT18NAE22264)

Thank you for your consideration in this matter.

Sincerely,

Lane Magill
Chief Deputy

Return to Agenda

Discovery Maritime Museum is a non Profit Organization dedicated to preserving our country's maritime history through Youth education and Commercial and Military vessel restoration and operation.

Discovery Maritime is proud to charter and operate the Sea Scout Ship Discovery! This is a CO-ED venturing youth program through the Boy Scout of America, and teaches teens from 14 to 18 valuable life skills including: leadership, teamwork and builds a strong work ethic, in a maritime environment.

Sailing, power boating, scuba diving and military customs including regatta competitions and recognition and advancement programs, are just some of the components to this successful program. Additionally, all of the youth in the program complete the Oregon State Marine board Boaters Education Course.

The Sea Scouts volunteer for community events and programs, travel for competitions and events including "Safety at sea" and learn to not only operate, but maintain, restore and repair various vehicles, vessels and equipment.

If there are any questions we can answer, we are more than happy to do so! And we look forward to a continuing partnership with you.

Jason Franks - Skipper
Sea Scout Ship Discovery

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Return to Agenda





Return to Agenda



Return to Agenda

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUN 09 2015

DISCOVERY MARITIME MUSEUM
1414 EAST MAIN ST
KLAMATH FALLS, OR 97601

Employer Identification Number:
46-2939992
DLN:
17053099308005
Contact Person:
JUSTIN R PALMER ID# 31674
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
July 31
Public Charity Status:
509(a)(2)
Form 990 Required:
Yes
Effective Date of Exemption:
May 15, 2015
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Tamera Ripperda

Director, Exempt Organizations

Letter 947

We ensure with courtesy on Motor Vehicle list

OREGON MARINE LAW ENFORCEMENT ACTIVITY REPORTING

Home Staff Activities Citations Incidents Inventory Education Reports Admin Links

Logged In As: ***Roger L. Pearce*** *(Agency:* ***Wasco****, Admin Level: 3)*

OSMB Inventory

Agency: Wasco **Select Inventory:** TR-9 ;ZE1BCT18NAE22264

Agency:	Wasco
InventoryTypeID:	Trailer/E Plate#
Year:	1993
Manufacturer:	EZ Loader
Model:	
Length:	
Common Name:	TR-9
HIN/Serial:	ZE1BCT18NAE22264
OR Number:	
Photo:	No Image Browse...
Notes:	Trailer for 1993 Zodiac RHIB (93-23)
Active:	☑

Cancel Save

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Page last updated on: 1/21/2009 2:56:30 PM
Application Developed by: The Web Doctor

NO TITLE

Insured with Cantina, but not on Vehicle list

Motor

OREGON MARINE LAW ENFORCEMENT ACTIVITY REPORTING

Home Staff Activities Citations Incidents Inventory Education Reports Admin Links

Logged In As: ***Roger L. Pearce*** *(Agency:* ***Wasco****, Admin Level: 3)*

OSMB Inventory

Agency: Wasco **Select Inventory:** 93-23 1993 Zodiac;XDC05113F293

Agency:	Wasco
InventoryTypeID:	Patrol Boat
Year:	1993
Manufacturer:	Zodiac
Model:	Pro Jet
Length:	14'
Common Name:	93-23 1993 Zodiac
HIN/Serial:	XDC05113F293
OR Number:	OR251XCX
Photo:	No Image Browse...
Notes:	
Active:	☑

Cancel Save

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Page last updated on: 1/21/2009 2:56:30 PM
Application Developed by: The Web Doctor

STATE OF OREGON

CERTIFICATE OF TITLE FOR A BOAT

CERTIFICATE OF NUMBER	TITLE NUMBER	DATE ISSUED	HULL ID NUMBER
OR 251 XCX	A0389123	03/03/10	XDC05113F293

MANUFACTURER	MODEL YR	LENGTH	MTL	PROP	CONS	USE
ZODIAC	1993	13 09	5	1	1	8

LIENHOLDER / LEGAL OWNER

OREGON STATE MARINE BOARD
435 COMMERCIAL ST NE
SALEM, OR 97310

SIGNATURE(S) OF REGISTERED OWNER(S) BELOW, HEREBY RELEASES ALL INTEREST IN VESSEL DESCRIBED ABOVE.

REGISTERED OWNER(S)

WASCO COUNTY SHERIFFS OFFICE
511 WASHINGTON ST STE 102
THE DALLES, OR 97058

BY _____
REGISTERED OWNER SIGNATURE — DATE OF SALE

BY _____
REGISTERED OWNER SIGNATURE — DATE OF SALE

BY _____
LIENHOLDER: must use stamp, representative name, title — DATE

BY _____
LIENHOLDER: must use stamp, representative name, title — DATE

If vessel is sold or any interest assigned or released, this document, properly endorsed, must be received by the State Marine Board or a Marine Board Agent to transfer ownership. The title transfer fee is $30.00. Application for title transfer by the new owner must be received by the Marina Board or an agent within 30 days to avoid a $25.00 late penalty fee.

The Oregon State Marine Board hereby certifies that the applicant named heron has been duly registered as owner of the vessel described herein pursuant to ORS Chapter 830 and that documents filed with the Board show said vessel to be subject to the ownership and interest herein specified.

Control No. 085294
250-001 11/06

OREGON STATE MARINE BOARD

MULTIPLE SECURITY FEATURES - CONTROL NUMBER PENETRATES TO BACKSIDE

THIS DOCUMENT IS PRINTED ON WATERMARK PAPER - HOLD TO LIGHT TO VIEW

KEEP IN A SAFE PLACE
ANY ALTERATION OR ERASURE VOIDS THIS TITLE

REPORT OF TRANSFER

SELLER: Complete and submit this section to the Marine Board; PO BOX 14145; Salem OR 97309

CERTIFICATE OF NO.	MODEL YR	MANUFACTURER	HULL ID NUMBER	TITLE NO.
OR 251 XCX	1993	ZODIAC	XDC05113F293	A0389123

DATE SOLD: _____ NAME OF BUYER(S): _____

ADDRESS: _____

CITY/STATE/ZIP: _____ PH NUMBER: _____

BUYER SIGNATURE(s), if available _____

NEW TITLE RECIPIENTS:
Decals & Certificate of Number (registration card) are mailed separately. Current registration is transferred to the new owner. Contact the Marine Board at (503) 378-8587 for questions.

Request to Liquate OR 251 XCX

Wasco County 1993 13 foot Hybrid PWC Zodiac 1109 Hours

Condition:

Boat is Non Operational

1. The inflatable collar is rotten/sun damaged and does not hold air. There are two large rips that are not repairable. Photos Attached.
2. There is a 12 crack along the starboard side of the hull below the water line. Photo Attached.
3. Throttle cable are ripped out of the carburetor. (boat has been non-operational for two years)

Recommendation

6/19/2013

County sell the boat and use the proceeds (approximately $1000) within their marine program.

Return to Agenda

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

IN THE MATTER OF SURPLUSSING 1993 13'	)	
HYBRID PERSONAL WATER CRAFT ZODIAC	)	ORDER
HIN# XDC05113F293 AND 1993 EZ LOADER	)	#15-071
TRAILER VIN# ZE1BCT18NAE22264	)	

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

IT APPEARING TO THE BOARD: That said boat and trailer are no longer being used by the Wasco County Sheriff's Department; and

IT FUTHER APPEARING TO THE BOARD: That said boat has been authorized for liquidation by the Oregon State Marine Board.

NOW THEREFORE, IT IS HEREBY ORDERED: That above said boat and trailer will be considered surplus and the Sheriff is authorized to dispose of this equipment according to the Wasco County Contracting Regulations, Section 17 – Use or Disposal of Personal Property.

DATED this 18th day of August, 2015.

WASCO COUNTY BOARD
OF COMMISSIONERS

_____
Scott C. Hege, Chair

_____
Rod L. Runyon, County Commissioner

_____
Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

_____
Kristen Campbell
Wasco County Counsel

Return to Agenda

Discussion Item
The Dalles Chronicle Legal Notices Contract

- Staff Memo
- 2015-2016 Legal Notices Contract

Return to Agenda

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY WHITE

SUBJECT: CONTRACT FOR THE PUBLICATION OF LEGAL NOTICES

DATE: 8/14/2015

BACKGROUND INFORMATION

This is an annual contract for that establishes the cost of publishing legal notices in The Dalles Chronicle and the responsibilities of both parties to the contract, i.e. deadline for submissions and response to errors. The costs remain unchanged from last year's contract.

Return to Agenda

CONTRACT

FOR PUBLICATION OF LEGAL NOTICES FOR WASCO COUNTY

IN CONSIDERATION of the rates at which Retail Display Advertising is sold under this Contract, the undersigned Advertiser agrees to publish Legal Notices for Wasco County, Oregon in The Dalles Chronicle from September 1, 2015 to August 31, 2016, as follows:

This advertising and such other Display Space as the Advertiser publishes in The Dalles Chronicle during this period shall be billed at one of the following rates by the Publisher to the Advertiser at the end of each calendar month for each column inch of space: $5.80 for On-Line E-Mail and $6.10 for Non On-line E-Mail. This Contract rate is predicated on payment in full by the 10th of the month following billing.

The deadline for having legal notices to The Dalles Chronicle is two (2) days prior to publication, or by permission.

Errors and omissions are the responsibility of the Advertiser and The Dalles Chronicle assumes no financial responsibility for such errors unless proof is not shown and then only to the extent of the space occupied by such error and a correction in an

equal amount of space will be run in the next available issue of The Dalles Chronicle.

Neither The Dalles Chronicle nor Advertiser is liable for fulfillment of contract if such is made impossible through suspension of business, or through fire, flood or acts of God.

DATED this 18th day of August, 2015.

WASCO COUNTY BOARD
OF COMMISSIONERS

_____
Scott C. Hege, Commission Chair

_____
Rod L. Runyon, County Commissioner

_____
Steven D. Kramer, County Commissioner

THE DALLES CHRONICLE

APPROVED AS TO FORM:

_____
Marilyn Roth, Publisher

DATE:_____

_____
Kristen Campbell
Wasco County Counsel

Return to Agenda

Discussion Item
Title VI Policy

- Staff Memo
- Wasco County Title VI Policy

Return to Agenda

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY WHITE

SUBJECT: TITLE VI POLICY

DATE: 8/14/2015

BACKGROUND INFORMATION

Wasco County will soon undergo a review of our Special Transportation Program which is contracted out to MCCOG. In preparing for the review, we discovered that although MCCOG has an established Title VI policy, ODOT requires that the County approve/adopt that policy. The policy included in the packet for your consideration is the policy established by MCCOG with the only change being the addition of Wasco County as signer and in the title of the policy.

Return to Agenda

WASCO COUNTY
TRANSPORTATION NETWORK
TITLE VI PROGRAM POLICY

Ref: FTA Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration (FTA) Recipients (October 1, 2012)

Purpose: The purpose of this policy is to establish guidelines to effectively monitor and ensure that the Mid-Columbia Council of Governments Transportation Network (MCCOG/TN) is in compliance with all FTA Title VI requirements and regulations in order to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations at 49 CFR Part 21.

Policy: Effective July 22, 2014, MCCOG/TN will ensure that their programs, policies, and activities all comply with the Department of Transportation's (DOT) Title VI regulations. Title VI states: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." MCCOG/TN is committed to creating and maintaining public transit service that is free of all forms of discrimination. The MCCOG/TN will take whatever preventive, corrective and disciplinary action necessary for behavior that violates this policy or the rights and privileges it is designed to protect.

Required to provide an annual Title VI certification and assurance. To ensure accordance with 49 CFR Section 21,III,(2), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement shall be fulfilled when the applicant submits its annual FTA certifications and assurances to the Oregon Department of Transportation (ODOT). The text of FTA's annual certifications and assurances is available on FTA's Web site. MCCOG/TN complies with this instruction annually in order to receive FTA funding.

Required to notify beneficiaries of protection under Title VI. In order to comply with 49 CFR Section 21,III(5), recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a

posting on MCOG/TN website. MCCOG/TN has information on their web site, in it's lobby, as well as a notice on all transit schedules and information.

Required To Develop Title VI Complaint Procedures. In order to comply with 49 CFR Section 21,III(6), recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. MCCOG/TN provides for staff to take complaints and then forward them to the Title VI Complaint Coordinator (Direct Service Manager) who categorizes, tracks them, develops responses and forwards them to the MCCOG/TN, Director for approval.

Required to record and report Title VI investigations, complaints and lawsuits. In order to comply with 49 CFR Section 21,III, (7), recipients shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the recipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint. MCCOG/TN Title VI Complaint Coordinator (Direct Service Manager) maintains these files. MCCOG/TN is required to report to ODOT any complaints and the results the investigations. MCCOG/TN has had no Title VI investigations, complaints or lawsuits that have occurred between September 1, 2005 and the submission of this program.

Required to provide meaningful access to Limited English Proficient (LEP) persons. Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient. MCCOG/TN's bus information brochure has the English written material available in Spanish as well. MCCOG/TN partners with One Community Health, a Hispanic focused health care and advocacy program that assists our Hispanic population and other low income disadvantaged populations with needs they may have. If there are other language groups identified in the future, then the MCCOG/TN will respond by providing instructions on how to use the public transit system in their language.

Public Participation Plan. See Exhibit A

Language Assistance Plan. See Exhibit B

Minority Representation Table. See Exhibit C

Required to provide additional information upon request. At the discretion of the ODOT or the FTA, information other than that required by the referenced circular may be requested, in writing, from a recipient in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements. MCCOG/TN Title VI

Complaint Coordinator (Direct Service Manager) is available to provide additional information as needed and to respond to any inquiry.

Required to prepare and submit a Title VI Program. FTA requires recipients to report certain general information to determine their compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR Section 21,III, (4), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to ODOT once every three years.

Discrimination

Any act or omission of an act which would prevent the use of or exclude a person from access to public transportation based on (but not limited to) race, sex, disability, or religion.

Responsibilities

All employees of MCCOG/TN shall follow the intent of these guidelines in a manner that reflects Agency policy.

Supervisors and managers receiving information regarding violation(s) of this order shall determine if there is any basis for the allegation and shall proceed with resolution as stated in the sections *Supervisor Responsibility and/or Investigation of Complaints and Appeal Process.*

Supervisor Responsibility

Each supervisor and manager shall:

A) Ensure that there are no barriers to service or accommodation that would prevent public transit usage or access.
B) Train subordinates as to what constitutes discrimination and barriers to access.
C) Take prompt and appropriate action to avoid and minimize the incidence of any form of discrimination.
D) Notify the MCCOG/TS Director in writing of the circumstances surrounding any reported allegations of discrimination no later than the next business day.

Investigation of Complaints and Appeal Process

Various methods of resolution exist. If a customer feels that her/his accommodation request and/or access to public transportation was denied, s/he may file a complaint through the following process:

1) Submit a Title VI customer complaint form with contact information
2) Phone the transit office at (541) 296-7595
3) E-mail the transit office at Brent.Olson@mmocg.com or Dan.Schwanz@mccog.com

4) Come in to the transit office located at 1113 Kelly Ave., The Dalles, OR 97058
5) Mail written complaint to 1113 Kelly Ave., The Dalles, OR 97058

The Direct Service Manager or Transportation Director will investigate the complaint and make a determination. Formal investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Customer will be notified of resolution.

If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation to public transportation must be filed, in writing, within 60 calendar days of the incident. The written appeal must include the customer's name, address, and telephone contact number.
A statement of reason(s) why the applicant believes the denial of accommodation request or access to public transportation was inappropriate is recommended.

The Executive Committee of the MCCOG Board of Directors will set a mutually agreed-upon time and place for the review process with the applicant and/or representatives within 30 days of the request. The applicant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept, as determined by the Executive Committee. Anyone needing special accommodations may contact MCCOG at (541) 298-4101 for assistance.

The right of the appellant to a prompt and equitable resolution of the complaint must not be impaired by the appellant's pursuit of other remedies, such as filing of a complaint with the Department of Justice or other appropriate federal agency or the filing of a suit in state or federal court. Use of this procedure is not a prerequisite to the pursuit of other remedies.

Disposition of Complaints

Sustained Complaints- If the complaint is substantiated, this policy and procedure prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken pursuant to the agency disciplinary procedures.

Unsustained Complaints- If there is insufficient evidence to either prove or disprove the allegation(s) both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaints- If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

Exonerated Complaints- If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

This policy was adopted by the MCCOG Board of Directors on July 22, 2014 and approved by the Wasco County Board of Commissioners this 19th day of August 2015.

WASCO COUNTY
BOARD OF COMMISSIONERS

_____
Scott C. Hege, Commission Chair

_____
Rod L. Runyon, County Commissioner

_____
Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

_____
Kristen Campbell
Wasco County Counsel

Exhibit A

Mid-Columbia Council of Governments, Transportation Network MCCOG/TN

Public Involvement Policy

Purpose

Mid-Columbia Council of Governments, Transportation Network (MCCOG/TN) also referred to as "Agency" establishes the following policy and actions to assist in meeting state and federal public participation requirements for public involvement in proposed transportation decisions.

Policy

MCCOG/TN will meaningfully involve the public in important transportation decisions by providing for early, open, continuous, and effective public participation in and access to key planning and project decision-making processes.

Objectives

1. Improve public involvement during the development and update of the Agency's transportation services and projects.
2. Improve the consistency of the Agency's public involvement processes.
3. Advise the Agency's staff regarding public participation and its importance.
4. Actively involve members of the public and other stakeholders in the development and update of the Agency's transportation services and projects.
5. Meet or exceed all state and federal requirements for public participation, including encouraging the participation of low-income, minority, limited English speaking individuals and persons with disabilities.

Background

The Federal Title VI program requires that the agency adopt and implement a formal public participation plan that describes the proactive strategies, procedures, and desired outcomes underpinning the Agency's public participation activities.

Policy Implementation

The purposes of these implementation actions are to implement the policy, meet federal and state regulations regarding public involvement, and to incorporate guidance received from the Public Transit Division of the Oregon Department of Transportation. These actions apply broadly to all Agency planning, project development and transportation services.

MCCOG/TN will:

1. Abide by all applicable state and federal laws and rules in implementing public involvement processes.
2. Follow the requirements of the Oregon Public Meetings Law (ORS 192.610 to 192.690) for all advisory committees appointed by or reporting to the District, such as public notice and holding meetings at convenient and accessible locations and times.
3. Maintain and utilize a comprehensive list of stakeholders including, but not limited to individuals and organizations that are interested in or affected by the Agency's transportation programs and decisions; users and representatives of users of public transportation; users and representatives of people with disabilities; users and representatives of low-income users of the Agency's services, users and representatives of users who are limited English speakers; and users and representatives of users who are minorities.
4. During public involvement processes seek out and consider the needs of populations traditionally underserved by existing transportation systems.
5. Provide stakeholders with timely information about transportation issues and decision making processes and adequate notice of key decision points leading to any change or new transportation services and/or projects.
6. Employ visualization techniques such as maps, photographs, display boards and other devices to the maximum extent possible to help in presenting ideas and concepts.
7. Provide a reasonable review period (45 days or more) for any significant changes to services or significant projects, unless a shorter period is warranted due to fiscal reasons.
8. Involve the public and stakeholders to an appropriate and meaningful extent when making significant changes to an existing service. Technical changes may not require input, but substantive changes will. Changes to a specific goal or policy in a service or project should be completed only after consultation with the directly affected stakeholder and advisory groups.
9. Periodically review the effectiveness of this public involvement policy and implementation actions to ensure that they provide full, meaningful and open access to all interested parties and revise the process as appropriate.

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Exhibit B

Mid-Columbia Council of Governments, Transportation Network
MCCOG/TN
Limited English Proficiency (LEP) Plan

Introduction

Mid-Columbia Council of Governments, Transportation Network MCCOG/TW also referred to as "Agency" understands that transportation is critically important to the daily lives of our community members. The purpose of this limited English proficiency plan is to comply with the Agency's responsibilities to limited English proficient (LEP) persons consistent with Title VI of the Civil Rights act of 1964 and the implementing regulations. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, provides that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination against Persons with Limited English Proficiency." Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies, private and non-profit entities, and sub recipients.

Plan Summary

The Agency has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to Agency services as required by Executive Order 13166. A limited English proficiency person is one who does not speak English as their primary language and who has limited ability to read, speak, write or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available and information for future plan updates.

The Agency will use a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in the Agency's service area who may be served or likely to encounter a MCCOG/TW program, activity, or service; 2) the frequency with which LEP individuals come in contact with a MCCOG/TW service; 3) the nature and importance of the program, activity or service provided by the Agency; 4) the resources available to MCCOG/TW and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

Four Factor Analyses

1. The number or proportion of LEP persons eligible in the service area who may be served or likely to encounter an Agency program, activity or service.

In 2011, the Migration Policy Institute: National Center on Immigrant Integration Policy reported that Hood River County (one of the Agency's service area) has a total population of 20,500 and a total LEP population of 3,500. The majority are Spanish speaking. The percentage of LEP was 16.7%.
http://www.lep.gov/demog_data/demog_data.html

2. The frequency with which LEP individuals come in contact with a District program, activity, or service.

The Agency is aware of some transit service usage by LEP individuals through contacts by LEP individuals to reserve rides, others making reservations on behalf of LEP individuals and some informal "bending of the rules' by allowing LEP riders to not make advance reservations and simply board a vehicle that leaves a grocery store in Hood River and goes to Odell to the south of Hood River. The Agency assumes use of our Dial a Ride service (primary transit service offered) is lower than the percentage of LEP individuals within the Agency's service area.

The Agency will continue to assess the frequency at which staff have or could possibly have contact with LEP persons.

3. The nature and importance of the program, activity, or service provided by the Agency to the LEP community.

The Agency understands that transportation is critically important to the daily lives of our community members. This plan will be used to help the Agency better meet the needs of the LEP community. These include proposed changes such as any service area or level changes, property acquisitions and building/facility projects.

4. Resources available to the Agency and costs.

The Agency is a fairly small transit organization relative to other transit operations in the State of Oregon. Further, the Agency is a single purpose district so it does not have other programs and/or staff to draw from for being able to provide interpretive and translation resources. The Agency has produced a basic information sheet that explains how to use the Agency's Dial-A-Ride service in English and Spanish. The Agency's Intercity Services information is very simple and would not benefit from translation. The Agency is in the process of providing information in Spanish on its website. The Agency has subscribing to the language line in order to provide faster and more accurate translation services.

Implementation Methods

1. How to Identify an LEP Person who Needs Language Assistance – These methods may be used to help identify persons who need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- Regularly survey dispatch staff and drivers of any direct or indirect contact with LEP individuals.

2. Language Assistance Measures – The Agency has implemented or will implement with one year's time the following LEP measures:

- The core document the district uses to describe our Dial-A-Ride has been translated into Spanish.
- The head dispatcher has taken some Spanish classes in the past which allows for some communication with LEP individuals.
- The Agency has implemented the Language Line service.
- The Agency would like to have all of the information on its website translated within a year.
- If the Agency found a need for translation services at public meetings, the District would seek out sources for translators for meetings.

3. Training – Training for Agency Staff on all aspects of Title VI and LEP policies and requirements will be conducted.

4. Outreach – Specific outreach efforts will be evaluated on a case by case basis. Some or all of the following methods have or may be used:

- The Agency works with a regional Mobility Manager who works for the Mid-Columbia Economic Development District. The Mobility Manager has been reaching out to various Hispanic organizations in the past year to ensure that the various transit services in the mid-Columbia Gorge region are known to the

various community organizations that serve large populations of LEP persons. It is anticipated that this effort will continue in the foreseeable future.
- When the Agency updates the Coordinated Transportation plan extra effort will be made to include community organizations who provide other services to LEP persons.
- All important transit documents will be translated into Spanish and be available at our transit center and provided to anyone who requests the forms. They also will be available on our website for down loading.

Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. At a minimum, the Agency will follow the Title VI Program update schedule for the LEP plan. The following are questions to help guide the Agency in monitoring and updating the LEP plan:

- In the Agency's encounters with LEP persons, were there needs met? Were they successful in using the transit system services?
- Have there been changes in the LEP population the Agency's service area?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified transit services?
- Have the Agency's resources, such as technology, staff and financial resources changed?
- Were any complaints received?

Dissemination of LEP Plan

Copies of the LEP plan will be on file at the Agency's offices. The LEP plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request. The plan will be posted on the District's website.

Any questions or comments regarding this plan should be directed to the Agency's Title VI Coordination at:

Mid-Columbia Council of Governments, Transportation Network
1113 Kelly Ave,
The Dalles, OR 97058

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Exhibit C

Committee Representation	Ethnicty		Race				
	Hispanic or Latino	Not Hispanic or Latino	American Indian or Alaska Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White
Governing Body		14				1	13
Budget Committee		7					7
Special Transportation Fund		7					7
Population - Hood River - 22,885	30.30%	69.70%	1.10%	1.50%	0.70%	0.20%	94%
Population - Wasco 25,515	16%	84%	4.40%	0.90%	0.60%	0.79%	91%
Population - Sherman - 1,170	6.90%	93.10%	2.10%	0.20%	0.30%	0.10%	89.90%
Population - Gilliam - 1,932	6.10%	93.90%	1.20%	0.79%	0.20%	0.70%	95%
Population - Wheeler - 1,375	4%	96%	1.80%	0.70%	0.19%	0.20%	89%

Date Updated - 08/13/15

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Discussion Item
Local Public Safety Coordinating Council
Appointment

- Tara Koch Application
- Order 15-070 Appointing Tara Koch to LPSCC

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INFORMATION AND QUALIFICATION FORM

Local Public Safety Coordinating Council

VOLUNTEER POSITIONS
WASCO COUNTY, OREGON

BACKGROUND

The Wasco County Local Public Safety Coordinating Council (LPSCC) was established by Senate Bill 1145 (1995) to coordinate local criminal justice policy among affected criminal justice entities.
To carry out this mission, LPSCC's Executive Committee, holds monthly meetings to encourage the active participation of countywide leadership, to foster close collaboration in the development and operation of public safety operations and policies and to promote coordinated, data-driven public safety operations and policies. In addition, LPSCC develops and recommends to the county board of commissioners a plan for use of (A) State resources to serve the local offender population; and (B)State and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age, which plan must provide for coordination of community-wide services involving prevention, treatment, education, employment resources and intervention strategies.

The Executive Committee also directs the work of several subcommittees, working groups, and affiliated committees that focus on key issues within the public safety system.

APPLICATION

Provide personal qualifications for this specific volunteer position.
Supplementary information may be attached. Do not provide confidential information.

POSITION DESCRIPTION: Member Wasco County Local Public Safety Coordinating Council

Name: Tara Koch, Executive Director

Address: [redacted]

Phone (home) [redacted] Phone (work) [redacted]

E-mail address: [redacted]

Signature: _____

Date: _____

Number of years as a Wasco County resident: over 32 years

Your objectives/goals? Desired contributions and accomplishments? Objectives/goals: I can bring a lens and perspective of domestic violence/sexual assault (DSV) and public safety; these are issues for children and families in our community. Additionally, the high rates of homelessness for women and children that are survivors of DSV. See addendum

Approximate hours/week available for this commitment? I have a strong commitment to projects and committee's I serve - I will make myself available as the LPSCC requires

Comments:_____

Education (school, college, training, apprenticeships, degrees, etc.)

See resume

_____Date(s):_____

_____Date(s):_____

_____Date(s):_____

_____Date(s):_____

Experience (work, volunteering, leadership roles, achievements etc.)

_____Date(s):_____

_____Date(s):_____

_____Date(s):_____

_____Date(s):_____

General Comments/Additional Relevant Information

See adendum

_____

_____ .

_____

_____

_____

_____

_____

_____

_____

Send completed form to:

Wasco County
511 Washington Street, Suite 101
The Dalles OR 97058
(541) 506-2520
fax (541) 506-2551

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Addendum for LPSCC: Resume for Tara L. Koch, Executive Director

RESUME

TARA L. KOCH
2870 Old Dufur Road, The Dalles, OR 97058 - 541.980.8222

RELEVANT EXPERIENCE AND CAPABILITIES

- Over 30 years' experience with fiscal management and budgeting for small businesses.
- Over 5 1/2 years' experience with grant writing/over-sight, fiscal management and budgeting for non-profit.
- Over 30 years civic and community service in The Dalles and Hood River; Board positions with The Dalles Area Chamber of Commerce, BigBrothersBigSisters (Hood River) and founding member of Treva Hoffman Foundation http://www.trevahoffmanfoundation.com/ The t.r.e.v.a. Project http://www.legacyhealth.org/for-health-professionals/legacy-research-institute/tumor-bank.aspx and T.W.I.G Timberline Women's Investment Group (Hood River).
- Over 30 years marketing and fund raising experience.
- Development of outreach management programs and/or systems.
- Adept at building productive relationships to further ones organization, community mobilization. Adapt at initiating and building rapport with individuals and community partners.
- Research and writing capabilities. Development of newsletters, brochures, websites, policies and systems. Articulating ideas clearly and concisely, being mindful of priorities as well as multitasking.
- Supervisory experience; team-building; collaborated with staff meetings; created innovative ways to motivate and encourage staff to excel.
- Active legislative work with Representative John Huffman, Representative Mark Johnson, Representative Greg Smith and Congressman Greg Walden.

WORK HISTORY

12/08 to present **HAVEN From Domestic and Sexual Assault (HAVEN)**
Executive Director

DUTIES & RESPONSIBILITIES:

Operations Administration & Organizational Development (Leadership)

- Oversee all programs and services for the organization
- Oversee quality assurance and outcome measures; ensure consistency and ensure that programs meet national and state practice standards
- Give direction and leadership toward the achievement of the organization's philosophies, mission and goals
- Implement and oversee the management of daily fiscal and office systems
- Write & maintain all grants in a timely manner and carry out necessary follow-up activities and grant goals
- Coordinate and maintain accurate files for all donations and respond with thank you letters
- Coordinate services and maintain positive working relationship with law enforcement agencies, DHS; Child Welfare and Self-Sufficiency, District Attorneys' Offices, medical providers, mental health providers and all services providers; identify and respond to coordination and service issues, in all the counties HAVEN serves
- Participate on relevant national, state and local community organizations and their committees
- Provide appropriate training opportunities for staff through available training opportunities
- Maintain a safe, healthy work environment for all Staff
- Implementation of The Sanctuary Model

Board Relations

- Serve as liaison between the Board of Directors and Staff; present relevant program and agency information at monthly board meetings; ensure board is kept apprised of major organization challenges and successes;

Addendum for LPSCC: Resume for Tara L. Koch, Executive Director

- Regularly report to the Board regarding the state of the organization, including programmatic, administrative, financial, public relations, and personnel matters, major issues and decisions
- Assist Board in carrying out legal and fiduciary duties
- Attend all Board meetings and retreats
- Research major policy issues and/or challenges, provide information about alternative solutions, make policy recommendations and assist in the formulation of effective policies for the boards consideration by drafting policies when appropriate
- Lead Board recruitment efforts by developing key relationships and providing agency information and tours
- Serves at the direction of the Board of Directors
- Other duties as assigned by the Board of Directors

Development & Fundraising

- Create an adequate long-range and annual fund raising plan coordinated with the Board
- Assist Board in organizing and coordinating fundraising events, including creating new fundraising events when appropriate
- Oversee the annual fundraising letter campaign
- Oversee the coordination of community Christmas donations for HAVEN clients and families
- Oversee the coordination of the 120 Campaign

Financial Management and Oversight

- Ensure resource allocation is mission-related and mission-enhancing
- Ensure the agency is clear on financial goals and ways of meeting them
  - Secure funds through community relations activities; grant writing/management, collection of funds, contract development, donation solicitation and fundraising
- Assist the Board with development and maintaining positive relationships with funders
- Mange all aspects of financial systems: develop, present and oversee budget; analyze financial reports, payroll, purchasing and other fiscal activities
- Work with the fiscal person or identified accountant in preparing grant budgets and fiscal agency matters
- Manage organization's resources within budget guidelines
- Ensure that tax, fiscal, grant & other reports are submitted in timely manner
- Advocate for funding through legislative process

Human Resources

- Oversees all Human Resources for the organization

Other Responsibilities

- Research, interpret and respond to proposed legislation and administrative rules; educate policy makers about impact on agency, children and families
- Ensure agency is actively involved in relevant policy discussions at the local, state and national levels; participate in appropriate work groups, task forces, and committees
- Ensure that relevant legal requirements and regulations are met; serve as HIPAA Compliance Officer, as well as VAWA Compliance
- Oversee facility and related contracts

9/05 to 12/2010 **TK MARKETING GROUP (self-employed)**

Project management; developing all marketing materials; logos/branding, business cards, letterhead/envelopes, brochures, newsletters, web design/re-design, and print advertising. Press releases, copy writing and writing policies and systems. Clients throughout the Columbia River Gorge, Oregon and Colorado.

8/99 to 9/05 **CASCADE EYE CENTER, LLC (CEC)**

Assistant to Administrator/Advertising and Outreach Coordinator 8/03 to 9/05

- The Dalles and Hood River Communities
- Assisted Clinic Administrator with fiscal management and budget
- Assisted Administrator with facilitation of staff meetings

Addendum for LPSCC: Resume for Tara L. Koch, Executive Director

- Developed outreach management systems; wrote/administered scholarships program for TDWHS and Hood River Valley High School. Developed and facilitated an outreach program for the aging in nursing homes/adult care facilities; in-house free vision screening for marginalized children/youth in The Dalles and Hood River.
- Organized as well as collaborated annual involvement of Diabetic Fair, Cherry Festival/MCMC Health fair, and Ft. Dalles parade in The Dalles and 4th of July Parade in Hood River for 35 employees at CEC.
- Created ads for advertising medical practices, visiting physicians and the optical facilities in Hood River and The Dalles – Award winning ad(s).
- Attended monthly board meetings, Chamber BAH, committee meetings in both The Dalles and Hood River communities.

Supervising Receptionist/Recall Management 8/99 to 6/03

- Supervised front desk operations for a patient schedule of 30 to 70 patients a day both The Dalles and Hood River clinics.
- Assisted Clinic Administrator with fiscal management and budget
- Developed recall management system for The Dalles and Hood River clinics.
- Wrote and developed 25 page Policy & Procedure for front desk operations both The Dalles and Hood River clinics.

8/85 to 8/03 **R.B. KOCH, DMD**

Office Manager/Marketing Director/Dental Assistant

- Helped build dental practice from ground-up.
- Held all positions of office manager and marketing director.
- Developed and assisted out-reach dental program with MCMC for children of marginalized communities needing dental care prior to any clinic assistance (prior to La Clinica seasonal services).
- In 1999 we managed all finances/bookkeeping for business from home and I was able to work from home and work part-time at CEC.

2/81 to 7/85 **AUGUSTON & ASSOCIATES, INC.**

Administrative Assistant/Account Executive to President

- Additionally, assistant up to 15 Account Executives.
- All administrative responsibilities for office.
- Recruited new businesses for staff positions
- Coached candidates on employment positions with clients.
- Helped train new employees to Auguston & Associates.
- Site-visits to clients' organizations.
- Member of PSI
- OTC Program Committee and Secretaries Week Committee.

STATE LEVEL INVOLVEMENT

OCADSV Region 6 Board Representative - January 2012 to present

Miscellaneous State Work Groups

COMMUNITY AND CIVIC INVOLVEMENT

Domestic Violence Council Chair January 2009 to present

TrevaHoffmanFoundation – Marketing Director/Founding Board Member

Timberline Women's Investment Group – T.W.I.G.

- President – April 07-09

Chamber of Commerce – The Dalles

- Past Chamber of Commerce Board Member
- Past Chairperson for Cherry Festival – 2 years
- Marketing Committee
- Past Ambassador's Committee/YoPros Committee
- Membership Drive Committee
- Downtown Committee

Current/Past Memberships

- Women of Winesense Columbia River Gorge & "She Who Fly Fishes"
- Soroptimist of the Gorge

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Addendum for LPSCC: Resume for Tara L. Koch, Executive Director

- The Professional Women's Alliance of the Gorge

Miscellaneous volunteering/fundraising

- Over 30 years of experience fundraising
- Board Member BigBrothersBigSisters – The Dalles/Hood River
- Festival of Trees – 4 years The Dalles
- Habitat for Humanity
- Youth soccer

Alpha Phi Sorority

- Treasurer, Historian, Secretary

EDUCATION

Portland State University
Business

MHCC
2 years Business/Accounting
Member of Phi Beta Lambda – Future Business Leaders of America

Wahtonka High School and Sam Barlow High School
General Studies

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Addendum for LPSCC: Tara L. Koch, Executive Director

ABOUT HAVEN
HAVEN is a non-profit agency dedicated to supporting and empowering survivors of domestic and sexual violence. The organization began in 1981 with a very small group of concerned citizens. One of the first services HAVEN offered was a 24-hour crisis hotline, which still continues today.

MISSION: *To provide safe and supportive services to those affected by interpersonal and sexual violence by empowering survivors and our community through advocacy, education and prevention*

HAVEN is the only nonprofit community-based DVS organization serving victims of sexual assault, domestic violence, dating violence, and stalking in Wasco, Sherman, Gilliam, and Wheeler Counties. HAVEN's services include: 24 hour crisis line and crisis advocacy; emergency safehouse and hotel vouchers; safety planning; information and referral; transportation; emergency financial assistance; assistance filing for crime victims' compensation and protection orders; medical, civil, criminal justice and systems advocacy; and ongoing advocacy and support. All of the aforementioned services are also provided bi-culturally/bilingually for Spanish speakers. Additionally, HAVEN provides educational classes and support groups for teen and adult women who are victims of dating and domestic violence; individual and family counseling for victims of sexual assault, domestic violence, dating violence, and stalking, and their children; outreach; informational presentations to civic and community groups; and training for service providers and other professionals. HAVEN also has a comprehensive prevention education program focused on teen dating and sexual violence.

HAVEN believes in:
- Individual freedom from all forms of abuse and violence as a basic human need and right
- Empowering survivors of abuse and violence to make their own decisions and exercise their right to self-determination
- Permanently breaking the cycle of violence
- Respecting women, men and children equally
- Offering a program that incorporates prevention, intervention, support and education for individuals and the community
- Advocating for public policies that make violence unacceptable in our society
- Conducting its own affairs in a professional and ethical way
- Establishing HAVEN as a leader and community partner in promoting freedom from abuse and violence

HAVEN has a strong history of successfully managing grants and delivering activities, including a DHS contract for an out-stationed advocate for all of DHS District 9, Safer Futures Project grant, Rape Prevention and Education grant, and counseling program, as well as grants from private foundations, which have allowed HAVEN to develop solid programs within the human services, public health and medical systems, and comprehensive prevention programming in our schools and community. HAVEN also currently has a VOCA competitive grant and is well on-target, or even above target, to meet the stated grant outputs and outcomes.

Major accomplishments and contributions at HAVEN From Domestic & Sexual Violence

Addendum for LPSCC: Tara L. Koch, Executive Director

2008-present (overview)

- Elevated HAVEN in the community as the expert on DV, SA and Stalking
  - Community engagement and partnership building and community strengths
- Increased partnerships with MOU's and increased collaborative relationships that bring service delivery and a greater access to services for survivors
- Increased HAVEN's projects, staff, budget and over all capacity;
  - Increased budget from by 80%
  - Increase staff from: 3.35fte to 13.35fte
    - Sought out creative ways to increase hourly wages and provide insurance benefits for retention of staff
  - Increase programs from Direct Service response to DV and a .05fte for SA/ST to an overall Dual Program responding to DV, SA & ST for adults and youth, adding a counseling program focusing on adults, youth and children that are survivors of DV, SA and ST
- Shifted from a hierarchy leadership approach to an inclusive leadership style that promotes collaboration, democracy and open communication, transparency and astute in the process of team building
  - Accessible, flexible, and adept in dealing with complex issues where diverse perspectives are held
  - Diplomatic and decisive (as possible), while being cognizant of the ramifications of decisions
- I bring a strong work ethic, good sense of humor (I try), a high energy level and a model of integrity and fairness that tries to balance equity
- Increased HAVEN's ability to work with and meet the needs of diverse populations
- Created Agency Policy (handbook was created, HAVEN did not have an Agency/Safehouse Policy)
- Created SART mandated policies for Wasco, Sherman, Gilliam and Wheeler counties – Sexual Assault Response Teams
- Created a new 'major' fundraiser and at the time the only 'All women's cycling event' in the state
- Developed an internship program
- Developed a counseling program
- HAVEN is only program around the state that received the funded IPV & Pregnancy Grant, Safer Future Grant and the partnership with Project Connect
  - Project Connect – a public health response to IVP. It is a coordinated public health national initiative to prevent and respond to Violence Against Women
- HAVEN is one of 4 programs around the state (out of 52) to receive Rape Prevention Funds and the Sexual Assault Services Project funds. HAVEN is the only program that has an MOU with Warm Springs Victims of Crime building capacity with the native survivors of DV and SA.
- Elected as the Domestic Violence Council's Chair
- Elected on the Board of OCADSV for Region 6's Representative
  - HTRA statewide work group

- Asked to be on two different work groups determining Certification for Advocates around the state and identifying advocates as non-traditional healthcare workers.
- Work group for Advocate Privilege – Governor Kate Brown signed HB 3476 (Advocate Privilege/2015 legislative session) Effective 10/2016
- Other legislative workgroups; SB 525 prohibiting gun possession by DV offenders. HB 2628 removal of filing fee for stalking orders; effective 1/2016. HB 2776 short-term emergency protective orders for which a peace office may apply on a 24 hour basis; effective 1/2016. Increase for Housing Resources in OHCS budget;
  - $2 million in Emergency Housing Assistance and SHAP funds that were previously temporary were made permanent.
  - $40 million in bonds for the creation of new permanent affordable housing.
  - $20 million in bonds for new affordable housing for people with mental illness.
  - $2.5 million increase to the capacity for preservation of currently affordable housing that might otherwise return to the private market.
- Legislative efforts and relationship building with Rep John Huffman, Rep Greg Smith (Wasco/Sherman) and Rep Mark Johnson (HR) – worked with State Representatives to pass SB3, SB188, SB377, HB 2356, HB 2569, SB 377, HB 2356, HB 2596, SB 390, SB 454 and SB 492, HB 2317, HB 3466, HB 3468 and HB 3469. These all strengthen policy for DV, SA and ST and or fill gaps in services for survivors of DV, SA and ST.

And lastly for this 'overview' HAVEN has been nominated as an Out-Standing Community Service Organization 3 years in a row for the Tradition of Compassion Award and 2015 marks HAVEN From Domestic and Sexual Violence as being named one of *the* ***2015 Oregon Business 100 Best Nonprofits*** to work for – first ever award for HAVEN.



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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF TARA KOCH TO THE WASCO COUNTY LOCAL PUBLIC SAFETY COORDINATING COUNCIL	)))	ORDER #15-070

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

IT APPEARING TO THE BOARD: That the governing body of Wasco County, Oregon, is required by ORS 423.560 to appoint individuals to represent specific areas on the Wasco County Local Public Safety Coordinating Council; and

IT FURTHER APPEARING TO THE BOARD: That James Wood has resigned his At-Large position on the Wasco County Local Public Safety Coordinating Council; and

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IT FURTHER APPEARING TO THE BOARD: That Tara Koch is willing and is qualified to be appointed to the Wasco County Local Public Safety Coordinating Council to complete James Wood's term in an At-Large Position on said Council.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Tara Koch be and is hereby appointed to the Wasco County Local Public Safety Coordinating Council for a term to expire on December 31, 2015.

DATED this 19th day of August, 2015.

WASCO COUNTY
BOARD OF COMMISSIONERS

_____
Scott C. Hege, Commission Chair

_____
Rod L. Runyon, County Commissioner

_____
Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

_____
Kristen Campbell
Wasco County Counsel

Return to Agenda

Discussion Item
Facilitation Services Contract

- Wasco County Professional Services Contract for Facilitation and Coordination Services for the Wasco County Forest Collaboration Group

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FACILITATION AND COORDINIATION

PROFESSIONAL SERVICES CONTRACT

FOR

THE WASCO COUNTY FOREST COLLABORATIVE GROUP

This Professional Services Contract made and entered into between Wasco County, Oregon, herein referred to as "County", and Bill Noonan, hereinafter referred to as "Contractor."

WHEREAS the County has received a $5,000 grant from the Oregon Department of Forestry to fund facilitation services for the Wasco County Forest Collaborative Group (WCFCG); and

WHEREAS the WCFCG has chosen to engage the services of Bill Noonan to provide those facilitation/coordination services.

NOW, THEREFORE, in consideration of the terms, conditions and covenants herein stated, it is agreed as follows:

1. The County assumes responsibility for and agrees to pay the Contractor in the amount of $5,000 for facilitation services for the WCFCG for the period beginning February 1, 2015 through September 30, 2015.
2. The Contractor agrees:
    a. To provide facilitation/coordination services for the Wasco County Forest Collaborative Group from February 1, 2015 through September 30, 2015.
    b. To invoice the County for the total amount of the contract: $5,000.
3. It is mutually agreed that:
    a. The term of this contract shall be from February 1, 2015 through September 30, 2015.

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b. The Contractor is acting as an independent contractor herein and no provision hereof shall be interpreted as creating and employee relationship.

c. The Contractor agrees to abide by all applicable State and Federal laws.

DATED this _____ day of _____, 2015.

CONTRACTOR

_____
Bill Noonan

WASCO COUNTY
BOARD OF COMMISSIONERS

_____
Scott C. Hege, Commission Chair

_____
Rod L. Runyon, County Commissioner

_____
Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

_____
Kristen Campbell
Wasco County Counsel

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Discussion Item
Chamber of Commerce Dues

- Chamber's Explanatory Letter
- Rate Chart

THE DALLES AREA
CHAMBER OF COMMERCE
The Dalles: Simply Sensational

August 3, 2015

Wasco County
Kathy White
511 Washington St. Rm 101
The Dalles OR 97058

Dear Kathy White,

August is here and with that The Dalles Area Chamber of Commerce is transitioning to tiered dues. Our tiered dues benefit structure offers you, our members, the option to choose from a wide variety of benefits at different membership levels. The value and benefit of membership builds with each increasing tier. Tiered dues will allow us to communicate a consistent message to businesses of all sizes.

Enclosed is a chart that defines the levels, or packages, of the benefits, their price, and additional marketing opportunities. Below you will find your present amount for your membership dues. We would like you to email, call, or fax us with your choice of your new level of membership. We are available to meet with you (one on one) August 17th thru August 31. Just call our office to schedule a time for us to meet and discuss your best options for your business or organization. We want you to be successful, and with the new tiered dues we can help you be just that.

BUSINESS: Wasco County

Present Dues: *$775*

We look forward to hearing from you. If we haven't heard from you by August 31st we will pick a level that is comparable to the amount of dues you are presently paying. In September we will send out letters with your new level, the pro-rated amount adjustment, and a chart with your benefits.

Thank you, and as always, we look forward to working *With* and *For* you.

Lisa Farquharson
The Dalles Area Chamber of Commerce

Enclosure: Membership Benefit Package Chart

The Dalles Area Chamber of Commerce Membership Benefits

THE DALLES AREA CHAMBER OF COMMERCE
The Dalles. Simply Sensational

	Basic	Bronze	Silver	Gold	Platinum	Diamond
	Reg $216	Reg $360	Reg $588	Reg $1,500	Reg $3,000	Reg $10,000
	*NP $144	*NP $252	*NP $408	*NP $1,056	*NP $2,200	
Advertising Benefits						
Directory Presence - Alphabetical	✓	✓	✓	✓	✓	✓
Brochure Displayed in Visitor Information Center	✓	✓	✓	✓	✓	✓
Website Listing	✓	✓	✓	✓	✓	✓
Website - Link to your site	✓	✓	✓	✓	✓	✓
Ribbon Cuttings & Grand Openings	✓	✓	✓	✓	✓	✓
Membership Plaque for display	✓	✓	✓	✓	✓	✓
Chamber Member Discounts for events	✓	✓	✓	✓	✓	✓
Preferential Referral Service	✓	✓	✓	✓	✓	✓
Receive Checkflash warnings	✓	✓	✓	✓	✓	✓
Weekly Eblast Content Submission	✓	✓	✓	✓	✓	✓
Email Alerts on Timely Topics (ie: legislative updates)	✓	✓	✓	✓	✓	✓
Eblast Sponsor Banner (4x2) weekly	$25	1 Free	2 Free	3 Free	4 Free	5 Free
Additional Category Listing on Website Directory		1 Free	1 Free	2 Free	2 Free	3 Free
Periodic Recognition in newsletter		Annual	Semi	Quarterly	Bi/Monthly	Monthly
Highlighted listings in brochures (if appliplicable)			✓	✓	✓	✓
Company Name & Logo at All Chamber Events			✓	✓	✓	✓
Newsletter List Recognition			✓	✓	✓	✓
Link to Member's Social Medias on Chamber's Website			✓	✓	✓	✓
Annual Lunch with the Chair / President CEO			✓	✓	✓	✓
Submission of Industry Related Articles for Blog/Newsletter			✓	✓	✓	✓
Directory Enhanced Listings				✓	✓	✓
Tickets to the Distinquished Award Citizens Banquet				2 Free	4 Free	6 Free
Single Sheet Brochure in Relocation Packet	$30	$25	$20	Free	Free	Free
Website Banner Ad (per month)	$100	$90	$80	1 Free	3 Free	12 Free
Newsletter 8 X 2.5 Color Ad	$75	$60	$45	1 Free	2 Free	3 Free
Banner Ad on Big Screen in Visitor Lobby (per month)	$50	$45	$40	$35	1 Free	3 Free
Member Mailing Labels ($50/per set)	$50	$40	$30	$20	1 Free	3 Free
Newsletter Insert	$50	$45	$35	$25	1 Free	3 Free
Starlight Event Sponsor					✓	✓
Power Breakfast Event Sponsor	$700	$650	$600	$550	$500	✓
Ad on Chamber Telephone Hold System (per month)	$35	$30	$25	$20	$15	✓
Cherry Festival Sweetheart Cherry Sponsor						✓
Real Value in Marketing Dollars	$2,350	$3,500	$4,750	$6,500	$10,500	$19,150
Networking Opportunities						
Eligible to Serve on Chamber Committees & Board	✓	✓	✓	✓	✓	✓
Business After Hours	✓	✓	✓	✓	✓	✓
Distinguished Citizens Award Banquet	✓	✓	✓	✓	✓	✓
Coffee Connections	✓	✓	✓	✓	✓	✓
Power Breakfast	✓	✓	✓	✓	✓	✓
Information Benefits						
Newsletter Subscription, Monthly	✓	✓	✓	✓	✓	✓
Chamber Community Eblast Sent to Your Office Weekly	✓	✓	✓	✓	✓	✓
Friday 15 Tools for Your Business	✓	✓	✓	✓	✓	✓

*Non-Profit

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Discussion Item
Board Reassignments

- Order 15-068 Appointing Scott Hege to North Central Public Health District's Board of Directors
- Order 15-069 Appointing Steve Kramer to Mid-Columbia Council of Government's Board of Directors

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF SCOTT HEGE TO THE NORTH CENTRAL PUBLIC HEALTH DISTRICT BOARD OF DIRECTORS	))))	ORDER #15-068

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

IT APPEARING TO THE BOARD: That current NCPHD Appointee Commissioner Steven Kramer has committed to serve on an alternate Board of Directors; and

IT FURTHER APPEARING TO THE BOARD: That Commissioner Kramer's commitment to that Board is time consuming, making it challenging to participate on both boards; and

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IT FURTHER APPEARING TO THE BOARD: That Commissioner Scott Hege has agreed to serve in Commissioner Kramer's place; and

IT FURTHER APPEARING TO THE BOARD: That Scott Hege is willing and is qualified to be appointed to the North Central Public Health District Board of Directors.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Scott Hege be and is hereby appointed to the North Central Public Health District Board of Directors; said term to expire on December 31, 2016.

DATED this 18th day of August, 2015.

WASCO COUNTY
BOARD OF COMMISSIONERS

_____
Scott C. Hege, Commission Chair

APPROVED AS TO FORM:

_____
Rod L. Runyon, County Commissioner

_____
Kristen Campbell
Wasco County Counsel

_____
Steve D. Kramer, County Commissioner

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF STEVEN KRAMER TO THE MID-COLUMBIA COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS	))))	ORDER #15-069

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

IT APPEARING TO THE BOARD: That current MCCOG Appointee Commissioner Scott Hege has committed to serve on an alternate Board of Directors; and

IT FURTHER APPEARING TO THE BOARD: That Commissioner Hege's commitment to that Board is time consuming, making it challenging to participate on both boards; and

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IT FURTHER APPEARING TO THE BOARD: That Commissioner Steven Kramer has agreed to serve in Commissioner Hege's place; and

IT FURTHER APPEARING TO THE BOARD: That Steven Kramer is willing and is qualified to be appointed to the Mid-Columbia Council of Governments Board of Directors.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Steven Kramer be and is hereby appointed to the Mid-Columbia Council of Governments Board of Directors; said term to expire on December 31, 2016.

DATED this 18th day of August, 2015.

WASCO COUNTY
BOARD OF COMMISSIONERS

_____
Scott C. Hege, Commission Chair

APPROVED AS TO FORM:

_____
Rod L. Runyon, County Commissioner

_____
Kristen Campbell
Wasco County Counsel

_____
Steve D. Kramer, County Commissioner

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WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
AUGUST 19, 2015

CONSENT AGENDA

1. 8.5.2015 Regular Session Minutes

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WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
AUGUST 5, 2015

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

At 9:00 a.m. Chair Hege opened the Regular Session of the Board of Commissioners with the Pledge of Allegiance. He explained that there had been a plan to have only one Board session in August; many months ago, Commissioner Runyon had planned a vacation for this time and so is calling in to participate in today's session.

Ms. White said that the ODVA item was being addressed through the Finance office and there are two additions to the agenda:

- Additional staff for Community Corrections
- Accepting and Appropriating PUD Grant Funding for the Fort Dalles Museum

Public Comment – Enterprise Zone

Widge Johnson commended the negotiating team on the work they did to achieve an agreement with Design LLC (Google).

Discussion List – Additional Staff for Community Corrections

Sheriff Rick Eiesland reported that the State budget has been finalized and 1145/3194 funding for Public Safety are both up – there is a total of nearly $878,000 for the biennium. He reminded the Board that last November Community Corrections had lost a position through attrition; that position was not filled. He said that with the additional funding, he would like to move forward to add the fourth position back to Community Corrections. He stated that the manager currently carries a case load and will continue to have cases.

Chair Hege asked what the staff size had been previously. Sheriff Eiesland replied that at one time there were four plus the manager, explaining that the office used to do misdemeanors but is not funded for that work. He added that they do some limited misdemeanor work for diversion and domestic assaults. He said that they no longer participate in Drug Court, but their participation in that program makes for a smoother transition. He stated that with the extra money they hope to start some new programs.

Chair Hege asked if any of the money would be used to support that jail component. Sheriff Eiesland responded that it would be an upcoming discussion at the Local Public Safety Coordinating Council. He said that he would appreciate a Commissioner engaging in that discussion to help form a recommendation to LPSCC. He added that he would appreciate Mr. Stone's participation as well.

Chair Hege asked if that has always been the process. Sheriff Eiesland replied that it is in statute and said that HB3194 is placing more responsibility with LPSCC to help distribute the money.

Commissioner Runyon noted that he serves on LPSCC and would be happy to work with Sheriff Eiesland to form a recommendation. He said he thinks that each of the other Commissioners should have a conversation with the Sheriff to be informed and offer feedback.

{{{Commissioner Kramer moved to approve the Sheriff's request to hire a new Parole Officer at Community Corrections. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Victim's Assistance

Victim's Assistance Coordinator Judy Urness explained that the County receives two

grants for Victim's Services. She noted that historically the grants are secured through separate application processes but this year the State has integrated the two grants into one online application process. She said that she hopes to have everything ready by Friday for Chair Hege's signature.

Chair Hege said that historically there have been compliance issues with these applications; he asked if it has been reviewed to be sure the County is compliant.

Mr. Stone said he has the same concerns each time this and similar grants come up for renewal. He stated that these kinds of grants place a burden on the County for an Equal Employment Opportunity Plan which can cost $10,000-$15,000 to establish and also has costly annual maintenance costs.

Ms. Urness stated that she filled out an EEOP form and it was acceptable. She acknowledged that some of the funding is federal. Chair Hege said that it concerns him and he wants to make sure.

{{{Commissioner Kramer moved to approve the Oregon Department of Justice 2015-2017 Victims of Crime Act & Criminal Fine Account Non-Competitive Program Grant Application. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – IGA 9908 Amendment 2

Ms. White explained that this amendment extends funding for the Truancy Program administered by Youth Services. She said that Juvenile Director Molly Rogers meets monthly with representatives from the schools, courts, law enforcement, etc. to collaborate on solutions to truancy issues. In addition, during the school year there is a Student Success Team that meets with students and their families who struggle with attendance challenges to brainstorm strategies for keeping the student engaged in their education.

{{{Commissioner Kramer moved to approve IGA 9908 Amendment 2. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – ODOT Agreement #30775

Ms. White reminded the Board that at the July 17, 2015 session, MCCOG Transportation Director Dan Schwanz had presented a contract in which the County engages MCCOG to operate the Dial-a-Ride program for Wasco County. At that

time he had explained that a contract would be forthcoming from the State for the funding of this program but he would be unable to be here to present that contract. Ms. White explained that this is the contract to which Mr. Schwanz referred. The matching funds are from MCCOG.

{{{Commissioner Runyon moved to approve Oregon Department of Transportation Public Transit Division Agreement #30775 Operating #5310. Commissioner Kramer seconded the motion which passed unanimously.}}}

Discussion List – Economic Development Commission Appointment

Ms. White explained that Jeff Renard had stepped down from Position 6 on the EDC; this position represented The Dalles Chamber of Commerce. She said that when the EDC redefined their role, they also redefined Position 6 to represent all the Chambers of Commerce in Wasco County. However, since this appointment completed the term of a The Dalles Chamber member, they felt it appropriate to fill that with someone from The Dalles Chamber of Commerce.

Commissioner Runyon said that he thinks Ms. Wimmer will be an excellent addition to the EDC. Both Chair Hege and Commissioner Kramer concurred.

{{{Commissioner Kramer moved to approve Order 15-065 appointing Nan Wimmer to Position 6 on the Economic Development Commission. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Early Learning Hub Appointment

Commissioner Kramer announced that on Friday he would be attending interviews for candidates to act as a coordinator for the project. He said that he has been in contact with Youth Think Coordinator Debby Jones who has graciously agreed to be the Wasco County Representative on the Early Learning Hub Governance Board.

Chair Hege asked if the Hub has been officially recognized. Commissioner Kramer replied that it had been. Chair Hege asked if there is funding for it. Commissioner Kramer said that there is some funding. He reported that Superintendent of the Columbia Gorge Educational Service District Gary Peterson is Chair of the Governance Board and Child Care Partners Director Nancey Patten is Vice Chair. He thanked Ms. Jones for her willingness to serve and expressed his confidence in her. Commissioner Runyon added that it is difficult to find volunteers and Ms. Jones has a lot of good experience to bring to the table.

{{{Commissioner Kramer moved to approve Order #15-066 appointing Debby Jones as Wasco County's representative on the Four Rivers Early Learning Hub Governance Board. Commissioner Runyon seconded the motion which passed unanimously.}}}

Discussion List – Boat Ramp Sign

Commissioner Kramer said that this is the proposed sign for the boat ramp in Pine Hollow. He said that he wanted to be sure that Board has an opportunity to approve the County being added to the sign; he said that he can support either choice. He noted that he has worked on this project for two years and is moving forward with the South Wasco Alliance as the potential lead. He stated that private businesses and citizens have provided the matching funds for the Oregon State Marine Board MAP grant. SWA has proposed the sign so that users are aware of who is supporting the amenity for the community.

Chair Hege stated that he thinks the sign is great; it is good to recognize contributors. He said that the County does not need to be on the sign but he does not have any issues with the County being included on the sign.

Commissioner Runyon thanked Commissioner Kramer for all his work on this. He observed that all three Commissioners have connected with the SWA but Commissioner Kramer has gone over and above in his efforts.

*****The Board was in consensus to allow the County to be included on the SWA sign for the Pine Hollow boat ramp facility.*****

Agenda Item – Solid Waste Advisory Committee Franchise Recommendation

SWAC Chair Dr. Vern Harpole said that at its last meeting the Solid Waste Advisory Committee had received a request from Mel's Sanitary to approve the sale of that business to Waste Connections. He said that SWAC recommends that the sale be approved. He added that SWAC would like to thank Commissioner Kramer who has taken on the task of rewriting some of the documents that are in real need of repair.

Commissioner Kramer said that John Zalaznick and Erwin Sweetam are also participating in that effort. He stated that as they complete their work on the documents, they will move then on the Mr. Stone and County Counsel.

Chair Hege asked if statute requires that the Board of Commissioners approve the sale. Dr. Harpole replied affirmatively.

Mr. Stone reported that this process has already been moved to County Counsel Kristen Campbell; he stated that should the Board choose to move forward with a recommendation, he would recommend they do so with the caveat that it be with the concurrence of counsel. He said perhaps Commissioner Kramer has more detail.

Commissioner Kramer said that he does not think the transfer will hinder operations but that Keith Mobley has more detail. Mr. Mobley explained that he is representing Mel's Sanitary. He said that this is semi-routine but involves a franchise from the County and he is happy to help address any issues that may be encountered.

Chair Hege asked that Mr. Stone work with Ms. Campbell.

Commissioner Kramer asked if the boundary will change. Mr. Sweetam replied that it will not.

Lisa Gambee said that she has just set up with Mel's Sanitary and wanted to know if the recycling service will continue. Mel Barlow replied that it will be closed but residents will be able to go to Maupin or The Dalles for recycling.

Commissioner Kramer said that there will be a conversation at Household Hazardous Waste regarding the recycling; he hopes there will be a solution in the future. He disclosed that he had previously been employed by Mel's Sanitary but was no longer an employee and will not financially profit from this transaction.

{{{Commissioner Kramer moved to accept the recommendation for the sale and transfer of franchise pending legal review. Commissioner Runyon seconded the motions which passed unanimously.}}}

Mr. Barlow thanked the residents of Wasco County for the privilege of serving them. Commissioner Kramer thanked Mr. Barlow for being such a good corporate citizen.

Discussion List – Accept and Appropriate Resolution

Ms. White reminded the Board that at a previous Board session they had approved the Museum Commission's application for grant funds from the Northern Wasco County PUD. Those funds have been awarded and at a subsequent session the Board approved a letter requesting the release of those funds. She reported that the County has since received the funds which cannot be accessed until they are accepted and

appropriated in the budget. She explained that this resolution is the mechanism to accomplish that so that the work can go forward.

{{{Commissioner Kramer moved to approve Resolution 15-009 accepting and appropriating unanticipated Northern Wasco County grant funds in the amount of $9,871.25 during fiscal year 2015-2016. Commissioner Runyon seconded the motion which passed unanimously.}}}

Consent Agenda – Minutes/Plat

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

Agenda Item – Senior Planner Position

Planning Director Angie Brewer reported that an offer has been extended to a Senior Planner candidate. She thanked members of the staff for their participation in the interview process. She stated that the candidate has responded with a salary request that coincides with Step 5. She said that the candidate is highly qualified for this key position and she strongly encouraged the Board to approve the request. She stated that no other applicant brought the same level of qualifications; he brings more than 15 years of experience as a planner and planning director and has tentatively accepted the offer.

Commissioner Runyon said that he has spent time with both Ms. Brewer and Mr. Stone regarding the candidate and is pleased with the selection.

Chair Hege asked if the Planning Commission had been involved in the process. Ms. Brewer replied that they had not participated in the interview process but she has kept them updated.

Commissioner Kramer stated he had also had a conversation with Ms. Brewer and approves of the selection.

{{{Commissioner Kramer moved to approve Step 5 for the Senior Planner candidate and to move forward with the hire. Commissioner Runyon seconded the motions which passed unanimously.}}}

Chair Hege asked about the other open positions in the Planning Department. Ms. Brewer replied that she would be meeting with Human Resource Generalist Barbara Case next week to create job descriptions. She said she has been wearing both the

Planning Director and Senior Planner hats for many months and is excited to have a new Senior Planner.

Agenda Item – Public Works

PUBLIC WORKS BUILDING UPDATE

Public Works Director Arthur Smith reported that he had contacted the Peter Meijer Architect to negotiate a scope of work to deliver what the County wants and reduce costs. He said that the negotiations are going well and the firm has been very receptive to have a partnership to give the County the desired product. Ms. Brewer added that it may be that reducing costs will mean getting only one or two options rather than the three originally requested.

Chair Hege said that they should use their professional judgement. Mr. Smith said that there will be a proposal that will be forwarded to the Board for comment.

Mr. Stone said that one option would be fine if the County has significant input in the design process.

Chair Hege asked if some of the other easier items have been addressed. Ms. Brewer replied that they have done some of the small things but most of it is still coming; the backlog at Planning and work load at Public Works has slowed progress.

WARM SPRINGS WEED CONTRACT

Mr. Smith explained that the County has had a relationship with the Confederated Tribes of Warm Springs since the 80s; the contract is up for renewal and the Tribes want to continue. He said that the contract was reviewed by County Counsel and returned with comments. He said he is working to come up with language that will be acceptable to both the Tribes and the County. He said that he wants to get the contract approved; the Weed Department needs this work and he would like to move forward.

Commissioner Kramer questioned the 2014 start date in the contract. Mr. Smith replied that it was a typo and is being corrected.

Chair Hege asked if this contract covers County costs. Mr. Smith replies that it does; it is a good contract for the County.

{{{Commissioner Kramer moved to approve the Confederated Tribe of Warm

Springs weed Control Contract pending County Counsel approval. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege noted that the County owns land on 7 Mile where there had been a pit; he said that there is a weed problem there and wanted to know if Weed Superintendent Merle Keys is working on that. Mr. Smith replied that the problem at that site is skeleton weed which can only be effectively sprayed during certain times in its growth cycle. He said that Mr. Keys is aware of the problem and will be addressing it at the appropriate time.

CITY OF THE DALLES/WASCO COUNTY COLLABORATIVE ROADS PROJECT

Mr. Smith said that the work on this project will begin on August 17th with 30 projected segments in the scope of work. He said that the materials have been ordered and jobs assigned. He reported that a lot of time has gone into the logistics. He suggested that August 18th would be a good opportunity for a site inspection. He said he would continue to work with Ms. White to make those arrangements.

WAMIC GRADE PROJECT FUNDS TRANSFER AGREEMENT AMENDMENT

Mr. Smith said that he had worked with former Finance Director Monica Morris on this before she left. He said that she had advised that his authority for this project resided in the 2014-2015 fiscal year and suggested that he send the money to them at that time in case there were any cost overruns. This transfer agreement recognizes that payment. He said that the project is going smoothly and it is possible that the County will get the money back.

Chair Hege observed that the traffic control for the project seems to be going well. Mr. Smith agreed saying that he has not received any calls. Sherry Smith did contact him to say that 20 minute delays may be too long on days when the temperature exceeds 100°; the crews have been trying to mitigate that circumstance. He stated that the contractor has also been working with the local agricultural community for the movement of farm implements.
Commissioner Kramer pointed out that there is a little bit of pain to get this big project done and the local community seems to be adjusting to it. Mr. Smith stated that it should be paved and striped by the end of September; it will be the best road in the County when it is done.

{{{Commissioner Kramer moved to approve the Western Federal Lands

Highway Division, FHWA Agreement #DTFH70-14-E-00012 Amendment 3 for the Cody Road-Wamic Market Grade Reconstruction. Commissioner Runyon seconded the motion which passed unanimously.}}}

Chair Hege called a recess at 10:10 a.m.

The session reconvened at 10:15 a.m.

Agenda Item – Assessor's Report

County Assessor Jill Amery reviewed the numbers in the report included in the Board Packet. She reported that it has been a much smoother process than last year although they have discovered some things in the Ascend program that can be improved for next year.

Chair Hege asked about the money set aside for a possible Comcast refund. Ms. Amery replied that there are some legislative issues regarding how Comcast and other cable network providers are taxed – their tax funds along with interest have been set aside in case a refund is directed. She said that there was a decision made but a portion was sent back to the judge for further deliberation. She said that the interest on the taxes is significant – 16-18%.

Chair Hege stated that the interest rate should float with the market. Ms. Amery agreed saying that it is very difficult for taxpayers who fall behind to catch up when the interest rate is so high; however, it is set in statute.

Chair Hege asked if Ms. Amery has been attending the Assessor's meetings. Ms. Amery replied that she has not had time to go to the meetings that require travel but has attended those that are more local. She reported that there is a conference in Hood River next week that she will be attending.

Ms. Amery went on to say that June 30 was a challenge last year but there is now a monthly process in place that has helped and this year has gone smoothly.

She reported that credit card payments were implemented at the counter and on the website in October of last year. They also accept e-checks which carry a flat fee of $2.00. She said that they took 134 credit card payments and 15 e-checks which is good for the first year as it takes a while for people to catch on.

Chair Hege asked if we are promoting the electronic payments. Ms. Amery replied

that they will put the information in the mailings. She said that this should help those last-minute payers avoid late fees. Chair Hege asked if the bill comes up when paying online. Ms. Amery responded that it does – there is a new software version coming out that they are waiting to implement.

Ms. Amery stated that Lane County is helping to make mapping changes happen more quickly. She is waiting for a report from them so she can look at costs. This will help inform the fee structure and she expects some fees will come down while others will increase.

Ms. Amery said that the conversion work is going on full time now – about 15 are entered per day with a backlog of 6,000. She said that the appraiser trainee coming onboard will help with the conversion work. She said that the trainee already has some experience and will be sitting for the exam very soon.

Ms. Amery reported that they have one more position to fill; private industry is booming and it is hard to get someone. She said that even when the data is all entered there will be more work to do to make it usable and they will need the staff. She stated that their CAFFA funding has increased commensurate with the increased staffing. She said she expects $196,000 but the state is predicting less.

Ms. Amery said that the committee formed to address the issue of County-owned properties has met and is identifying which properties can be sold. Once that list is complete, they will review it and make recommendations for action.

In conclusion, Ms. Amery reported that her staff is a well-functioning team. She said that they still have a lot to do but are looking forward and she is very proud of them.

Chair Hege asked if it is possible to get the tax codes into the GIS system. Ms. Amery replied that when the Ascend web information is available she will talk to Tycho Granville to see what is possible. She said the information will be available through the Assessor's system. She added that she has a map that outlines the tax code areas and even if that could be overlaid in the GIS system, it would be helpful.
Chair Hege asked for an update on the status of Treasury and how the interface is going with that office.

Mr. Stone reported that Interim Finance Director Debbie Smith-Wagar has made a lot of progress; there is $2,000 that they are trying to find; we know where it is on the tax side but need to find it in finance. He said that they now reconcile monthly and

the relationship with the Assessor is solid, they just have to overcome all the transition glitches. Things are going well; internal controls are being set up and he feels positive about the process and where we are.

Chair Hege asked about the upcoming audit. Mr. Stone said that items that needed to be addressed have been and that will be recognized in the audit. However, he predicts there will be findings as we will be looking at a time when the County was still challenged with Treasury issues, but those findings will include the fact that the County has taken the necessary steps to correct the situation.

Ms. Amery added that the new accounting clerk in Finance is great; they just did their download and it was to the penny. She said that in reconciling there is a $50 discrepancy but they think they know where it is. She reported that they are implementing Lock Box and want to have it in place this year.

Mr. Stone said that a year ago there was not a team aspect; now there is a great team effort and they are supporting one another interdepartmentally.

Chair Hege said this represents a huge sigh of relief.

Retired County Clerk Linda Brown said she has some information Ms. White had requested. Mr. Stone said that as part of the changes made at Community Corrections, staff had been moved to a 40 hour week and there was some question as to whether or not that could be done; he had asked when the 37.5 hour week had been instituted and to whom it applied.

Ms. Brown said that a 1968 ballot measure had put the County under civil service. The first personnel ordinance had set the hours of operation at 8:30 a.m. to 5:00 p.m. She reported that the ordinance says that the Courthouse employees work a 7.5 hour day and those outside the Courthouse work an 8 hour day.

Mr. Stone said that as soon as an HR person is hired, they will be looking at the ordinance to update or eliminate it, noting that it is outdated. He pointed out that there are a lot of big projects that need attention and he does not want to overwhelm staff.

Agenda Item – Walnut Street Property

Facilities Manager Fred Davis reported that he did a thorough walk-through of the property and has some solid information on what needs to be done. He said that he

had spoken to the Mid-Columbia Housing Authority and they are not running a rental program at this time. He then reviewed the memo included in the Board Packet.

Commissioner Runyon asked what the options are outside of leveling the house. Mr. Davis responded that they could try to sell it for $1.00 and have it moved or close it up which will attract vandalism and squatting.

Commissioner Runyon said that if it is not leveled the upgrades will have to be done. He asked what the County would do with the property if the house were to be removed. Mr. Davis said that removing the house will eliminate the costs and risks associated with it; longer term it is an advantage to have the property but there are no immediate plans or needs. He said it would have to be fenced.

Commissioner Runyon asked if there is any potential for cell towers on the property. Mr. Stone replied that the nearby BPA tower provides too much interference. Mr. Davis added that a cell tower would require a 20 year lease that might interfere with County plans for the property.

Chair Hege noted that the $20,000 - $25,000 needed to improve the property would take over 2 years to recover through rent. He said that if the County has plans to develop the property it does not make sense. He said he thinks we should look into having it moved and if that does not work, look at the cost of razing. He said that in his opinion, it doesn't make sense to invest in the house.

Commissioner Kramer agreed. Commissioner Runyon said that we definitely need to look at both options.

*****The Board was in consensus to direct Facilities Manager Fred Davis to move forward to explore the possibility of having the Walnut Street house moved and determine the cost of having it razed.*****

Keith Mobley observed that Habitat for Humanity might be interested in the house.

Mr. Stone reported that with the addition of more staff to the Assessor's office they are running out of space. He noted that the Clerk has a staff of 4 while the Assessor has a staff of 13 and they have talked about the possibility of swapping space. He said that the other option is the unused jail cell space but that would take a lot of renovation to make it useful.

Agenda Item – Proposed Tax Levy

Veterans Service Officer Russell Jones said that at the July 17th Board session, the Veterans Services Advisory Committee had requested a tax levy to support the Veterans Service Office. The Board had questions and they are here today to answer those questions. He provided an informational hand-out to the Board (attached).

Mr. Jones stated that the current budget for the office is $131,000. He reported that the volunteer coordinator is retiring from that position. He said that the State has recognized their volunteer staffing program and he would like for that to continue. He said that they would like to add a member to their staff to act as office manager and volunteer coordinator. He said the additional staff would require a total budget of $196,000. He stated that the requested levy would bring in approximately $230,000 after compression, which is about $30,000 more than what is needed. He said that the question becomes whether they want to pursue the levy or ask the Board to support the third position.

Further discussion ensued regarding the other possibilities for legislative changes that might allow for a veterans taxing district. Chair Hege stated that he would support the idea of taking this to a vote if the funds could be outside of general fund dollars. Commissioner Kramer said that he could support that but pointed out that the community has already said they are not interested in any new taxes.

Mr. Stone said that they would do more work to explore that.

Commissioner Runyon said that he understands the passion involved in this issue and he would like to recognize all that has already taken place to support the veterans program.

Mr. Jones pointed out that the funding for Patrick Wilbern's position will expire in 2016. Chair Hege said that can be addressed through the normal budget process. Mr. Stone said that he will continue to support the current service level while moving through this exploratory process.
Chair Hege called a recess at 11:28 a.m.

The session reconvened at 11:32 a.m.

Agenda Item – Enterprise Zone Resolution and Agreement

Chair Hege said that the Board heard from many people and is ready to hear from anyone today who has not spoken previously or has something new to say.

Ms. Coats asked if the agreement has a decommissioning clause. Chair Hege said that is a good point but there is not such a clause. He stated that he has not seen those types of clauses in other than wind farms.

Ms. Coats pointed out that the facility is on the Riverfront Trail and would be an eyesore if abandoned. Chair Hege replied that he understands the concern but he is not concerned about that.

Mike Bertrand thanked the City and the County for holding the hearing on Monday evening. He said that it provided an opportunity to hear a variety of issues and concerns. He said that one thing he did not hear was about property tax relief. He said that when the PUD was contemplating a large project 40 years ago they engaged in a public relations campaign to educate the public; the result was that they got 80% of the vote. He said that he believed this should go to a vote as well. He said that he thinks this should be a 50/50 deal. He said that he understands why the taxing authorities are enamored of the deal as they will get some money from it. He asked if the money has been allocated.

Chair Hege replied that the City has done more work around allocation than the County has; the County has deferred those decisions until the funds are being realized. Mr. Bertrand said that he doesn't see money going out to other towns in the County and thinks there needs to be more.

Wayne Lease said that Google will begin paying $800,000 in the next fiscal year for the second enterprise zone. He asked when payments will begin for the third enterprise zone. Chair Hege replied that it will start once the facility has been built. Mayor Steve Lawrence said that he thinks that 2018 should be the year after it goes on line.

Mr. Lease said that there will be instant gratification as there will be revenue for the building permit fee which will probably be three times greater than the last fee they paid. He said that the last fee they paid was misused and the County needs to make it clear to MCCOG that they need to be transparent and fiscally responsible for how that money is managed. He went on to say that we have a high dropout rate and SD21 is not the only district in the County. He said that we lack vocational programs.

Chair Hege said that there will also be an initial payment at a minimum of $1.4 million plus one-quarter million for the Port of The Dalles.

Corliss Marsh said that she has been to the hearing and the City Council meeting; she appreciates the team and supports the agreement but is concerned about how it is distributed. She pointed out that if the money were being collected as taxes the Library would be getting some of those funds. She asked how the distribution would be decided.

Chair Hege replied that this is a unique situation in that the City and County jointly operate the Enterprise Zone and technically will decide the distribution of the funds. He said that they want to be transparent. He noted that Representative Huffman has suggested that it be done on the distribution formula and he expects that they will talk about that again. He reported that he had been for that method of distribution but to think about it further they want to talk about how the resources can be best used as opposed to dividing it up arbitrarily. He said they try to use the initial fee for projects that will have a significant impact. Mayor Lawrence added that they would also like to see an immediate impact.

Ms. Marsh asked how the school district got 30% of the last Enterprise Zone fee. Mayor Lawrence said that the City gets 35%, the County gets 35% and the School District gets 30% and each can determine how to use those funds. He reported that last time they talked to people to see where the needs were; then it came before the governing bodies. He said that perhaps they could have hearings to get more input. He said that when they got the first $250,000 they agreed to give the college $100,000 a year to develop an IT program. He said that the college got the funds for seven years but never developed the program. He stated that it was then recommended that they be given $75,000 per year for two years after which the funding would end. He said that what they learned from that experience is that when the funds are distributed they need to be accompanied by an IGA to set goals and checks. He said that is what happened with the School District. He said they do not second guess them but want to make sure it is being spent as agreed. He said that they plan to do that for everyone; it was done openly and in Council – approved by both governing bodies. He said that perhaps they need to take an extra step to allow for more public input.

Keith Mobley said that he returned to the area in 1988 with an interest in telecommunication and broadband; out of that came QLife with the hope that there would be benefits and there have been - it is a community asset. He said that Google came in to the area in 2002 with many NDAs; he said that there had been another community that had broken their NDAs and that is why Google came here. He

pointed out that other data centers have come to Oregon and to here because they got better deals elsewhere and because we have gotten better at negotiating. He said that this is a good deal and having Google here has been good for our community and should be celebrated. He said that the negotiating team should be congratulated and he heartily endorses it.

Chair Hege pointed out that this is Google's first data center in the U.S.; they have located around the world and could go other places.

Rodger Nichols said that it is interesting that entities that live with and curse government edicts turn around and put strings on the money they put out. He said he would rather that the school spend money on classes.

Widge Johnson said that the thinks this is wonderful and the team did a great job except that in the eight months they should have thought about carving out a chunk of time at the end to market it to the public. She said that in the four business days between the announcement and the public hearing she had to scramble for information to answer her questions. She asked that they keep that in mind for the future. She pointed out that this is not the first time it has happened. She said that they need to give people more time; she thinks the community is for it, they just want to be part of it. Chair Hege said that he thinks those are wise comments and he concurs.

Superintendent Candi Armstrong thanked the team for their hard work in bringing this forward. She said that at the hearing she spoke of Google being a benefit. She noted that the School Board is neutral and the Enterprise Zone is the prevue of the City and County. She said that the curb appeal decision was made because when people come to locate here they drive by the school and find that it is not appealing. She said that they have spent their funds on education and this was an opportunity to improve the issue of curb appeal. Mayor Lawrence added that the requirement that the mascot change was very expensive for signage, etc. and this was a way to fund that without taking money away from education.

Mr. Bertrand asked Mr. Stone if he thinks we got enough money. Mr. Stone said that he is an Administrative Officer and Administrative Officers always want more but this is the deal that was struck.

Commissioner Kramer read an email from Mike Davis into the record (attached).

Lisa Gambee stated that she is a South Wasco County resident and now County Clerk; she is also a member of the South Wasco Alliance. She said that one of the unforeseen benefits of Google was a grant to run a survey to see what is needed in rural Wasco County for connectivity. She said that they were able to feed that information to the State to get more funds to bring high speed internet broad band to the rural communities. She pointed out that these benefits are not part of the agreement but would not happen without Google's presence in the community. She said she supports the agreement.

Chair Hege said that it was a good comment; Google is not a headline-grabber and they don't want this to be a company town but they do a lot of good in the community.

Commissioner Kramer reported that Dufur has also benefitted; they now have desk top and laptop computers available for check-out. He said that they have also gotten computer science instruction and Gorge Explorers that Google put together for STEM. He said that they identify students that are falling behind and tutor them to get them up to speed. He said that they do many things in the community – the wind challenge, Gravity Games and 4-H programs.

Al Wynn said that he is not opposed to the agreement but for him the rush is the problem – it is out of balance. He said that the community needs time to digest – the team had eight months to understand. He said that he thinks it would be prudent to slow it down and not let fear drive the decision.

Mr. Bertrand asked what the discussion had been at the City. Chair Hege replied that there had been a lot of discussion among the Council members.

Mr. Lease asked how this was decided. Chair Hege replied that it began eight months ago and Google had hoped they would be done by mid-January. He said that the negotiating team thought the timeline was optimistic. He said that there was a lot of negotiation and the team took the necessary amount of time to get an agreement that was good for both. He said that as they got to the end of Google's time frame he does not think that the time pressure was not fear but reality. He said that this is not a done deal on the Google side as it has to go through their process for approval. He said that there is a timing element for them; they are running a business and they have a legitimate need for a decision.

Mr. Lease asked when they had the first opportunity to tell the public. Chair Hege

replied that on the Friday before the Monday joint executive session it was determined that it was ready for the City Council and Board of Commissioners to see it and determine if it could go to the public. He said that following that meeting was the first opportunity to get it out to the public. He said that there were some parallel negotiations that occurred elsewhere.

Brenda Coats said that she does not think that her concerns about decommissioning were heard. She said that she recognizes that Chair Hege has some credentials that most do not possess but the wind farms had to learn the hard way. She said that she believes that the curb appeal of the school is important; when we don't take care of it, it says that we don't care about our community. She said that if Google does not plan to leave, they won't mind a decommissioning clause.

Victor Johnson asked that if they knew then what they know now would they go back and create a space up front in the negotiations to allow for the public to digest the information. He said that if the answer is yes, that is a blind spot; if there is one blind spot, there is the possibility of others. He said that he is on board and thinks that the Board should pass it today but even the Councilors and Commissioners had a short review time and that should be considered for the future. He said that he hopes that the Board is hearing this and listening to the community – the community wants to feel they are a part of this. He said that right now you are about 50/50 but with more time could have more in favor - 70/30 or 80/20.

Mayor Lawrence said that he had said something that was misinterpreted. When he had pointed out that the City and County were not mandated to have the public hearing he was trying to illustrate that despite that they had chosen to do so and in fact insisted upon it in negotiations. He said that he was sorry for the misunderstanding.

Mr. Mobley said that the public hearing and today's meeting have been exemplary – people have been given an opportunity to speak. He said that he must point out that this is a representative form of government. He said that our governing bodies have presented to us a package that is well worth our approval. He said it would have been nice to have more time and this will inform us in the future to do that.

Mr. Lease stated that he is grateful for the work that has been done by the team.

Chair Hege said that everyone who comes to speak is appreciated – it doesn't happen often and the Board wishes more people would become engaged in local government.

Chair Hege closed public testimony and asked the Commissioners how they wanted to move forward.

Commissioner Kramer said that he has heard all of the testimony and from others who have contacted the Board but could not attend. He said that the constituents who put him in office have told him overwhelmingly to move forward with this process. He said that there is more than one issue and the Board has received the message loud and clear; they will make sure in the future they will do more to hear from the public.

{{{Commissioner Kramer moved to approve Resolution 15-008 approving a third enterprise tax abatement agreement with Wasco County and Design LLC. Commissioner Runyon seconded the motion.

DISCUSSION

Commissioner Runyon said he is sorry that he cannot be there but he has spent time calling people. He also stated that he has confidence in the people who were negotiating. This has not been a five or six day deal; people we trust put in a lot of hours to come to this agreement. He said that he has read a lot of emails and gone over his hearing notes; one thing that has struck him is that this one company is doing so much more than a lot of smaller companies could have done. He stated that Google is the vanguard of other companies seeing their success in being here and will want to come as well. He said other industries will look at the Port because Google is there. He said another citizen pointed out that we are getting a lot of high-wage earners in the community – talented people who spend their money here even if they live elsewhere. He added that those talented people may decide to stay with Google or perhaps start their own business here. He said that this is a long-term relationship. He said that the County will keep options open and be thorough in the decisions on how to spend the money.

Chair Hege said that he has been involved in this a long time and feels very strongly that this is an incredible thing. He stated that he has been in economic development for a long time and this doesn't happen very often. He said that he realizes that people are frustrated and think that they were not heard but he said that the Board has listened and a lot of good points have been made. He said he has taken in all the concerns that he has heard and wants to address some of those concerns.

He said that one concern is that Google needs to pay more – over 50% of the people who commented mentioned that. He said that he does not agree. He stated that he

likes a company to come that is successful and wealthy as opposed to a company that is struggling. He said that although it may not be a lot for Google, it is a lot for this community. He said that the team fought hard – blood, sweat and tears; he is surprised that they got the deal that they got. He stated that at the minimum this is 6-10 times better than any other agreement in the State of Oregon – it is huge! He said that the fees are more than three times what the highest taxpayer pays.

Chair Hege went on to say that people said that the team was not competent to negotiate. He stated that he disagrees – there was a broad band of opinions on the team and it was not just a job for the team; this team cares about the community.

Chair Hege said that he agrees that there is a limited amount of land in the Port and diversification is important. He said that that was part of the discussion. He noted that the Port still has sites and will continue to invest and develop more sites. He said that diversification is a goal; he was at the Port for 15 years and when he started there, there was only one business. It takes time and effort and diversification is critical.

Chair Hege stated that he agrees that the Riverfront Trail needs to be considered. He reported that he has had many serious discussions with contacts at Google and they have committed to that; the public should engage in that discussion.

Chair Hege said that for the decisions regarding distribution transparency is key. He said that when those discussions occur they need to be thoughtful about the process.

Chair Hege said that he agrees that this was a short time and he worked hard on this – he really wanted to give the public more time. He said he lost on that issue and was sorry – he tried really hard and was on the phone last night trying to get more time. He said that he is not sure why, but they need for a decision to be made today.

Chair Hege called for a vote. The motion passed unanimously.}}}

{{{Commissioner Kramer moved to enter into an agreement for a third Enterprise Zone Tax Abatement Agreement between the City of the Dalles, Wasco County and Design LLC. Commissioner Runyon seconded the motion which passed unanimously.}}}

Commissioner Runyon stated that it is a job well-done.

Chair Hege adjourned the meeting at 12:49 p.m.

Summary of Actions

Motions Passed

- **To approve the Sheriff's request to hire a new Parole Officer at Community Corrections.**
- **To approve the Oregon Department of Justice 2015-2017 Victims of Crime Act & Criminal Fine Account Non-Competitive Program Grant Application.**
- **To approve IGA 9908 Amendment 2.**
- **To approve Oregon Department of Transportation Public Transit Division Agreement #30775 Operating #5310.**
- **To approve Order 15-065 appointing Nan Wimmer to Position 6 on the Economic Development Commission.**
- **To approve Order #15-066 appointing Debby Jones as Wasco County's representative on the Four Rivers Early Learning Hub Governance Board.**
- **To accept the recommendation for the sale and transfer of franchise pending legal review.**
- **To approve Resolution 15-009 accepting and appropriating unanticipated Northern Wasco County grant funds in the amount of $9,871.25 during fiscal year 2015-2016.**
- **To approve the Consent Agenda – 7.1.2015 Regular Session Minutes, 7.8.2014 Special Session Minutes, 7.15.2015 Regular Session Minutes, Industrial Park Plat.**
- **To approve Step 5 for the Senior Planner candidate and to move forward with the hire.**
- **To approve the Confederated Tribe of Warm Springs Weed Control Contract pending County Counsel approval.**
- **To approve the Western Federal Lands Highway Division, FHWA**

Return to Agenda

Agreement #DTFH70-14-E-00012 Amendment 3 for the Cody Road-Wamic Market Grade Reconstruction.

- **To approve Resolution 15-008 approving a third enterprise tax abatement agreement with Wasco County and Design LLC.**

- **To enter into an agreement for a third Enterprise Zone Tax Abatement Agreement between the City of the Dalles, Wasco County and Design LLC.**

Consensus

- **To allow the County to be included on the SWA sign for the Pine Hollow boat ramp facility.**

- **To direct Facilities Manager Fred Davis to move forward to explore the possibility of having Walnut Street house moved and determine the cost of having it razed.**

WASCO COUNTY BOARD
OF COMMISSIONERS

_____
Scott Hege, Commission Chair

_____
Rod Runyon, County Commissioner

_____
Steve Kramer, County Commissioner

Return to Agenda

Agenda Item
MCCFL Grant – Public Hearing

- MCCFL Public Hearing Memo
- Ordinance 15-002 Ratifying MCCFL IGA & Declaring Emergency
- MCCFL Regional IGA

Return to Agenda

8/19/2015

Memorandum

To: Citizens of Wasco County

From: Wasco County Board of County Commissioners

Chair Scott Hege, Commissioner Rod Runyon, Commissioner Steven Kramer

Re: Wasco County Application for Community Development Block Grant

This public meeting is to inform the citizens of Wasco County about Wasco County's plan to apply for a Community Development Block Grant (CDBG) on behalf of Mid-Columbia Center for Living, the county's community mental health, addictions and developmental disabilities program.

The Community Development Block Grant funding of $2 million dollars, in addition to matching funds from the Mid-Columbia Center for Living, will provide for the construction of a 20,000 square foot office building on land owned by MCCFL on tax lot 2400, adjacent to SW 10th and Webber Street, in The Dalles, Oregon.

Mid-Columbia Center for Living (MCCFL) currently provides outpatient mental health, addictions, and developmental disabilities services for children, youth, adults and families in three locations in The Dalles. These locations serve the greater Wasco County area, as well as, many residents of Sherman County. While these locations have served the community well over the years, they have become outdated and too small to accommodate the clients, staff and services efficiently and effectively.

Anticipating this need, MCCFL has been setting aside funding for the new building construction for many years, and has previously purchased the land in 2012. The need for one building to consolidate all of the services that MCCFL provides for Wasco County is identified as one of the priority projects of the Wasco County Local Development plan. MCCFL funding, coupled with the Community Development Block Grant will provide for the estimated cost of 4 million dollar building. Wasco County will not be incurring any debt, or utilizing any general fund dollars for this project. If successful, the building construction will be started in April of 2016 and completed winter of 2016.

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF AN ORDINANCE RATIFYING AN INTERGOVERNMENTAL AGREEMENT CREATING THE MID-COLUMBIA CENTER FOR LIVING (MCCFL) AND REVISED INTERGOVERNMENTAL AGREEMENT FOR THE CONTINUED OPERATION OF MCCFL, AND DECLARING AND EMERGENCY	)))))))	ORDINANCE #15-002

WHEREAS, ORS 190.010 authorizes governmental entities such as counties to enter into written agreements for the performance of any or all functions and activities that any single county, or its officers or agencies, has the authority to perform on its own; and

WHEREAS, Mid-Columbia Center for Living (MCCFL), governed by the Tri-County Mental Health Board (Board), was created via intergovernmental agreement dated March 1, 1983 by and between Wasco, Hood River and Sherman Counties for joint operation of a community mental health program pursuant to ORS 190.010 and ORS 430.620; and

WHEREAS, via intergovernmental agreement dated January 12, 1994, Gilliam County joined MCCFL; and

WHEREAS, Gilliam County has terminated its obligations under the 1994 agreement; and

WHEREAS, Wasco, Hood River and Sherman counties desire to ratify a new intergovernmental agreement providing for the continued operation of MCCFL, and setting forth the terms of MCCFL's governance, authority and responsibility.

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

SECTION 1: Pursuant to ORS 190.085, the Wasco County Board of Commissioners hereby ratifies the creation of MCCFL and the continued operation of MCCFL, via the Intergovernmental Agreement by and between Wasco, Hood River and Sherman counties attached hereto and incorporated herein as it fully set forth.

SECTION 2: The effective date of the Intergovernmental Agreement shall be the last date upon which the respective Board of Commissioners of Wasco, Hood River and Sherman counties approve the agreement.

SECTION 3: The purpose of the Intergovernmental Agreement is to:

A. Ratify the continued existence of MCCFL;

B. Jointly provide for the continued operation of the community health program;

C. Jointly provide for the terms of MCCFL's governance, authority and responsibility.

SECTION 4: Pursuant to ORS 190.080(1), MCCFL is vested with all powers, rights and duties of an intergovernmental entity.

SECTION 5: Pursuant to ORS 190.030, the Board is vested with all powers, rights and duties to operate a community mental health program to serve the residents of Wasco, Hood River and Sherman counties in conformity with ORS 430.610-695 and the applicable regulations of the Oregon Health Authority.

SECTION 6: The Board is further vested with the authority to hire and fire and executive director of MCCFL, which director shall have authority over all employees and general management of MCCFL.

SECTION 7: Pursuant to ORS 190.080(3) and (4), the debts, liabilities and obligations of MCCFL are solely the obligations of MCCFL and not the obligation of Wasco, Hood River or Sherman counties, unless one of the signatory counties specifically agrees in writing otherwise.

SECTION 8: The Intergovernmental Agreement shall continue in existence unless dissolved by majority vote of the governing bodies of each of the counties or unanimous vote of the full Board.

SECTION 9: **Emergency Clause.** This Ordinance, being essential to the continued existence of the Intergovernmental entity known as Mid-Columbia Center for Living, an

emergency is hereby declared to exist and this Ordinance is effective upon its adoption.

Regularly passed and adopted by the Board of Commissioners of the County of Wasco, State of Oregon, by a ____ to ____ vote on this 19th day of August, 2015.

ATTEST:

Kathy White
Executive Assistant

APPROVED AS TO FORM:

Kristen Campbell
Wasco County Counsel

WASCO COUNTY
BOARD OF COMMISSIONERS

Scott C. Hege, Commission Chair

Rod L. Runyon, County Commissioner

Steven D. Kramer, County Commissioner

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INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into by and between Wasco, Hood River and Sherman counties (the Counties) pursuant to ORS 430.260(c), (d) and (e) and ORS 190.010(5) to ratify the continued existence of the intergovernmental entity known as Mid-Columbia Center for Living (MCCFL), governed by an independent board known as the Tri-County Mental Health Board (the Board) and to provide for the terms of MCCFL's governance, authority and responsibility.

RECITALS

Whereas, MCCFL was created via intergovernmental agreement dated March 1, 1983 by and between Wasco, Hood River and Sherman counties for joint operation of a of a community mental health program. Via intergovernmental agreement dated January 12, 1994, the members of the MCCFL Quadri-County Mental Health Board signed a virtually identical agreement except of the addition of Gilliam County.

Whereas, Gilliam County has terminated its obligations under the 1994 agreement. Wasco County, Hood River County and Sherman County now desire to enter into an intergovernmental agreement consistent with their conduct to jointly provide for the continued operation of the community mental health program known as MCCFL.

Section 1.
PROGRAM AUTHORITY and RESPONSIBILITY

1.1 Pursuant to ORS 190.030, the Board is vested with all powers, rights and duties to operate a community mental health program to serve the residents of Wasco, Hood River and Sherman counties in conformity with ORS 430.610 – 695 and the applicable regulations of the Oregon Health Authority.

1.2 The Board is authorized to accept, use and expend property or monies from any public or private source for purposes of operating a community mental health program in conformance with Oregon budget law. ORS 430.620(1)(e).

1.3 All officers and agencies of each signatory county, upon request, shall cooperate insofar as possible with the Board in conducting the community mental health programs and carrying on and coordinating activities incidental thereto, subject to availability of funds. ORS 430.620(2).

1.4 The Board is vested with the authority to hire and fire an executive director of MCCFL, which executive director shall have authority over all employees of MCCFL

as well as the general management of MCCFL, consistent with policies and directives of the Board.

1.5 MCCFL is vested with all powers and duties of an intergovernmental entity created by intergovernmental agreement pursuant to ORS 190.080(1).

1.6 The debts, liabilities and obligations of MCCFL are solely the obligations of MCCFL and not the obligation of Wasco County, Hood River County, or Sherman County, unless one of the signatory counties specifically agrees in writing otherwise, in which case that county may assume responsibility for specific debts, liabilities or obligations of MCCFL. ORS 190.080(3) and (4).

1.7 MCCFL is authorized to purchase real property through installment purchase or lease with option to purchase provided that the period of time allowed for payment does not exceed twenty years. MCCFL is also authorized to mortgage or encumber its real property upon terms and conditions approved by the Board.

1.8 Any monies collected by or credited to MCCFL shall not accrue to the benefit of private persons.

1.9 Upon dissolution of MCCFL, title to real property shall vest to the county where the real property is located, subject to any outstanding indebtedness secured against the real property. MCCFL's other assets shall vest in Wasco, Hood River and Sherman counties in the manner designated by the Board with liabilities allocated in the same proportion. ORS 190.080(5)(a) and (b).

1.10 MCCFL may be dissolved at any time by majority vote of the governing bodies of each of the counties or unanimous vote of the full Board.

Section 2.
MEMBERSHIP OF TRI-COUNTY MENTAL HEALTH BOARD

The Board shall consist of three members, each of whom shall be a county commissioner appointed by the governing body of one of the counties to this Agreement. Each Board member shall serve at the pleasure of the county governing body he/she represents. Non-voting members may be appointed by the Board, each of whom shall serve for the term designated by the Board and at the pleasure of the Board.

Section 3.
ORGANIZATION OF TRI-COUNTY MENTAL HEALTH BOARD

3.1 The Board shall meet at least once each quarter for short and long range planning, review and approval of program plans, operation and general review of MCCFL business and operations.

3.2 At its first meeting each calendar year, the Board shall appoint one of its members to serve as chairperson until the first regular meeting of the subsequent year.

3.3 Additional meetings may be called by the chairperson or upon request to the chairperson by any Board member.

3.4 The presence of two voting Board members at a meeting shall be necessary to constitute a quorum. Decisions of the Board shall be by at least two votes of Board members.

3.5 The chairperson shall sign documents and represent the interests of the Board as authorized and directed by the Board to ensure the efficient and continued operation of MCCFL.

Section 4.
DURATION OF AGREEMENT, TERMINATION AND NOTICE

4.1 A signatory county to this Agreement may terminate its rights and obligations hereunder via 120 days' advance written notice to the other parties to this Agreement and the Board, in which case this Agreement shall continue in effect as to the remaining signatory counties.

4.2 If a party has provided notice of termination of its rights and obligations under this Agreement consistent with Section 4.1, title to all assets and responsibility for debts and liabilities shall remain with MCCFL, unless a county has already assumed responsibility for specific debts, liabilities or obligations per Section 1.6 in which case such county shall continue to be responsible therefor following notice of termination.

4.3 **Notices**. Any notice under this Agreement must be in writing and given by certified or registered mail, return receipt requested, with postage prepaid. All notices must be addressed to the parties and Board at the following addresses or at such other addresses as the parties may from time to time designate via notice. Any notice will be deemed to have been given three business days after deposit at any post office in the United States of America.

Hood River County
601 State Street
Hood River, OR 97031

Wasco County
511 Washington Street
The Dalles, OR 97058

Sherman County
500 Court Street
Moro, OR 97039

The Board
Mid-Columbia Center for Living
419 E. 7th Street, Suite 207
The Dalles, OR 97058

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Section 5.
COUNTERPART SIGNATURES

This Agreement may be executed in counterparts, which taken together shall constitute one instrument, notwithstanding the fact that all signatures are not contained on the same copy. Facsimile or electronic signatures of this Agreement shall be binding on the parties in lieu of the original signature.

This Agreement was approved by the **WASCO COUNTY BOARD OF COMMISSIONERS** on the 18th day of August, 2015 by ordinance number 15-002.

APPROVED AS TO FORM:

By: _____
Scott C. Hege, Wasco County Commission Chair

_____
Kristen Campbell
Wasco County Counsel.

This Agreement was approved by the **HOOD RIVER COUNTY BOARD OF COMMISSIONERS** on the _____ day of _____, 2015 by ordinance number _____.

By: _____
_____, Hood River County Commissioner

This Agreement was approved by the **SHERMAN COUNTY BOARD OF COMMISSIONERS** on the _____ day of _____, 2015 by ordinance number _____.

By: _____
_____, Sherman County Commissioner

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Agenda Item
Wasco County Vacation Policy

- Staff Memo
- Current Wasco County Vacation Policy
- Amended Wasco County Vacation Policy

Return to Agenda

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY WHITE

SUBJECT: VACATION POLICY

DATE: 8/14/2015

BACKGROUND INFORMATION

In April, 2015 the Board of County Commissioners approved the recommendations of the Transition Committee which had been charged with creating a smooth transition plan for former AFSCME represented employees to move from their union contract to the County Compensation Policy. One of the approved recommendations was to award new hires one week of vacation at the end of the successful completion of their first 6 months of employment, with their second week of annual vacation awarded at the end of their first year of employment.

However, the first time an employee was going to put this to practice it was determined that it could not be made available due to the existence a vacation policy that dictated the first award of vacation could not be made until the end of the first year of employment. The transition team was reconvened for an update of the vacation policy to reflect the decision made by the Board of Commissioners; it is effective retroactively to encompass those employees who would have benefitted from the change had it been in effect in April – i.e. any employees hired after September 30, 2014.

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FILED
WASCO COUNTY

2010 JUN -3 A 9:31

KAREN LEBRETON COATS
COUNTY CLERK

WASCO COUNTY, OREGON

#10-002 AMENDED VACATION POLICY
(excluding bargaining units)

SECTION 1. PAID VACATION FOR FULL-TIME EMPLOYEES.

Regular full-time employees who have at least one (1) year of continuous employment with the County will be awarded vacation (See Section 6) on January 1st of each calendar year. A vacation week is defined as the normal number of hours of work scheduled in a workweek for any given full-time position or part-time position.

SECTION 2. PAID VACATION FOR PART-TIME EMPLOYEES.

Regular part-time employees who have at least one (1) year of continuous employment with the County and who work at least 21.75 hours per week will be awarded vacation on January 1st of each calendar year (See Section 6). A vacation week is defined as the normal number of hours of work scheduled in a workweek for any given full-time position or part-time position.

SECTION 3. VACATION FORFEITURE.

All awarded vacation must be used within a fifteen (15) month time period beginning on January 1st of any given year. Any vacation awarded in

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the prior year and not used by March 31st of the following year will be forfeited.

SECTION 4. VACATION SCHEDULING.

Employees must schedule their vacation consistent with the judgment of the Department Head as to the needs and requirements of the department. Subject to such requirements, vacation time shall be scheduled between employees on the basis of seniority, provided, however, each employee will be permitted to exercise seniority only once a year. Department Heads shall have the final determination of vacation times based on operations and the availability of vacation relief.

SECTION 5. VACATION AWARD.

Vacation is awarded and not earned or accrued. Vacation is not owned by the employee and cannot be sold, exchanged or bartered by the employee, except as may otherwise be specifically provided for in this or another policy of the Board of County Commissioners.

SECTION 6. VACATION AWARD LEVEL(S).

Vacation will be awarded as follows:

At the end of his/her first 12 months of employment, an employee will be awarded two (2) weeks of vacation.

Two (2) weeks of paid vacation will be awarded to an employee on January 1st of each "Anniversary" year for years two (2) through five (5) (the second (2nd) through the fifth (5th) January 1st on which he/she is employed).

Beginning with the employee's sixth (6th) "Anniversary" year (sixth (6th) January 1st employed) and continuing through his/her tenth (10th) "Anniversary" year, he/she will be awarded three (3) weeks' vacation each calendar year.

Beginning with his/her eleventh (11th) "Anniversary" year and every year thereafter (each January 1st), an employee will be awarded four (4) weeks of vacation.

SECTION 7. VACATION AWARD FOR NEW EMPLOYEES.

No vacation will be awarded to an employee until he/she has completed one (1) full year (12 consecutive months) of full-time or part-time employment with Wasco County. Periods of excused absence of less than one (1) month shall be considered as continuous employment. An employee who terminates employment before completing one (1) full year of employment will not receive any vacation pay. At the end of his/her first 12 months of employment, an employee will be awarded two (2) weeks of vacation. A week is defined as the normal number of hours of work scheduled in a workweek for any given full-time position or part-time position.

SECTION 8. EMPLOYEES WITH MORE THAN ONE (1) YEAR OF SERVICE.

After receiving two (2) weeks of vacation upon completion of 12 months of employment, an employee will thereafter be awarded vacation on a calendar year basis, without regard to his/her actual employment anniversary date.

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SECTION 9. VACATION EARNED PRIOR TO JANUARY 1, 1998.

All unused vacation time accrued before January 1, 1998, will remain available for use by the employee who accrued it. The employee may choose to: (1) Save the accrued vacation; (2) Use for additional paid time off, and (3) May cash out up to two (2) weeks per year.

SECTION 10. VACATION – RETIRING EMPLOYEE.

Any employee who retires from County employment in compliance with the provisions of the Oregon Public Employees Retirement System will be paid in full of any unused vacation that was awarded to him/her for the calendar year in which he/she retires plus any remaining vacation earned prior to January 1, 1998.

SECTION 11. VACATION – LAYOFF.

An employee, placed on involuntary layoff will be paid for any unused vacation that was awarded to him/her for the calendar year in which he/she is laid off plus any remaining vacation earned prior to January 1, 1998. Employees returning within one (1) year of the layoff will be entitled to credit for service immediately prior to the layoff.

SECTION 12. VACATION – SEPARATION.

Any employee, who is terminated either voluntarily or for cause, will not receive compensation for unused vacation awarded on or after January 1, 1998. Any employee, who is terminated either voluntarily or for cause, will receive compensation for unused vacation earned prior to December 31, 1997.

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SECTION 13. PART-TIME EMPLOYMENT BENEFITS.

Regular part-time employees who have at least one (1) year of continuous employment with the County and who work at least 21.75 hours per week will be awarded vacation on January 1st of each calendar year (See Section 6). A vacation week is defined as the normal number of hours of work scheduled in a workweek for any given full-time position or part-time position.

EFFECTIVE DATE.

The effective date of this Amended Vacation Policy shall be January 1, 2011. This Policy shall affect the 2011 vacation award and all future awards.

ADOPTED this 2nd day of June, 2010.

WASCO COUNTY BOARD OF COUNTY COMMISSIONERS

Dan Ericksen, Chair of Commission

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

Sherry Holliday, Commissioner

Absent
Bill Lennox, Commissioner

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WASCO COUNTY, OREGON
AMENDED VACATION POLICY

DEFINITIONS

VACATION WEEK is defined as the normal number of hours of work scheduled in a workweek.

FULL-TIME: Any position scheduled to work a minimum of 37.5 hours per week.

REGULAR PART-TIME: Any position scheduled to work a less than 37.5 hours per week but more than 21.75 hours per week.

ANNIVERSARY YEAR: The second January 1st of employment shall be considered the 1st anniversary of employment for the purposes of calculating vacation. For instance, an employee hired in August of 1990 would have their first anniversary of employment (for vacation calculations only) January 1, 1992.

AWARDED VACATION: Paid time off that does not accumulate in a "vacation bank" and is not owned by the employee.

ACRUED VACATION: Paid time off that accumulates as time passes and is held in a "vacation bank" owned by the employee.

SECTION 1: PAID VACATION FOR FULL-TIME EMPLOYEES

Regular full-time employees who have been employed continuously for six months by the County and completed their probationary period will be entitled to one week of awarded vacation to be used by March 31st of the following calendar year. On the first day of the month following the completion of one year of employment, the employee will be awarded a second week of vacation to be used by March 31st of the following calendar year. An employee who terminates employment before completing one full year of employment will not receive any vacation pay upon termination.

SECTION 2: PAID VACATION FOR REGULAR PART-TIME

Regular part-time employees who have been employed continuously for six months by the County and completed their probationary period will be entitled to one week of awarded vacation to be used by March 31st of the following calendar year. On the first day of the month following

the completion of one year of employment, the employee will be awarded a second week of vacation to be used by March 31st of the following calendar year. An employee who terminates employment before completing one full year of employment will not receive any vacation pay upon termination.

Employees who are scheduled for less than 21.75 hours per week shall not be entitled to paid vacation time.

SECTION 3: VACATION FORFEITURE

All awarded vacation must be used by March 31st of the year following the year in which it was awarded. Any vacation not used within that period shall be forfeited.

SECTION 4: VACATION SCHEDULING

Employees must schedule their vacation consistent with the judgment of the Department Director/Manager as to the needs and requirements of the department. Subject to such requirements, vacation time shall be scheduled between employees on the basis of seniority; however, each employee will be permitted to exercise seniority only once each calendar year.

SECTION 5: VACATION AWARD

Vacation is awarded and not earned or accrued. Vacation is not owned by the employee and cannot be sold, exchanged or bartered by the employee, except as may otherwise be specifically provided for in this or another policy of the Board of County Commissioners.

SECTION 6: VACATION AWARD LEVELS

Vacation will be awarded as follows:

At the end of the employee's first six months of employment and successful completion of probationary period, an employee will be awarded one week of paid vacation.

Upon the completion of one-full year of employment, an employee will be awarded a second week of paid vacation.

After receiving two weeks of vacation during the first 12 months of employment, an employee will thereafter be awarded vacation on a calendar year basis, without regard to the employee's actual hire date. Two-weeks of paid vacation will be awarded to the employee on

January 1st of each "anniversary" year for years two through five in which the employee is continuously employed with the County.

Beginning with the employee's 6th anniversary year (6th January 1st employed) and continuing through the employee's 10th anniversary year, the employee will be awarded three weeks of vacation each calendar year.

Beginning with the employee's 11th anniversary year (11th January 1st employed) and every year thereafter (each January 1st), the employee will be awarded four weeks of vacation.

For an Employee Hired August 1, 2000			
	Amount of Award	Date of Award	Use by Date
6 months from Hire Date	1 week	2.1.2001	3.31.2002
1 year from Hire Date	1 week	8.1.2001	3.31.2002
1st Anniversary Award	2 weeks	1.1.2002	3.31.2003
3rd Anniversary Award	2 weeks	1.1.2003	3.31.2004
4th Anniversary Award	2 weeks	1.1.2004	3.31.2005
5th Anniversary Award	2 weeks	1.1.2005	3.31.2006
6th Anniversary Award	3 weeks	1.1.2006	3.31.2007
7th Anniversary Award	3 weeks	1.1.2007	3.31.2008
8th Anniversary Award	3 weeks	1.1.2008	3.31.2009
9th Anniversary Award	3 weeks	1.1.2009	3.31.2010
10th Anniversary Award	3 weeks	1.1.2010	3.31.2011
11th Anniversary Award	4 weeks	1.1.2011	3.31.2022

SECTION 7: VACATION EARNED PRIOR TO JANUARY 1, 1998

All unused vacation time accrued before January 1, 1998, will remain available for use by the employee who accrued it. The employee may choose to: 1) Save the accrued vacation. 2) Use for additional paid time off. 3) Cash out up to two weeks per year.

SECTION 8: ACCURED VACATION EARNED BETWEEN JANUARY 1, 1998 AND APRIL 1, 2015

All unused vacation time accrued between January 1, 1998 and April 1, 2015, will remain available for use by the employee who accrued it. The employee may choose to: 1) Save the accrued vacation. 2) Use for additional paid time off. 3) Cash out upon termination of employment with the County at the rate the employee was being paid at the time of the transition to awarded vacation (April 1, 2015).

SECTION 9: VACATION-RETIREMENT

Any employee who retires from County employment in compliance with the provisions of the Oregon Public Employees Retirement System will be paid in full for any unused vacation that was awarded to the employee for the calendar year in which the employee retires plus any remaining vacation earned under the accrual vacation system (see sections 7 and 8).

SECTION 10: VACATION – LAYOFF

An employee, placed on involuntary layoff will be paid for any unused vacation that was awarded to the employee for the calendar year in which the employee is laid off plus any remaining that was earned under the accrual vacation system (see sections 7 and 8). Employees returning within one year of the layoff will be entitled to credit for service immediately prior to the layoff.

SECTION 11: VACATION – SEPARATION

Any employee who is terminated either voluntarily or for cause will not receive compensation for unused awarded vacation. Any employee who is terminated either voluntarily or for cause, will receive compensation for unused accrued vacation (see Sections 7 and 8).

EFFECTIVE DATE:

The effective date of this Amended Vacation Policy shall be October 1, 2014.

ADOPTED this 19th Day of August, 2015.

WASCO COUNTY
BOARD OF COMMISSIONERS

_____
Scott C. Hege, Commission Chair

_____
Rod L. Runyon, County Commissioner

_____
Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

_____
Kristen Campbell
Wasco County Counsel

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Agenda Item
Charter Franchise Agreement

- Expiring Franchise Agreement
- Proposed Franchise Renewal Agreement

Return to Agenda

CHARTER FRANCHISE AGREEMENT

FILED
WASCO COUNTY
2001 JAN 11 P 3:38
KAREN LEBRETON GOATS
COUNTY CLERK

This Franchise Agreement is between the County of Wasco, Oregon hereinafter referred to as the "Franchising Authority" and Falcon Community Ventures I, Limited Partnership, d/b/a Charter Communications, hereinafter referred to as the "Grantee."

WHEREAS, the Franchising Authority finds that the Grantee has substantially complied with the material terms of the current Franchise under applicable laws, and that the financial, legal and technical ability of the Grantee is sufficient to provide services, facilities and equipment necessary to meet the future cable-related needs of the community, and

WHEREAS, having afforded the public adequate notice and opportunity for comment, the Franchising Authority desires to enter into this Franchise with the Grantee for the construction and operation of a cable system on the terms set forth herein; and

WHEREAS, the Franchising Authority and Grantee have complied with all federal and State-mandated procedural and substantive requirements pertinent to this franchise renewal;

NOW, THEREFORE, the Franchise Authority and Grantee agree as follows:

SECTION 1
Definition of Terms

1.1 Terms. For the purpose of this franchise the following terms, phrases, words and their derivations shall have the meaning ascribed to them in the Cable Communications Policy Act of 1984, as amended from time to time (the "Cable Act"), unless otherwise defined herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

A. "Cable System," "Cable Service," "Cable Operator" and "Basic Cable Service" shall be defined as set forth in the Cable Act

B. "Board" shall mean the Board of Commissioners for Wasco County, Oregon, the governing body of the County of Wasco, Oregon.

C. "Cable Act" shall mean the Cable Communication Policy Act of 1984, as amended, 47 U.S.C. §§ 521, et. seq.

R2006-007 (24)

D. "FCC" shall mean the Federal Communications Commission and any successor governmental entity thereto.

E. "Franchise Authority" shall mean the County of Wasco, Oregon.

F. "Franchise" shall mean the non-exclusive rights granted pursuant to this franchise to construct and operate a Cable System along the public ways within all or a specified area in the County of Wasco.

G. "Grantee" shall mean Falcon Community Ventures I, Limited Partnership, d/b/a Charter Communications or its lawful successor, transferee or assignee.

H. "Gross Revenue" means any revenue received by the Grantee from the operation of the Cable System to provide Cable Services in the Service Area, provided, however, that such phrase shall not include: (1) any taxes, fee or assessment of general applicability collected by the Grantee from Subscribers for pass-through to a government agency, including the FCC User Fee; (2) unrecovered bad debt; and (3) any PEG or I-Net amounts recovered from Subscribers. Notwithstanding the foregoing, the following categories of revenue will not be included in Gross Revenue for purposes of calculating franchise fees paid under Section 10 hereto: advertising revenue, home shopping revenue and any franchise fees collected from subscribers.

I. "Installation" shall mean the connection of the Cable System from feeder cable to Subscribers' terminals.

J. "Person" shall mean an individual, partnership, association, organization, corporation or any lawful successor, transferee or assignee of said individual, partnership, association, organization or corporation.

K. "Public School" shall mean any school at any educational level operated within the Service Area by any public, private or parochial school system, but limited to, elementary, junior high school, and high school.

L. "Reasonable notice" shall be written notice addressed to the Grantee at its principal office or such other office as the Grantee has designated to the Franchise Authority as the address to which notice should be transmitted to it.

M. "Service Area" shall mean the geographic area of the County set forth on the attached Exhibit A and shall include any additions thereto by annexation or other legal means, subject to the exceptions set forth in subsection 6.1 hereto.

N. "State" shall mean the State of Oregon.

O. "Street" shall include each of the following located within the Service Area: public streets, roadways, highways, bridges, land paths, boulevards, avenues, lanes, alleys, sidewalks, circles, drives, easements, rights-of-way and similar public ways and

extensions and additions thereto, including but not limited to public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses now or hereafter held by the Franchising Authority in the Service Area, which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the Cable System..

P. "Subscriber" shall mean any person lawfully receiving Cable Service from the Grantee.

SECTION 2
Grant of Franchise

2.1 Grant. The Franchising Authority franchise hereby grants to the Grantee a nonexclusive Franchise which authorizes the Grantee to erect, construct, operate and maintain in, upon, along, across, above, over and under the Streets, now in existence and as may be created or established during its terms; any poles, wires, cable, underground conduits, manholes, and other conductors and fixtures necessary for the maintenance and operation of a Cable System. Nothing in this Franchise shall be construed to prohibit the Grantee from offering any service over its Cable System that is not prohibited by federal, State or local law.

2.2 Term. The Franchise and the rights, privileges and authority hereby granted shall be for an initial term of ten (10) years, commencing on the Effective Date of this Franchise as set forth in subsection 15.7, unless otherwise lawfully terminated in accordance with the terms of this Franchise.

2.3 Franchise Requirements For Other Franchise Holders. In the event that the Franchising Authority grants one (1) or more franchise(s) or similar authorizations, for the construction, operation and maintenance of any communication facility which shall offer services substantially equivalent to services offered by the Cable System, it shall not make the grant on more favorable or less burdensome terms. If said other franchise(s) contain provisions imposing lesser obligations on the company(s) thereof than are imposed by the provisions of this Franchise, Grantee may petition the Franchising Authority for a modification of this Franchise.

The Grantee shall be entitled, with respect to said lesser obligations to such modification(s) of this Franchise as to insure fair and equal treatment by this Franchise and said other agreements.

In the event that a non-franchised multichannel video-programming distributor provides service to the Service Area, the Grantee shall have a right to request Franchise amendments that relieve the Grantee of burdens that create a competitive disadvantage to the Grantee. In requesting amendments, the Grantee shall file a petition seeking to amend the Franchise. Such petitions shall:

1. Indicate the presence of a non-franchised competitor(s);
2. Identify the basis for Grantee's belief that certain provisions of the Franchise place Grantee at a competitive disadvantage;
3. Identify the burdens to be amended or repealed in order to eliminate the competitive disadvantage.

The Franchising Authority shall not unreasonably withhold granting the Grantee's petition.

2.4 Police Powers and Conflicts with Franchise. This Franchise is a contract and except as to those changes which are the result of the Franchising Authority's exercise of its general police power, the Franchising Authority may not take any unilateral action which materially changes the explicit mutual promises in this contract. Any changes to this Franchise must be made in writing signed by the Grantee and the Franchising Authority. In the event of any conflict between this Franchise and any Franchising Authority ordinance or regulation, this Franchise will prevail.

2.5 Cable System Franchise Required. No Cable System shall be allowed to occupy or use the streets or public rights- of -way of the Service Area or be allowed to operate without a Cable System Franchise.

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SECTION 3
Franchise Renewal

3.1 Procedures for Renewal. The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, or any such successor statute.

SECTION 4
Indemnification and Insurance

4.1 Indemnification. The Grantee shall, by acceptance of the Franchise granted herein, defend the Franchising Authority, its officers, boards, commissions, agents, and employees for all claims for injury to any person or property caused by the negligence of Grantee in the construction or operation of the Cable System and in the event of a determination of liability shall indemnify and hold Franchising Authority, its officers, boards, commissions, agents, and employees harmless from any and all liabilities, claims, demands, or judgments growing out of any injury to any person or property as a result of the negligence of Grantee arising out of the construction, repair, extension, maintenance, operation or removal of its wires, poles or other equipment of any kind or character used in connection with the operation of the Cable System, provided that the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within ten (10) days of receipt of a claim or action pursuant to this section. Notwithstanding the foregoing, the Grantee shall not be obligated to indemnify the Franchising Authority for any damages, liability or claims resulting from the willful misconduct or negligence of the Franchising Authority or for the Franchising Authority's use of the Cable System, including any PEG channels.

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4.2 Insurance.

A. The Grantee shall maintain throughout the term of the Franchise insurance in amounts at least as follows:

Workers' Compensation	Statutory Limits
Commercial General Liability	$1,000,000 per occurrence, Combined Single Liability (C.S.L.) $2,000,000 General Aggregate
Auto Liability including coverage on all owned, non-owned hired autos Umbrella Liability	$1,000,000 per occurrence C.S.L.
Umbrella Liability	$1,000,000 per occurrence C.S.L.

B. The Franchising Authority shall be added as an additional insured to the above Commercial General Liability, Auto Liability and Umbrella Liability insurance coverage.

C. The Grantee shall furnish the Franchising Authority with current certificates of insurance evidencing such coverage.

SECTION 5
Service Obligations

5.1 No Discrimination. Grantee shall not deny service, deny access, or otherwise discriminate against Subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, age or sex.

5.2 Privacy. The Grantee shall fully comply with the privacy rights of Subscribers as contained in Cable Act Section 631 (47 U.S.C. § 551).

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SECTION 6
Service Availability

6.1 Service Area. The Grantee shall make Cable Service distributed over the Cable System available to every residence within the Service Area where there is a minimum density of at least thirty (30) residences per mile as measured from Grantee's closest existing Cable System plant and provided the residence is located within one hundred and fifty feet (150') of Grantee's cable plant. The Grantee may elect to provide Cable Service to areas not meeting the above standard. If such residence is located within one hundred fifty feet (150') of Grantee's feeder cable, the Cable Service will be provided at Grantee's published rate for standard installations. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the Cable System into any portion of the County of Wasco where another operator is providing Cable Service or into any annexed area of the County of Wasco that is not contiguous to the present Service Area of the Grantee. Grantee shall not be obligated to provide service to any area where the provision of such service would be financially or technically infeasible.

6.2 Service to New or Previously Unserved Single Family Dwellings. The Grantee shall offer Cable Service to all new homes or previously unserved single dwellings located within 150 feet of Grantee's feeder cable at its published rates for standard Installation.

6.3 New Development Underground. In cases of new construction or property development where utilities are to be placed underground, the Franchising Authority agrees to require as a condition of issuing a permit for open trenching to any developer or property owner that such developer or property owner give Grantee at least thrity (30) days prior notice of such construction or development, and of the particular dates on which open trenching will be available for Grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at Grantee's expense. Grantee shall also provide specifications as needed for trenching. Costs of trenching and easements required to bring service to the development shall be borne by the

developer or property owner; except that if Grantee fails to install its conduit, pedestals and/or vaults, and laterals within five (5) working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after the five-day period, the cost of new trenching is to be borne by Grantee.

SECTION 7
Construction and Technical Standards

7.1 Compliance with Codes. All construction practices and installation of equipment shall be done in accordance with all applicable sections of the National Electric Safety Code.

7.2 Construction Standards and Requirements. All of the Grantee's plant and equipment, including but not limited to the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices and performed by experienced maintenance and construction personnel.

7.3 Safety. The Grantee shall at all times employ ordinary care and shall use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage.

7.4 Network Technical Requirements. The Cable System shall be operated so that it is capable of continuous twenty-four (24) hour daily operation, capable of meeting or exceeding all applicable federal technical standards, as they may be amended from time to time, and operated in such a manner as to comply with all applicable FCC regulations.

7.5 Performance Monitoring. Grantee shall test the Cable System consistent with the FCC regulations.

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SECTION 8
Conditions on Street Occupancy

8.1 General Conditions. Grantee shall have the right to utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities on public property until the written approval of the Franchising Authority is obtained, which approval shall not be unreasonably withheld.

8.2 Underground Construction. The facilities of the Grantee shall be installed underground in those Service Areas where existing telephone and electric services are both underground at the time of system construction. In areas where either telephone or electric utility facilities are installed aerially at the time of system construction, the Grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the Franchising Authority, the Grantee shall likewise place its facilities underground. In the event that any telephone or electric utilities are reimbursed by the Franchising Authority or any agency thereof for the placement of cable underground or the movement of cable, Grantee shall be reimbursed upon the same terms and conditions as any telephone, electric or other utilities.

8.3 Permits. The Franchising Authority shall cooperate with the Grantee in granting any permits required, providing such grant and subsequent construction by the Grantee shall not unduly interfere with the use of such Streets.

8.4 System Construction. All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times shall be kept and maintained in a safe, adequate and substantial condition, and in good order and repair. The Grantee shall, at all times, employ ordinary care and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable

barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by the Grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

8.5 Restoration of Public Ways. Grantee shall, at its own expense, restore any damage or disturbance caused to the public way as a result of its operation, construction, or maintenance of the Cable System to a condition reasonably comparable to the condition of the Streets immediately prior to such damage or disturbance.

8.6 Removal in Emergency. Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the Franchising Authority to remove any of the Grantee's facilities, no charge shall be made by the Grantee against the Franchising Authority for restoration and repair, unless such acts amount to gross negligence by the Franchising Authority.

8.7 Tree Trimming. Grantee or its designee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities.

8.8 Relocation for the Franchising Authority. The Grantee shall, upon receipt of reasonable advance written notice, to be not less than ten (10) business days, protect, support, temporarily disconnect, relocate, or remove any property of Grantee when lawfully required by the Franchising Authority pursuant to its police powers. Grantee shall be responsible for any costs associated with these obligations to the same extent all other users of the Franchising Authority rights-of-way are responsible for the costs related to their facilities.

8.9 Relocation for a Third Party. The Grantee shall, on the request of any person holding a lawful permit issued by the Franchising Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Street as necessary any property of the Grantee, provided that the expense of such is paid by any such person benefiting from the relocation and

the Grantee is give reasonable advance written notice to prepare for such changes. The Grantee may require such payment in advance. For purposes of this subsection, "reasonable advance written notice" shall be no less than ten (10) business day in the event of a temporary relocation and no less than one hundred twenty days (120) for a permanent relocation.

8.10 Reimbursement of Costs. If funds are available to any person using the Streets for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall reimburse the Grantee in the same manner in which other persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Franchising Authority shall make application for such funds on behalf of the Grantee.

8.11 Emergency Use. If the Grantee provides an Emergency Alert System ("EAS"), then the Franchising Authority shall permit only appropriately trained and authorized Persons to operate the EAS equipment and shall take reasonable precautions to prevent any use of the Grantee's Cable System in any manner that results in inappropriate use thereof, or any loss or damage to the Cable System. The Franchising Authority shall hold the Grantee, its employees, officers and assigns harmless from any claims or costs arising out of use of the EAS.

SECTION 9
Service And Rates

9.1 Phone Service and Local Service. The Grantee shall maintain a toll-free telephone number and a phone service operated such that complaints and requests for repairs or adjustments may be received at any time. Grantee shall also at a minimum maintain a drop box, payment center or local office within the County of Wasco and if said drop box, payment center or local office is located within an incorporated city that is located within Wasco County, the Grantee will have satisfied this requirment.

9.2 Notification of Service Procedures. The Grantee shall furnish each Subscriber at the time service is installed, written instructions that clearly set forth information concerning the procedures for making inquiries or complaints, including the Grantee's name, address and local telephone number. Grantee shall give the Franchising Authority thirty (30) days prior notice of any rate increases, channel lineup or other substantive service changes.

9.3 Rate Regulation. Franchising Authority shall have the right to exercise rate regulation to the extent authorized by law, or to refrain from exercising such regulation for any period of time, at the sole discretion of the Franchising Authority. If and when exercising rate regulation, the Franchising Authority shall abide by the terms and conditions set forth by the FCC.

9.4 Continuity of Service. It shall be the right of all Subscribers to continue receiving Cable Service insofar as their financial and other obligations to the Grantee are honored.

SECTION 10
Franchise Fee

10.1 Amount of Fee. If at any time during the term of this Franchise, the Franchising Authority desires that Grantee pay franchise fees to the Franchising Authority and provided that State and Federal law permit the Franchising Authority to request franchise fees from the Grantee, then the Franchising Authority shall provide the Grantee with a written notice requesting the payment of franchise fees from the Grantee. Franchise fees shall be paid to the Franchising Authority in accordance with this Section 10 and as follows: Grantee shall pay to the Franchising Authority an annual franchise fee in an amount up to five percent (5%) of the Grantee's annual Gross Revenue with said franchise fee percentage amount to be specified in the Franchising Authority's written request for such fees to Grantee. Such payment shall be in addition to taxes of general applicability owed to the Franchising Authority by the Grantee that are not included as franchise fee under Federal law. Franchise Fees may be passed through to

Subscribers as a line item on Subscriber bills or otherwise as Grantee chooses, consistent with Federal law.

10.2 Payment of Fee. Payment of the franchise fee due the Franchising Authority shall be made on an annual basis, within forty-five (45) days of the close of each calendar year. The payment period and the collection of the franchise fees that are to be paid to the Franchising Authority pursuant to this Franchise shall commence within sixty (60) days after Grantee receives the written request for franchise fees from the Franchising Authority. In the event of a dispute, the Franchising Authority, if it so requests, shall be furnished a statement of said payment, reflecting the Gross Revenues and the applicable charges, deductions and computations for the period covered by the payment.

10.3 Accord and Satisfaction. No acceptance of any payment by the Franchising Authority shall be construed as a release or as an accord and satisfaction of any claim the Franchising Authority may have for additional sums payable as a franchise fee under this Franchise.

10.4 Limitation on Recovery. In the event that any Franchise payment or recomputed payment is not made on or before the dates specified herein, Grantee shall pay an interest charge, computed from such due date, at the annual rate of one percent over the prime interest rate. The period of limitation for recovery of any franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee was due.

SECTION 11
Transfer of Franchise

11.1 Franchise Transfer. The Franchise granted hereunder shall not be transferred or assigned, without the prior consent of the Franchising Authority, such consent not to be unreasonably withheld or delayed. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the

Grantee in the Franchise or Cable System to secure indebtedness. Within thirty (30) days of receiving a request for transfer, the Franchising Authority shall notify the Grantee in writing of any additional information it reasonably requires to determine the legal, financial and technical qualifications of the transferee. If the Franchising Authority has not taken action on the Grantee's request for transfer within one hundred twenty (120) days after receiving such request, consent by the Franchising Authority shall be deemed given.

11.2 Transfer to Affiliates. The foregoing requirements shall not apply to any sale, assignment or transfer to any Person that is owned or controlled by the Grantee, or any Person that owns or controls the Grantee. Grantee shall notify the Franchising Authority thirty (30) days prior to any such sale, assignment or transfer.

SECTION 12
Records, Reports And Maps

12.1 Reports Required. The Grantee's schedule of charges, contract or application forms for regular Subscriber service, policy regarding the processing of Subscriber complaints, delinquent Subscriber disconnect and reconnect procedures and any other terms and conditions adopted as the Grantee's policy in connection with its Subscribers shall be filed with the Franchising Authority upon request.

12.2 Records Required.

The Grantee shall at all times maintain:

A. A record of all complaints received regarding interruptions or degradation of Cable Service shall be maintained for one (1) year.

B. A full and complete set of plans, records and strand maps showing the location of the Cable System.

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12.3 Inspection of Records. Grantee shall permit any duly authorized representative of the Franchising Authority, upon receipt of advance written notice to examine during normal business hours and on a nondisruptive basis any and all records as is reasonably necessary to ensure Grantee's compliance with the Franchise. Such notice shall specifically reference the subsection of the Franchise that is under review so that the Grantee may organize the necessary books and records for easy access by the Franchising Authority. The Grantee shall not be required to maintain any books and records for Franchise compliance purposes longer than three (3) years, except for service complaints, which shall be kept for one (1) year as specified above. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act. The Franchising Authority agrees to treat as confidential any books; records or maps that constitute proprietary or confidential information to the extent Grantee make the Franchising Authority aware of such confidentiality. If the Franchising Authority believes it must release any such confidential books or records in the course of enforcing this Franchise, or for any other reason, it shall advise Grantee in advance so that Grantee may take appropriate steps to protect its interests. Until otherwise ordered by a court or agency of competent jurisdiction, the Franchising Authority agrees that, to the extent permitted by state and federal law, it shall deny access to any of Grantee's books and records marked confidential, as set forth above, to any Person.

SECTION 13
Community Programming

13.1 Service to Schools and Buildings. The Grantee shall provide and maintain one (1) free connection of basic service to the County facilities listed on the attached Exhibit B. The cost of any internal wiring shall be borne by the facility. Such connections shall be provided at such times as service can be provided from the Franchisee's existing distribution plant. If a distribution plant extension of the system is required which imposes an undue economic

hardship, the Franchisee shall have the right to petition the County for relief from the service commitments of this Section.

13.2 Limitations on Use. The Cable Service provided pursuant to this Section shall not be used for commercial purposes and such outlets shall not be located in areas open to the public. The Franchising Authority shall take reasonable precautions to prevent any use of the Grantee's Cable System that results in the inappropriate use thereof or any loss or damage to the Cable System. The Franchising Authority shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of Cable Service required by subsection 13.1 above. The Grantee shall not be required to provide an outlet to any such building where a standard drop of more than 150 feet is required, unless the Franchising Authority or building owner/occupant agrees to pay the incremental cost of any necessary extension or installation.

SECTION 14
Enforcement Or Revocation

14.1 Notice of Violation. If the Franchising Authority believes that the Grantee has not complied with the terms of the Franchise, the Franchising Authority shall first informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Franchising Authority shall notify the Grantee in writing of the exact nature of the alleged noncompliance.

14.2 Grantee's Right to Cure or Respond. The Grantee shall have thirty (30) days from receipt of the notice described in subsection 13.1 to (i) respond to the Franchising Authority, contesting the assertion of noncompliance, or (ii) to cure such default, or (iii) if, by the nature of default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.

14.3 Public Hearing. If the Grantee fails to respond to the notice received from the Franchising Authority pursuant to the procedures set forth in subsection 14.2, or if the default is not remedied within the cure period set forth above, the Board shall schedule a public hearing if it intends to continue its investigation into the default. The Franchising Authority shall provide the Grantee at least twenty (20) days prior written notice of such hearing, which specifies the time, place and purpose of such hearing, notice of which shall be published by the Clerk of the Franchising Authority in a newspaper of general circulation within the Franchising Authority at least ten (10) days prior to said hearing.

14.4 Enforcement. Subject to applicable federal and state law, in the event the Franchising Authority, after the hearing set forth in subsection 14.3 above, determines that the Grantee is in default of any provision of the Franchise, the Franchising Authority may:

A. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or

B. Commence an action at law for monetary damages or seek other equitable relief; or

C. In the case of a substantial default of a material provision of the Franchise, seek to revoke the Franchise itself in accordance with subsection 14.5 below.

14.5 Revocation.

A. Prior to revocation or termination of the Franchise, the Franchising Authority shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of noncompliance by the Grantee, including one or more instances of substantial noncompliance with a material provision of the Franchise. The notice shall set force the exact nature of the noncompliance. The Grantee shall have sixty (60) days from such notice to either object in writing and to state

its reasons for such objection and provide any explanation or to cure the alleged noncompliance. If the Franchising Authority has not received a satisfactory response from Grantee, it may then seek to revoke the Franchise at a public hearing. The Grantee shall be given at least thirty (30) days prior written notice of such public hearing, specifying the time and place of such hearing and stating its intent to revoke the Franchise.

B. At the hearing, the Board shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the Franchise shall be revoked. The public hearing shall be on the record and a written transcript shall be made available to the Grantee within ten (10) business days. The decision of the Board shall be made in writing and shall be delivered to the Grantee. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Board *de novo*.

SECTION 15
Miscellaneous Provisions

15.1 Force Majeure. The Grantee shall not be held in default under, on in noncompliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

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Furthermore, the parties hereby agree that it is not the Franchising Authority's intention to subject the Grantee to penalties, fine, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Franchise territory, or where strict performance would result in practical difficulties and hardship to the Grantee which outweighs the benefit to be derived by the Franchising Authority and/or Subscribers.

15.2 Action of Parties. In any action by the Franchising Authority or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

15.3 Notices. Unless otherwise provided by Federal, State or local law to be sent via Certified Mail, all notices pursuant to this Franchise shall be deemed sufficient if sent in accordance with the terms of this Section. All notices, reports or demands required to be given under this Franchise shall be in writing and shall be deemed to be given upon delievery if delivered in person to the address set forth below, or on the fifth day following mailing if sent in accordance with the notice requirement of this Section and deposited in the United States mail in a sealed envelope with regular, registered or certified postage prepaid thereon, or on the next busiiness day if sent by express mail or overnight air courier addressed to the party to which notice is being given, as follows:

If to the Franchising Authority, addressed to:
Attn: County Administrator
Wasco County Clerk's Office
511 Washington Street, Room 201
The Dalles, OR 97058

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If to the Grantee, addressed to:
Attn: Director, Government and Regulatory Affairs
Charter Communications
521 NE 136th Avenue
Vancouver, WA 98684

With an additional copy to:
Attn: Operations Manager
Charter Communications
409 Union Street
The dalles, OR 97058

And with an additional copy to:
Attn: Vice President, Government Affairs
Charter Communications
12405 Powerscourt Drive
St. Louis, MO 63131-3674

Either party may change the address(es) to which notices are sent at any time during the term of this Franchise by notifying the other party in writing not less than thirty (30) days in advance.

15.4 Public Notice. Minimum public notice of any public meeting relating to this Franchise shall be by e-mail or written notification to the Grantee at least ten (10) days prior to the meeting and a posting at the administrative buildings of the Franchising Authority.

15.5 Severability. If any section, subsection, sentence, clause, phrase, or portion of this Franchise is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Franchise.

15.6 Entire Agreement. This Franchise sets forth the entire agreement between the parties respecting the subject matter hereof. All agreements, covenants, representations and warranties, express and implied, oral and written, of the parties with regard to the subject matter hereof are contained herein. No other agreements, covenants, representations or warranties, express or implied, oral or written, have been made by any party to another with respect to the matter of this Franchise. All prior and contemporaneous conversations, negotiations, possible and alleged

agreements, representations, covenants and warranties with respect to the subject matter hereof are waived, merged herein and therein and superseded hereby and thereby.

15.7 Effective Date. The effective date of this Franchise is October 21, 2005 pursuant to the provisions of applicable law. This Franchise shall expire on October 21, 2015, unless extended by the mutual agreement of the parties.

Considered and approved this 5th day of October, 2005.

County Court of Wasco County, Oregon

By: Absent
County Judge

By:
County Commissioner

By:
County Commissioner

APPROVED AS TO FORM:

By:
Wasco County Attorney

Accepted this 21st day of October, 2005, subject to applicable federal, state and local law.

Falcon Community Ventures I, Limited Partnership
d/b/a Charter Communications:

Signature:

Print Name: Eric P. Brown

Title: SVP Western Division Operations

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EXHIBIT A

Map of Wasco County, Oregon Service Area

[Attach Map If Necessary]

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EXHIBIT B

Wasco County facilities that shall receive one (1) free basic cable connection pursuant to Section 12.1 herein:

1. Chenowith Middle School
   3718 W. 13th Street
   The Dalles, OR 97058

2. Chenowith School District #9
   3632 W. 10th Street
   The Dalles, OR 97058

3. Wahtonka High School
   3601 W. 10th Street
   The Dalles, OR 97058

4. Chenowith Primary School
   922 Chenowith Loop W.
   The Dalles, OR 97058

5. Wasco County Courthouse
   511 Washington Street
   The Dalles, OR 97058

6. Wasco County Annex A Building
   419 E. 7th Street
   The Dalles, OR 97058

7. Wasco County Annex B Building
   421 E. 7th Street
   The Dalles, OR 97058

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SEE FILE

FOR MAP OF

SERVICE

AREA

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FRANCHISE AGREEMENT

This Franchise Agreement ("**Franchise**") is between COUNTY of WASCO, OREGON, hereinafter referred to as the "Grantor" and FALCON COMMUNITY VENTURES I, L.P., locally known as CHARTER COMMUNICATIONS, hereinafter referred to as the "Grantee."

WHEREAS, the Grantor finds that the Grantee has substantially complied with the material terms of the current Franchise under applicable laws, and that the financial, legal and technical ability of the Grantee is sufficient to provide services, facilities and equipment necessary to meet the future cable-related needs of the community, and

WHEREAS, having afforded the public adequate notice and opportunity for comment, Grantor desires to enter into this Franchise with the Grantee for the construction and operation of a cable system on the terms set forth herein; and

WHEREAS, the Grantor and Grantee have complied with all federal and State-mandated procedural and substantive requirements pertinent to this franchise renewal;

NOW, THEREFORE, the Grantor and Grantee agree as follows:

SECTION 1
Definition of Terms

1.1 **Terms**. For the purpose of this franchise the following terms, phrases, words and their derivations shall have the meaning ascribed to them in the Cable Communications Policy Act of 1984, as amended from time to time (the "Cable Act"), unless otherwise defined herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

A. "Cable System," "Cable Service," and "Basic Cable Service" shall be defined as set forth in the Cable Act

B. "Board" shall mean the governing body of the Grantor.

C. "Cable Act" shall mean the Cable Communication Policy Act of 1984, as amended, 47 U.S.C. §§ 521, et. seq.

D. "FCC" shall mean the Federal Communications Commission and any successor governmental entity thereto.

E. "Franchise" shall mean the non-exclusive rights granted pursuant to this Franchise to construct operate and maintain a Cable System along the public ways within all or a specified area in the Service Area.

F. "Gross Revenue" means any revenue, as determined in accordance with generally accepted accounting principles, received by the Grantee from the operation of the Cable System to provide Cable Services in the Service Area, provided, however, that such phrase shall not include: (1) any taxes, fees or assessments collected by the Grantee from Subscribers for pass-through to a government agency, including, without limitation, the FCC user fee, the franchise fee, or any sales or utility taxes; (2) unrecovered bad debt; (3) credits, refunds and deposits paid to Subscribers; and (4) any exclusions available under applicable State law. Notwithstanding the foregoing, the following categories of revenue will not be included in Gross Revenue for purposes of calculating franchise fees paid under Section 10 hereto: advertising revenue and home shopping revenue.

G. "Person" shall mean an individual, partnership, association, organization, corporation, trust or governmental entity.

H. "Service Area" shall mean the unincorporated areas of the Grantor, and shall include any additions thereto by annexation or other legal means, subject to the exception in Section 6 hereto.

I. "State" shall mean the State of OREGON.

J. "Street" shall include each of the following located within the Service Area: public streets, roadways, highways, bridges, land paths, boulevards, avenues, lanes, alleys, sidewalks, circles, drives, easements, rights of way and similar public ways and extensions and additions thereto, including but not limited to public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses now or hereafter held by the Grantor in the Service Area, which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the Cable System.

K. "Subscriber" shall mean any Person lawfully receiving Cable Service from the Grantee.

SECTION 2
Grant of Franchise

2.1 Grant. The Grantor hereby grants to the Grantee a nonexclusive Franchise which authorizes the Grantee to erect, construct, operate and maintain in, upon, along, across, above, over and under the Streets, now in existence and as may be created or established during its terms; any poles, wires, cable, underground conduits, manholes, and other conductors and fixtures necessary for the maintenance and operation of a Cable System. Nothing in this Franchise shall be construed to prohibit the Grantee from offering any service over its Cable System that is not prohibited by federal, State or local law.

2.2 Term. The Franchise and the rights, privileges and authority hereby granted shall be for an initial term of ten (10) years, commencing on the Effective Date of this Franchise as set forth in Section 15.10. This Franchise will be automatically extended for an additional term of five (5) years from the expiration date as set forth in Section 15.10, unless either party notifies the other in writing of its desire to not exercise this automatic extension (and enter renewal negotiations under the Cable Act) at least three (3) years before the expiration of this Franchise. If such a notice is given, the parties will then proceed under the federal Cable Act renewal procedures.

2.3 Police Powers and Conflicts with Franchise. The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance necessary to the safety, health, and welfare of the public , to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by this Franchise. This Franchise is a contract and except as to those changes which are the result of the Grantor's lawful exercise of its general police power, the Grantor may not take any unilateral action which materially changes the explicit mutual promises in this contract. Any changes to this Franchise must be made in writing signed by the Grantee and the Grantor. In the event of any conflict between this Franchise and any Grantor ordinance or regulation that is not generally applicable, this Franchise shall control.

2.4 Cable System Franchise Required. No Cable System shall be allowed to occupy or use the streets or public rights-of-way of the Service Area or be allowed to operate without a Cable System Franchise.

SECTION 3
Franchise Renewal

3.1 Procedures for Renewal. The Grantor and the Grantee agree that any proceedings undertaken by the Grantor that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, or any such successor statute.

SECTION 4
Indemnification and Insurance

4.1 Indemnification. The Grantee shall, by acceptance of the Franchise granted herein, defend the Grantor, its officers, boards, commissions, agents, and employees for all claims for injury to any Person or property caused by the negligence of Grantee in the construction or operation of the Cable System and in the event of a determination of liability shall indemnify and hold Grantor, its officers, boards, commissions, agents, and employees harmless from any and all liabilities, claims, demands, or judgments growing out of any injury to any Person or property as a result of the negligence of Grantee arising out of the construction, repair, extension, maintenance, operation or removal of its wires, poles or other equipment of any kind or character used in connection with the operation of the Cable System, provided that the Grantor shall give the Grantee written notice of its obligation to indemnify the Grantor within twenty (20) days of receipt of a claim or action pursuant to this section. In the event any such claim arises, the Grantor shall tender the defense thereof to the Grantee and the Grantee shall have the right to defend, settle or compromise any claims arising hereunder and the Grantor shall cooperate fully

herein. If the Grantor determined in good faith that its interests cannot be represented by the Grantee, the Grantee shall be excused from any obligation to represent the Grantor. Notwithstanding the foregoing, the Grantee shall not be obligated to indemnify the Grantor for any damages, liability or claims resulting from the willful misconduct or negligence of the Grantor or for the Grantor's use of the Cable System, *including any PEG channels*.

4.2 Insurance.

A. The Grantee shall maintain throughout the term of the Franchise insurance in amounts at least as follows:

Workers' Compensation	Statutory Limits
Commercial General Liability	$1,000,000 per occurrence, Combined Single Limit (C.S.L.) $2,000,000 General Aggregate
Auto Liability including coverage on all owned, non-owned hired autos Umbrella Liability	$1,000,000 per occurrence C.S.L.
Umbrella Liability	$5,000,000 per occurrence C.S.L.

B. The Grantor shall be added as an additional insured, arising out of work performed by Charter, to the above Commercial General Liability, Auto Liability and Umbrella Liability insurance coverage.

C. The Grantee shall furnish the Grantor with current certificates of insurance evidencing such coverage upon request.

SECTION 5
Service Obligations

5.1 No Discrimination. Grantee shall not deny service, deny access, or otherwise discriminate against Subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, age or sex.

5.2 Privacy. The Grantee shall fully comply with the privacy rights of Subscribers as contained in Cable Act Section 631 (47 U.S.C. § 551).

SECTION 6
Service Availability

6.1 Service Area. The Grantee shall continue to provide Cable Service to all residences within the Service Area where Grantee currently provides Cable Service. Grantee shall have the right, but not the obligation, to extend the Cable System into any other portion of the Service Area, including annexed areas. Cable Service offered to Subscribers pursuant to this Franchise

shall be conditioned upon Grantee having legal access to any such Subscriber's dwelling unit or other units wherein such Cable Service is provided.

6.2 New Development Underground. In cases of new construction or property development where utilities are to be placed underground, the Grantor agrees to require as a condition of issuing a permit for open trenching to any developer or property owner that such developer or property owner give Grantee at least thirty (30) days prior written notice of such construction or development, and of the particular dates on which open trenching will be available for Grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at Grantee's expense. Grantee shall also provide specifications as needed for trenching. Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if Grantee fails to install its conduit, pedestals and/or vaults, and laterals within five (5) working days of the date the trenches are available, as designated in the written notice given by the developer or property owner, then should the trenches be closed after the five day period, the cost of new trenching is to be borne by Grantee.

SECTION 7
Construction and Technical Standards

7.1 Compliance with Codes. All construction practices and installation of equipment shall be done in accordance with all applicable sections of the National Electric Safety Code.

7.2 Construction Standards and Requirements. All of the Grantee's plant and equipment, including but not limited to the antenna site, head end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices and performed by experienced maintenance and construction personnel.

7.3 Safety. The Grantee shall at all times employ ordinary care and shall use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage.

7.4 Network Technical Requirements. The Cable System shall be designed, constructed and operated so as to meet those technical standards adopted by the FCC relating to Cable Systems contained in part 76 of the FCC's rules and regulations as may be amended from time to time, regardless of the transmission technology utilized.

7.5 Performance Monitoring. Grantee shall test the Cable System consistent with the FCC regulations.

SECTION 8
Conditions on Street Occupancy

8.1 General Conditions. Grantee shall have the right to utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities on public property without obtaining all legally required permits of the Grantor.

8.2 **Underground Construction**. The facilities of the Grantee shall be installed underground in those Service Areas where existing telephone and electric services are both underground at the time of system construction. In areas where either telephone or electric utility facilities are installed aerially at the time of system construction, the Grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the Grantor, the Grantee shall likewise place its facilities underground. In the event that any telephone or electric utilities are reimbursed by the Grantor or any agency thereof for the placement of cable underground or the movement of cable, Grantee shall be reimbursed upon the same terms and conditions as any telephone, electric or other utilities.

8.3 **Construction Codes and Permits**. Grantee shall obtain all legally required permits before commencing any work requiring a permit, including the opening or disturbance of any Street within the Service Area. The Grantor shall cooperate with the Grantee in granting any permits required, providing such grant and subsequent construction by the Grantee shall not unduly interfere with the use of such Streets. The Grantee shall adhere to all building and zoning codes currently or hereafter applicable to construction, operation or maintenance of the Cable System in the Service Area, including any requirements for a construction bond, provided that such codes are of general applicability and such codes are uniformly and consistently applied by the Grantor as to other public utility companies and other entities operating in the Service Area. Notwithstanding the above, the Grantee may set off any administrative permit fees or other fees required by the Grantor related to the Grantee's use of Grantor rights-of-way against the franchise fee payments required under Section 10.1 of this Franchise.

8.4 **System Construction**. All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times shall be kept and maintained in a safe, adequate and substantial condition, and in good order and repair. The Grantee shall, at all times, employ ordinary care and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by the Grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

8.5 **Restoration of Public Ways**. Grantee shall, at its own expense, restore any damage or disturbance caused to the public way as a result of its operation, construction, or maintenance of the Cable System to a condition reasonably comparable to the condition of the Streets immediately prior to such damage or disturbance.

8.6 **Removal in Emergency**. Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the Grantor to remove any of the Grantee's facilities, no charge shall be made by the Grantee against the Grantor for restoration and repair, unless such acts amount to gross negligence by the Grantor.

8.7 **Tree Trimming**. Grantee or its designee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities.

8.8 **Relocation for the Grantor**. The Grantee shall, upon receipt of reasonable advance written notice, to be not less than ten (10) business days, protect, support, temporarily disconnect, relocate, or remove any property of Grantee when lawfully required by the Grantor pursuant to its police powers. Grantee shall be responsible for any costs associated with these obligations to the same extent all other users of the Grantor rights-of-way are responsible for the costs related to the relocation of their facilities.

8.9 **Relocation for a Third Party**. The Grantee shall, on the request of any Person holding a lawful permit issued by the Grantor, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Street as necessary any property of the Grantee, provided that the expense of such is paid by any such Person benefiting from the relocation and the Grantee is given reasonable advance written notice to prepare for such changes. The Grantee may require such payment in advance. For purposes of this subsection, "reasonable advance written notice" shall be no less than ten (10) business days in the event of a temporary relocation and no less than one hundred twenty (120) days for a permanent relocation.

8.10 **Reimbursement of Costs**. If funds are available to any Person using the Streets for the purpose of defraying the cost of any of the foregoing, the Grantor shall reimburse the Grantee in the same manner in which other Persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Grantor shall make application for such funds on behalf of the Grantee.

8.11 **Emergency Use**. If the Grantee provides an Emergency Alert System ("EAS"), then the Grantor shall permit only appropriately trained and authorized Persons to operate the EAS equipment and shall take reasonable precautions to prevent any use of the Grantee's Cable System in any manner that results in inappropriate use thereof, or any loss or damage to the Cable System. The Grantor shall hold the Grantee, its employees, officers and assigns harmless from any claims or costs arising out of use of the EAS, including, but not limited to, reasonable attorneys' fees and costs.

SECTION 9
Service and Rates

9.1 **Customer Service**. The Grantee shall comply with the customer service standards set forth in Section 76.309 of the FCC's Rules and Regulations, as such may be amended from time to time.

9.2 **Notification of Service Procedures**. The Grantee shall furnish each Subscriber at the time service is installed, written instructions that clearly set forth information concerning the procedures for making inquiries or complaints, including the Grantee's name, address and local telephone number. Grantee shall give the Grantor thirty (30) days prior notice of any rate increases, channel lineup or other substantive service changes.

9.3 **Rate Regulation**. Grantor shall have the right to exercise rate regulation to the extent authorized by law, or to refrain from exercising such regulation for any period of time, at the sole discretion of the Grantor. If and when exercising rate regulation, the Grantor shall abide by the terms and conditions set forth by the FCC.

9.4 **Continuity of Service**. It shall be the right of all Subscribers to continue receiving Cable Service insofar as their financial and other obligations to the Grantee are satisfied. However, notwithstanding anything to the contrary, Grantee may discontinue or refuse to provide Cable Service to any person that is abusive and/or exhibits threatening behavior toward the Grantee's employees or representatives.

9.5 **Service to Schools and Libraries**. Grantee shall provide, without charge, one (1) activated outlet and equipment for Basic and Expanded Cable Service to all elementary and secondary public schools and public libraries within the Service Area and located within one hundred and fifty (150) feet of Grantee's plant. Additionally, Grantee shall provide, without charge, one activated outlet and equipment of Basic Cable Service to (1) County Courthouse at 511 Washington Street, The Dalles, OR 97058; (2) 911 Call Center at 425 E. 7th Street, The Dalles, OR 97058; and should Grantee in the future have distribution plant within 150 feet (3) the Public Works Department at 2705 E. 2nd Street, The Dalles, OR 97058. The Cable Service provided pursuant to this Section shall not be used for commercial purposes and such outlets shall not be located in areas open to the public. The Grantor shall take reasonable precautions to prevent any use of the Grantee's Cable System that results in the inappropriate use thereof or any loss or damage to the Cable System. The Grantor shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of Cable Service required by this Section.

SECTION 10
Franchise Fee

10.1 **Amount of Fee**. Grantee shall pay to the Grantor an annual franchise fee in an amount equal to five percent (5%) of the annual Gross Revenue. Such payment shall be in addition to taxes of general applicability owed to the Grantor by the Grantee that are not included as franchise fees under federal law. Franchise fees may be passed through to Subscribers as a line item on Subscriber bills or otherwise as Grantee chooses, consistent with federal law.

10.2 **Payment of Fee**. Payment of the fee due the Grantor shall be made on a quarterly basis, within forty-five (45) days of the close of each calendar year and transmitted by electronic funds transfer to a bank account designated by Grantor. The payment period and the collection of the franchise fees that are to be paid to the Grantor pursuant to the Franchise shall commence sixty (60) days after the Effective Date of the Franchise as set forth in Section 15.10. In the event of a dispute, the Grantor, if it so requests, shall be furnished a statement of said payment, reflecting the Gross Revenues and the applicable charges.

10.3 **Accord and Satisfaction**. No acceptance of any payment by the Grantor shall be construed as a release or as an accord and satisfaction of any claim the Grantor may have for additional sums payable as a franchise fee under this Franchise.

10.4 **Audit/Limitation on Recovery**. Upon thirty (30) days written notice to Grantee, the Grantor shall have the right to audit the books and records of Grantee to determine whether Grantee has paid the franchise fees owed. If there is a dispute as to whether a particular item of revenue is within the scope of the term "Gross Revenues" and Grantee withholds revenue records on the ground that the revenues are not subject to the franchise fee, Grantee agrees that it

will provide a certified statement describing the nature of the revenues contained in the records withheld. Said audit shall be conducted no more often than annually, and the audit period shall not be any greater than the previous three (3) years. The audit shall not last longer than six (6) months unless a dispute arises in which case the audit shall continue to conclusion as specified in Section 14.2. Any undisputed additional amounts due to the Grantor as a result of the audit shall be paid within sixty (60) days following written notice to Grantee by the Grantor, which notice shall include a copy of the audit findings. The period of limitation for recovery of any franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee was due. If any Franchise payment or recomputed payment is not made on or before the dates specified herein, Grantee shall pay an interest charge, computed from the last day of the fiscal year in which payment was due, at the annual rate of two (2%) percent over the prime interest rate.

SECTION 11
Transfer of Franchise

11.1 Franchise Transfer. The Franchise granted hereunder shall not be assigned, other than by operation of law or to an entity controlling, controlled by, or under common control with the Grantee, without the prior consent of the Grantor, such consent not to be unreasonably withheld or delayed. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or Cable System to secure indebtedness. Within thirty (30) days of receiving a request for transfer, the Grantor shall notify the Grantee in writing of any additional information it reasonably requires to determine the legal, financial and technical qualifications of the transferee. If the Grantor has not taken action on the Grantee's request for transfer within one hundred twenty (120) days after receiving such request, consent by the Grantor shall be deemed given.

SECTION 12
Records, Reports and Maps

12.1 Reports Required. The Grantee's schedule of charges for regular Subscriber service, its policy regarding the processing of Subscriber complaints, delinquent Subscriber disconnect and reconnect procedures and any other terms and conditions adopted as the Grantee's policy in connection with its Subscribers shall be filed with the Grantor upon request.

12.2 Records Required.

The Grantee shall at all times maintain:

A. A record of all written complaints received regarding interruptions or degradation of Cable Service, which record shall be maintained for one (1) year.

B. A full and complete set of plans, records and strand maps showing the location of the Cable System.

12.3 Inspection of Records. Grantee shall permit any duly authorized representative of the Grantor, upon receipt of advance written notice, to examine at Grantee's local office or another mutually agreeable location during normal business hours and on a non-disruptive basis any and

all of Grantee's records maintained by Grantee as is reasonably necessary to ensure Grantee's compliance with the Franchise. Such notice shall specifically reference the subsection of the Franchise that is under review so that the Grantee may organize the necessary books and records for easy access by the Grantor. The Grantee shall not be required to maintain any books and records for Franchise compliance purposes longer than three (3) years, except for service complaints, which shall be kept for one (1) year as specified above. The Grantee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act. The Grantor agrees to treat as confidential any books, records or maps that constitute proprietary or confidential information to the extent Grantee make the Grantor aware of such confidentiality. If the Grantor believes it must release any such confidential books or records in the course of enforcing this Franchise, or for any other reason, it shall advise Grantee in advance so that Grantee may take appropriate steps to protect its interests. Until otherwise ordered by a court or agency of competent jurisdiction, the Grantor agrees that, to the extent permitted by State and federal law, it shall deny access to any of Grantee's books and records marked confidential, as set forth above, to any Person.

SECTION 13

13.1 PEG Access.

A. After the second anniversary of this Franchise, upon written request of the Grantor, the Grantor and Grantee will meet to discuss and shall provide one (1) channel on the Cable System for use by the Grantor for non-commercial, video programming for public, education and government ("PEG") access programming and funding, if any, to support the capital costs for such channel ("PEG Funds"). If all of the following conditions are satisfied, Grantee will provide one (1) downstream access Channel upon no less than 120 days' written notice from the Grantor following such meeting and receipt of the following:

(1) Grantor has passed a resolution, after a public hearing, stating that there is demonstrated community need for PEG access programming and funding and provided notice of such hearing to Grantee;

(2) Grantor has passed a resolution in which it agrees to fund all the operational expenses for such programming;

(3) Grantor and Grantee shall have agreed upon PEG capital support in an amount required to meet the identified capital equipment requirements for the PEG Channel;

(4) Grantor provides a letter to Grantee identifying those entities or persons who will be responsible for providing access programming and agreeing to indemnify Grantee for any negligence or willful misconduct of such entities or persons for such access programming.

B. The PEG channel may be placed on any tier of service available to all Subscribers, including the digital tier. The Grantor shall utilize the PEG channel as follows: the Grantor shall provide programming to occupy fifty percent (50%) of the hours between

11a.m. and 11p.m. for any twelve consecutive week period. The channel shall contain distinct content which shall not be repetitive. A program may be repeated no more than two (2) times. Time allocated to character-generated or similar programming shall be excluded from the determination of when such channel is in use and programmed.

C. In the event the programming levels set forth herein are not maintained or if the Grantor does not adequately use the channel, Grantee reserves the right to have the channel returned to the Grantee for the Grantee's use. Grantee shall provide Grantor with sixty (60) days prior written notice informing Grantor when programming levels set forth herein are not being maintained. Grantee reserves the right to utilize the PEG channel only after Grantor has been notified and Grantor has not maintained programming levels set forth herein within sixty (60) days from receipt of said notice. In the event the Grantee exercises its right to again utilize said PEG channel after the sixty (60) day period elapses, the Grantee shall notify its customers of Grantee's intention to utilize the PEG channel by providing customers with a thirty (30) day prior written notice. In addition, the Grantee may use the designated channel during those hours that the Grantor or other governmental, public or educational entity is not using the channel.

D. The Grantor shall indemnify, save and hold harmless the Grantee from and against any and all liability resulting from the Grantor's use of the aforementioned PEG channel whether Grantor operates the PEG channel from Grantor's facilities or a third party's facilities. Grantee shall not be responsible for operating and managing the PEG channel including approving any PEG programming and/or for obtaining releases from programmers for any PEG programming.

E. The Grantee shall be entitled to recover capital costs from Subscribers as allowed by federal law. Grantor and Grantee acknowledge that, pursuant to Federal Law [47 U.S.C. §§ 542(g), (g)(2)(C)], PEG Access Funds are only to be used for capital equipment and capital costs and not for operational costs. Grantor shall account for all PEG capital fees and equipment separately from other Grantor financial accounts so that Grantee may easily determine Grantor's compliance under this section. PEG Access Funds shall be for the exclusive use of the Grantor within the Service Area and shall not be used for purposes other than as described herein. The Grantor shall be responsible for installing, operating, maintaining and replacing the equipment purchased as necessary. Grantor shall, no more than once annually, provide Grantee with a report detailing how the PEG Access Funds were used. Grantor shall permit any duly authorized representative of the Grantee, upon receipt of advance written notice, to examine during normal business hours and on a non-disruptive basis, any and all records and equipment to ensure the Grantor's compliance with this section. If PEG contributions have been improperly used for operational or non-capital costs, consistent with the Cable Act and the accounting standards used by the Grantor to keep its books, the Grantee may offset future franchise fees by those amounts.

SECTION 14
Enforcement or Revocation

14.1 Notice of Violation. If the Grantor believes that the Grantee has not complied with the terms of the Franchise, the Grantor shall first informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the Grantor shall notify the Grantee in writing of the exact nature of the alleged noncompliance (the "Violation Notice").

14.2 Grantee's Right to Cure or Respond. The Grantee shall have thirty (30) days from receipt of the Violation Notice to (i) respond to the Grantor, contesting the assertion of noncompliance, or (ii) to cure such default, or (iii) if, by the nature of default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the Grantor of the steps being taken and the projected date that they will be completed.

14.3 Public Hearing. If the Grantee fails to respond to the Violation Notice received from the Grantor, or if the default is not remedied within the cure period set forth above, the Board shall schedule a public hearing if it intends to continue its investigation into the default. The Grantor shall provide the Grantee at least twenty (20) days prior written notice of such hearing, which specifies the time, place and purpose of such hearing, notice of which shall be published by the Clerk of the Grantor in a newspaper of general circulation within the Grantor in accordance with Section 15 hereof. The Grantee shall have the right to present evidence and to question witnesses. The Grantor shall determine if the Grantee has committed a violation and shall make written findings of fact relative to its determination. If a violation is found, the Grantee may petition for reconsideration before any competent tribunal having jurisdiction over such matters.

14.4 Enforcement. Subject to applicable federal and State law, in the event the Grantor, after the hearing set forth in subsection 14.3 above, determines that the Grantee is in default of any provision of the Franchise, the Grantor may:

A. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or

B. Commence an action at law for monetary damages or seek other equitable relief; or

C. In the case of a substantial default of a material provision of the Franchise, seek to revoke the Franchise itself in accordance with subsection 14.5 below.

14.5 Revocation.

A. Prior to revocation or termination of the Franchise, the Grantor shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of noncompliance by the Grantee, including one or more instances of substantial noncompliance with a material provision of the Franchise. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have sixty (60) days from such notice to either object in writing and to state its reasons for such objection and provide any explanation or to cure the alleged noncompliance. If

the Grantor has not received a satisfactory response from Grantee, it may then seek to revoke the Franchise at a public hearing. The Grantee shall be given at least thirty (30) days prior written notice of such public hearing, specifying the time and place of such hearing and stating its intent to revoke the Franchise.

B. At the hearing, the Board shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the Franchise shall be revoked. The public hearing shall be on the record and a written transcript shall be made available to the Grantee within ten (10) business days. The decision of the Board shall be made in writing and shall be delivered to the Grantee. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Board *de novo*. The Grantee may continue to operate the Cable System until all legal appeals procedures have been exhausted.

C. Notwithstanding the above provisions, the Grantee does not waive any of its rights under federal law or regulation.

D. Upon revocation of the Franchise, Grantee may remove the Cable System from the Streets of the Grantor, or abandon the Cable System in place.

SECTION 15
Miscellaneous Provisions

15.1 **Force Majeure**. The Grantee shall not be held in default under, or in noncompliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes, but is not limited to, severe or unusual weather conditions, fire, flood, or other acts of God, strikes, work delays caused by failure of utility providers to service, maintain or monitor their utility poles to which Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

15.2 **Minor Violations**. Furthermore, the parties hereby agree that it is not the Grantor's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Service Area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweighs the benefit to be derived by the Grantor and/or Subscribers.

15.3 **Action of Parties**. In any action by the Grantor or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

15.4 **Equal Protection**. If any other provider of cable services or video services (without regard to the technology used to deliver such services) is lawfully authorized by the Grantor or by any other State or federal governmental entity to provide such services using facilities located

wholly or partly in the public rights-of-way of the Grantor, the Grantor shall within thirty (30) days of a written request from Grantee, modify this Franchise to insure that the obligations applicable to Grantee are no more burdensome than those imposed on the new competing provider. If the Grantor fails to make modifications consistent with this requirement, Grantee's Franchise shall be deemed so modified thirty (30) days after the Grantee's initial written notice. As an alternative to the Franchise modification request, the Grantee shall have the right and may choose to have this Franchise with the Grantor be deemed expired thirty (30) days after written notice to the Grantor. Nothing in this Franchise shall impair the right of the Grantee to terminate this Franchise and, at Grantee's option, negotiate a renewal or replacement franchise, license, consent, certificate or other authorization with any appropriate government entity.

15.5 Notices. Unless otherwise provided by federal, State or local law, all notices, reports or demands pursuant to this Franchise shall be in writing and shall be deemed to be sufficiently given upon delivery to a Person at the address set forth below, or by U.S. certified mail, return receipt requested, nationally or internationally recognized courier service such as Federal Express or electronic mail communication to the designated electronic mail address provided below. Grantee shall provide thirty (30) days' written notice of any changes in rates, programming services or channel positions using any reasonable written means. As set forth above, notice served upon the Grantor shall be delivered or sent to:

Grantor:	Wasco County Attn: Administrative Officer 511 Washington Street, Ste 101 The Dalles, OR 97058
Email:	tylers@co.wasco.or.us
Grantee:	Director, Government Affairs Charter Communications 222 NE Park Plaza Drive, #231 Vancouver, WA 98684
Email:	marian.jackson@charter.com
Copy to:	Charter Communications Attn: Vice President of Government Affairs 12405 Powerscourt Drive St. Louis, MO 63131

15.6 Public Notice. Minimum public notice of any public meeting relating to this Franchise or any such grant of additional franchises, licenses, consents, certificates, authorizations, or exemptions by the Grantor to any other Person(s) to provide Cable Services, video services, or other television services utilizing any system or technology requiring use of the public rights of way shall be by publication at least once in a newspaper of general circulation in the area at least ten (10) days prior to the meeting and a posting at the administrative buildings of the Grantor.

15.6.1 Grantor shall provide written notice to Grantee within ten (10) days of Grantor's receipt from any other Person(s) of an application or request for a franchise(s), license(s), consent(s), certificate(s), authorization(s), or exemption(s) to provide Cable Services,

video services, or other television services utilizing any system or technology requiring use of the public rights of way. Any public hearings to consider such application or request shall have the same notice requirement as outlined in Section 15.6 above.

15.7 Severability. If any section, subsection, sentence, clause, phrase, or portion of this Franchise is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Franchise.

15.8 Entire Agreement. This Franchise and any Exhibits hereto constitute the entire agreement between Grantee and the Grantor and they supersede all prior or contemporaneous agreements, representations or understandings (whether written or oral) of the parties regarding the subject matter hereof.

15.9 Administration of Franchise. This Franchise is a contract and neither party may take any unilateral action that materially changes the explicit mutual promises and covenants contained herein. Any changes, modifications or amendments to this Franchise must be made in writing, signed by the Grantor and the Grantee.

15.10 Effective Date. The Franchise granted herein will take effect and be in full force from such date of acceptance by Grantee recorded on the signature page of this Franchise. The initial term of this franchise shall expire ten (10) years from the Effective Date defined herein, unless extended in accordance with Section 2.2 of the Franchise or by the mutual agreement of the parties. If any fee or grant that is passed through to Subscribers is required by this Franchise, other than the franchise fee, such fee or grant shall go into effect sixty (60) days after the Effective Date of this Franchise.

Considered and approved this 18th day of August, 2015.

APPROVED AS TO FORM:

Wasco County Signature:_____

_____

Name/Title: Scott C. Hege, Board Chair

Kristen Campbell
Wasco County Counsel

Accepted this ___ day of _____, 20_____, subject to applicable federal, State and local law.

Falcon Community Ventures I, LP l/k/a Charter Communications

Signature:_____

Name/Title:_____

Date:_____

Return to Agenda

Agenda Item
Mill Creek Project

- Project Overview
- Conservation Easement
- Lower Mill Creek Side Channel Map
- Mill Creek Side Channel Restoration Design

Return to Agenda

MILL CREEK SIDE CHANNEL OVERVIEW

The project will reconnect a side channel along a channelized section of lower Mill Creek where it flows throug the city of The Dalles. Mill Creek is home to ESA-listed steelhead, coho, fall Chinook, coastal cuthroat trout, and Pacific lamprey. Prelminary surveys estimate Mill Creek produced 7,000+ steelhead smolts in 2012 and 2013. Limiting factors for Mill Creek, according to Oregon's Mid-Columbia Steelhead Recovery Plan, include degraded floodplains, temperature, degraded channel structure and complexity, degraded riparian communities, and LWD recruitment. Also, Mill Creek is water quality limited for temperature per the 2008 Middle Columbia-Hood Subbasin Temperature TMDL. The restoration concept aims to address the fish habitat and water temperature issues by improving stream/floodplain connection, increasing floodplain roughness, improving riparian shading, and increasing hyporheic flows. These side channel habitats are critical to salmonids. The project will involve the removal of an existing levee to reactivate a 500-foot historic side channel, the addition of large wood to the floodplain and channel, and re-establishment of native riparian species. The project also addresses a fish passage issue through replacement of an undersized culvert. The project will be monitored for its impact on stream temperature and fish use. OWEB and DEQ funds will be used to cover contracted services and materials to implement the project. OWEB funds will also be used to conduct effectiveness monitoring. This project is consistent with the conservation easements held by Wasco County for the purpose of flood hazard mitigation.

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08-003
EASE

Wasco County Official Records 2009-000049
DEED-ESMT
Cnt=1 Stn=3 ANGELA 01/06/2009 03:53 PM
This is a no fee document NO FEE
00031522200900000490080080
I, Karen LeBreton Coats, County Clerk for Wasco County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this 30th day of December, 2008, between John W. and Marilyn Byers ("Grantor"), and Wasco County, Oregon ("Grantee").

Recitals

1. Grantor is the owner in fee simple of certain real property (hereinafter referred to as the "Protected Property") which has aesthetic and ecological value in its present state as a natural area, which property is described as follows:

A parcel of land in the Southwest Quarter of Section 4, Township 1 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, more particularly described as:

(Portion of TL 600, 1N 13 4)
A portion of the land described in Deed 95-1578 Parcel VII; beginning at a point at the Westerly terminus of the Northerly line of Ericksen's 2nd Addition, said point also being the intersection of the centerline of Mill Creek with the Northerly line of that land described in Deed Volume 80 Page 497;
Thence along the westerly extension of said Northerly line North 89° 41' West 204.45 feet more or less to its intersection with the westerly line of Dalles City Limits, said line also being the westerly line of the Dalles Military Reservation;
Thence along said City Limits line North 16° 28' East 48 feet;
Thence leaving said City Limits line North 60° 22' East 139 feet;
Thence South 89° 41' East 160 feet more or less to the centerline of Mill Creek; Thence tracing said centerline generally South 38° 02' 19" West 146 feet more or less to the point of beginning.

Containing 0.54 Acres

ALSO,
(All of TL 200,1N 13 4CC)
A portion of the land described in Deed 95-1578 Parcel VII; beginning at a point which is 2048.45 feet East of the Northwest corner of land recorded in Volume 80 Page 497, said point also being 631.47 feet North and 87.84 feet East of the Southwest corner of the Dalles City limits;
Thence South 0° 19' West 118 feet;

Thence South 43° 41' East 194.3 feet;
Thence South 38° 18' East 34.51 feet to the centerline of Mill Creek;
Thence tracing said centerline North 47° 18' East 43.91 feet;
Thence North 20° 35' East 45.60 feet;
Thence North 20° 32' East 67.31 feet;
Thence North 20° 15' East 72.3 feet;
Thence North 32° 28' East 94.63 feet to an intersection with the Northerly line of land described in Deed Volume 80 Page 497;
Thence along said Northerly line North 89° 41' West 303.08 feet, to the point of beginning.

Containing 1.20 Acres

2. ORS 271.715-.795 permits the creation of conservation easements for the purposes of retaining and protecting natural, scenic, or open space values of real property, protecting natural resources and maintaining and enhancing water quality.

3. Grantor intends, on behalf of Grantor, his heirs, successors, and assigns, and with the intent that the same shall run with and bind the Protected Property, to convey to Grantee the right to protect and preserve the value of the Protected Property for flood prevention in perpetuity and Grantee or its designee is willing to honor such intentions and protect such values in perpetuity.

4. Grantee is a public entity authorized by ORS 271.725 to acquire by purchase, agreement, or donation conservation easements.

5. "Flood mitigation," as used herein shall, without limiting the generality of the terms, mean the condition of the Protected Property at the time of this grant, and any enhancements to its condition and other actions consistent with the purpose of this easement.

NOW, THEREFORE, the Grantor, for good and valuable consideration, and in consideration of the covenants, mutual agreements, conditions, and promises herein contained, does hereby freely give, grant, bargain, sell and convey unto Grantee, its successors and assigns, forever, a conservation easement over the Protected Property consisting of the following:

1. Purpose. It is the purpose of this Conservation Easement to provide for flood mitigation and to prevent any use of the Protected Property that will significantly impair or interfere with the conservation values of the Protected Property. Grantors intend that this Conservation Easement will confine the use of the Protected Property to activities that are consistent with such purposes.

Furthermore, grantee shall have the right, but not be required, to maintain, preserve, protect and modify said areas as it determines to be in the public interest for the purposes of flood mitigation or flood protection, which specifically includes the right to contour, shape, and modify the property in any manner consistent with flood plain management and/or flood protection and mitigation. It is the intent of both Grantor and Grantee that the main channel of Mill Creek remain generally in its current location and that, in the event of a catastrophic flood that significantly changes the main channel location, both parties will work together to seek restoration of the channel to its previous location.

2. Scope of Easement. The Protected Property may be used only for those purposes set forth in Section 4 hereof. The Conservation Easement shall include the right to enter (by motor vehicle, if reasonably necessary in the judgment of Grantee or designee) the Protected Property to exercise all rights granted to Grantee under this Conservation Easement.

3. Rights of Grantee. Grantee, or its successors or assigns, does not waive or forfeit the right to take action as may be necessary to insure compliance with the convenants and purposes of this grant by any prior failure to act. Nothing herein shall be construed to entitle Grantee to institute any proceedings against Grantor for any changes to the Protected Property due to causes beyond the Grantor's control such as changes caused by fire, floods, storms or unauthorized wrongful acts of third persons.

To accomplish the purpose of this Conservation Easement, Grantors hereby convey to Grantee the right:

(a) To preserve and protect flood mitigation values of the Protected Property, specifically, to provide for the diversion of flood waters across Protected Property to protect riparian areas by reducing turbidity and erosion;

(b) To enter upon and inspect the Protected Property; and

(c) To prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement and to require the restoration of such areas or features of the Protected Property that may be damaged by any inconsistent activity or use.

4. Prohibited Uses.

Except as provided in "Reserved Rights" below or as authorized in accordance with this instrument:

(a) There shall be no agricultural, commercial or industrial activity undertaken or allowed in the Protected Property; grantor shall have the right of passage across or upon the Protected Property for uses in conjunction with permitted agricultural activity.

(b) Domestic animals shall be allowed to graze on the Protected Property.

(c) There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Protected Property in any manner, except as provided in Section 1.

(d) There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Protected Property except, for domestic animals, standard 4 or 5 wire fencing shall be allowed. Replacement of the existing barn shall be permitted subject to Wasco County Land Use and Development Ordinances.

(f) There shall be no damming, dredging nor any activities or uses of the Protected Property detrimental to water quality, except as provided in Section 1.

(h) Any use of the Protected Property and any activity thereon, which, in the opinion of Grantee, is or may become inconsistent with this grant, being the preservation of the Protected Property predominantly in its natural condition and the protection of environmental systems, is prohibited.

(i) Grantee may grant prior written authorization to conduct activities otherwise forbidden by this Section 4.

5. Grantee's Remedies. If Grantee determines that a violation of the terms of this Conservation Easement has occurred or is threatened, Grantee shall give written notice to Grantors of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Protected Property resulting from any use or activity by or at the direction of Grantors inconsistent with the purposes of this Conservation Easement, to restore the portion of the Protected Property so injured. Grantor shall have 30 days after receipt of such notice to undertake actions including restoration of the Protected Property that are reasonably calculated to correct swiftly the conditions constituting such a breach. If the Grantor fails to take such corrective action, Grantee shall at its discretion undertake such actions, including appropriate legal proceedings, as are reasonably necessary to effect such corrections; and the cost of such corrections, including Grantee's expenses, court costs and legal fees, shall be paid by the Grantor, provided the Grantor is determined to be responsible for the breach.

6. Reserved Rights of Grantor. Notwithstanding any of the foregoing provisions to the contrary, the Grantor reserves for himself, his heirs and assigns the following:

(a) The right to control access to the public, other than representatives of Grantee;

(b) The right to control undesirable vegetation, including but not limited to cotton wood trees and blackberry bushes, or to remove dead or fallen trees;

(c) The right to replace or install culverts as necessary for access or drainage;

(d) The right to repair or replace the existing bridge and/or bridge abutments including the accompanying bridge approaches and road; and

(e) All other uses of the Protected Property that are not expressly prohibited herein or inconsistent with the purposes of this Conservation Easement, PROVIDED, however, that the exercise of such rights is not inconsistent with the conservation interests associated with the Protected Property.

7. Notice of This Easement. The Grantor agrees that the terms, conditions, restrictions, and purposes of this grant will be inserted in any subsequent deed or other legal instrument by which the Grantor divests himself of either fee simple, or his possessory interest in, all or portions of the Protected Property and that the Grantor will notify Grantee, its successors or assigns of any such conveyance.

Any notices required in this Conservation Easement shall be sent by registered or certified mail, postage prepaid, to the following addresses or such address as may be hereafter specified by notice in writing:

GRANTOR:

John W. & Marilyn Byers
90 W. 23rd Street
The Dalles, OR 97058

GRANTEE:

Wasco County Court
511 Washington Street, Suite 302
The Dalles, OR 97058

10. Consideration. Grantor's assumption of the affirmative restrictions on use of the Protected Property, constitute part consideration for Grantee's prior grant of fee title to the property to Grantor.

11. Taxes. The Grantor agrees that he and his successors in title will pay any and all real estate taxes or assessments levied on this property by competent authorities.

12. Severability. In the event any provision of this grant is determined by the appropriate court to be void and unenforceable, all remaining terms shall remain valid and binding.

13. Burdens and Benefits. The burdens of this Conservation Easement shall run with the Protected Property and shall be enforceable against the Grantor and all future owners and tenants in perpetuity. The benefits shall be in gross and assignable but only to an eligible donee. Any assignment of benefits by Grantee (or successor) must require the transferee to carry out the purposes of this Conservation Easement.

14. Grantor's Title. The Grantor hereby warrants and represents that the Grantor is seized of the Protected Property in fee simple and has good right to grant and convey this Conservation Easement, that the Protected Property is free and clear of any and all encumbrances, and that Grantee and its successors and assigns shall have the use of and enjoy all of the benefits derived from and arising out of this Conservation Easement.

15. Grantee's Rights. The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies to Grantee for enforcement of this Conservation Easement. This easement is appurtenant to the real property owned by Grantor and described above.

TO HAVE AND TO HOLD this Conservation Easement together with all the appurtenances and privileges belonging or in any way pertaining thereto, either in law or in equity, either in possession or expectance, for the proper use and benefit of Grantee, its successors and assigns, forever. The true and actual consideration for this conveyance is $0.

IN WITNESS WHEREOF, the Grantor has signed this Conservation Easement, and Grantee has caused this instrument to be accepted, as indicated by its signature.

John W Byers
Grantor

L. Marilyn Byers
Grantor

State of Oregon)
) ss.
County of Wasco)

The foregoing instrument was acknowledged before me this 30th day of December, 2008, by John W. and Marilyn Byers.

Carol D. Friend
Notary Public for Oregon
Commission Expires: Jan 17, 2011

OFFICIAL SEAL
CAROL D FRIEND
NOTARY PUBLIC-OREGON
COMMISSION NO 413410
MY COMMISSION EXPIRES JANUARY 17, 2011

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Wasco County, Oregon, Grantee

Accepted By: Dan Ericksen

Title: Judge

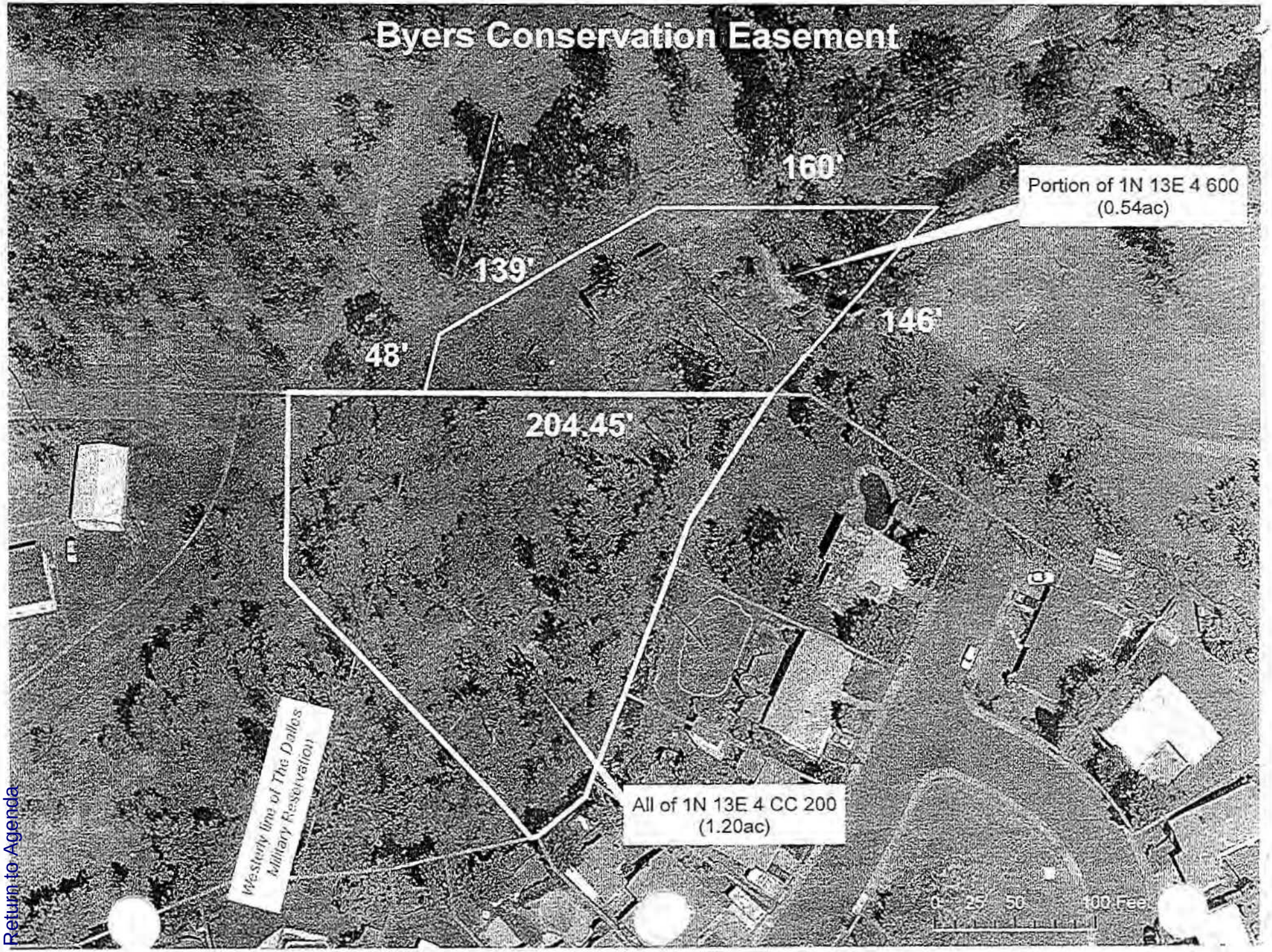
State of Oregon)
) ss.
County of Wasco)

The foregoing instrument was acknowledged before me this 30th day of December, 2008, by County Judge Dan Ericksen.

Kathy McBride

Notary Public for Oregon
Commission Expires: Aug 29, 2010

OFFICIAL SEAL
KATHY McBRIDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 409480
MY COMMISSION EXPIRES AUG. 29, 2010



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Return to:
Commissioners Journal

04-005
EASE

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT is made this 20th day of May, 2004 between Gary Honald ("Grantor"), and Wasco County, Oregon ("Grantee").

Recitals

1. Grantor is the owner in fee simple of certain real property (hereinafter referred to as the "Protected Property") which has aesthetic and ecological value in its present state as a natural area, which property is described as follows:

Parcel of land in the SW ¼ of the SW ¼ of Section 4, Township 1 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, more particularly described as:
Parcel 1 of Partition Plat MP#2004-001 recorded in Wasco County Clerk's Office as Slide C-202A and microfilm image MF#20040420

2. ORS 271.715-.795 permits the creation of conservation easements for the purposes of retaining and protecting natural, scenic, or open space values of real property, protecting natural resources and maintaining and enhancing water quality.

3. Grantor intends, on behalf of Grantor, his heirs, successors, and assigns, and with the intent that the same shall run with and bind the Protected Property, to convey to Grantee the right to protect and preserve the aesthetic and ecological value of the Protected Property in perpetuity and Grantee or its designee is willing to honor such intentions and protect such values in perpetuity.

20043762

4. Grantee is a public entity authorized by ORS 271.725 to acquire by donation conservation easements.

5. "Aesthetic and ecological value," as used herein shall, without limiting the generality of the terms, mean the condition of the Protected Property at the time of this grant, and any enhancements to its condition and other actions consistent with the purpose of this easement.

NOW, THEREFORE, the Grantor, for good and valuable consideration, and in consideration of the covenants, mutual agreements, conditions, and promises herein contained, does hereby freely give, grant, bargain, sell and convey unto Grantee, its successors and assigns, forever, a conservation easement over the Protected Property consisting of the following:

1. Purpose. It is the purpose of this Conservation Easement to assure that the Protected Property will be retained forever in its natural condition and to prevent any use of the Protected Property that will significantly impair or interfere with the conservation values of the Protected Property. Grantors intend that this Conservation Easement will confine the use of the Protected Property to activities that are consistent with such purposes.

Furthermore, grantee shall have the right to maintain, preserve, protect and modify said areas as it determines to be in the public interest for the purposes of flood mitigation, flood protection,

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which specifically includes the right to contour, shape, and modify the property in any manner consistent with flood plain management and/or flood protection and mitigation.

2. Scope of Easement. The Protected Property may be used only for those purposes set forth in Section 4 hereof. The Conservation Easement shall include the right to enter (by motor vehicle, if reasonably necessary in the judgment of Grantee or designee) the Protected Property to exercise all rights granted to Grantee under this Conservation Easement.

3. Rights of Grantee. Grantee, or its successors or assigns, does not waive or forfeit the right to take action as may be necessary to insure compliance with the convenants and purposes of this grant by any prior failure to act. Nothing herein shall be construed to entitle Grantee to institute any proceedings against Grantor for any changes to the Protected Property due to causes beyond the Grantor's control such as changes caused by fire, floods, storms or unauthorized wrongful acts of third persons.

To accomplish the purpose of this Conservation Easement, Grantors hereby convey to Grantee the right:

(a) To preserve and protect the conservation values of the Protected Property;

(b) To enter upon and inspect the Protected Property; and

(c) To prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement and to require the restoration of such areas or features of the Protected Property that may be damaged by any inconsistent activity or use.

4. Prohibited Uses.

Except as provided in "Reserved Rights" below or as authorized in accordance with this instrument:

(a) There shall be no agricultural, commercial or industrial activity undertaken or allowed in the Protected Property; grantor shall have the right of passage across or upon the Protected Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.

(b) No domestic animals shall be allowed to graze on the Protected Property.

(c) There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Protected Property in any manner, except as provided in Section 1.

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(12)

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(d) There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Protected Property.

(e) There shall be neither building of new roads or any other rights of way nor widening of existing roads on the Protected Property.

(f) There shall be no damming, dredging nor any activities or uses of the Protected Property detrimental to water quality, except as provided in Section 1.

(g) There shall be no operation of dune buggies, motorcycles, all-terrain vehicles, or any other types of motorized vehicles (except as permitted in Section 3 above) on the Protected Property.

(h) Any use of the Protected Property and any activity thereon, which, in the opinion of Grantee, is or may become inconsistent with this grant, being the preservation of the Protected Property predominantly in its natural condition and the protection of environmental systems, is prohibited.

(i) Grantee may grant prior written authorization to conduct activities otherwise forbidden by this Section 4.

5. Grantee's Remedies. If Grantee determines that a violation of the terms of this Conservation Easement has occurred or is threatened, Grantee shall give written notice to Grantors of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Protected Property resulting from any use or activity by or at the direction of Grantors inconsistent with the purposes of this Conservation Easement, to restore the portion of the Protected Property so injured. Grantor shall have 30 days after receipt of such notice to undertake actions including restoration of the Protected Property that are reasonably calculated to correct swiftly the conditions constituting such a breach. If the Grantor fails to take such corrective action, Grantee shall at its discretion undertake such actions, including appropriate legal proceedings, as are reasonably necessary to effect such corrections; and the cost of such corrections, including Grantee's expenses, court costs and legal fees, shall be paid by the Grantor, provided the Grantor is determined to be responsible for the breach.

6. Reserved Rights of Grantor. Notwithstanding any of the foregoing provisions to the contrary, the Grantor reserves for himself, his heirs and assigns all uses of the Protected Property that are not expressly prohibited herein or inconsistent with the purposes of this Conservation Easement, PROVIDED, however, that the exercise of such rights is not inconsistent with the conservation interests associated with the Protected Property:

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7. Notice of This Easement. The Grantor agrees that the terms, conditions, restrictions, and purposes of this grant will be inserted in any subsequent deed or other legal instrument by which the Grantor divests himself of either fee simple, or his possessory interest in, all or portions of the Protected Property and that the Grantor will notify Grantee, its successors or assigns of any such conveyance.

Any notices required in this Conservation Easement shall be sent by registered or certified mail, postage prepaid, to the following addresses or such address as may be hereafter specified by notice in writing:

GRANTOR:

Gary Honald
2505 Wright Drive
The Dalles, OR 97058

GRANTEE:

Wasco County Court
511 Washington St.
The Dalles, OR 97058

With copy to:

With copy to:

10. Consideration. Grantor's assumption of the restrictions on use of the Protected Property, constitute part consideration for Grantee's prior grant of fee title to the property to Grantor.

11. Taxes. The Grantor agrees that he and his successors in title will pay any and all real estate taxes or assessments levied on this property by competent authorities.

12. Severability. In the event any provision of this grant is determined by the appropriate court to be void and unenforceable, all remaining terms shall remain valid and binding.

13. Burdens and Benefits. The burdens of this Conservation Easement shall run with the Protected Property and shall be enforceable against the Grantor and all future owners and tenants in perpetuity. The benefits shall be in gross and assignable but only to an eligible donee. Any assignment of benefits by Grantee (or successor) must require the transferee to carry out the purposes of this Conservation Easement.

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(6)

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14. Grantor's Title. The Grantor hereby warrants and represents that the Grantor is seized of the Protected Property in fee simple and has good right to grant and convey this Conservation Easement, that the Protected Property is free and clear of any and all encumbrances, and that Grantee and its successors and assigns shall have the use of and enjoy all of the benefits derived from and arising out of this Conservation Easement.

15. Grantee's Rights. The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies to Grantee for enforcement of this Conservation Easement. This easement is appurtenant to the real property owned by Grantor and described above.

TO HAVE AND TO HOLD this Conservation Easement together with all the appurtenances and privileges belonging or in any way pertaining thereto, either in law or in equity, either in possession or expectance, for the proper use and benefit of Grantee, its successors and assigns, forever. The true and actual consideration for this conveyance is $0.

IN WITNESS WHEREOF, the Grantor has signed this Conservation Easement, and Grantee has caused this instrument to be accepted, as indicated by its signature.

Grantor

Grantor

State of Oregon)
) ss.
County of)

The foregoing instrument was acknowledged before me this 20th day of May, 2004, by Gary Harold & Barbara Harold and .

OFFICIAL SEAL
JOHN A. WOLF
NOTARY PUBLIC-OREGON
COMMISSION NO. 359489
MY COMMISSION EXPIRES AUGUST 2, 2006

Notary Public for Oregon

Wasco County, Oregon, Grantee

Accepted By:

Title: Judge

20043762

(D)

Return to Agenda

State of Oregon)
) ss.
County of)

The foregoing instrument was acknowledged before me this 21st day of June, 2004, by Daniel Ericksen.

OFFICIAL SEAL
ANDREA M LINVOG-GOSSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 355120
MY COMMISSION EXPIRES FEB 25, 2006

Andrea M. Linvog-Gosson
Notary Public for Oregon

Microfilm No. 20043762

FILED
WASCO COUNTY

2004 JUL 27 A 9:43

KAREN LEBRETON COATS
COUNTY CLERK

STATE OF OREGON }
County of Wasco }

I certify that this document was received and recorded in the

DEED records.

Karen LeBreton Coats, County Clerk

Deputy

A+T ____ LC ____ Recording 0

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(6)

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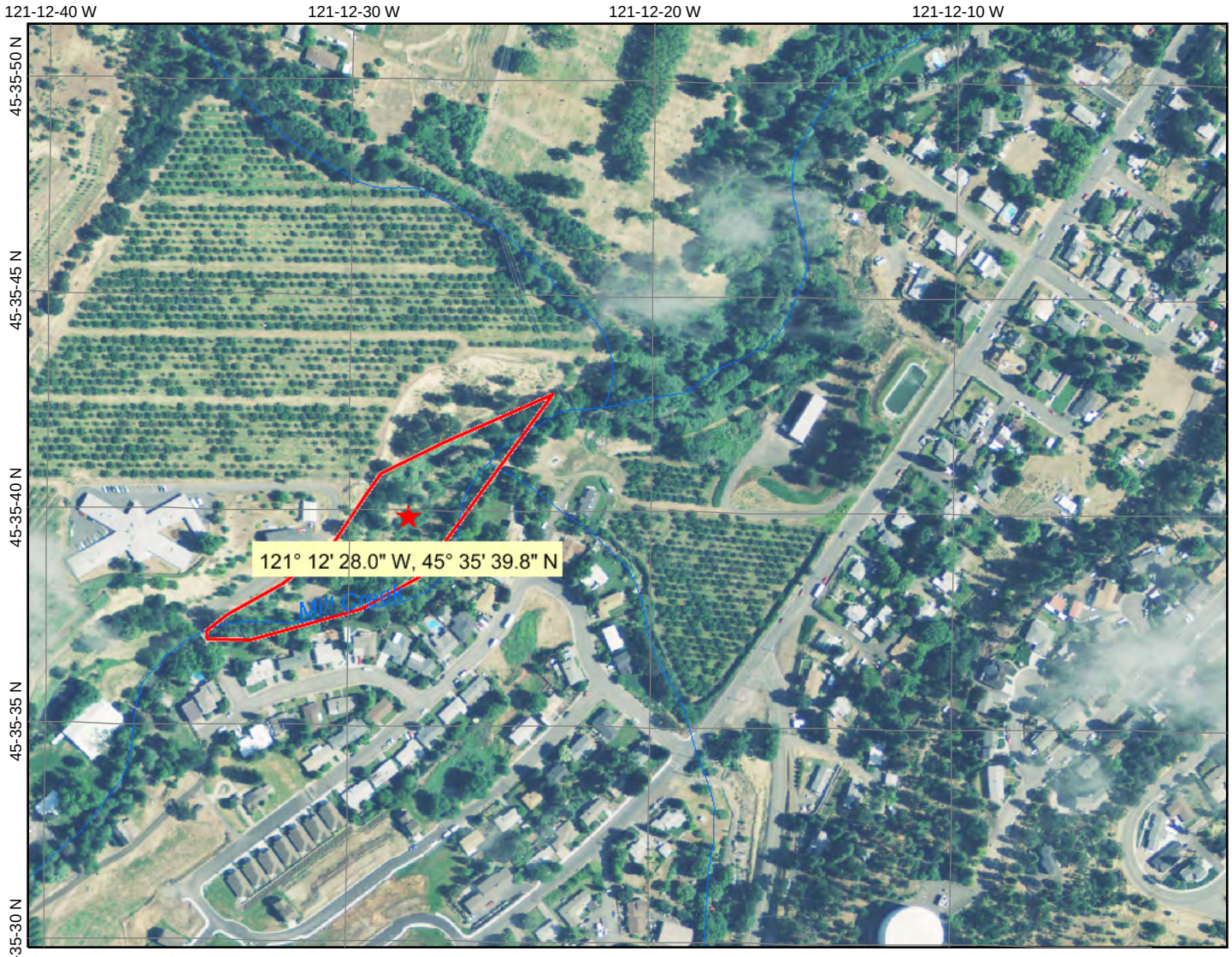
Lower Mill Creek Side Channel



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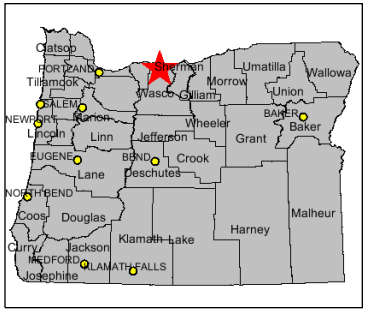


Legend

Rivers 1:24k

Scale: 1:4,634

This map is a user generated static output from Oregon Explorer (oregonexplorer.info) and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Return to Agenda

MILL CREEK
SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL



REGIONAL MAP
N.T.S. (GOOGLE)



VICINITY MAP
N.T.S. (GOOGLE)

SHEET INDEX

SHEET NUMBER	SHEET TITLE
C1	COVER
C2	EXISTING CONDITIONS AND SITE ACCESS
C3	SITE ACCESS AND LOG PLACEMENT PLAN
C4	UPSTREAM SITE PLAN AND PROFILE
C5	DOWNSTREAM SITE PLAN AND PROFILE
C6	CULVERT PLAN AND ROAD PROFILE
C7	CULVERT DETAIL AND NOTES
C8	ALCOVE PLAN AND PROFILE
C9	SECTIONS
C10	TYPICAL LOG STRUCTURE DETAILS
C11	EROSION CONTROL DETAILS AND NOTES
C12	PLANTING PLAN
C13	NOTES

GENERAL NOTES

1. TOPOGRAPHIC MAPPING WAS PERFORMED BY:
   INTER-FLUVE, INC.
   501 PORTWAY AVE, SUITE 101
   HOOD RIVER, OR 97031
   SURVEY DATE; 2012.
2. SUPPLEMENTAL TOPOGRAPHIC MAPPING WAS PERFORMED BY:
   WATERWAYS CONSULTING, INC.
   1020 SW TAYLOR ST., SUITE 380
   PORTLAND, OR 97205
   SURVEY DATE: APRIL, 2015
3. ELEVATION DATUM: GPS TIES TO NAVD88 USING THE OREGON REAL-TIME GLOBAL POSITIONING SYSTEM NETWORK (ORGN).
4. BASIS OF BEARINGS: BASIS OF BEARINGS BETWEEN POINTS #5001 AND #5002 IS S80°20'35.64"E, AS SHOWN ON SHT. C2.
5. BASIS OF BEARINGS: GPS TIES TO NAD83 OREGON STATE PLANE, NORTH USING THE OREGON REAL-TIME GLOBAL POSITIONING SYSTEM NETWORK (ORGN).
6. AERIAL PHOTO SOURCE:
   ARCGIS WORLD IMAGERY
   PHOTOGRAPH DATE: 2012
7. CONTOUR INTERVAL IS ONE FOOT. ELEVATIONS AND DISTANCES SHOWN ARE IN DECIMAL FEET.
8. THIS IS NOT A BOUNDARY SURVEY. PROPERTY LINES ARE NOT SHOWN HEREIN.
9. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO THE 2015 EDITION OF THE OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION (HEREAFTER REFERRED TO AS "STANDARD SPECIFICATIONS").

ABBREVIATIONS

AVG.	AVERAGE
CC	CONCRETE
CY	CUBIC YARDS
DIA.	DIAMETER
E	EXISTING
EG	EXISTING GROUND
ELEV.	ELEVATION
ESA	ENVIRONMENTALLY SENSITIVE AREAS
ESM	ENGINEERED STREAMBED MATERIAL
DI	DRAINAGE INLET
FG	FINISHED GRADE
FT	FEET
INV	INVERT
N	NEW
N.T.S.	NOT TO SCALE
O.C.	ON CENTER
PVI	POINT OF VERTICAL INFLECTION
RC	RELATIVE COMPACTION
RSP	ROCK SLOPE PROTECTION
SPK	SPIKE
SQ.FT.	SQUARE FOOT
T	TREE
T.B.D.	TO BE DETERMINED
TYP	TYPICAL
UNK	UNKNOWN
VC	VERTICAL CURVE
WSE	WATER SURFACE ELEVATION
YR	YEAR

TREE SPECIES

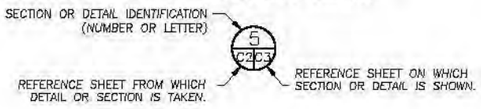
A	ALDER
CW	COTTONWOOD
L	LOCUST

PROJECT DESCRIPTION

THESE DRAWINGS PROVIDE 100% DESIGN LEVEL DETAILS FOR THE RECONNECTION OF A HISTORIC SIDE CHANNEL AND INSTALLATION OF A NEW CULVERTED CROSSING ALONG MILL CREEK IN THE CITY OF THE DALLES, WASCO COUNTY, OREGON.

WORK SHALL CONSIST OF GRADING TO REMOVE FILL FROM WITHIN THE SIDE CHANNEL, LOG PLACEMENT WITH ROCK BALLASTING, REMOVAL AND DISPOSAL OF THE EXISTING CULVERT CROSSING AND REPLACEMENT WITH A PIPE ARCH CULVERT. THE CULVERT WILL BE PARTIALLY FILLED WITH ENGINEERED STREAMBED MATERIAL.

SECTION AND DETAIL CONVENTION



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PORTLAND, OR 97205
PH:(503)227-1087 FAX:(503)419-6847
WWW.WATWAYS.COM

6/29/15 DATE

REGISTERED PROFESSIONAL ENGINEER 78668PE OREGON JANUARY 9, 2007 MATT W. WELD
MATT W. WELD
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

COVER

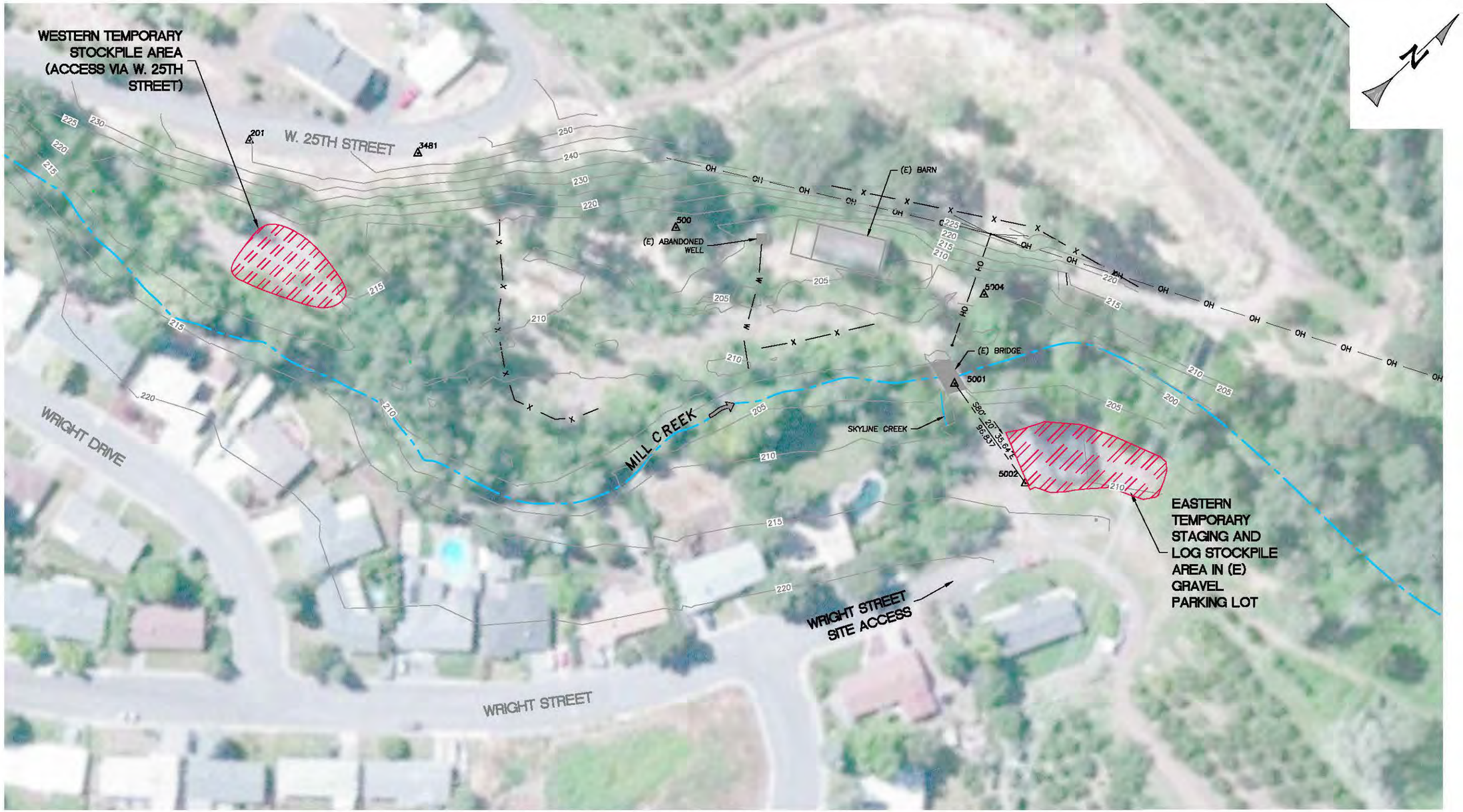
MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	M.W.W.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALES FOR REDUCED PLOTS
0 1"

C1 | 1 OF 13

Return to Agenda



EXISTING CONDITIONS AND SITE ACCESS
SCALE: 1" = 40'

LEGEND

85	EXISTING 5' CONTOURS
201	SURVEY CONTROL POINT
X	EXISTING FENCE
W	EXISTING PIPELINE (ABANDONED)
OH	EXISTING OVERHEAD POWER
	MILL CREEK FLOW LINE
	STAGING AREA

CONTROL POINTS

POINT	NORTHING	EASTING	ELEV.	DESC.
201	703459.04	8020634.94	239.95	MAG NAIL
500	703648.97	8020922.58	215.46	REBAR ON POST
3481	703546.18	8020736.37	247.82	MAG NAIL
5001	703717.81	8021165.98	211.33	MAG NAIL IN DECK
5002	703701.56	8021261.45	211.60	1/2" IRON ROD
5004	703784.16	8021132.70	204.88	1/2" IRON ROD

ACCESS AND STAGING AREA NOTES

1. PRIOR TO STARTING WORK ON THE PROJECT, THE CONTRACTOR SHALL SUBMIT FOR ACCEPTANCE BY THE ENGINEER A HAZARDOUS MATERIALS CONTROLS AND SPILL PREVENTION PLAN. THE PLAN SHALL INCLUDE PROVISIONS FOR PREVENTING HAZARDOUS MATERIALS FROM CONTAMINATING SOIL OR ENTERING WATER COURSES, AND SHALL ESTABLISH A SPILL PREVENTION AND COUNTERMEASURE PLAN.
2. UTILIZE ONLY THE APPROVED ACCESS POINTS, AS SHOWN ON THE DRAWINGS. MATERIALS SHALL BE STOCKPILED WITHIN AN EXISTING FLAT AND PREVIOUSLY DISTURBED AREA.
3. ACCESS PLAN IS SCHEMATIC. CONTRACTOR SHALL SUBMIT A SITE ACCESS PLAN FOR APPROVAL BY THE ENGINEER.
4. THE DOWNSLOPE PERIMETER OF STAGING OR STOCKPILE AREAS SHALL BE CONTAINED WITH SILT FENCE.
5. ALL EQUIPMENT AND MATERIALS SHALL BE STORED, MAINTAINED AND REFUELED IN A DESIGNATED PORTION OF THE STAGING AREA.
6. ALL STOCKPILE AREAS ARE TEMPORARY. ORIGINAL GRADES SHALL BE REESTABLISHED AND THE SITE STABILIZED AGAINST EROSION PRIOR TO THE CONCLUSION OF CONSTRUCTION.

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6/29/15 DATE

REGISTERED PROFESSIONAL ENGINEER 78668PE OREGON JANUARY 9, 1998 MATT W. WELD
MATT W. WELD
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

EXISTING CONDITIONS AND SITE ACCESS

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

C2 | 2 OF 13

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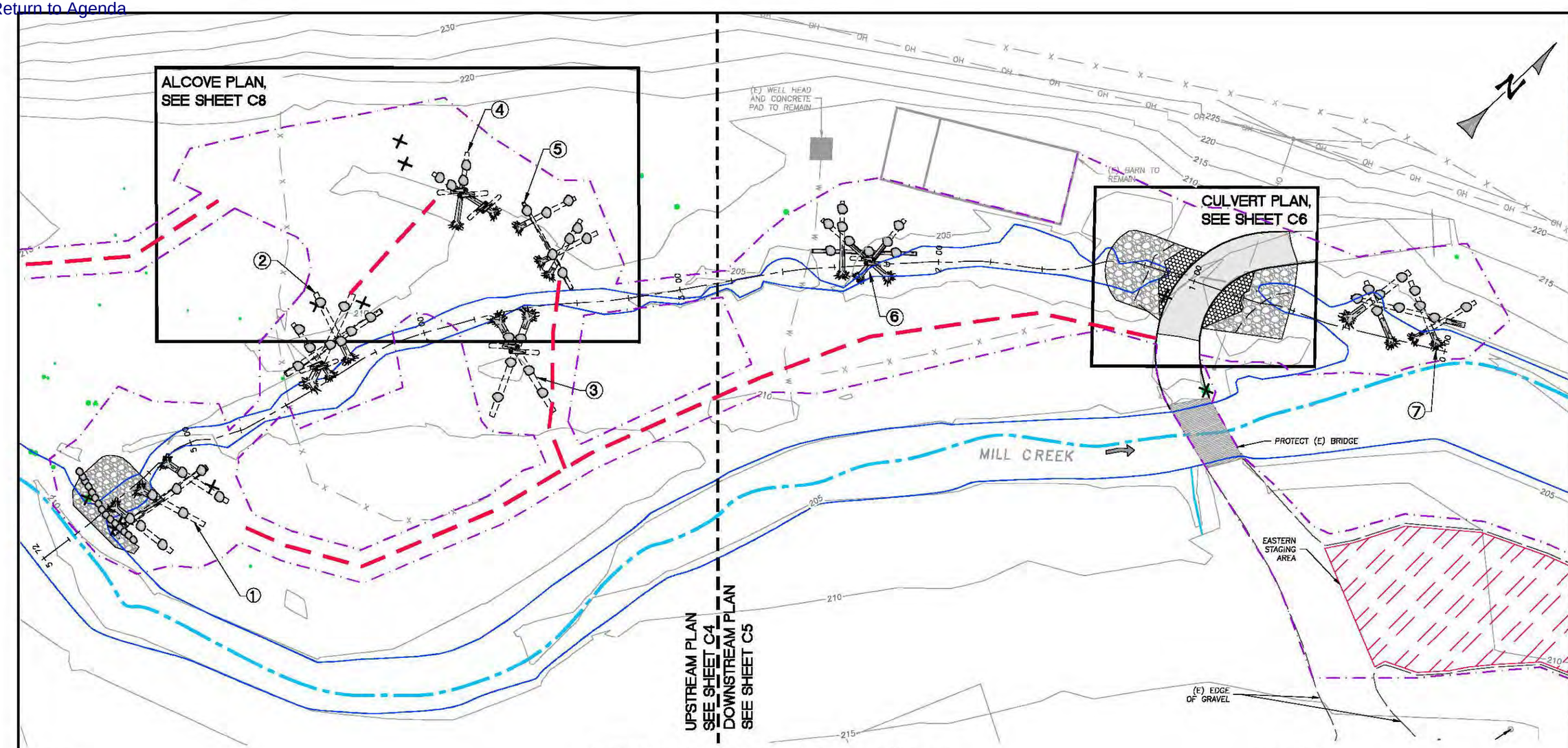

TEMPORARY ACCESS AND LOG PLACEMENT PLAN
SCALE: 1" = 20'

NOTES:
1. SEE SHEET C10 FOR TYPICAL LOG PLACEMENT DETAILS.
2. RESTORE ALL TEMPORARY AND PERMANENT ROADS OUTSIDE OF ON-SITE ROADWAY GRADING TO PRE-CONSTRUCTION CONDITION AT THE CONCLUSION OF WORK.
3. SEED AND MULCH DISTURBED AREAS PER SHEET C12.
4. RIP, SEED AND MULCH TEMPORARY ACCESS ROADS AT THE CONCLUSION OF CONSTRUCTION.
5. UTILIZE ONLY THE APPROVED ACCESS POINTS, AS SHOWN ON THE DRAWINGS. STAGE EQUIPMENT AND MATERIALS WITHIN THE DESIGNATED STAGING AREA.

LOG STRUCTURE NOTES

1. PLACEMENT LOCATIONS: LOG STRUCTURE DESIGNS ARE SHOWN CONCEPTUALLY DUE TO THE INHERENT VARIABILITY OF THE MATERIAL PROPERTIES. THE DESIGN REQUIRES THAT THE ENGINEER WILL OBSERVE CONSTRUCTION OF THE LOG STRUCTURES TO ENSURE THE INTENT OF THE DESIGN IS MET. OBSERVATIONS MUST INCLUDE LOG SELECTION, PLACEMENT, AND BACKFILLING. ANY LOG STRUCTURES CONSTRUCTED WITHOUT THE ENGINEER PRESENT ON-SITE MAY RESULT IN REJECTION OF THE WORK BY THE ENGINEER.

2. LOGS: LOGS ARE STOCKPILED IN THE NORTHWEST CORNER OF THE EASTERN STAGING AREA. THE CONTRACTOR SHALL USE THE EXISTING LOGS FOR LOG STRUCTURES AND CUT LOGS TO LENGTH IN THE FIELD. THE FOLLOWING LOGS ARE AVAILABLE:

ITEM	DIAMETER	LENGTH	COUNT
LOG WITH ROOTWAD	10"–24"	40'–45'	20
LOG WITHOUT ROOTWAD	10"–24"	40'–45'	5

LOG STRUCTURE TABLE

LOG STRUCTURE	LOGS WITH ROOTWADS	FOOTER LOGS	PILE LOGS
①	3 @ 25'–30'	1 @ 40'–45'	0
②	1 @ 40'–45' 2 @ 25'–30'	1 @ 25'–30'	2 @ 12'–15'
③	2 @ 40'–45'	0	2 @ 12'–15'
④	2 @ 25'–30'	0	4 @ 12'–15'
⑤	3 @ 25'–30'	1 @ 40'–45'	0
⑥	1 @ 40'–45' 2 @ 25'–30'	1 @ 40'–45'	2 @ 12'–15'
⑦	2 @ 40'–45' 1 @ 25'–30'	1 @ 40'–45'	2 @ 12'–15'

LEGEND

- 85 — EXISTING 5-FT CONTOURS
- EXISTING TREE
- X — EXISTING FENCE
- W — EXISTING PIPELINE (ABANDONED)
- OH — EXISTING OVERHEAD POWER
- MILL CREEK FLOW LINE
- ORDINARY HIGH WATER
- TEMPORARY ACCESS ROUTE
- LIMITS OF GROUND DISTURBANCE
- STAGING/STOCKPILE AREA
- REMOVE EXISTING TREE
- LOG STRUCTURE

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REGISTERED PROFESSIONAL ENGINEER 78668PE OREGON JANUARY 9, 2004 MATTHEW W. WELD
WATT W. WELD
DATE: 6/29/15
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

SITE ACCESS AND LOG PLACEMENT PLAN

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALES FOR REDUCED PLOTS
0 1"

C3 | 3 OF 13

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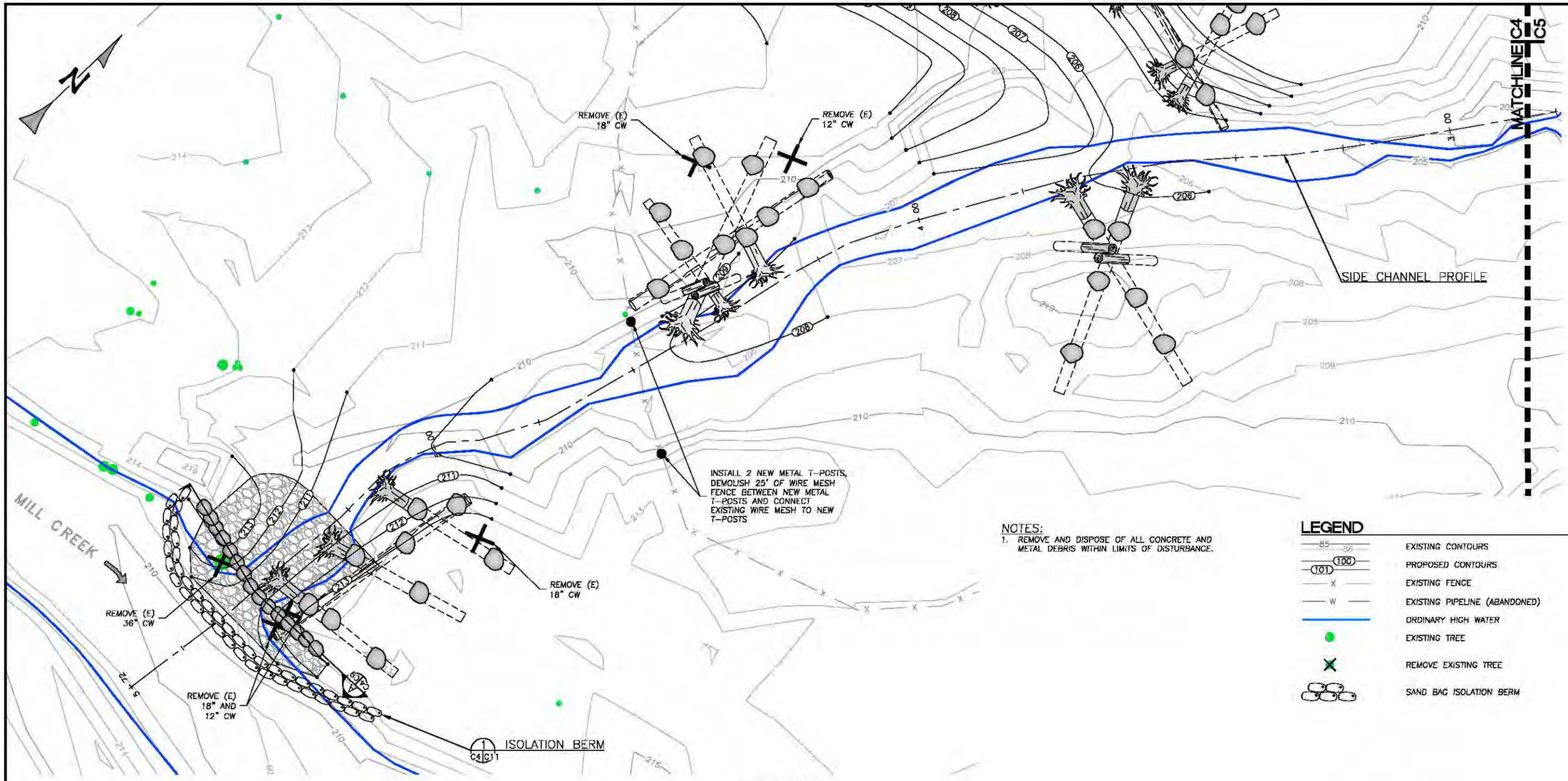
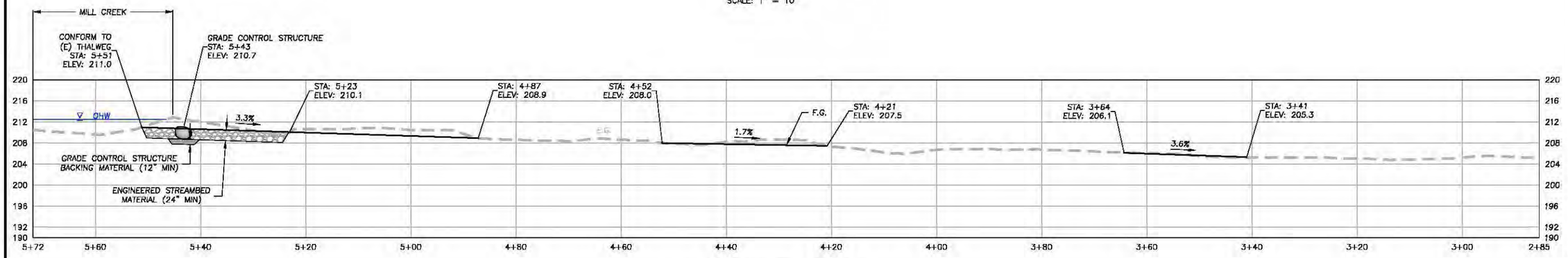


SITE PLAN
SCALE: 1" = 10'



SIDE CHANNEL PROFILE
SCALE: 1" = 10'

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WWW.WATWAYS.COM

6/29/15 DATE

REGISTERED PROFESSIONAL ENGINEER 79668PE OREGON JANUARY 9, 1981 MATT W. WELD

MATT W. WELD

EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

UPSTREAM SITE PLAN AND PROFILE

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

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0 1"

C4 | 4 OF 13

C5 C4 MATCHLINE

SIDE CHANNEL PROFILE

DEMOLISH 91 FEET OF (E) BARBED WIRE FENCING

DEMOLISH 100 FEET OF (E) 6-INCH CAST IRON PIPE (LOCATION APPROX.)

PROTECT (E) DRAIN PIPE

PROTECT (E) TREE

PROTECT (E) ELECTRICAL UTILITY POLE AND METER

PROTECT (E) BRIDGE

MILL CREEK

SEDIMENT FENCE (1 / C5 C11)

LEGEND

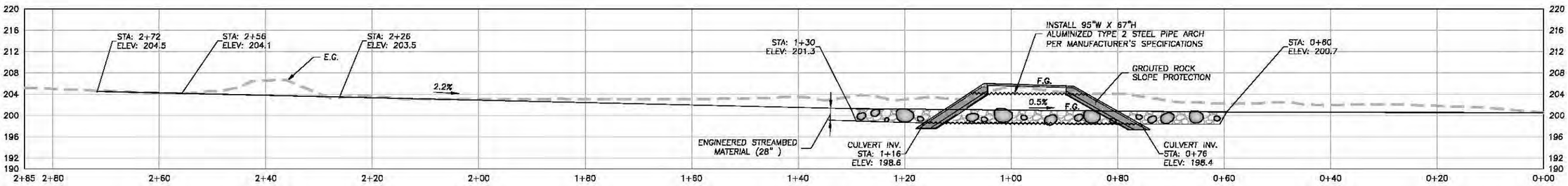
- EXISTING CONTOURS
- PROPOSED CONTOURS
- EXISTING FENCE
- EXISTING PIPELINE (ABANDONED)
- ORDINARY HIGH WATER
- SEDIMENT FENCE
- EXISTING TREE
- REMOVE EXISTING TREE

NOTES:

1. REMOVE AND DISPOSE OF ALL CONCRETE AND METAL DEBRIS WITHIN LIMITS OF DISTURBANCE.
2. SEE SHEET C7 FOR CULVERT DETAIL AND NOTES.

SITE PLAN

SCALE: 1" = 10'



SIDE CHANNEL PROFILE

SCALE: 1" = 10'

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REGISTERED PROFESSIONAL ENGINEER 79668PE OREGON JULY 9, 1976 MATTHEW W. WELD

6/29/15 DATE

EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

DOWNSTREAM SITE PLAN AND PROFILE

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

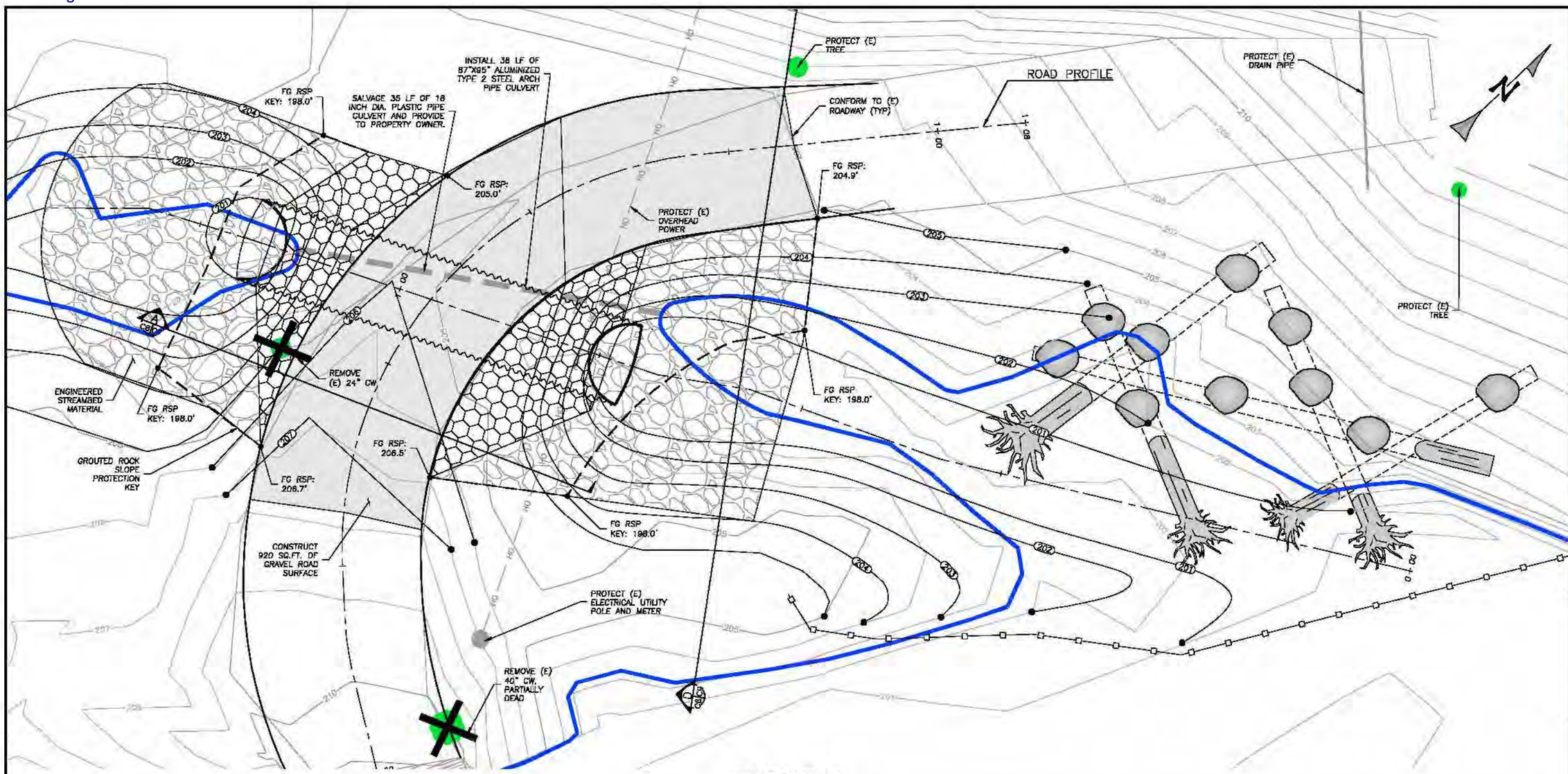
DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS

0 1"

C5 | 5 OF 13

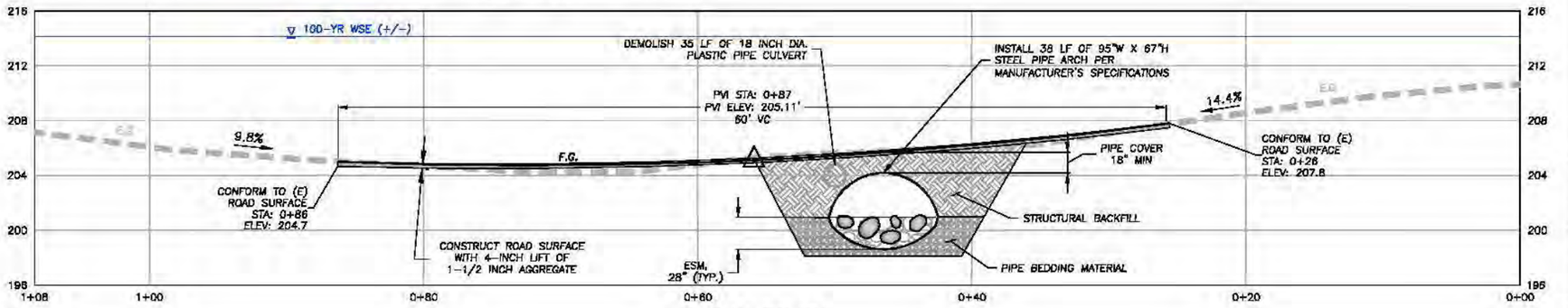
Return to Agenda



CULVERT PLAN
SCALE: 1" = 5'

LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- EXISTING FENCE
- EXISTING PIPELINE (ABANDONED)
- ORDINARY HIGH WATER
- SEDIMENT FENCE
- REMOVE EXISTING TREE
- GROUTED RSP
- ENGINEERED STREAMBED MATERIAL



ROAD PROFILE
SCALE: 1" = 5'

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WWW.WATWAYS.COM

REGISTERED PROFESSIONAL ENGINEER
OREGON JULY 9, 2004 MATTHEW S. WEILD
MATT W. WEILD
6/29/15 DATE
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

CULVERT PLAN AND ROAD PROFILE

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALES FOR REDUCED PLOTS
0 1"

C6 | 6 OF 13

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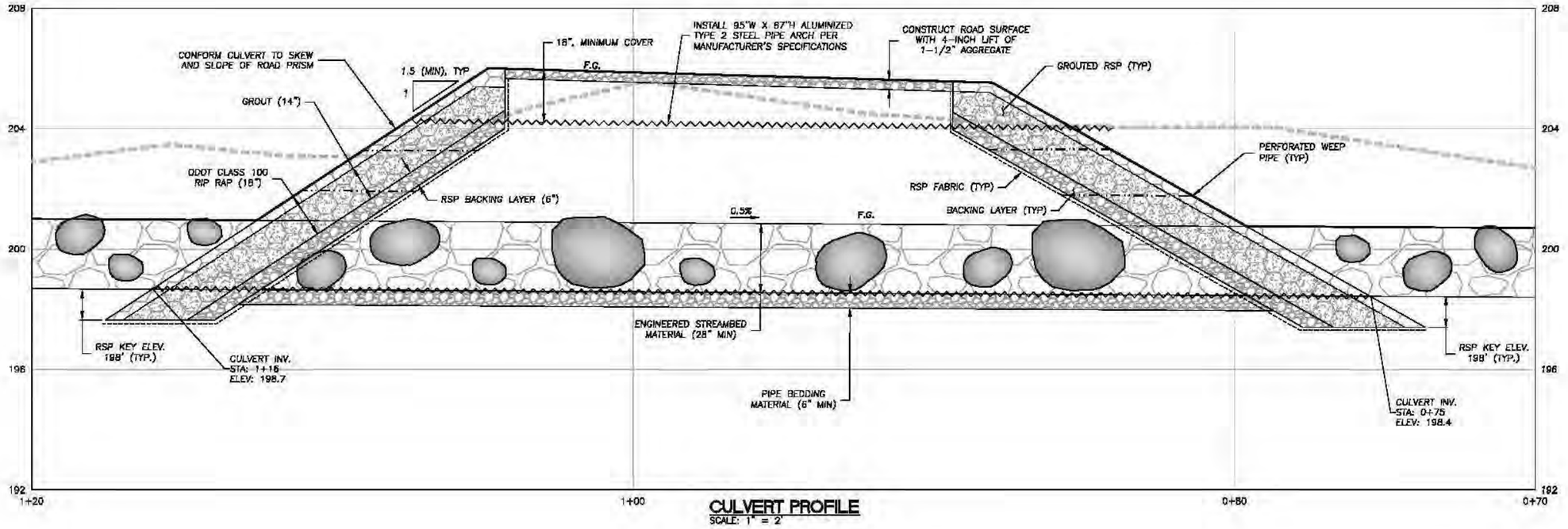
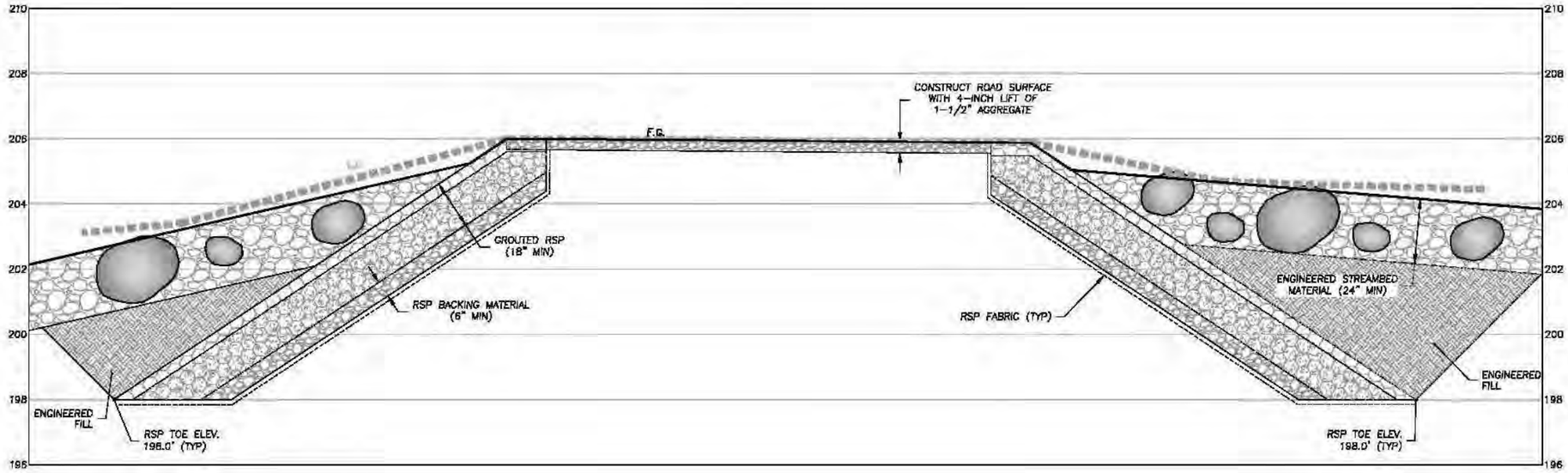


CULVERT PROFILE
SCALE: 1" = 2'



ROAD SECTION
SCALE: 1" = 2'
(A C8|C7)

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WWW.WATWAYS.COM

6/29/15 DATE

REGISTERED PROFESSIONAL ENGINEER 79668PE OREGON MATTHEW W. WELD
MATT W. WELD
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

CULVERT DETAIL AND NOTES

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

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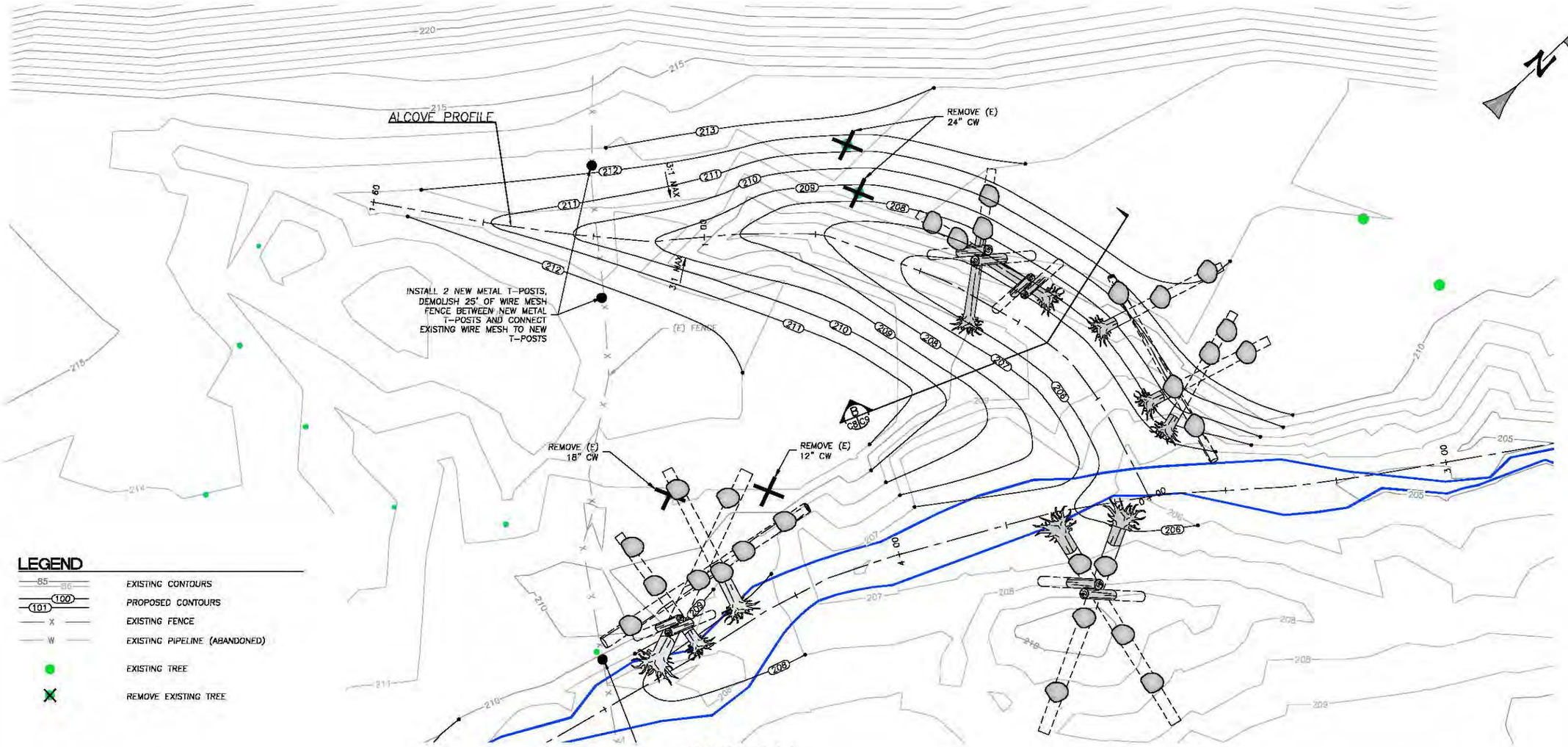
0 1"

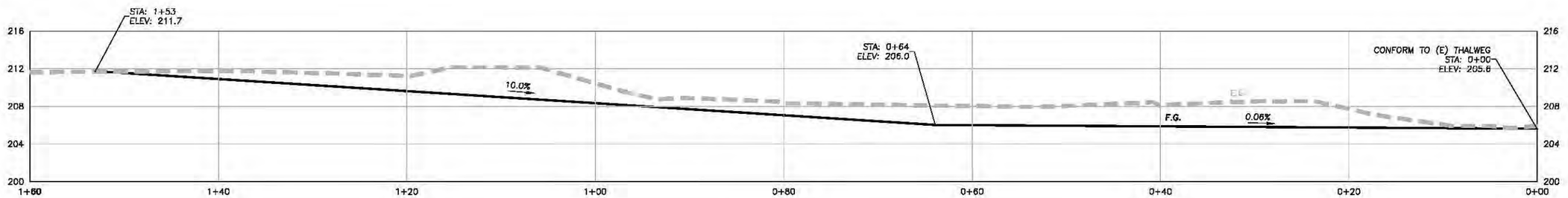
C7 | 7 OF 13



LEGEND

- EXISTING CONTOURS
- PROPOSED CONTOURS
- EXISTING FENCE
- EXISTING PIPELINE (ABANDONED)
- EXISTING TREE
- REMOVE EXISTING TREE

ALCOVE PLAN
SCALE: 1" = 10'



ALCOVE PROFILE
SCALE: 1" = 5'

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REGISTERED PROFESSIONAL ENGINEER 79668PE OREGON JANUARY 9, 1981 MATT W. WELD
DATE 6/29/15
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

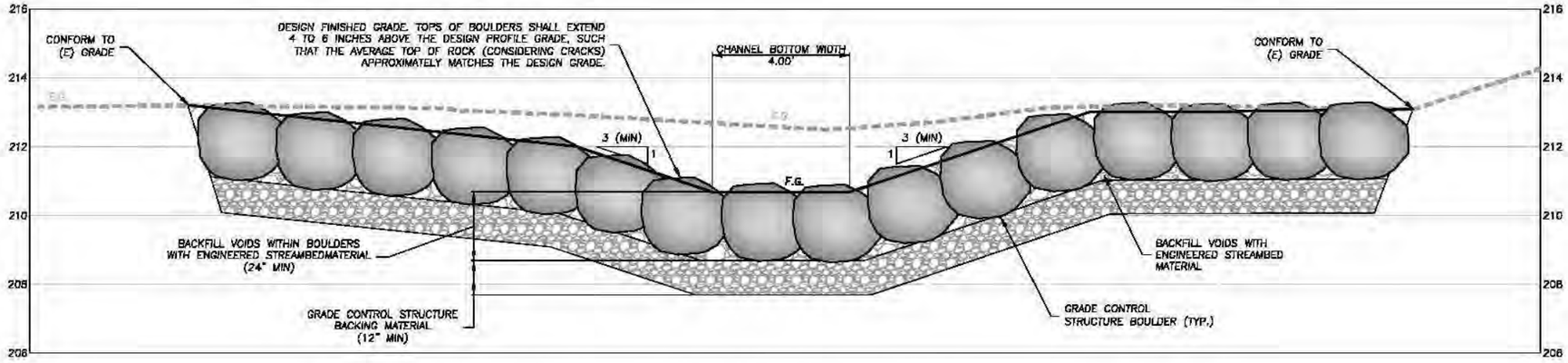
ALCOVE PLAN AND PROFILE

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

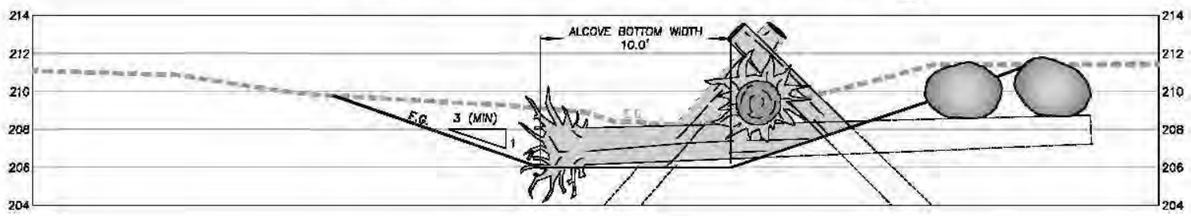
C8 | 8 OF 13



SIDE CHANNEL INLET GRADE CONTROL SECTION

SCALE: 1" = 2'

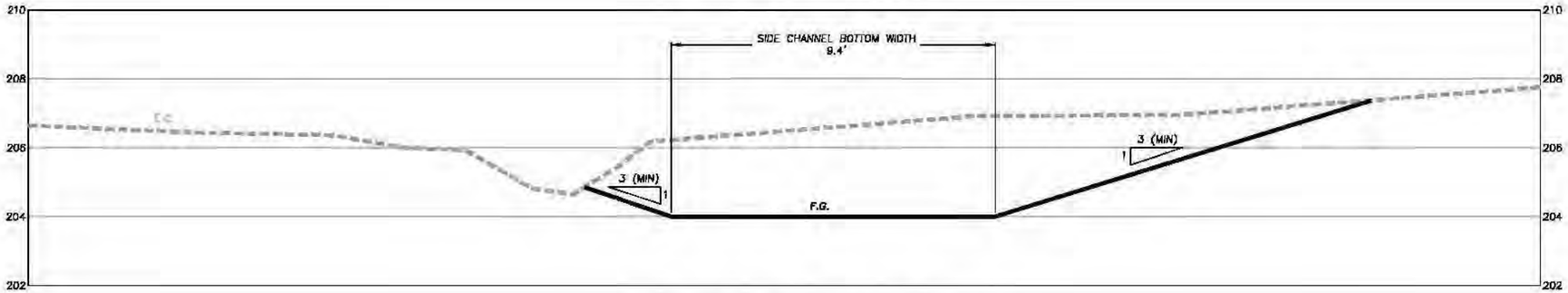
A C4 C9



ALCOVE SECTION

SCALE: 1" = 4'

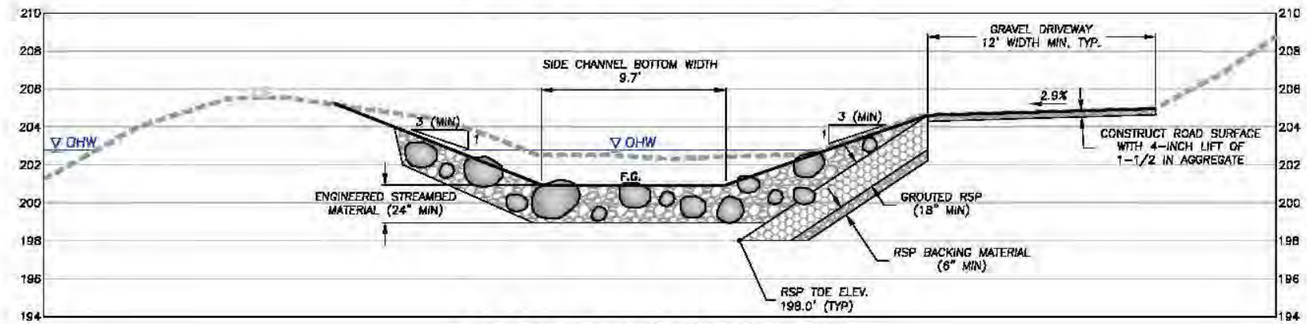
B C8 C9



LOWER FILL REMOVAL SECTION

SCALE: 1" = 2'

C C5 C9



SIDE CHANNEL OUTLET SECTION

SCALE: 1" = 4'

D C8 C9

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REGISTERED PROFESSIONAL ENGINEER 78563PE OREGON JANUARY 9, 2007 MATTHEW W. WELD
MATT W. WELD
6/29/15 DATE
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

SECTIONS

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
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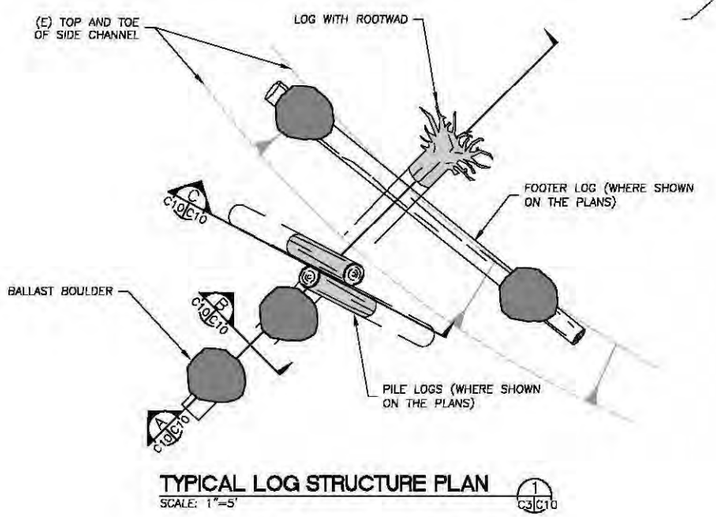
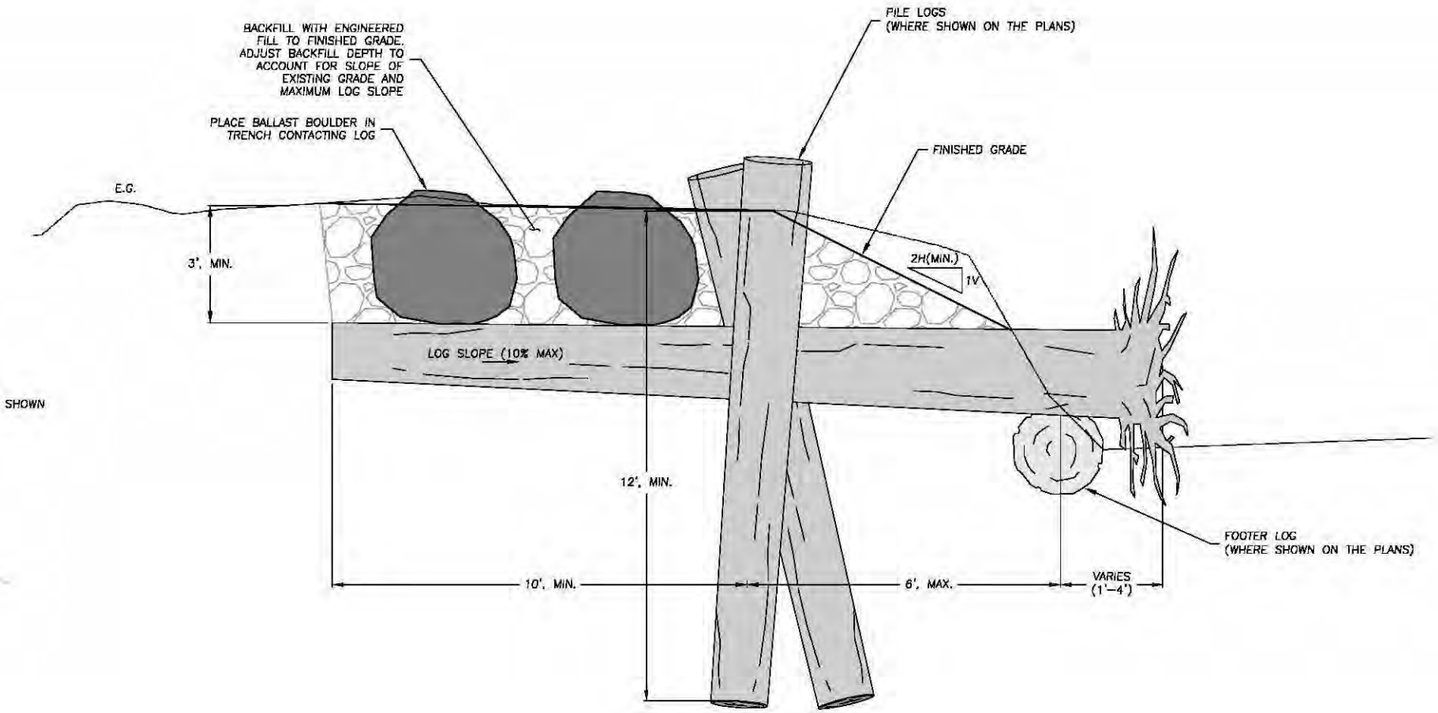
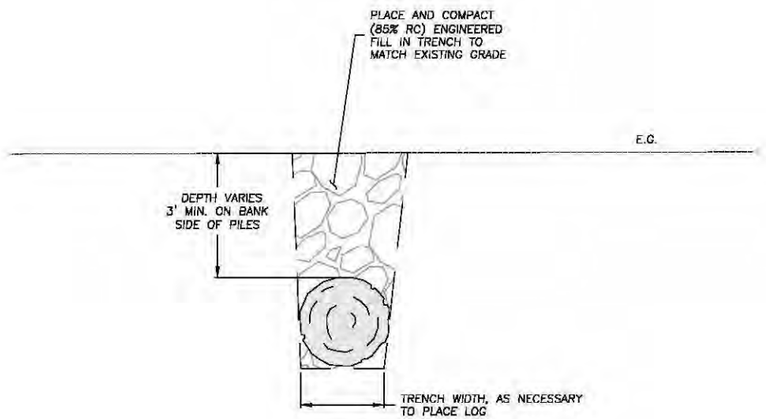
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

C9 | 9 OF 13

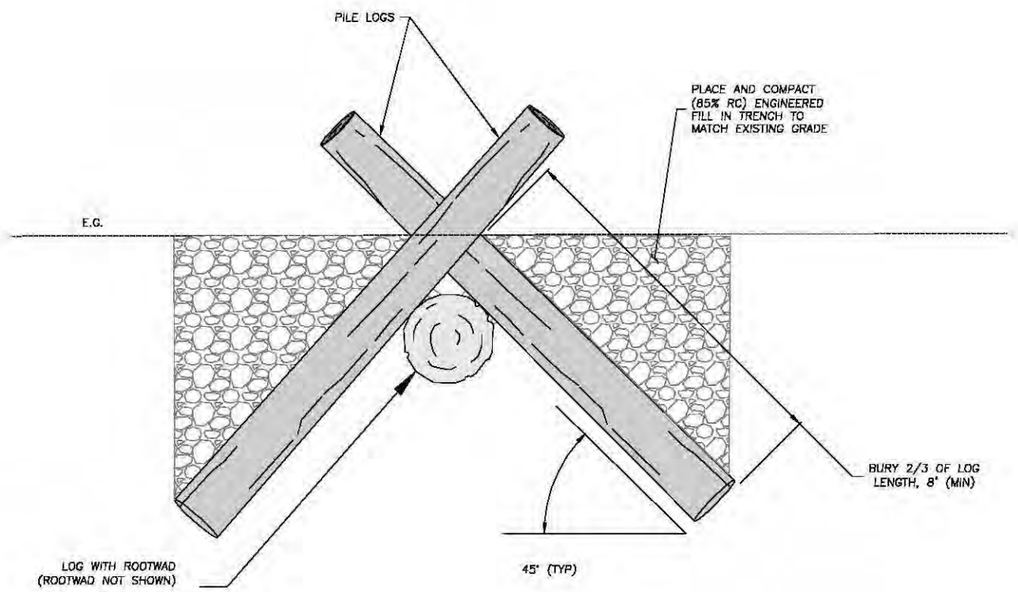


TYPICAL LOG STRUCTURE PLAN
SCALE: 1"=5'
1 C3|C10





TYPICAL TRENCH SECTION
SCALE: 1" = 2'
B C10|C10



TYPICAL PILE LOG SECTION
SCALE: 1" = 2'
C C10|C10

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6/29/15 DATE

REGISTERED PROFESSIONAL ENGINEER 79668PE OREGON JANUARY 9, 1981 MATTHEW W. WELD

EXPIRES: 6/30/2016

MATT W. WELD

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

TYPICAL LOG STRUCTURE DETAILS

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALES FOR REDUCED PLOTS
0 1"

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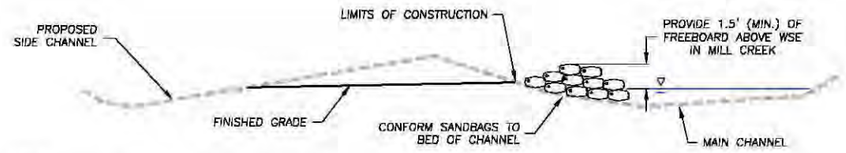
Return to Agenda

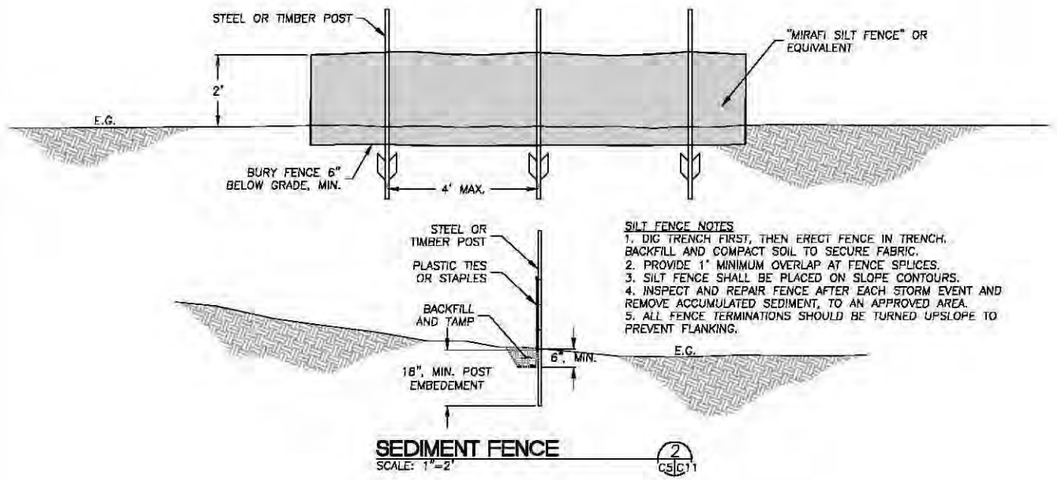


NOTES:
1. THE PROPOSED SIDE CHANNEL IS EXPECTED TO BE DRY THROUGH THE DURATION OF CONSTRUCTION.

2. INSTALL SAND BAD DAM TO PREVENT WATER IN MILL CREEK FROM ENTERING THE SIDE CHANNEL.

3. CONTRACTOR MAY USE ALTERNATE DAM DETAIL, SUBJECT TO APPROVAL OF THE ENGINEER AND THE PERMITTING AGENCIES.

SANDBAG ISOLATION BERM
SCALE: 1" = 5'



SILT FENCE NOTES
1. DIG TRENCH FIRST, THEN ERECT FENCE IN TRENCH. BACKFILL AND COMPACT SOIL TO SECURE FABRIC.
2. PROVIDE 1' MINIMUM OVERLAP AT FENCE SPLICES.
3. SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS.
4. INSPECT AND REPAIR FENCE AFTER EACH STORM EVENT AND REMOVE ACCUMULATED SEDIMENT, TO AN APPROVED AREA.
5. ALL FENCE TERMINATIONS SHOULD BE TURNED UPSLOPE TO PREVENT FLANKING.

SEDIMENT FENCE
SCALE: 1"=2'

EROSION CONTROL NOTES

1. BETWEEN OCTOBER 1ST AND MAY 30TH, EXPOSED SOIL SHALL BE PROTECTED FROM EROSION AT ALL TIMES. DURING CONSTRUCTION, SUCH PROTECTION MAY CONSIST OF MULCHING AND/OR PLANTING OF NATIVE VEGETATION OF ADEQUATE DENSITY. BEFORE COMPLETION OF THE PROJECT, ANY EXPOSED SOIL ON DISTURBED SLOPES SHALL BE PERMANENTLY PROTECTED FROM EROSION.
2. A STANDBY CREW FOR EMERGENCY WORK SHALL BE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON (OCTOBER 1ST THROUGH MAY 30TH). NECESSARY MATERIALS SHALL BE AVAILABLE AND STOCKPILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES.
3. CONSTRUCT TEMPORARY EROSION CONTROL MEASURES AS SHOWN ON THIS PLAN AND/OR AS DIRECTED BY THE ENGINEER TO CONTROL DRAINAGE WHICH HAS BEEN AFFECTED BY GRADING AND/OR TRENCHING OPERATIONS.
4. THE CONTRACTOR SHALL INCORPORATE ADEQUATE DRAINAGE PROCEDURES DURING THE CONSTRUCTION PROCESS TO ELIMINATE EXCESSIVE PONDING AND EROSION.
5. CONSTRUCT AND MAINTAIN EROSION CONTROL MEASURES TO PREVENT THE DISCHARGE OF EARTHEN MATERIALS TO THE CREEK FROM DISTURBED AREAS UNDER CONSTRUCTION AND FROM COMPLETED CONSTRUCTION AREAS.
6. INSTALL ALL PROTECTIVE DEVICES AT THE END OF EACH WORK DAY WHEN THE FIVE-DAY RAIN PROBABILITY EQUALS OR EXCEEDS 50 PERCENT AS DETERMINED FROM THE NATIONAL WEATHER SERVICE FORECAST OFFICE: WWW.SRH.NOAA.GOV.
7. AFTER A RAINSTORM, ALL SILT AND DEBRIS SHALL BE REMOVED FROM CHECK BERMS AND SEDIMENTATION BASIN AND THE BASIN PUMPED DRY.
8. THE EROSION CONTROL DEVICES ON THIS PLAN ARE A SCHEMATIC REPRESENTATION OF WHAT MAY BE REQUIRED. EROSION CONTROL DEVICES MAY BE RELOCATED, DELETED, OR ADDITIONAL ITEMS MAY BE REQUIRED DEPENDING ON THE ACTUAL SOIL CONDITIONS ENCOUNTERED, AT THE DISCRETION OF THE ENGINEER.
9. THE CONTRACTOR IS RESPONSIBLE TO KEEP IN FORCE ALL EROSION CONTROL DEVICES AND TO MODIFY THOSE DEVICES AS SITE PROGRESS DICTATES.
10. THE CONTRACTOR SHALL MONITOR THE EROSION CONTROL DEVICES DURING STORMS AND MODIFY THEM IN ORDER TO PREVENT PROGRESS OF ANY ONGOING EROSION.
11. THE CONTRACTOR IS RESPONSIBLE FOR CLEANING ANY EROSION OR DEBRIS SPILLING ONTO A PUBLIC STREET.
12. THE CONTRACTOR SHALL CONTACT THE ENGINEER IN THE EVENT THAT THE EROSION CONTROL PLAN AS DESIGNED REQUIRES ANY SUBSTANTIAL REVISIONS.
13. CONTRACTOR SHALL BE FAMILIAR WITH THE CONDITIONS OF APPROVAL OF ALL REQUIRED PROJECT PERMITS AND SHALL IMPLEMENT ALL REQUIRED BMP'S PRIOR TO COMMENCING GRADING OPERATIONS.

DUST CONTROL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTINUOUS DUST CONTROL THROUGHOUT THE CONSTRUCTION, IN ACCORDANCE WITH THE CONDITIONS OF THE DUST CONTROL PERMIT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REGULAR CLEANING OF ALL MUD, DIRT, DEBRIS, ETC., FROM ANY AND ALL ADJACENT ROADS AND SIDEWALKS, AT LEAST ONCE EVERY 24 HOURS WHEN OPERATIONS ARE OCCURRING.
2. ALL DISTURBED AREAS, INCLUDING UNPAVED ACCESS ROADS OR STORAGE PILES, NOT BEING ACTIVELY UTILIZED FOR CONSTRUCTION PURPOSES, SHALL BE EFFECTIVELY STABILIZED OF DUST EMISSIONS USING WATER, CHEMICAL STABILIZER/SUPPRESSANT, OR VEGETATIVE GROUND COVER.
3. ALL GROUND-DISTURBING ACTIVITIES (E.G., CLEARING, GRUBBING, SCRAPING, AND EXCAVATION) SHALL BE EFFECTIVELY CONTROLLED OF FUGITIVE DUST EMISSIONS UTILIZING APPLICATION OF WATER OR BY PRE-SOAKING.
4. ALL MATERIALS TRANSPORTED OFFSITE SHALL BE COVERED OR EFFECTIVELY WETTED TO LIMIT DUST EMISSIONS.
5. FOLLOWING THE ADDITION OF MATERIALS TO, OR THE REMOVAL OF MATERIALS FROM, THE SURFACES OF OUTDOOR STORAGE PILES, SAID PILES SHALL BE EFFECTIVELY STABILIZED OF FUGITIVE DUST EMISSIONS UTILIZING SUFFICIENT WATER OR CHEMICAL STABILIZER/SUPPRESANT.
6. ONSITE VEHICLE SPEED ON UNPAVED SURFACES SHALL BE LIMITED TO 15 MPH.
7. DISTURBED AREAS SHALL BE REVEGETATED AS QUICKLY AS POSSIBLE.
8. ONSITE TRUCK AND EQUIPMENT ENGINES SHALL BE MAINTAINED IN GOOD RUNNING CONDITION, IN ACCORDANCE WITH MANUFACTURERS' SPECIFICATIONS.
9. AT ALL TIMES DURING CONSTRUCTION AND UNTIL FINAL COMPLETION AND ACCEPTANCE OF THE WORK, THE CONTRACTOR SHALL PREVENT THE FORMATION OF AN AIRBORNE DUST NUISANCE IN SUCH A MANNER THAT IT WILL CONTAIN DUST PARTICLES TO THE IMMEDIATE SURFACE OF THE WORK.

TURBIDITY CONTROL NOTES

1. THE CONTRACTOR SHALL INSTALL AND MAINTAIN SAND BAG ISOLATION BERMS ALONG THE EDGE OF THE BANK OUTSIDE THE WORK AREA TO MAXIMIZE THE WIDTH OF UNDISTURBED CHANNEL. THE SAND BAGS SHALL REMAIN IN PLACE UNTIL THE CONSTRUCTION IS COMPLETE AND THE SITE IS STABILIZED AGAINST EROSION OR OTHER POTENTIAL WATER QUALITY HAZARDS.
2. PUMPING MAY BE REQUIRED TO LIMIT THE DISCHARGE OF TURBID WATER FROM THE WORK LIMITS. PUMPED WATER SHALL BE DISCHARGED THROUGH APPROPRIATELY SIZED FILTER BAGS TO MEET THE PERMIT REQUIREMENTS AND TO THE SATISFACTION OF THE ENGINEER. LOCATE FILTER BAGS IN A NATURAL DEPRESSION ON ADJACENT FLOODPLAIN.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING WATER QUALITY IN STRICT ACCORDANCE WITH THE PERMIT REQUIREMENTS, THE DRAWINGS, AND THE SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE AND OPERATION OF THE DIVERSION AT ALL TIMES.

EMERGENCY PROCEDURES:
4. MAINTAIN CLOSE ATTENTION TO FLOWS AND FORECASTED WEATHER CONDITIONS DURING CONSTRUCTION. SHOULD A RAIN EVENT BE FORECAST OR INCREASED FLOWS BE PREDICTED FROM FIELD OBSERVATIONS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR TAKING ALL NECESSARY MEASURES TO PREPARE THE SITE. MEASURES SHALL INCLUDE, AT A MINIMUM; REMOVAL OF ALL MACHINERY AND TOOLS FROM THE CHANNEL, CONSTRUCTION OF TEMPORARY GRAVEL/COBBLE BERMS TO ISOLATE DISTURBED AREAS CONTAINING ERODE ABLE SOILS, PREPARATION OF A SAFE AND STABLE FLOW PATH THROUGH THE CONSTRUCTION SITE, AND ANY OTHER MEASURES NECESSARY TO PROTECT WATER QUALITY, AS APPROVED BY THE ENGINEER.

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REGISTERED PROFESSIONAL ENGINEER 78668PE OREGON JULY 9, 2004 MATTHEW W. WELD
6/29/15 DATE
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

EROSION CONTROL DETAILS AND NOTES

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

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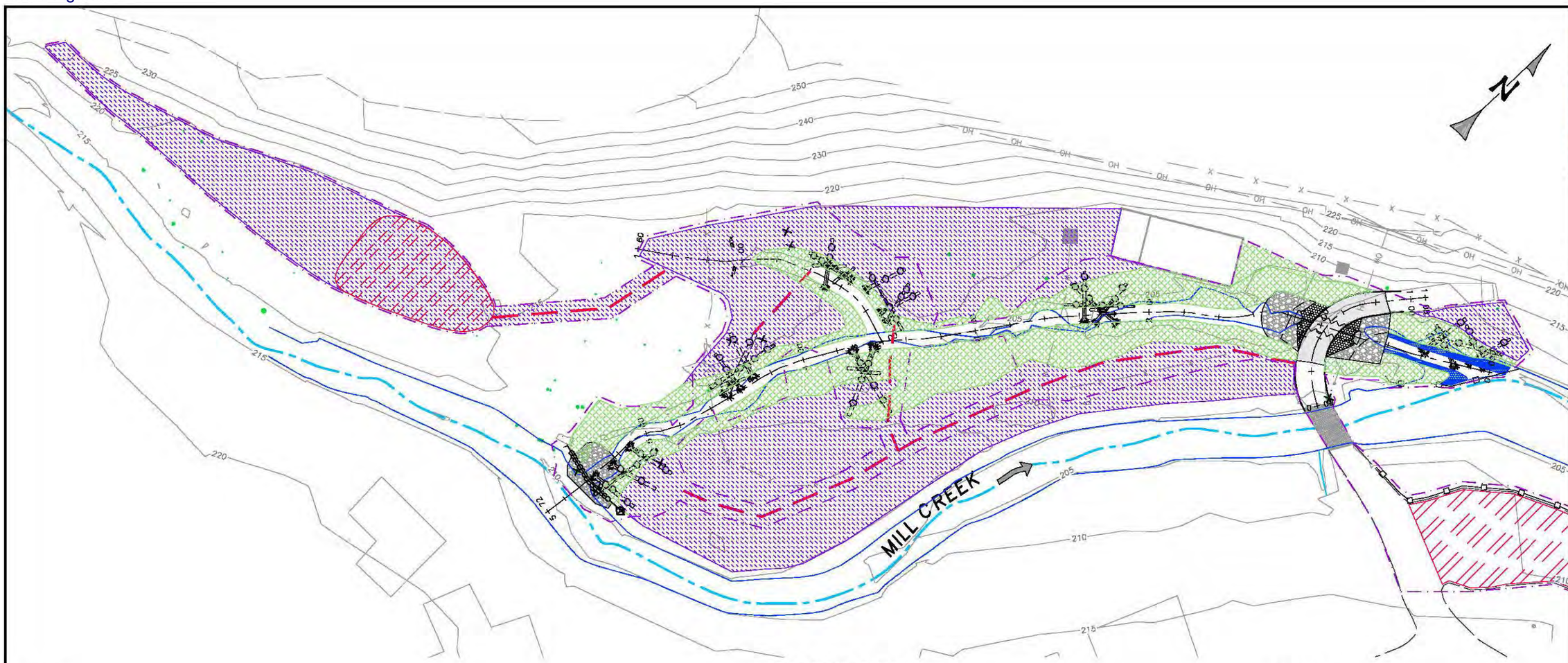
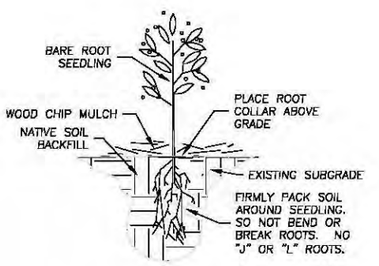


REVEGETATION PLAN
SCALE: 1" = 30'

NOTES:

1. APPLY THE SEED MIX PRESENTED IN TABLE 4 TO ALL DISTURBED AREAS EXCEPT FOR THE CHANNEL BOTTOM AND GRAVELED SURFACES (STAGING AREA AND DRIVEWAY) AND COVER WITH MULCH IMMEDIATELY FOLLOWING CONSTRUCTION.
2. PLANTING SHOWN IN TABLES 1, 2 AND 3 IS NOT IN CONTRACT.



BARE ROOT SEEDLING PLANTING
SCALE: N.T.S.

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TABLE 1: UPLAND PLANTING AREA - 1.01 ACRES

SYMBOL	BOTANICAL NAME	COMMON NAME	SPACING
	TREES		
	PINUS PONDEROSA	PONDEROSA PINE	12'
	PSEUDOTSUGA MENSIASII	DOUGLAS FIR	12'
	QUERCUS GARRYANA	OREGON WHITE OAK	12'
	SHRUBS		
	SYMPHORICARPOS ALBUS	SNOWBERRY	6'
	ROSA WOODSII	WOODS' ROSE	6'
	HOLODISCUS DISCOLOR	OCEAN SPRAY	6'
	MAHONIA AQUAFOLIUM	TALL OREGON GRAPE	6'

TABLE 2: RIPARIAN PLANTING AREA - 0.35 ACRES

SYMBOL	BOTANICAL NAME	COMMON NAME	SPACING
	TREES		
	ACER MACROPHYLLUM	BIG LEAF MAPLE	12'
	PINUS PONDEROSA	PONDEROSA PINE	12'
	SHRUBS		
	ALNUS INCANA	MOUNTAIN ALDER (GRAY ALDER)	6'
	SYMPHORICARPOS ALBUS	SNOWBERRY	6'
	CRATAEGUS DOUGLASII	DOUGLAS' HAWTHORN	6'
	ROSA WODSII	WOODS' ROSE	6'

TABLE 3: WETLAND PLANTING AREA - 420 SQ. FT.

SYMBOL	BOTANICAL NAME	COMMON NAME	SPACING
	SALIX LASIANDRA	PACIFIC WILLOW	6'
	CORNUS SERICEA	RED OSIER DOGWOOD	6'
	CRATAEGUS DOUGLASII	DOUGLAS' HAWTHORN	6'

TABLE 4: NATIVE SEED MIX

BOTANICAL NAME	COMMON NAME	% BY WEIGHT
APPLICATION RATE: 12.2 LBS/ACRE AREA OF APPLICATION: 1.4 ACRES		
PSEUDOROEGNERIA SPICATUM	BLUEBUNCH WHEATGRASS	38
FESTUCA IDAHOENSIS	IDAHO FESCUE	19
ELYMUS LANCEOLATUS SS. LANCEOLATUS	THICKSPIKE WHEATGRASS	16
ELYMUS GALUCUS	BLUE WILDRYE	13
POA SECUNDA SSP. SECUNDA	SANDBERG BLUEGRASS	9
KOELERIA MACRANTHA	JUNEGRASS	6

LEGEND

- 85 — EXISTING 5-FT CONTOURS
- EXISTING TREE
- X — EXISTING FENCE
- W — EXISTING PIPELINE (ABANDONED)
- OH — EXISTING OVERHEAD POWER
- MILL CREEK FLOW LINE
- ORDINARY HIGH WATER
- TEMPORARY ACCESS ROUTE
- LIMITS OF GROUND DISTURBANCE
- STAGING/STOCKPILE AREA
- REMOVE EXISTING TREE

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WWW.WATWAYS.COM

REGISTERED PROFESSIONAL ENGINEER 79668PE OREGON JANUARY 9, 2001 MATTHEW W. WELD
WATT W. WELD
DATE 6/29/15
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

PLANTING PLAN

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALES FOR REDUCED PLOTS
0 1"

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GENERAL NOTES

1. THE ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS PRIOR TO CONSTRUCTION. THE ENGINEER OR A DESIGNATED REPRESENTATIVE SHALL MONITOR THE CONSTRUCTION PROCESS, AS NECESSARY, TO ENSURE PROPER INSTALLATION PROCEDURES.

2. EXISTING UNDERGROUND UTILITY LOCATIONS:

   A. PRIOR TO BEGINNING WORK, THE CONTRACTOR SHALL CONTACT ALL UTILITIES COMPANIES WITH REGARD TO WORKING OVER, UNDER, OR AROUND EXISTING FACILITIES AND TO OBTAIN INFORMATION REGARDING RESTRICTIONS THAT ARE REQUIRED TO PREVENT DAMAGE TO THE FACILITIES.

   B. LOCATIONS SHOWN ARE COMPILED FROM INFORMATION SUPPLIED BY THE APPROPRIATE UTILITY AGENCIES AND FROM FIELD MEASUREMENTS TO ABOVE GROUND FEATURES READILY VISIBLE AT THE TIME OF SURVEY. LOCATIONS SHOWN ARE APPROXIMATE. THE CONTRACTOR IS CAUTIONED THAT ONLY ACTUAL EXCAVATION WILL REVEAL THE DIMENSIONS, SIZES, MATERIALS, LOCATIONS, AND DEPTH OF UNDERGROUND UTILITIES.

   C. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE LOCATION AND/OR PROTECTION OF ALL EXISTING AND PROPOSED PIPING, UTILITIES, TRAFFIC SIGNAL EQUIPMENT (BOTH ABOVE GROUND AND BELOW GROUND), STRUCTURES, AND ALL OTHER EXISTING IMPROVEMENTS THROUGHOUT CONSTRUCTION.

   D. PRIOR TO COMMENCING FABRICATION OR CONSTRUCTION, CONTRACTOR SHALL DISCOVER OR VERIFY THE ACTUAL DIMENSIONS, SIZES, MATERIALS, LOCATIONS, AND ELEVATIONS OF ALL EXISTING UTILITIES AND POTHOLE THOSE AREAS WHERE POTENTIAL CONFLICTS ARE LIKELY OR DATA IS OTHERWISE INCOMPLETE.

   E. CONTRACTOR SHALL TAKE APPROPRIATE MEASURES TO PROTECT EXISTING UTILITIES DURING CONSTRUCTION OPERATIONS, AND SHALL BE SOLELY RESPONSIBLE FOR THE COST OF REPAIR/REPLACEMENT OF ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION. CONTRACTOR TO CALL UNDERGROUND SERVICE ALERT (1-800-642-2444) TO LOCATE ALL UNDERGROUND UTILITY LINES PRIOR TO COMMENCING CONSTRUCTION.

   F. UPON LEARNING OF THE EXISTENCE AND/OR LOCATIONS OF ANY UNDERGROUND FACILITIES NOT SHOWN OR SHOWN INACCURATELY ON THE PLANS OR NOT PROPERLY MARKED BY THE UTILITY OWNER, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE UTILITY OWNER AND THE CITY BY TELEPHONE AND IN WRITING.

   G. UTILITY RELOCATIONS REQUIRED FOR THE CONSTRUCTION OF THE PROJECT FACILITIES WILL BE PERFORMED BY THE UTILITY COMPANY, UNLESS OTHERWISE NOTED.

3. SHOULD THE CONTRACTOR DISCOVER ANY DISCREPANCIES BETWEEN THE CONDITIONS EXISTING IN THE FIELD AND THE INFORMATION SHOWN ON THESE DRAWINGS, HE SHALL NOTIFY THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.

4. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO BE FULLY INFORMED OF AND TO COMPLY WITH ALL LAWS, ORDINANCES, CODES, REQUIREMENTS AND STANDARDS WHICH IN ANY MANNER AFFECT THE COURSE OF CONSTRUCTION OF THIS PROJECT, THOSE ENGAGED OR EMPLOYED IN THE CONSTRUCTION AND THE MATERIALS USED IN THE CONSTRUCTION.

5. ANY TESTS, INSPECTIONS, SPECIAL OR OTHERWISE, THAT ARE REQUIRED BY THE BUILDING CODES, LOCAL BUILDING DEPARTMENTS, OR THESE PLANS, SHALL BE DONE BY AN INDEPENDENT INSPECTION COMPANY. JOB SITE VISITS BY THE ENGINEER DO NOT CONSTITUTE AN OFFICIAL INSPECTION. IT IS THE CONTRACTORS RESPONSIBILITY TO ENSURE THAT THE REQUIRED TESTS AND INSPECTIONS ARE PERFORMED.

6. PROJECT SCHEDULE: PRIOR TO COMMENCEMENT OF WORK, CONTRACTOR SHALL PROVIDE ENGINEER A DETAILED CONSTRUCTION SCHEDULE FOR APPROVAL. THE CONTRACTOR SHALL NOT BEGIN ANY CONSTRUCTION WORK UNTIL THE PROJECT SCHEDULE AND WORK PLAN IS APPROVED BY THE ENGINEER. ALL CONSTRUCTION SHALL BE CLOSELY COORDINATED WITH THE ENGINEER SO THAT THE QUALITY OF WORK CAN BE CHECKED FOR APPROVAL. THE CONTRACTOR SHALL PURSUE WORK IN A CONTINUOUS AND DILIGENT MANNER TO ENSURE A TIMELY COMPLETION OF THE PROJECT.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DESIGN, PERMITTING, INSTALLATION, AND MAINTENANCE OF ANY AND ALL TRAFFIC CONTROL MEASURES DEEMED NECESSARY.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR GENERAL SAFETY DURING CONSTRUCTION. ALL WORK SHALL CONFORM TO PERTINENT SAFETY REGULATIONS AND CODES. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR FURNISHING, INSTALLING, AND MAINTAINING ALL WARNING SIGNS AND DEVICES NECESSARY TO SAFEGUARD THE GENERAL PUBLIC AND THE WORK, AND PROVIDE FOR THE PROPER AND SAFE ROUTING OF VEHICULAR AND PEDESTRIAN TRAFFIC DURING THE PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF OSHA IN THE CONSTRUCTION PRACTICES FOR ALL EMPLOYEES DIRECTLY ENGAGED IN THE CONSTRUCTION OF THIS PROJECT.

9. CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTION LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL. NEITHER THE PROFESSIONAL ACTIVITIES OF CONSULTANT NOR THE PRESENCE OF CONSULTANT OR HIS OR HER EMPLOYEES OR SUB-CONSULTANTS AT A CONSTRUCTION SITE SHALL RELIEVE THE CONTRACTOR AND ITS SUBCONTRACTORS OF THEIR RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION MEANS, METHODS, SEQUENCE, TECHNIQUES OR PROCEDURES NECESSARY FOR PERFORMING, SUPERINTENDING OR COORDINATING ALL PORTIONS OF THE WORK OF CONSTRUCTION IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND APPLICABLE HEALTH OR SAFETY REQUIREMENTS OF ANY REGULATORY AGENCY OR OF STATE LAW.

10. THE CONTRACTOR SHALL MAINTAIN A CURRENT, COMPLETE, AND ACCURATE RECORD OF ALL AS-BUILT DEVIATIONS FROM THE CONSTRUCTION AS SHOWN ON THESE DRAWINGS AND SPECIFICATIONS, FOR THE PURPOSE OF PROVIDING THE ENGINEER OF RECORD WITH A BASIS FOR THE PREPARATION OF RECORD DRAWINGS.

11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE IN A NEAT AND ORDERLY MANNER THROUGHOUT THE CONSTRUCTION PROCESS. ALL MATERIALS SHALL BE STORED WITHIN APPROVED STAGING AREAS.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AT HIS EXPENSE, ALL REQUIRED PERMITS NOT PREVIOUSLY OBTAINED BY THE OWNER. THE CONTRACTOR SHALL PROVIDE, AT HIS EXPENSE, ALL MATERIALS, LABOR AND EQUIPMENT REQUIRED TO COMPLY WITH ALL APPLICABLE PERMIT CONDITIONS AND REQUIREMENTS.

13. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION STAKING AND LAYOUT, UNLESS OTHERWISE SPECIFIED.

14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL SURVEY MONUMENTS OR PROPERTY CORNERS. DISTURBED MONUMENTS SHALL BE RESTORED BACK TO THEIR ORIGINAL LOCATION AND SHALL BE CERTIFIED BY A REGISTERED CIVIL ENGINEER OR LAND SURVEYOR AT THE EXPENSE OF THE CONTRACTOR.

15. TREE DIMENSIONS: TRUNK DIAMETERS SHOWN REPRESENT DIAMETER AT BREAST HEIGHT (DBH), MEASURED IN INCHES. DBH IS MEASURED 4.5 FT ABOVE GROUND FOR SINGLE TRUNKS AND TRUNKS THAT SPLIT INTO SEVERAL STEMS CLOSE TO THE GROUND. THE DBH FOR TREES THAT SPLIT INTO SEVERAL STEMS CLOSE TO THE GROUND MAY BE CONSOLIDATED INTO A SINGLE DBH BY TAKING THE SQUARE ROOT OF THE SUM OF ALL SQUARED STEM DBH'S, UNLESS OTHERWISE NOTED. WHERE TREES FORK NEAR BREAST HEIGHT, TRUNK DIAMETER IS MEASURED AT THE NARROWEST PART OF THE MAIN STEM BELOW THE FORK. FOR TREES ON A SLOPE, BREAST HEIGHT IS REFERENCED FROM THE UPPER SIDE OF THE SLOPE. FOR LEANING TREES, BREAST HEIGHT IS MEASURED ON THE SIDE THAT THE TREE LEANS TOWARD. TREES WITH DBH LESS THAN 8" ARE TYPICALLY NOT SHOWN.

    12"P = 12" DBH PINE

16. TREE SPECIES ARE IDENTIFIED WHEN KNOWN. HOWEVER, FINAL DETERMINATION SHOULD BE MADE BY A QUALIFIED BOTANIST. REFER TO THE LEGEND FOR TREE SPECIES SYMBOLS.

17. TREE TRUNK DIMENSIONS MAY BE SHOWN OUT-OF-SCALE FOR PLOTTING CLARITY. CAUTION SHOULD BE USED IN DESIGNING NEAR TREE TRUNKS. THERE ARE LIMITATIONS ON FIELD ACCURACY, DRAFTING ACCURACY, MEDIUM STRETCH AS WELL AS THE "SPREAD" OR "LEANING" OF TREES. REQUEST ADDITIONAL TOPOGRAPHIC DETAIL WHERE CLOSE TOLERANCES ARE ANTICIPATED. INDIVIDUAL TREES ARE NOT TYPICALLY LOCATED WITHIN DRIPLINE CANOPY AREAS SHOWN.

18. WILLOWS TO BE REMOVED SHALL BE TRIMMED, TRANSPLANTED, AND UTILIZED IN THE REVEGETATION PLAN.

19. CONTRACTOR IS REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

EARTHWORK NOTES

1. GRADING SUMMARY:
   TOTAL CUT VOLUME = 490 CY
   TOTAL FILL VOLUME = 108 CY

   THE ABOVE QUANTITIES ARE APPROXIMATE IN-PLACE VOLUMES CALCULATED AS THE DIFFERENCE BETWEEN EXISTING GROUND AND THE PROPOSED FINISH GRADE, PREPARED FOR PERMITTING PURPOSES ONLY. EXISTING GROUND IS DEFINED BY THE TOPOGRAPHIC CONTOURS AND/OR SPOT ELEVATIONS ON THE PLAN. PROPOSED FINISH GRADE IS DEFINED AS THE DESIGN SURFACE ELEVATION OF WORK TO BE CONSTRUCTED. THE QUANTITIES HAVE NOT BEEN FACTORED TO INCLUDE ALLOWANCES FOR BULKING, CLEARING AND GRUBBING, SUBSIDENCE, SHRINKAGE, OVER EXCAVATION, AND RECOMPACTION, UNDERGROUND UTILITY AND SUBSTRUCTURE SPOILS AND CONSTRUCTION METHODS.

   THE CONTRACTOR SHALL PERFORM AN INDEPENDENT EARTHWORK ESTIMATE FOR THE PURPOSE OF PREPARING BID PRICES FOR EARTHWORK. THE BID PRICE SHALL INCLUDE COSTS FOR ANY NECESSARY IMPORT AND PLACEMENT OF EARTH MATERIALS OR THE EXPORT AND PROPER DISPOSAL OF EXCESS OR UNSUITABLE EARTH MATERIALS.

2. PRIOR TO COMMENCING WORK, ALL AREAS TO REMAIN UNDISTURBED SHALL BE ADEQUATELY PROTECTED WITH TEMPORARY FENCING.

3. DO NOT DISTURB AREAS OUTSIDE OF THE DESIGNATED LIMITS OF DISTURBANCE, UNLESS AUTHORIZED IN WRITING BY THE ENGINEER. ALL WORK ASSOCIATED WITH RESTORATION AND REVEGETATION OF DISTURBED AREAS OUTSIDE THE DESIGNATED LIMITS OF DISTURBANCE, AS SHOWN ON THE DRAWINGS, SHALL BE BORN SOLELY BY THE CONTRACTOR.

4. CLEARING AND GRUBBING, SUBGRADE PREPARATION AND EARTHWORK SHALL BE PERFORMED IN ACCORDANCE WITH SECTION 00330 OF THE STANDARD SPECIFICATIONS, THESE DRAWINGS, AND THE TECHNICAL SPECIFICATIONS.

5. FINE GRADING ELEVATIONS AND SLOPES NOT SHOWN SHALL BE DETERMINED BY THE CONTRACTOR IN THE FIELD TO OBTAIN DRAINAGE IN THE DIRECTION INDICATED. ALL FINAL GRADING SHALL BE SUBJECT TO APPROVAL OF THE ENGINEER.

WATERWAYS CONSULTING INC.
1020 SW TAYLOR ST., STE 380
PORTLAND, OR 97205
PH:(503)227-5979 // FAX:(888)819-6847
WWW.WATWAYS.COM

REGISTERED PROFESSIONAL ENGINEER 78668PE OREGON JULY 9, 2013 MATTHEW W. WELD
MATT W. WELD
6/29/15 DATE
EXPIRES: 6/30/2016

PREPARED AT THE REQUEST OF:
WASCO COUNTY SOIL AND WATER CONSERVATION DISTRICT

NOTES

MILL CREEK SIDE CHANNEL RESTORATION
100% DESIGN SUBMITTAL

DESIGNED BY:	J.M.B.
DRAWN BY:	J.M.B.
CHECKED BY:	B.M.S.
DATE:	6/29/15
JOB NO.:	15-018

BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

C13 | 13 OF 13

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Agenda Item
Coordinated Care Organization Update

- 2014-2015 Annual Report

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Oregon's Health System Transformation

2014 Final Report

Oregon Health Authority

MEASUREMENT PERIOD
Calendar Year 2014
Version 1.0

JUNE 24, 2015

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EXECUTIVE SUMMARY

Incentives for better services

This report lays out the progress of Oregon's coordinated care organizations (CCOs) on quality measures in 2014. This is the sixth such report since coordinated care organizations were launched in 2012. In addition, this is the second report to show a full calendar year of data, as well as results from the second year of Oregon's pay for performance program.

New to this report are results from the three clinical quality measures. The three clinical quality measures include control of diabetes, control of high blood pressure, and depression screenings. CCOs are beginning to build their capacity to report on these measures from electronic health records and the 2014 results are promising.

Under Oregon's pay for performance program, the Oregon Health Authority held back three percent of the monthly payments to CCOs, which were put into a common 'quality pool'. To earn their full incentive payment, CCOs had to meet benchmarks or improvement targets on at least 12 of the 17 incentive measures and have at least 60 percent of their members enrolled in a patient-centered primary care home.

All CCOs showed improvements in some number of measures and 13 out of 16 CCOs earned 100 percent of their quality pool payments in 2014.

Overall, and for the second straight calendar year, the coordinated care model continues to show improvements in a number of areas of care, even with the inclusion of the more than 434,000 additional Oregonians who have enrolled in the Oregon Health Plan since January 1, 2014. New rules took effect Jan. 1 opening the Oregon Health Plan to more low-income adults as allowed under the Affordable Care Act (ACA). Today, approximately 1.1 million Oregonians are enrolled in OHP.

With the significant increase in new Oregon Health Plan members since January 1, this report includes a special section on these 2014 enrollees. This section highlights emergency department usage of those who newly enrolled in 2014 compared to those who were enrolled in the Oregon Health Plan prior to January 1, 2014, and compared to those who had been enrolled in the Oregon Health Plan in recent years. Statewide, newly enrolled members with no prior Medicaid experience, use emergency rooms less frequently than other members with prior Medicaid experience. Newly enrolled members with no prior Medicaid experience also have fewer avoidable emergency room visits than other members.

Other improvements include continued reductions in emergency department visits and hospital readmissions, increases in developmental screening, and increases in screening for alcohol and other substance use.

These improvements are attributable to positive changes toward better care coordination and integration of services. For example, to increase developmental screening rates, many CCOs implemented a number of best practices such as provider training, alternate payment methodologies, policy or clinical guideline changes and working with early learning hubs to promote and incentivize screenings within the community.

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EXECUTIVE SUMMARY

The coordinated care model continues to show large improvements in the following areas for the state's Oregon Health Plan members:

- **Decreased emergency department visits.** Emergency department (ED) rates for people served by CCOs have decreased 22 percent since 2011 baseline data. While some of the improvements seen may be due to national trends, CCOs have implemented a number of best practices for reducing emergency department utilization rates, such as the use of emergency department navigators. One such program now includes referrals to a patient-centered primary care home for members who do not have a primary care provider, as well as referrals to dental services, drug and alcohol services, and intensive management for members that have had 3 or more ED visits in the last 6 months.

- **Decreased hospital admissions for short-term complications from diabetes.** The rate of adult members (ages 18 and older) with diabetes who had a hospital stay because of a short-term problem from their disease dropped by 26.9 percent since 2011 baseline data.

  Decreased rate of hospital admissions for chronic obstructive pulmonary disease. The rate of adult members (ages 40 and older) who had a hospital stay because of chronic obstructive pulmonary disease or asthma decreased by 60 percent since 2011 baseline data.

- **Patient-centered primary care home (PCPCH) enrollment continues to increase.** Coordinated care organizations continue to increase the proportion of members enrolled in a patient-centered primary care home – indicating continued momentum even with the new members added since January 1, 2014. PCPCH enrollment has increased 56 percent since 2011. Additionally, primary care costs continue to increase, which means more health care services are happening within primary care rather than other settings such as emergency departments.

- **Strong improvement to the Screening, Brief Intervention, and Referral to Treatment (SBIRT) measure.** This measures the percentage of adult patients (ages 18 and older) who had appropriate screening and intervention for alcohol or other substance abuse. Two coordinated care organization have exceeded the benchmark, a great accomplishment given the statewide baseline of almost zero. Initiation of alcohol and drug treatment has also increased. However, engagement of treatment has held steady, indicating room for improvement.

Other measures in this report that highlight room for improvement include cervical cancer and chlamydia screenings for women. The reduction in these screening rates may be due to changes in national guidelines reported in 2012, which recommended women wait 3 to 5 years between Pap tests and do not have their first Pap test until age 21.

Finally, financial data indicate coordinated care organizations are continuing to hold down costs. Oregon is staying within the budget that meets its commitment to the Centers for Medicare and Medicaid Services to reduce the growth in spending by two percentage points per member, per year.

Oregon is continuing its efforts to transform the health delivery system. By measuring our progress, sharing it publicly and learning from our successes and challenges, we can see clearly where we started, where we are, and where we need to go next.

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2014 CCO PERFORMANCE AND QUALITY POOL DISTRIBUTION

2014 Quality Pool

The Oregon Health Authority has established the quality pool -- Oregon's incentive payments to coordinated care organizations. Each CCO is being paid for reaching benchmarks or making improvements on incentive measures. This is the second time Oregon has paid CCOs for better care, rather than just the volume of services delivered.

The 2014 quality pool is $128 million. This represents three percent of the total amount all CCOs were paid in 2014. The quality pool is divided amongst all CCOs, based on their size (number of members) and their performance on the 17 incentive metrics, which are denoted with a $ icon throughout this report.

Quality Pool: Phase One Distribution

CCOs could earn 100 percent of their quality pool in the first phase of distribution by:

- meeting the benchmark or improvement target on 12 of 16 measures; and
- meeting the benchmark or improvement target for the Electronic Health Record adoption measure (as one of the 12 measures above); and
- scoring at least 0.6 (60%) on the PCPCH enrollment measure.

CCOs must meet all three of these conditions to earn 100 percent of their quality pool.

Challenge Pool: Phase Two Distribution

The challenge pool includes funds remaining after quality pool funds are distributed in phase one. The 2014 challenge pool is $5.2 million. Challenge pool funds were distributed to CCOs that met the benchmark or improvement target on four measures:

* Alcohol and drug misuse (SBIRT)
* Diabetes HbA1c poor control
* Depression screening and follow-up plan
* PCPCH enrollment

Through the challenge pool, some CCOs earned more than 100 percent of their maximum quality pool funds. The next pages show the percentage and dollar amounts earned by each CCO.

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2014 CCO PERFORMANCE AND QUALITY POOL DISTRIBUTION

Coordinated Care Organization	Number of measures met*	Percent of quality pool funds earned†	Total dollar amount earned	CCO enrollment°	Which challenge pools measures were met
AllCare Health Plan	11.7	83 %	$ 6,170,421	47,178	Diabetes, PCPCH, SBIRT
Cascade Health Alliance	11.7	84 %	$ 1,423,801	15,636	Depression, Diabetes, PCPCH
Columbia Pacific	13.9	104 %	$ 4,247,607	25,530	Depression, Diabetes, PCPCH, SBIRT
Eastern Oregon	12.6	103 %	$ 6,847,819	44,801	Diabetes, PCPCH, SBIRT
FamilyCare	13.8	105 %	$ 17,157,018	110,324	Depression, Diabetes, PCPCH, SBIRT
Health Share of Oregon	16.8	105 %	$ 34,592,657	225,068	Depression, Diabetes, PCPCH, SBIRT
Intercommunity Health Network	9.9	62 %	$ 5,310,493	52,742	Diabetes, PCPCH
Jackson Care Connect	13.8	103 %	$ 4,704,838	27,828	Diabetes, PCPCH, SBIRT
PacificSource - Central Oregon	12.9	104 %	$ 8,177,907	50,875	Depression, Diabetes, PCPCH
PacificSource - Gorge	13.0	105 %	$ 1,872,161	12,244	Depression, Diabetes, PCPCH, SBIRT
PrimaryHealth of Josephine County	16.0	105 %	$ 1,601,588	10,565	Depression, Diabetes, PCPCH, SBIRT
Trillium	13.6	103 %	$ 12,658,814	72,187	Diabetes, PCPCH, SBIRT
Umpqua Health Alliance	12.9	104 %	$ 4,491,875	25,195	Depression, Diabetes, PCPCH, SBIRT
Western Oregon Advanced Health	12.8	103 %	$ 3,449,486	19,614	Diabetes, PCPCH, SBIRT
Willamette Valley Community Health	14.9	104 %	$ 12,802,864	93,357	Diabetes, PCPCH, SBIRT
Yamhill CCO	12.7	105 %	$ 2,981,967	20,753	Depression, Diabetes, PCPCH, SBIRT

*Out of 17 total CCO incentive measures.
† Includes both phase one distribution and challenge pool.
°CCO enrollment as of December 2014.

The 2014 quality pool distribution methodology is published online at: www.oregon.gov/oha/analytics/CCOData/2014 Reference Instructions.pdf

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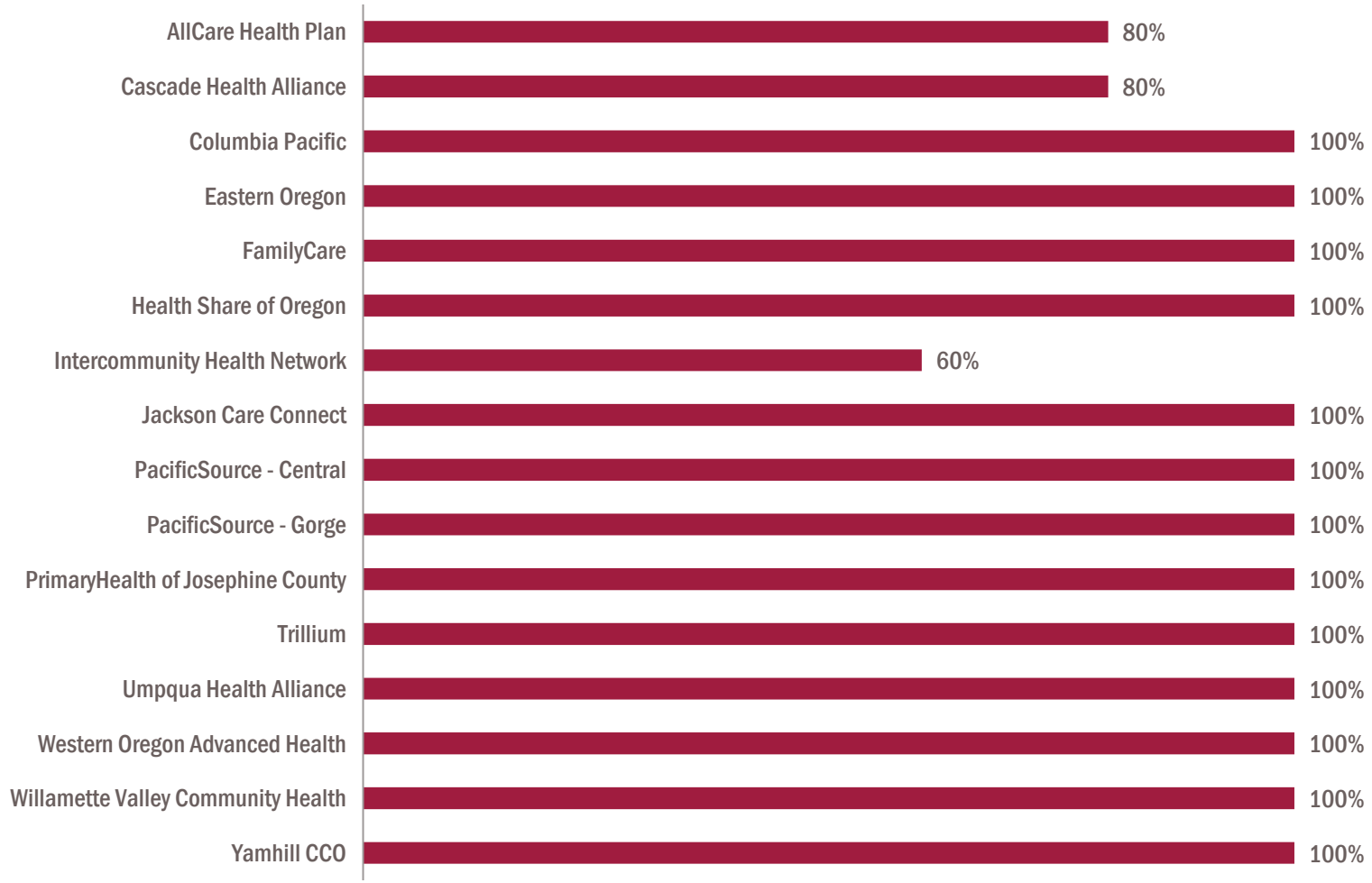
2014 CCO PERFORMANCE AND QUALITY POOL DISTRIBUTION



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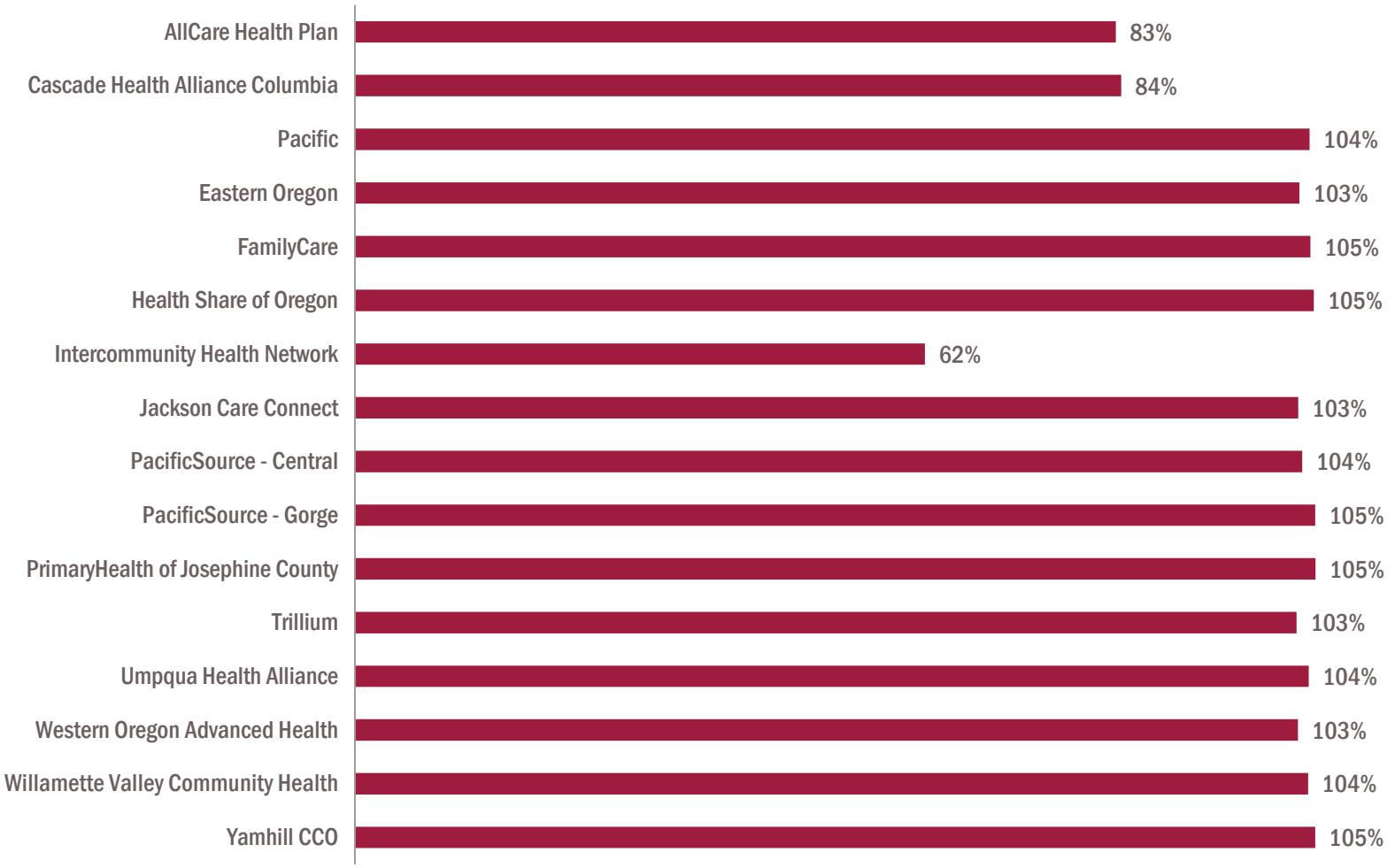

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2014 CCO PERFORMANCE AND QUALITY POOL DISTRIBUTION

2014 Incentive Measures

The 17 incentive measures were chosen in an open and public process by the Metrics & Scoring Committee and approved by the Centers for Medicare and Medicaid Services (CMS) as part of Oregon's 1115 demonstration waiver. Challenge pool measures are marked with an asterisk below:

- Access to care (CAHPS)
- Adolescent well-care visits
- Alcohol and other substance misuse screening (SBIRT)*
- Ambulatory care: emergency department utilization
- Colorectal cancer screening
- Controlling hypertension
- Depression screening and follow-up plan*
- Developmental screenings in the first 36 months of life
- Diabetes HbA1c poor control*
- Early elective delivery
- Electronic health record (EHR) adoption
- Follow-up after hospitalization for mental illness
- Follow-up for children prescribed ADHD medication (initiation phase)
- Mental and physical health assessments for children in DHS custody
- Patient-centered primary care home (PCPCH) enrollment
- Prenatal and postpartum care: timeliness of prenatal care
- Satisfaction with care (CAHPS)

Additional information about these measures can be found online at www.oregon.gov/oha/analytics/Pages/CCO-Baseline-Data.aspx.
Information about the Metrics and Scoring Committee can be found online at www.oregon.gov/oha/analytics/Pages/Metrics-Scoring-Committee.aspx

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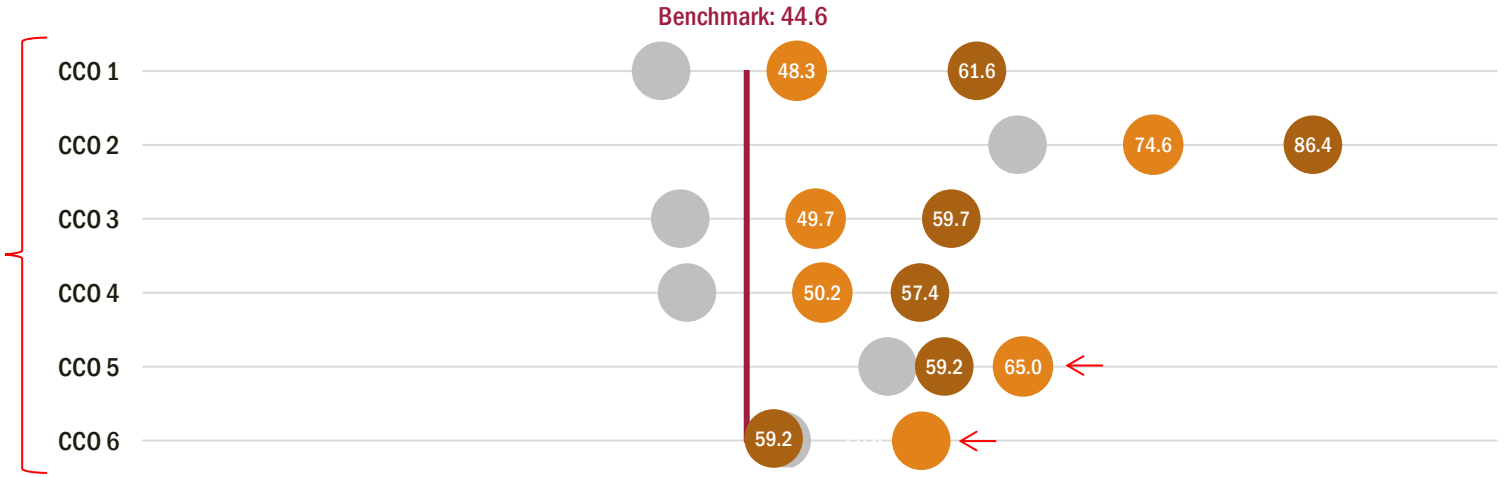
HOW TO READ THESE GRAPHS

[Descriptive title] between 2013 & 2014.

Categories are sorted by amount of change between 2013 - 2014. That is, the CCOs with the most improvement in 2014 are listed first.



Arrows highlight negative change* (away from the benchmark).
**Changes between years have not been measured for statistical significance.*

Icons

To help readers identify which metrics belong in which measure set, each metric is accompanied by up to three icons that denote the measure set:

This icon indicates the measure is one of the 17 CCO incentive metrics. CCOs receive quality pool funding based on their performance on these measures.

This icon indicates the measure is one of the 33 state performance metrics (also known as quality and access metrics). OHA is accountable to the Center for Medicare and Medicaid Services (CMS) for statewide performance on these metrics.

This icon indicates the measure is one of the core performance metrics. There are no financial incentives or penalties for performance on these measures.

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ACCESS TO CARE (CAHPS)

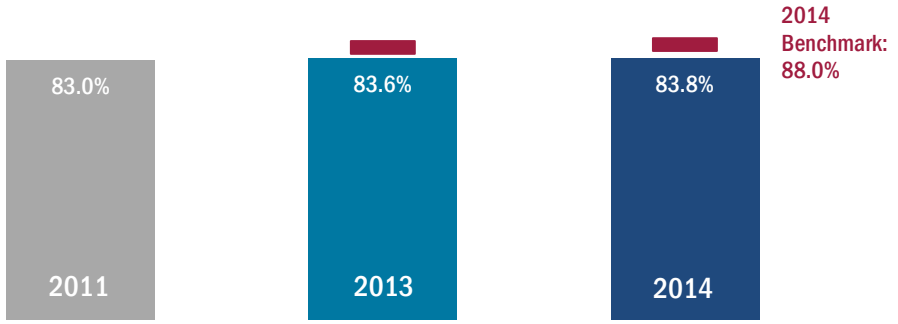
Access to care (CAHPS)

Measure description: Percentage of members (adults and children) who thought they received appointments and care when they needed them.

Purpose: Improving access to timely care and information helps increase the quality of care and reduce costs. Measuring access to care is also an important part of identifying disparities in health care and barriers to quality care, including a shortage of providers, lack of transportation, or long waits to get an appointment.

Statewide, members overall reported their access to care improved slightly in 2014.

Data source: Consumer Assessment of Healthcare Providers and Systems (CAHPS)
Benchmark source: average of the 2013 national Medicaid 75th percentiles for adults and children

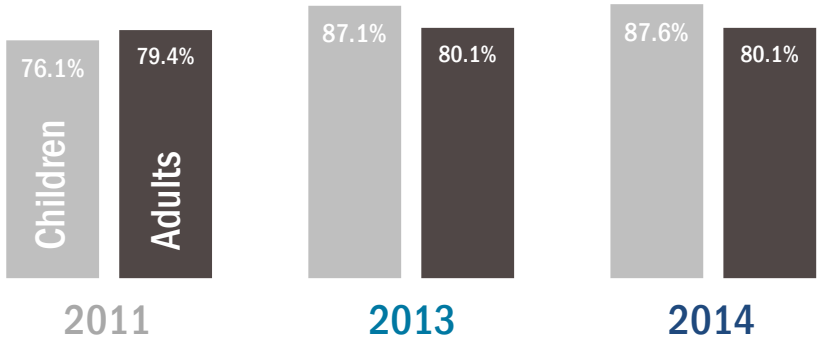


2014 data

Statewide, the percentage of individuals reporting they were able to access care quickly when they needed it remained steady. Parents report their children have greater access to care than adults report they do across all racial and ethnic groups. Performance among CCOs was fairly consistent, ranging from a low of 79.3 percent to a high of 90.0 percent. Half of CCOs improved their performance in 2014, four CCOs met their improvement target, and one CCO met the benchmark.

Access to care statewide results: children versus adults.

Data source: Consumer Assessment of Healthcare Providers and Systems (CAHPS)



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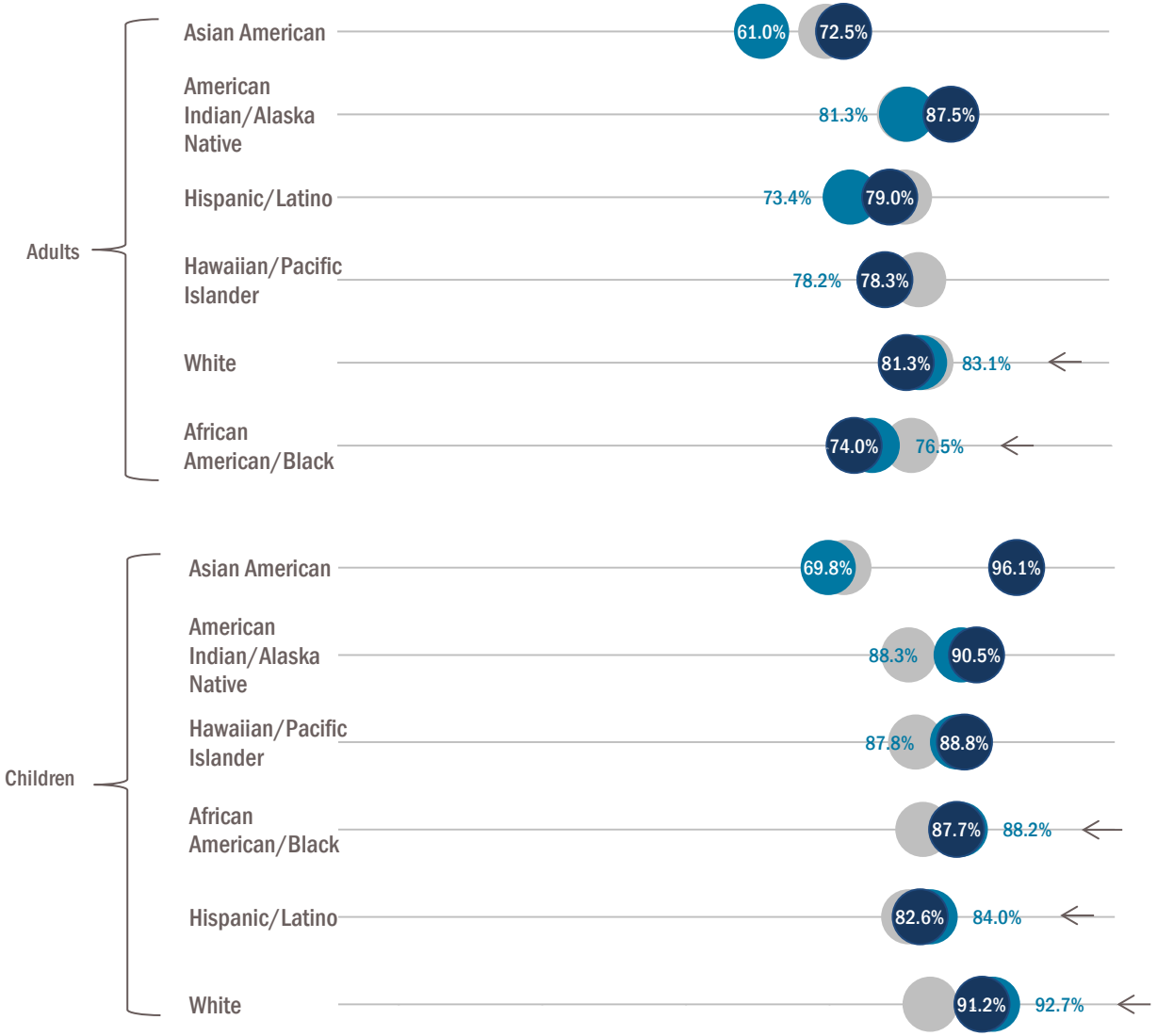
ACCESS TO CARE (CAHPS)

Asian American members reported the greatest improvement in access to care between 2013 & 2014.

Gray dots represent 2011.
Data missing for 9.2% of adults and 8.5% of children. Each race category excludes Hispanic/Latino.



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ACCESS TO CARE (CAHPS)

Members in half of 16 CCOs reported improved access to care between 2013 & 2014.

Bolded names met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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ADOLESCENT WELL-CARE VISITS

Adolescent well-care visits

Measure description: Percentage of adolescents and young adults (ages 12-21) who had at least one well-care visit during the year.

Purpose: Youth who can easily access preventive health services are more likely to be healthy and able to reach milestones such as high school graduation and entry into the work force, higher education, or military service.

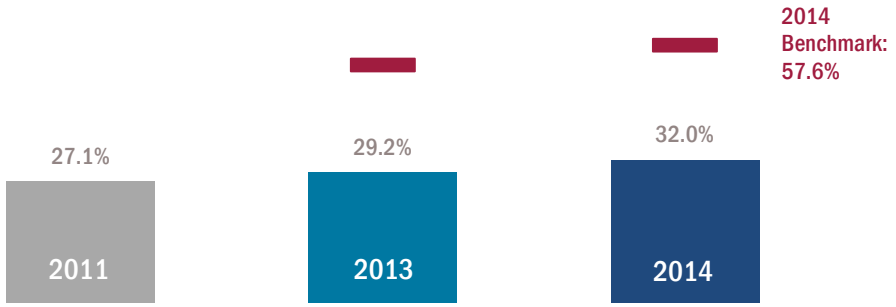
2014 data (n=121,714)

Statewide results continued to improve from 2013 to 2014, reaching 32.0 percent, but remained well below the benchmark. Well-care visits increased for all races and ethnicities, and 13 of 16 CCOs improved performance on this measure in 2014. However, only five CCOs achieved their improvement target or benchmark. There remains much room for improvement on this measure.

Barriers to improvement may include providers performing (and billing for) acute care visits and sports physical exams when a patient would benefit from comprehensive well care, cultural shifts, changes in recommendations for clinical care, and concerns about confidentiality of sensitive services. In addition, visits occurring in school-based health clinics may not be captured in the data.

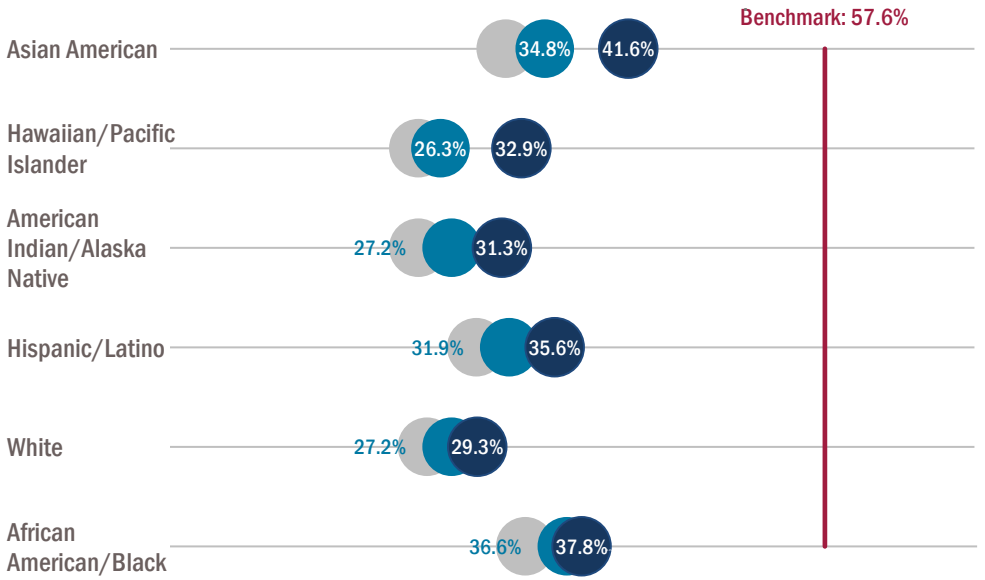
Statewide, the percentage of adolescents receiving a well-care visit increased slightly in 2014.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile (administrative data only)



Adolescent well-care visits increased across all races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 8.5% of respondents. Each race category excludes Hispanic/Latino.



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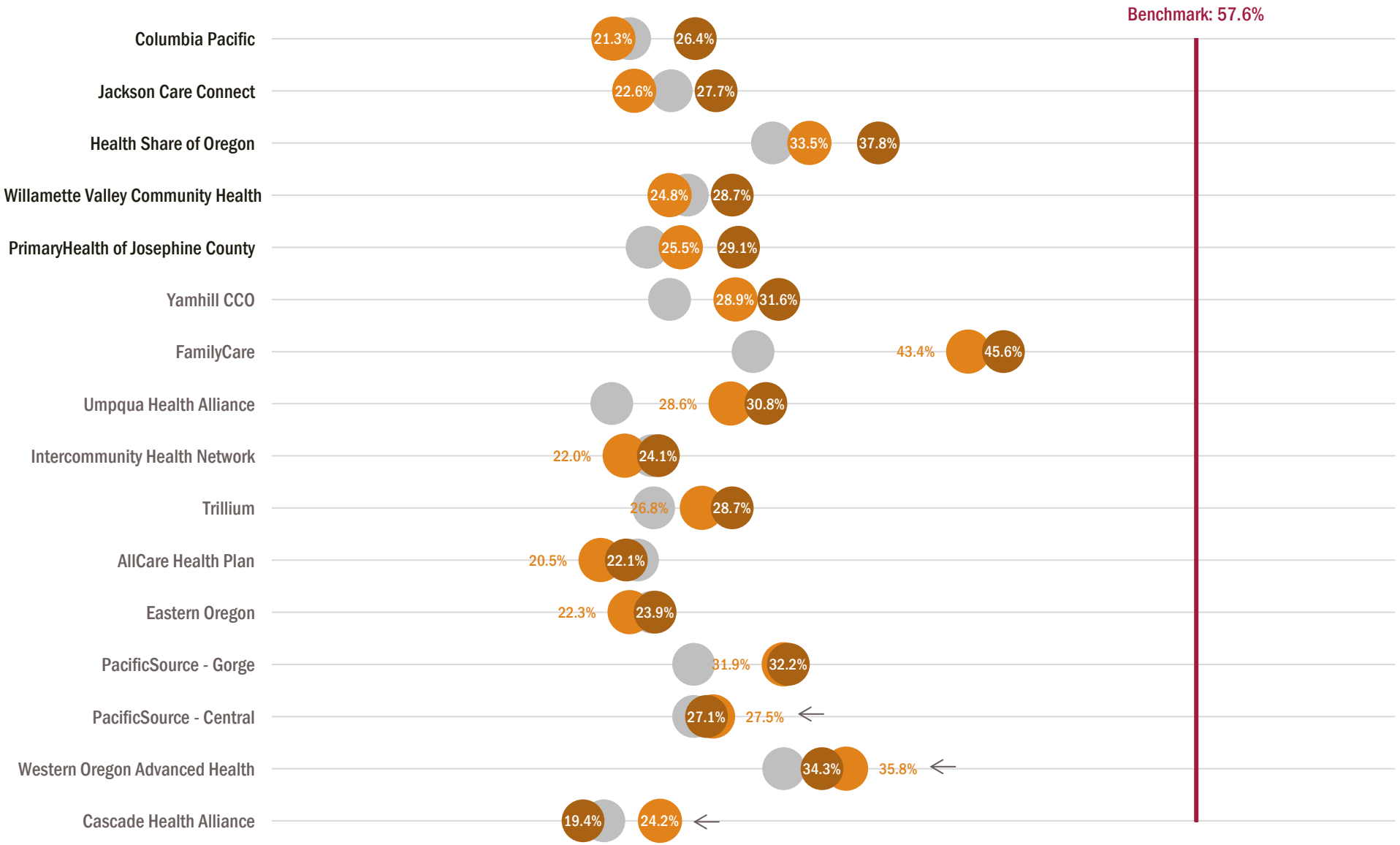
ADOLESCENT WELL-CARE VISITS

Thirteen of 16 CCOs increased adolescent well-care visits between 2013 & 2014, although none reached the benchmark.

Bolded names met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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ALCOHOL OR OTHER SUBSTANCE MISUSE SCREENING (SBIRT)

Screening for alcohol or other substance misuse (SBIRT)

Measure description: The SBIRT measure, or Screening, Brief Intervention, and Referral to Treatment, measures the percentage of adult members (ages 18 and older) who had appropriate screening and intervention for alcohol or other substance abuse.

Purpose: By offering a simple but effective screening for alcohol or drug abuse during an office visit, providers can help patients get the care and information they need to stay healthy. If risky drinking or drug use is detected, a brief intervention, and in some cases referral to additional treatment, helps the patient recover more quickly and avoid serious health problems.

2014 data (n=374,481)

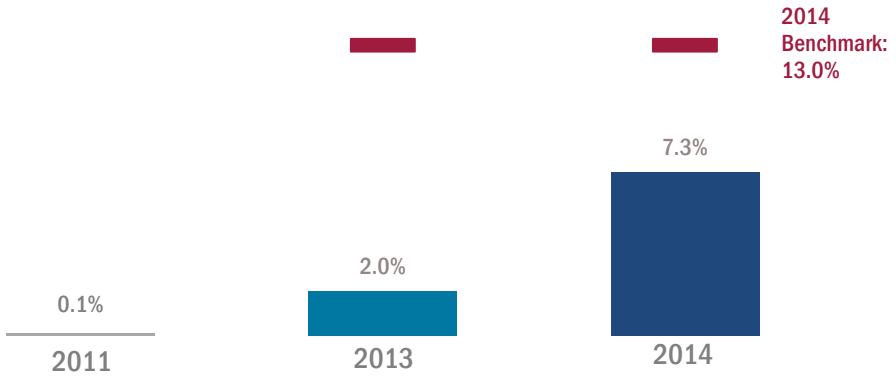
Performance on screening and brief intervention for alcohol or other substance misuse (SBIRT) increased greatly from 2013 to 2014. Statewide, performance improved from 2.0 percent to 7.3 percent, still well below the benchmark of 13.0 percent.

Screening for alcohol or other substance misuse increased across all races and ethnicities. The African/American population saw the greatest increase from 1.7 percent in 2013 to 7.2 percent in 2014. Fifteen CCOs improved their performance in 2014 and 13 met their improvement target or benchmark.

Beginning in 2015, adolescents will be included in this measure.

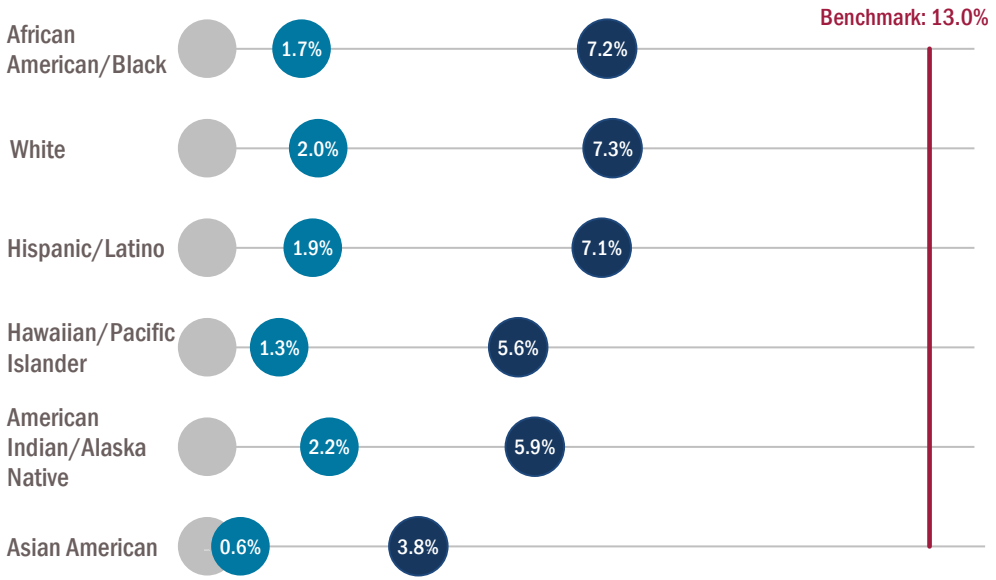
Statewide, screening for alcohol or other substance misuse increased substantially in 2014.

Data source: Administrative (billing) claims
2014 benchmark source: Metrics and Scoring Committee consensus



SBIRT increased across all races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 10.3% of respondents. Each race category excludes Hispanic/Latino.



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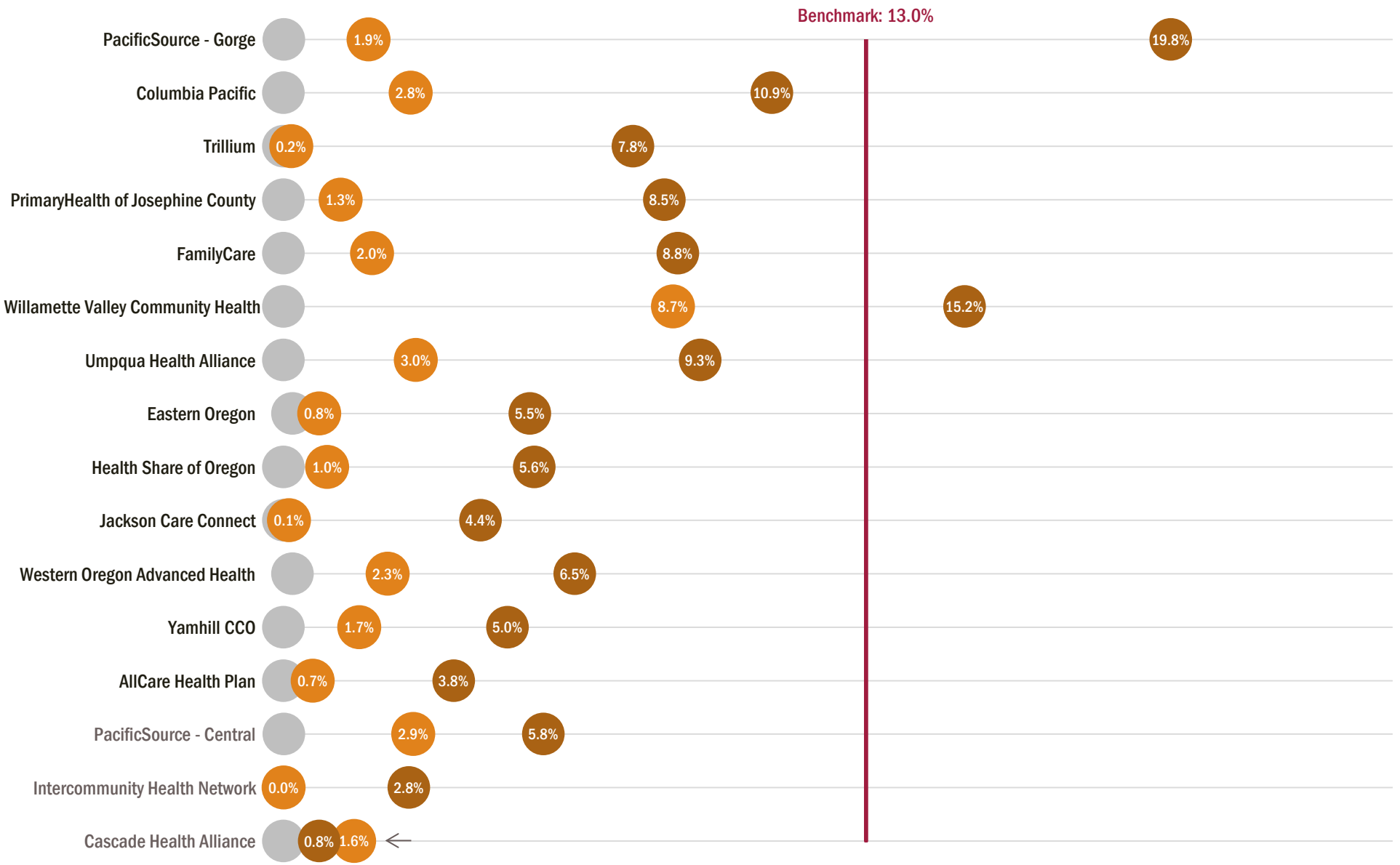
ALCOHOL OR OTHER SUBSTANCE MISUSE SCREENING (SBIRT)

CCOs improved markedly on SBIRT between 2013 & 2014, and two achieved the benchmark.

Bolded names met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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ALL-CAUSE READMISSION

All-cause readmission

Measure description: Percentage of adult members (ages 18 and older) who had a hospital stay and were readmitted for any reason within 30 days of discharge. A lower score for this measure is better.

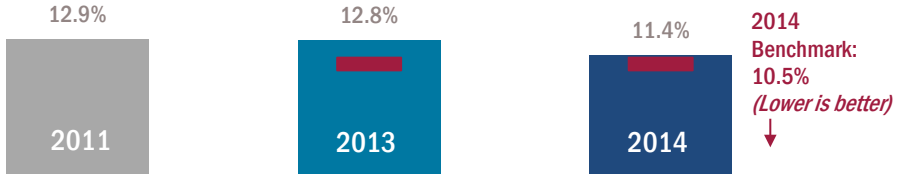
Purpose: Some patients who leave the hospital end up being admitted again shortly thereafter. Often times, these costly and burdensome "readmissions" are avoidable. Reducing the preventable problems that send patients back to the hospital is the best way to keep patients at home and healthy.

2014 data (n=26,433)

Statewide, all-cause readmissions declined from 2013 to 2014, reaching 11.4 percent and approaching the benchmark of 10.5 percent. Lower is better for this measure. Readmissions improved in 13 of 16 CCOs and for all races and ethnicities except Hawaiian / Pacific Islander.

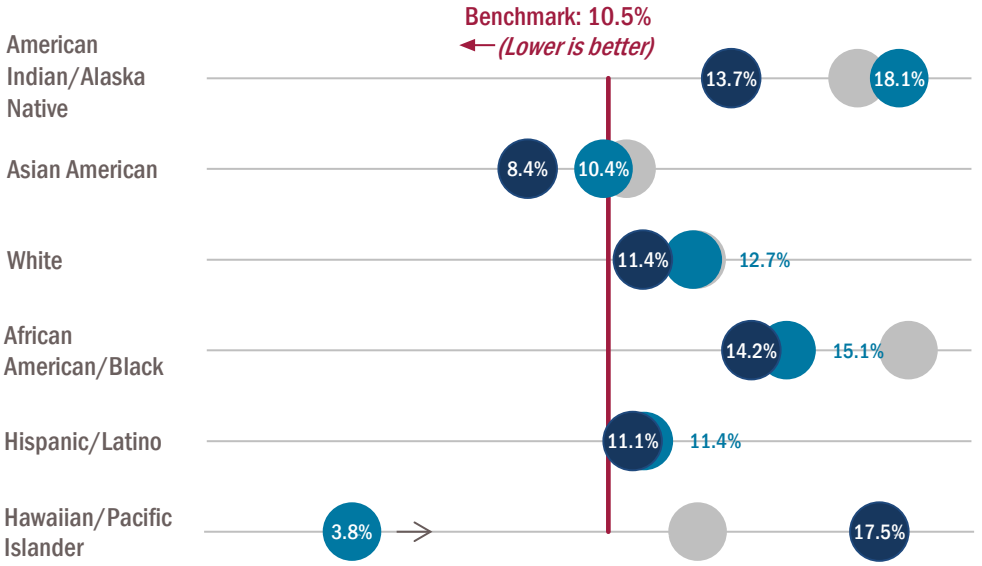
Statewide, all-cause readmissions improved in 2014.

Data source: Administrative (billing) claims
2014 benchmark source: Average of 2012 Commercial and Medicare 75th percentiles



Readmissions improved for all races and ethnicities except Hawaiian/ Pacific Islander between 2013 & 2014.

Gray dots represent 2011. Data missing for 6.6% of respondents. Each race category excludes Hispanic/Latino. 2011 and 2013 data have been updated and may differ from earlier reports.



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ALL-CAUSE READMISSION

Thirteen of 16 CCOs reduced all-cause readmissions between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined. 2011 and 2013 data have been updated and may differ from earlier reports.



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AMBULATORY CARE: EMERGENCY DEPARTMENT UTILIZATION

Ambulatory care: emergency department utilization

Measure description: Rate of patient visits to an emergency department. Rates are reported per 1,000 member months and a lower number suggests more appropriate use of this care.

Purpose: Emergency departments are sometimes used for problems that could have been treated at a doctor's office or urgent care clinic. Reducing inappropriate emergency department use can help to save costs and improve the health care experience for patients.

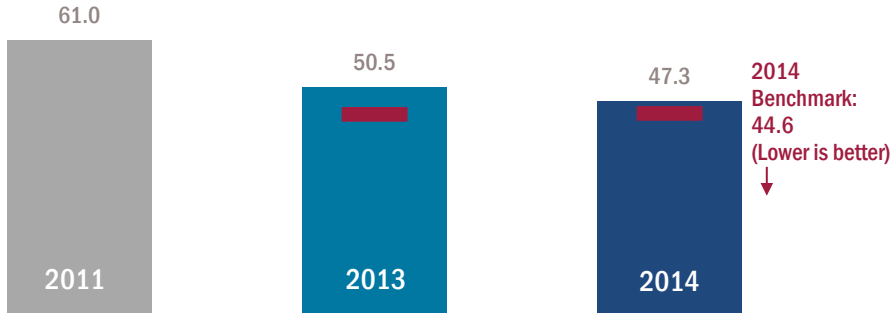
2014 data (n=9,707,039 member months)

Emergency department utilization continues to decline overall. In 2014, statewide emergency department utilization was 47.3 per 1,000 member months, approaching the benchmark of 44.6. Lower is better for this measure. There is wide variation in utilization by race and ethnicity: emergency department utilization is lowest for the Asian American population at 20.7 per 1,000 member months and highest for the African American/Black population at 66.6 per 1,000 member months. Twelve CCOs improved their performance from 2013 to 2014 and 14 met their improvement target or benchmark.

The continued reduction in emergency department visits is exciting news. Despite a 60 percent increase in enrollment from the Medicaid expansion, new members are not using the emergency department at high rates (see pages 103-104 for more information about emergency department visits and Medicaid membership).

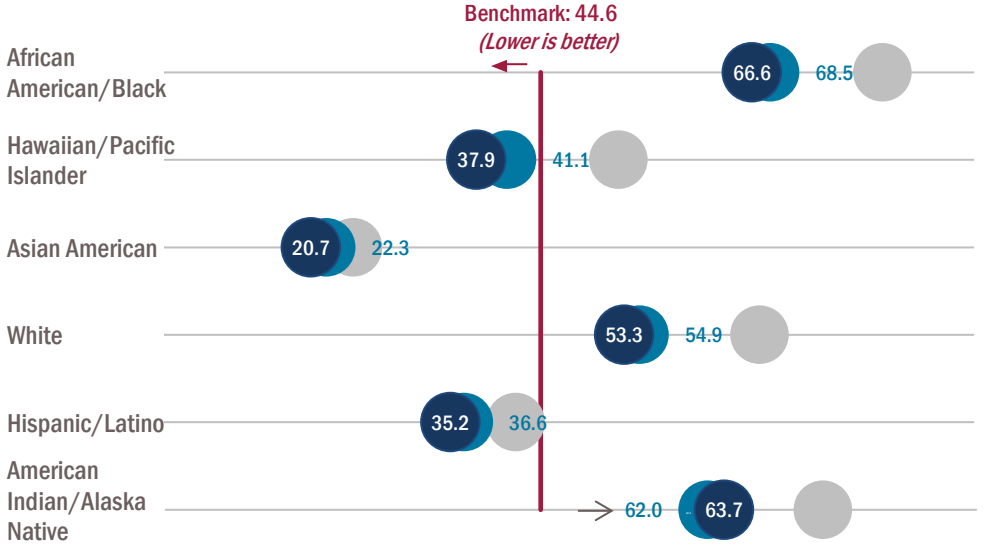
Statewide, emergency department utilization continued to decline.

Per 1,000 member months
Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 90th percentile



Emergency department utilization decreased for all races and ethnicities except American Indian/Alaska Native between 2013 & 2014.

Gray dots represent 2011. Data missing for 10.9% of respondents. Each race category excludes Hispanic/Latino.



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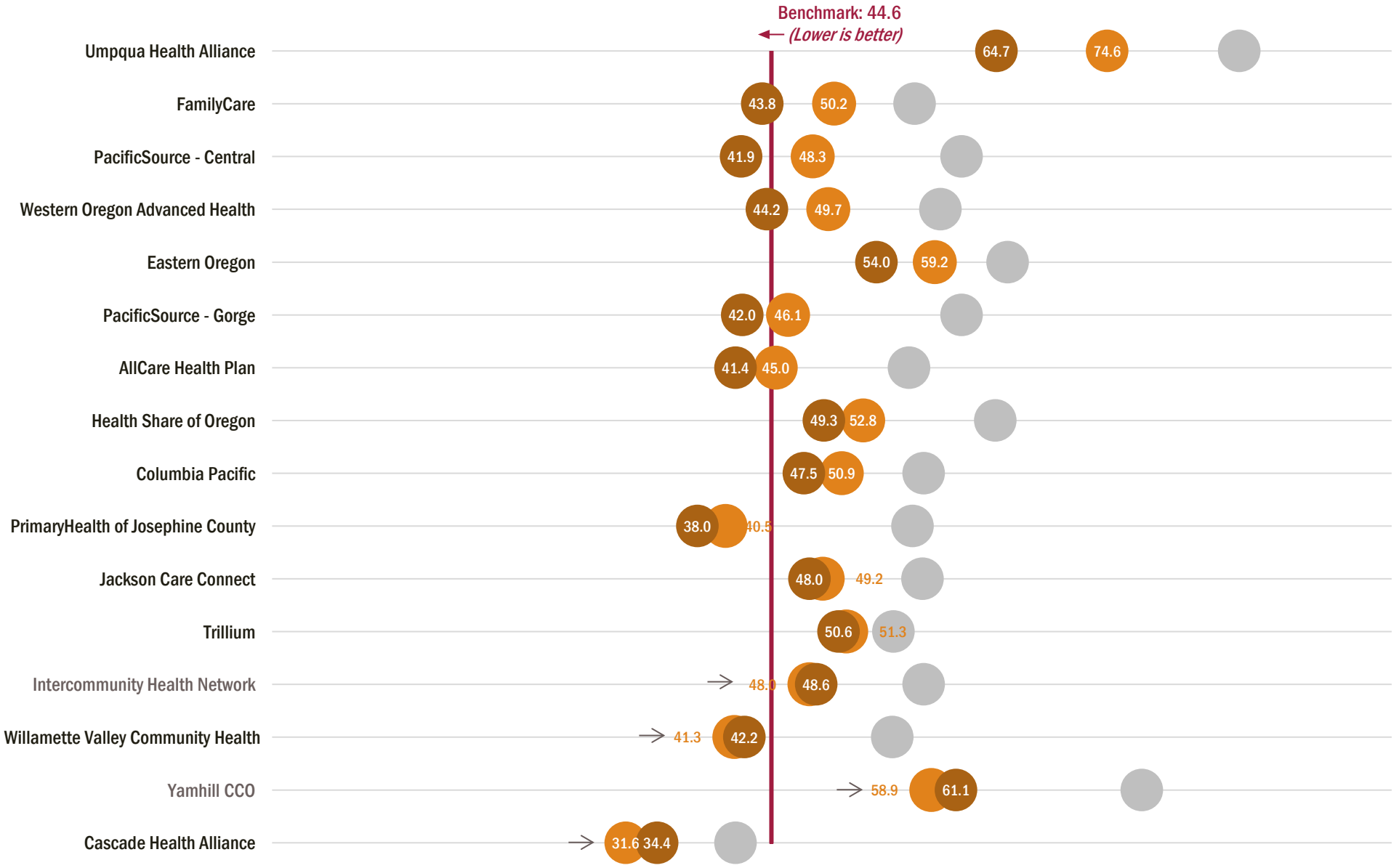
AMBULATORY CARE: EMERGENCY DEPARTMENT UTILIZATION

Twelve of 16 CCOs reduced emergency department utilization between 2013 & 2014.

Per 1,000 member months
Bolded names met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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AMBULATORY CARE: AVOIDABLE EMERGENCY DEPARTMENT UTILIZATION

Avoidable emergency department utilization

Measure description: Rate of patient visits to an emergency department for conditions that could have been more appropriately managed by or referred to a primary care provider in an office or clinic setting.

Rates are derived from the ambulatory care: emergency department utilization measure and are reported per 1,000 member months. A lower number suggests more appropriate emergency department utilization.

Purpose: Many patients use emergency departments for conditions that could be treated, or prevented, in a different care setting. Reducing avoidable emergency department utilization is an opportunity to improve care coordination, address high utilization, and explore innovative programs such as health navigators.

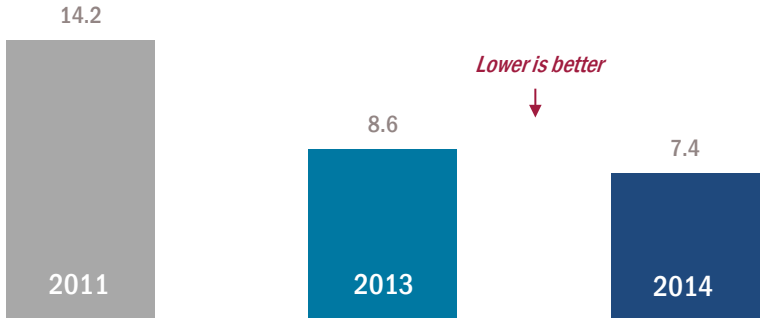
2014 data (n=9,707,039 member months)

Avoidable emergency department visits improved markedly between 2011 and 2014 with an almost 50 percent reduction. Despite a 60 percent increase in enrollment from the Medicaid expansion in 2014, new members are not using the emergency department at high rates for conditions that could be treated in a primary care setting (see pages 105-106 for more information about avoidable emergency department visits and Medicaid membership).

Avoidable emergency department visits improved across all racial and ethnic populations and 15 of 16 CCOs, reflecting the statewide focus on providing the right care, in the right setting, at the right time.

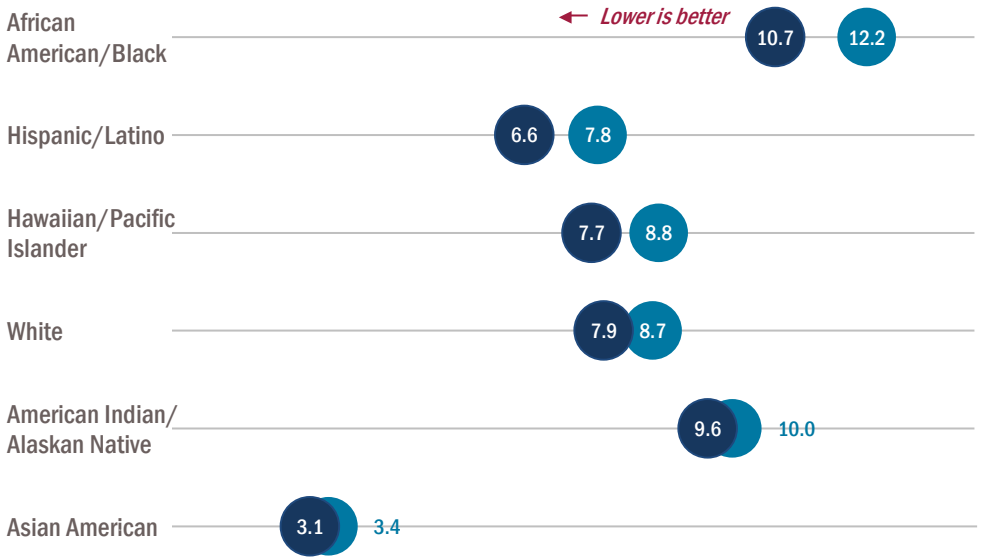
Statewide, avoidable emergency department utilization declined by almost half since 2011.

Per 1,000 member months
Data source: Administrative (billing) claims



Avoidable emergency department utilization rates improved for everybody between 2013 & 2014.

Data missing for 10.9% of respondents. Each race category excludes Hispanic/Latino.



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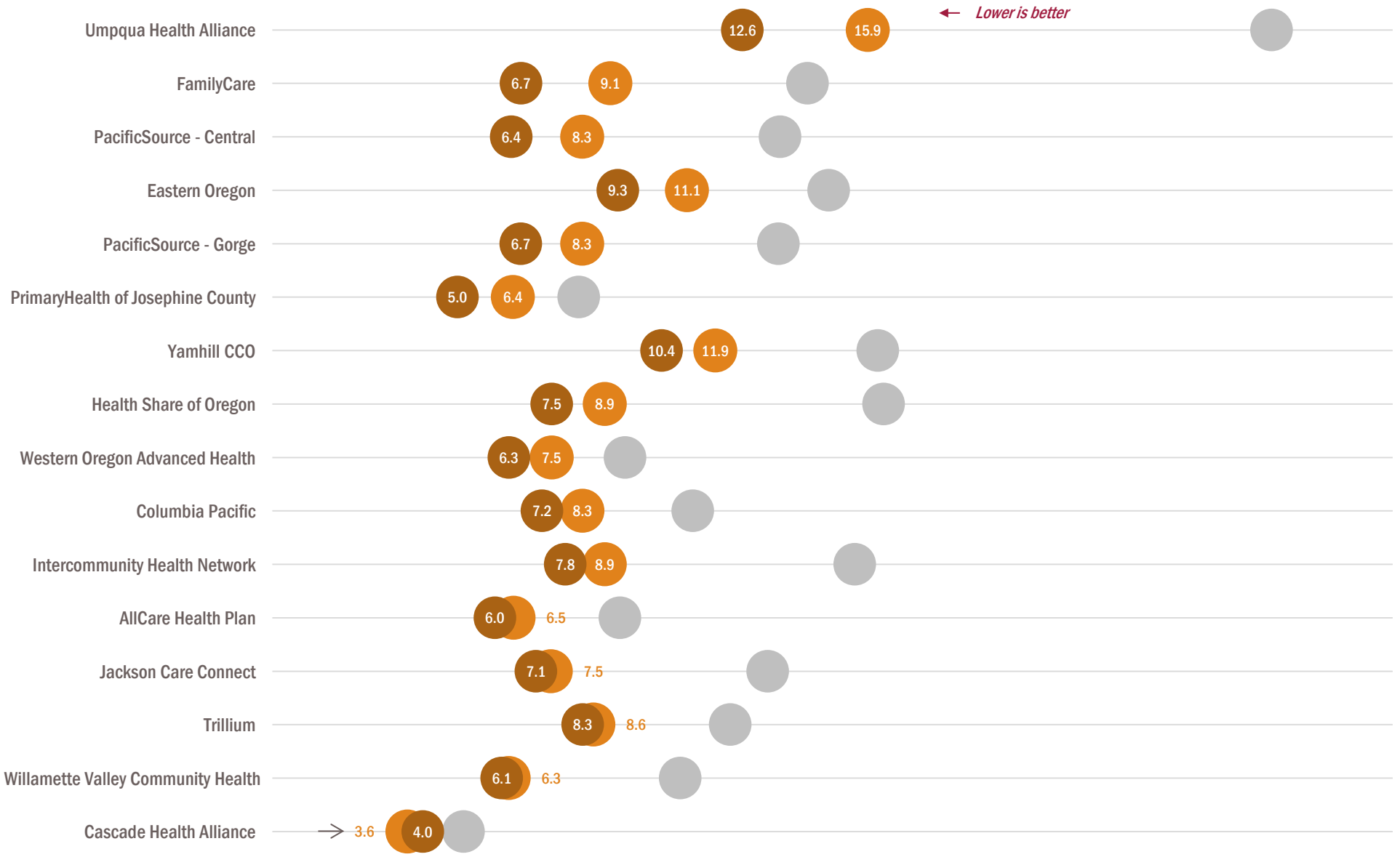
AMBULATORY CARE: AVOIDABLE EMERGENCY DEPARTMENT UTILIZATION

Avoidable emergency department utilization improved in 15 of 16 CCOs between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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AMBULATORY CARE: OUTPATIENT UTILIZATION

Ambulatory care: outpatient utilization

Measure description: Rate of outpatient services, such as office visits, home visits, nursing home care, urgent care and counseling or screening services. Rates are reported per 1,000 member months.

Purpose: Promoting the use of outpatient settings such as a doctor's office or urgent care clinic is part of Oregon's goal of making sure patients are getting the right care in the right places and at the right times. Increasing the use of outpatient care helps improve health and lower costs by promoting prevention and keeping down rates of unnecessary emergency department use.

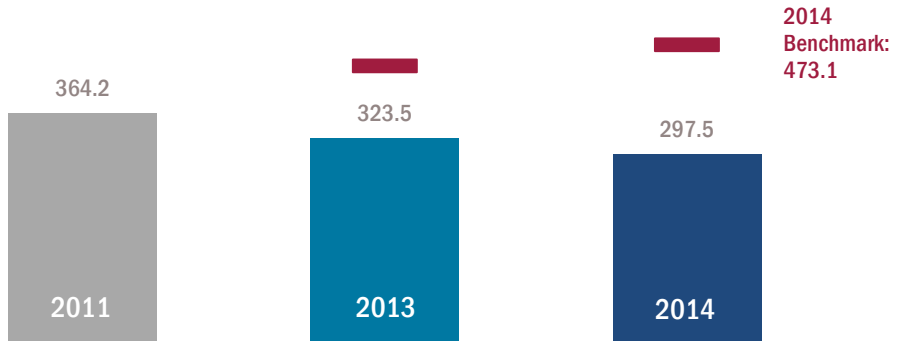
2014 data (n=9,707,039 member months)

There has been a consistent downward trend since 2011 in the rate of outpatient visits. Outpatient visits have declined for all races and ethnicities and have either declined or remained steady across all CCOs.

The denominator (member months) increased by nearly 50 percent in 2014 due to the ACA expansion. The addition of this new population could be affecting access to care, causing a reduction in outpatient utilization.

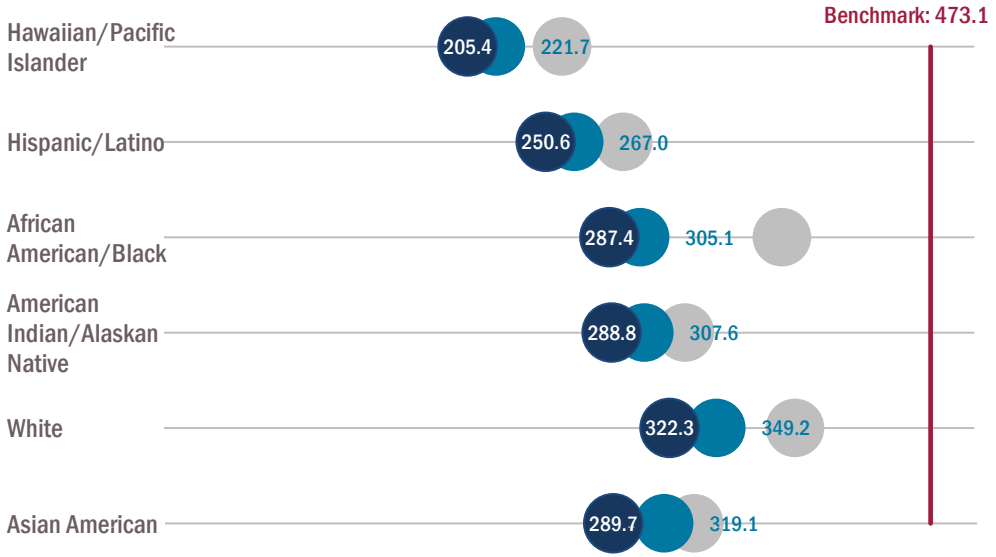
Statewide, outpatient ambulatory care rates declined each year.

Per 1,000 member months
Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 90th percentile



Outpatient visits declined for all races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 10.9% of respondents. Each race category excludes Hispanic/Latino.



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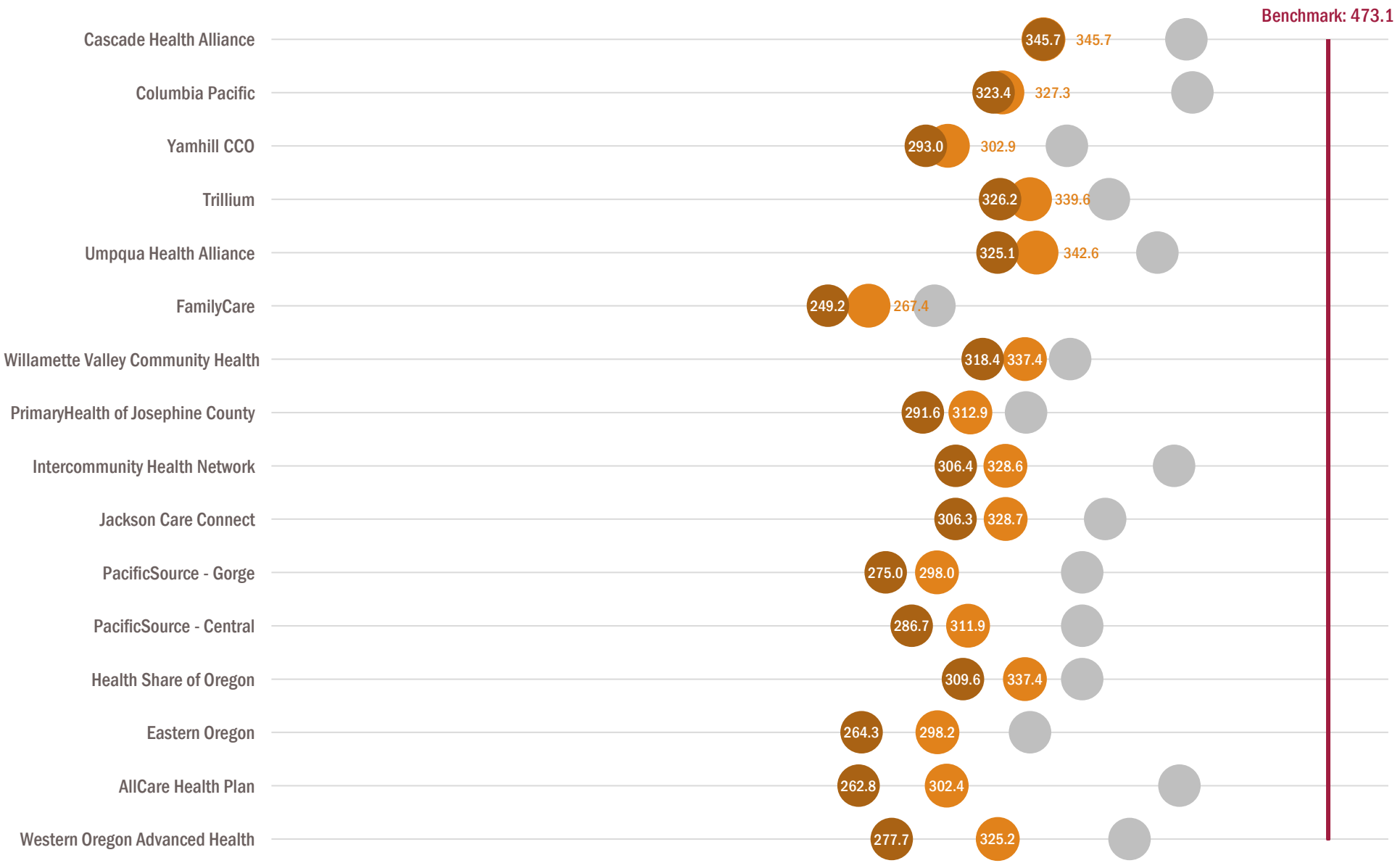
AMBULATORY CARE: OUTPATIENT UTILIZATION

Outpatient ambulatory care rates declined at a slower rate between 2013 & 2014 than in previous years.

Per 1,000 member months

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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APPROPRIATE TESTING FOR CHILDREN WITH PHARYNGITIS

Appropriate testing for children with pharyngitis

Measure description: Percentage of children with a sore throat (pharyngitis) who were given a strep test before getting an antibiotic.

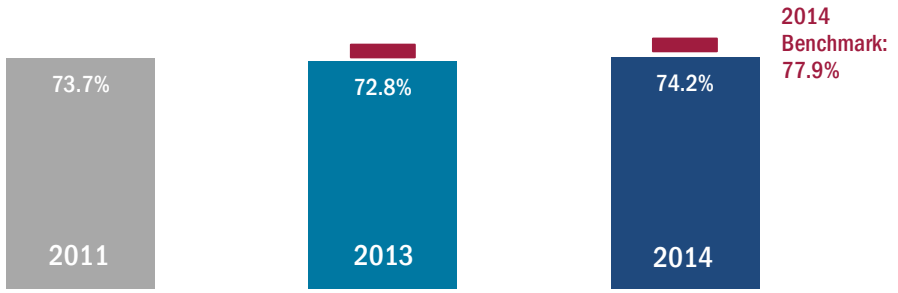
Purpose: A strep test helps determine whether or not a child will benefit from antibiotics for a sore throat (pharyngitis). This test can help reduce the overuse of antibiotics, which can improve care quality and ensure that antibiotics continue to work when they are needed.

2014 data (n=7,975)

After decreasing between 2011 and 2013, statewide results improved in 2014. However, results statewide and for all races and ethnicities remain below the national benchmark. CCO performance was mixed, with nine of 16 CCOs showing improvement between 2013 and 2014. Six of 16 CCOs met the benchmark.

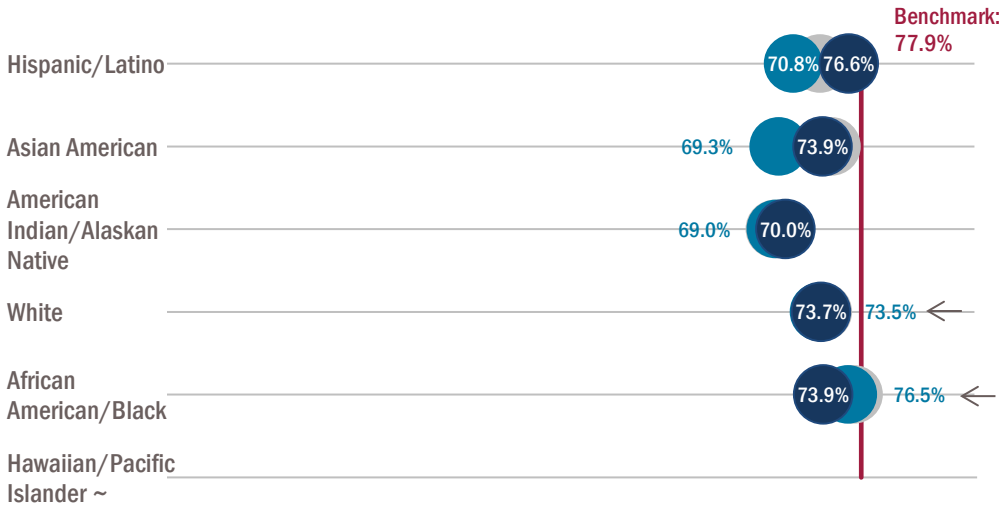
Statewide, appropriate testing for pharyngitis improved in 2014.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile



Hispanic/Latino members experienced the greatest improvement in appropriate pharyngitis testing between 2013 & 2014.

Gray dots represent 2011. Data missing for 9.6% of respondents. Each race category excludes Hispanic/Latino.
~ Data suppressed (n<30)



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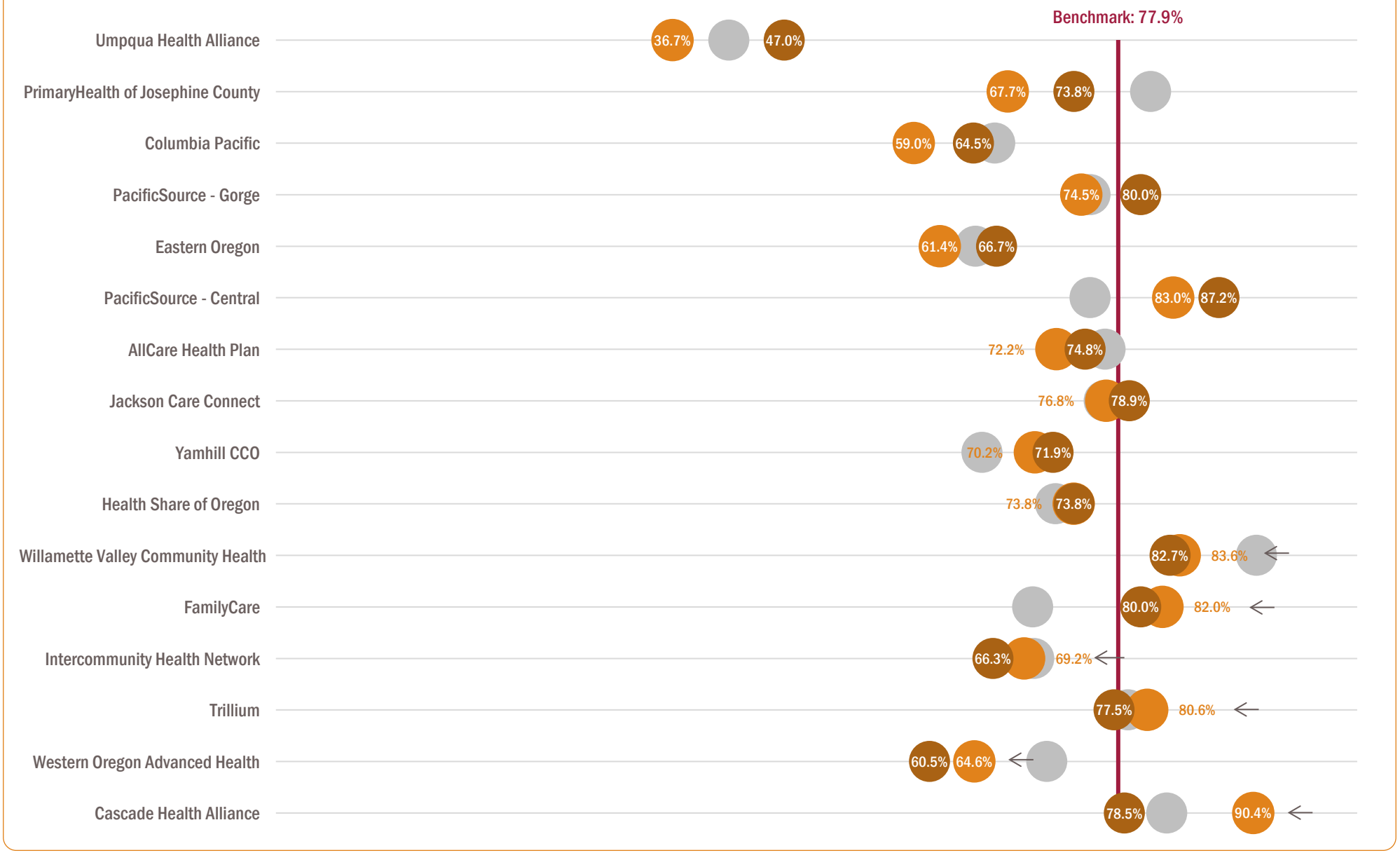
APPROPRIATE TESTING FOR CHILDREN WITH PHARYNGITIS

Nine of 16 CCOs improved appropriate testing for children with pharyngitis between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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CERVICAL CANCER SCREENING

Cervical cancer screening

Measure description: Percentage of women (ages 21 to 64) who received one or more Pap tests for cervical cancer during the past three years.

Purpose: A Pap test helps find early signs of cancer in the cervix when the disease is easier and less costly to treat. Treating cervical cancer in its earliest stages also increases the five-year survival rate to 92 percent, according to the American Cancer Society.

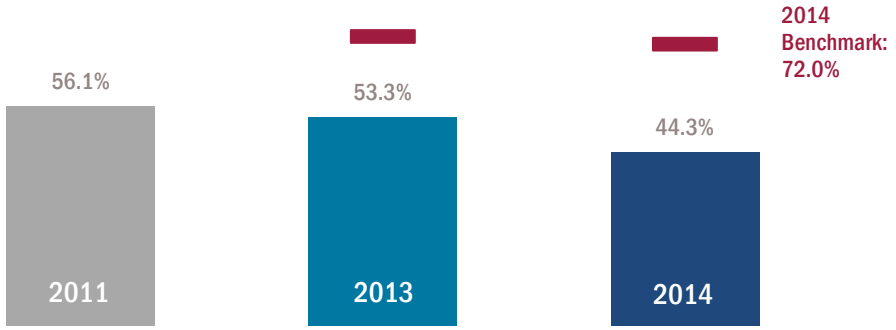
2014 data (n=133,531)

The percentage of women receiving cervical cancer screening continued to decline in 2014. Likewise, screening declined for all races and ethnicities, with the steepest decline occurring among the Hispanic/Latino population.

The decreased screening may be due to a number of factors, including changes in national guidelines reported in 2012, which recommend women wait three to five years between Pap tests (his report only looks at tests within a three-year period). Decreased screening also may be due to new members who gained coverage in 2014 and have not been screened.

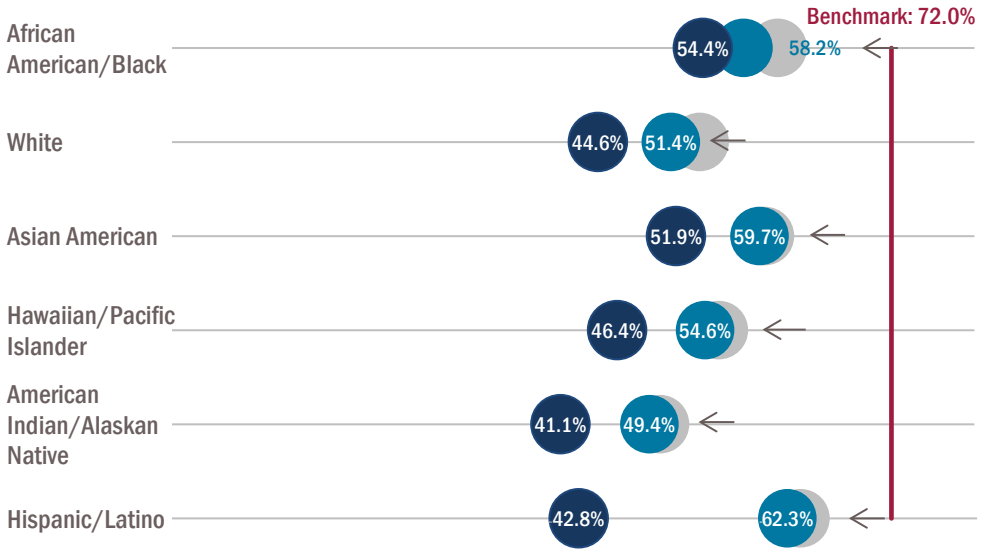
Statewide, cervical cancer screening has declined.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile



Cervical cancer screening declined for all races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 9.4% of respondents. Each race category excludes Hispanic/Latino.



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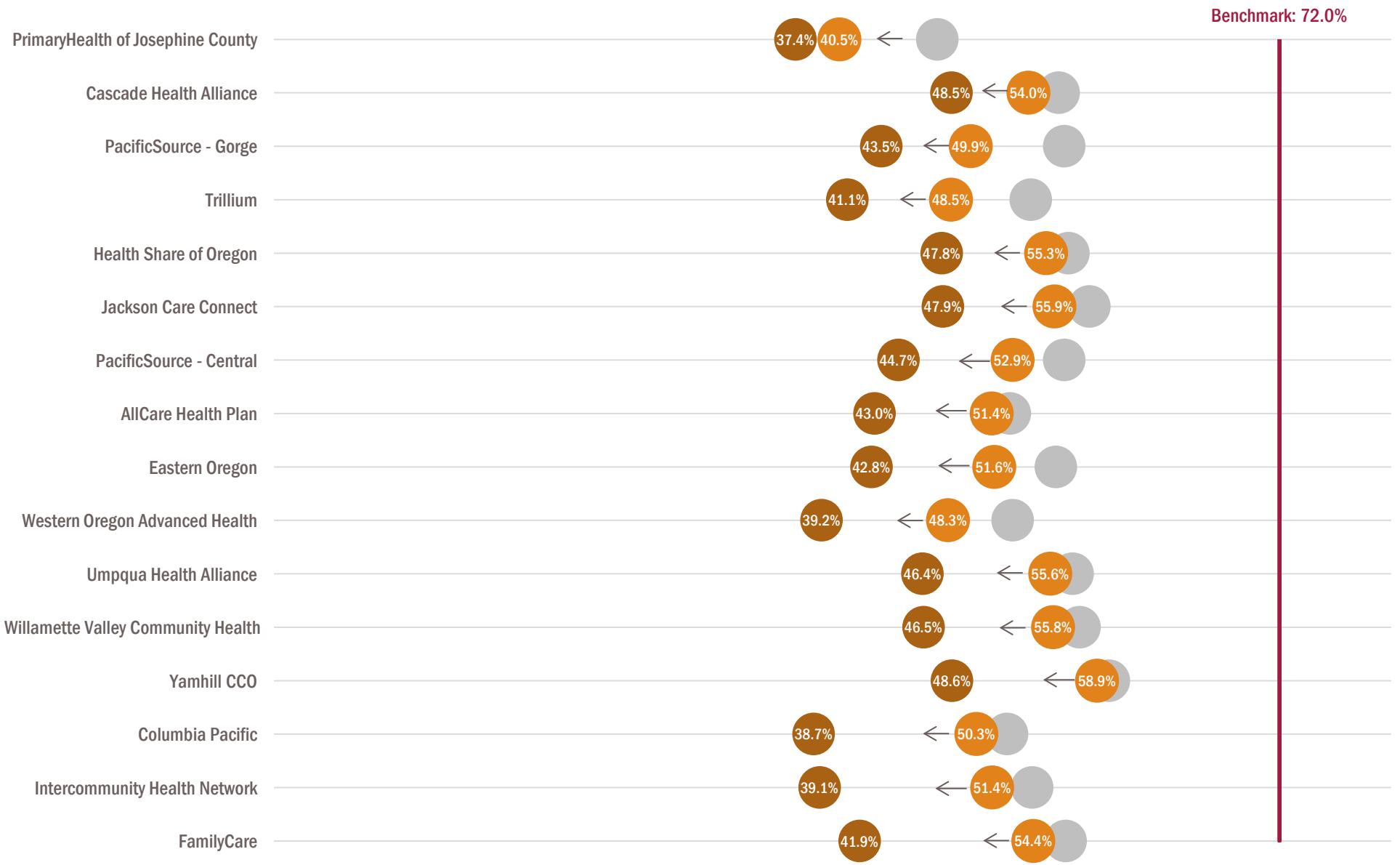
CERVICAL CANCER SCREENING

All CCOs experienced a reduction in cervical cancer screening between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



CHILDHOOD AND ADOLESCENT ACCESS TO PRIMARY CARE PROVIDERS (ALL AGES)

Childhood and adolescent access to primary care providers (all ages)

Measure description: Percentage of children and adolescents (ages 12 months – 19 years) who had a visit with a primary care provider.

Purpose: Access to a primary care provider is important for the healthy growth and development of children and teens. Measuring visits with a primary care provider ensure youth are receiving necessary services to support their development and health.

2014 data (n=326,370)

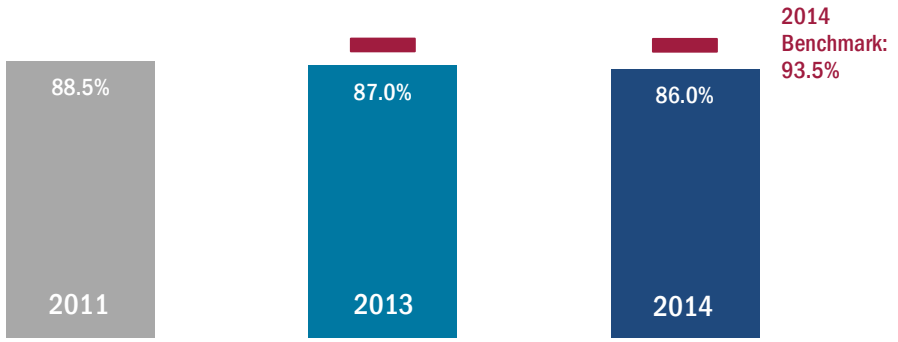
This measure tracks child and adolescent access to primary care providers by measuring the percentage of children who had a visit with a primary care provider during the past year. The measure is reported for all ages and four age ranges. This set of metrics is an area with opportunity for improvement because access to primary care providers has declined or remained steady across all age categories. In particular, the youngest children experienced the greatest decline, perhaps because new members who gained coverage in 2014 as part of the ACA expansion have not yet had a primary care visit.

Children ages 7-19 who are new to OHP are not included in the measure because the age group is required to be enrolled with a CCO for two continuous years

Data at the CCO level are not available for this measure.

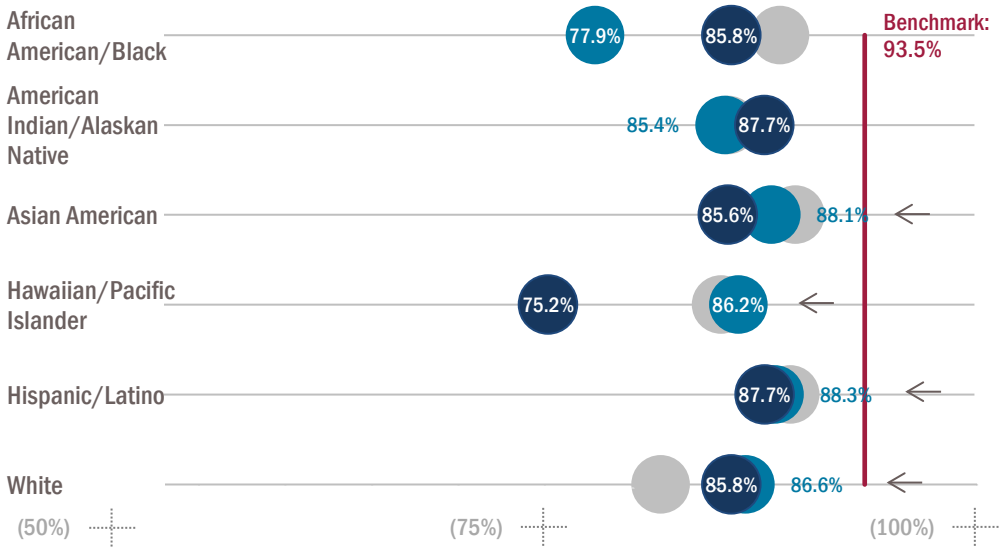
Statewide, access to primary care providers declined slightly for children and adolescents (all ages)

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile (average of the four age breakouts for this measure



African American children and adolescents experienced the greatest improvement in access between 2013 & 2014.

Gray dots represent 2011. Data missing for 9.7% of respondents. Each race category excludes Hispanic/Latino.



CHILDHOOD AND ADOLESCENT ACCESS TO PRIMARY CARE PROVIDERS (12-24 MONTHS)

Childhood and adolescent access to primary care providers (12-24 months)

Measure description: Percentage of children and adolescents (ages 12-24 months) who had a visit with a primary care provider.

Purpose: Access to a primary care provider is important for the healthy growth and development of children and teens. Measuring visits with a primary care provider helps to identify and address barriers to services that can keep youth healthy.

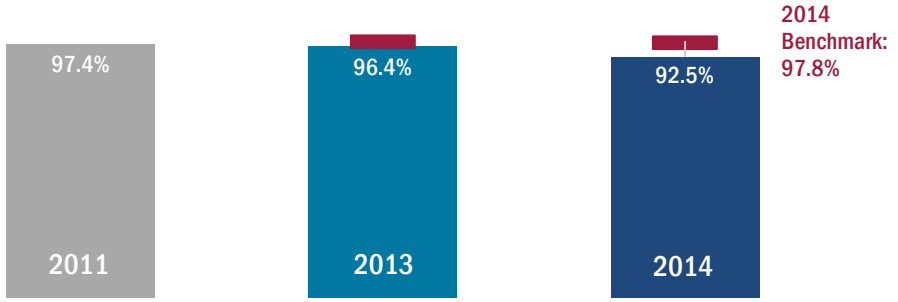
2014 data (n=25,390)

Access to primary care providers among children ages 12-24 months declined at a statewide level and among all racial and ethnic groups between 2013 and 2014. However, the benchmark, an indicator of national performance on this metric, also declined slightly. Access remained below the benchmark for all races and ethnicities in this age category.

Children who gained coverage in 2014 are included in the measure. Data at the CCO level are not available for this measure.

Statewide, access to primary care providers declined for children ages 12-24 months.

Data source: Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile



Access declined for all races and ethnicities ages 12-24 months between 2013 & 2014.

Gray dots represent 2011. Data missing for 13.5% of respondents. Each race category excludes Hispanic/Latino.



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CHILDHOOD AND ADOLESCENT ACCESS TO PRIMARY CARE PROVIDERS (25 MONTHS-6 YEARS)

Childhood and adolescent access to primary care providers (25 months - 6 years)

Measure description: Percentage of children and adolescents (ages 25 months - 6 years) who had a visit with a primary care provider.

Purpose: Access to a primary care provider is important for the healthy growth and development of children and teens. Measuring visits with a primary care provider helps to identify and address barriers to services that can keep youth healthy.

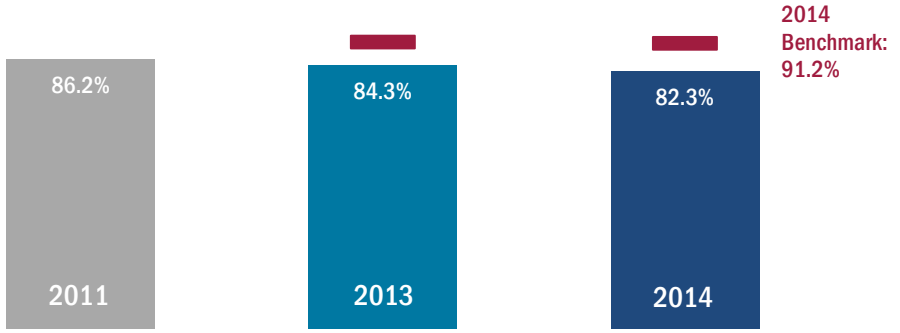
2014 data (n=112,308)

Access to primary care providers among children ages 25 months – 6 years declined at a statewide level and among all racial and ethnic groups between 2011, 2013, and 2014. However, the benchmark, an indicator of national performance on this metric, also declined slightly. All races and ethnicities were below the benchmark in 2014. Access remains particularly low among the Hawaiian/Pacific Islander population, with 70.0 percent of children in this age group visiting a primary care provider in 2014, compared to the benchmark of 91.2 percent.

Children who gained coverage in 2014 are included in the measure. Data at the CCO level are not available for this measure.

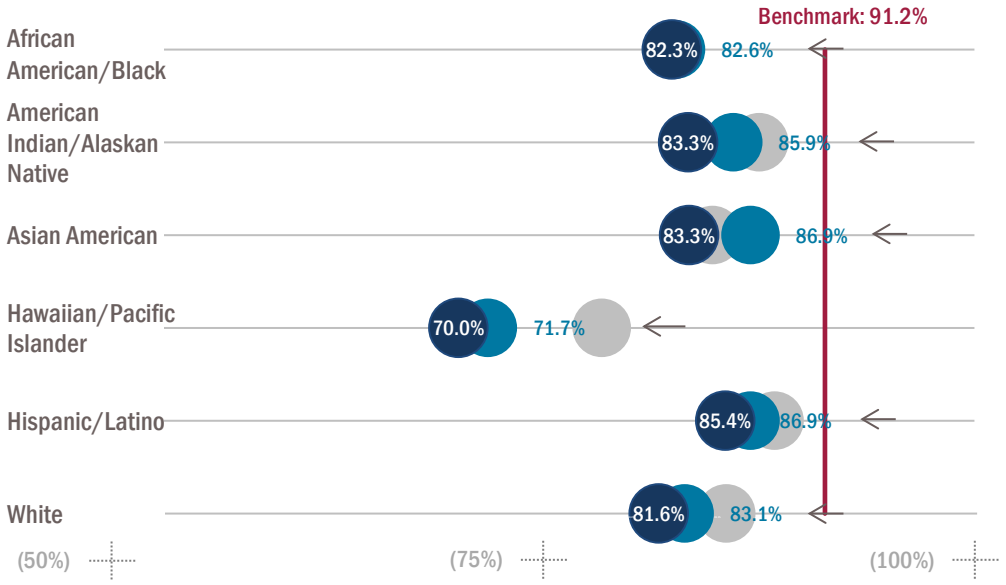
Statewide, access to primary care providers for children ages 25 months - 6 years declined.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile



Access declined slightly for all races and ethnicities of children ages 25 months - 6 years between 2013 & 2014.

Gray dots represent 2011. Data missing for 11.4% of respondents. Each race category excludes Hispanic/Latino.



CHILDHOOD AND ADOLESCENT ACCESS TO PRIMARY CARE PROVIDERS (7-11 YEARS)

Childhood and adolescent access to primary care providers (7-11 years)

Measure description: Percentage of children and adolescents (ages 7-11 years) who had a visit with a primary care provider.

Purpose: Access to a primary care provider is important for the healthy growth and development of children and teens. Measuring visits with a primary care provider helps to identify and address barriers to services that can keep youth healthy.

2014 data (n=83,330)

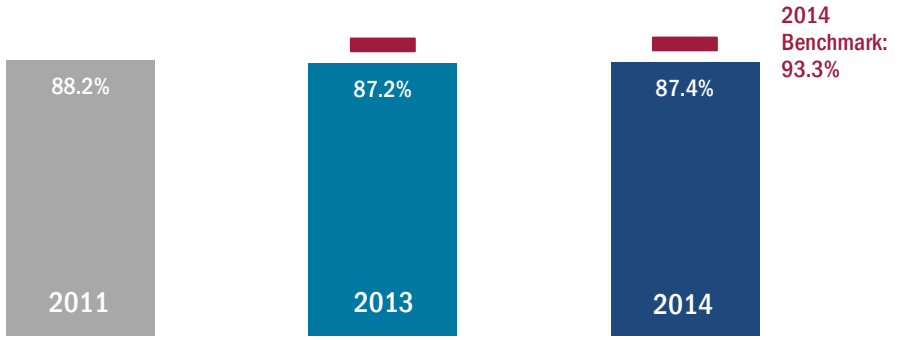
Access to primary care providers among children ages 7-11 years remained steady at a statewide level between 2013 and 2014. This is the only age group for whom access did not decrease during the measurement year.

All races and ethnicities, with the exception of Hawaiian/ Pacific Islander, experienced increased access. However, results statewide and for each race and ethnicity remained below the benchmark.

Due to measure criteria, this age group does not include children who gained coverage in 2014. Data at the CCO level are not available for this measure.

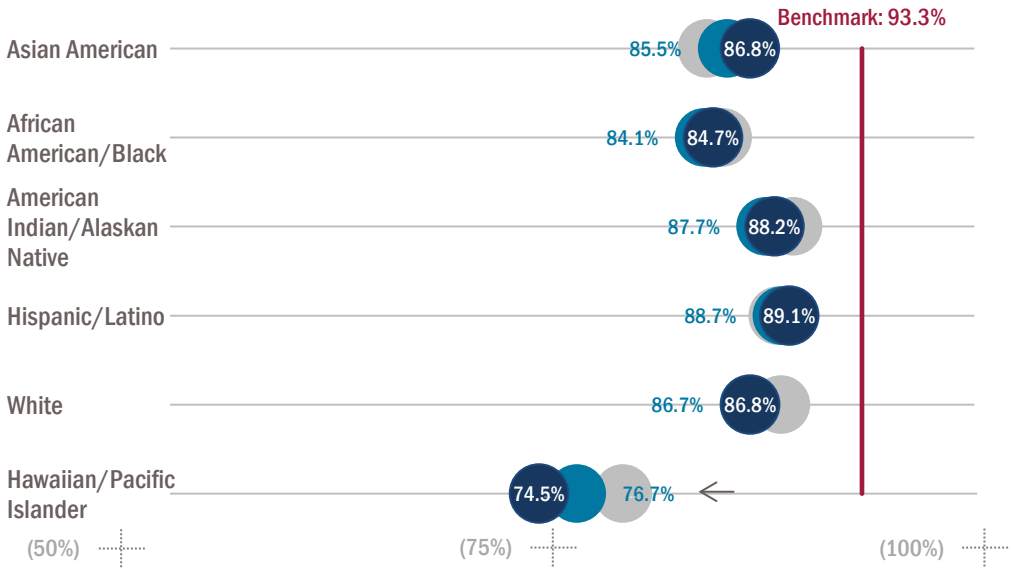
Statewide, access to primary care providers remained steady for children and adolescents ages 7-11 years.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile



Asian American children ages 7-11 years experienced the greatest improvement in access to primary care between 2013 & 2014.

Gray dots represent 2011. Data missing for 8.6% of respondents. Each race category excludes Hispanic/Latino.



CHILDHOOD AND ADOLESCENT ACCESS TO PRIMARY CARE PROVIDERS (12-19 YEARS)

Childhood and adolescent access to primary care providers (12-19 years)

Measure description: Percentage of children and adolescents (ages 12-19 years) who had a visit with a primary care provider.

Purpose: Access to a primary care provider is important for the healthy growth and development of children and teens. Measuring visits with a primary care provider helps to identify and address barriers to services that can keep youth healthy.

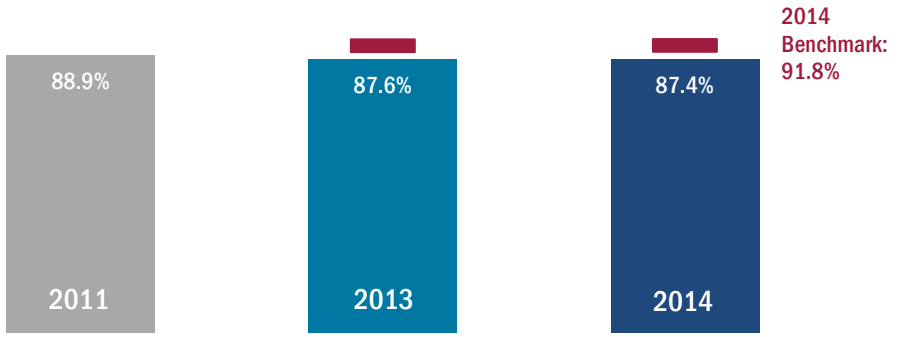
2014 data (n=105,342)

Access to primary care providers among adolescents ages 12-19 years remained steady at the statewide level between 2013 and 2014. White and Hawaiian/Pacific Islander populations experienced a decrease in access during the measurement period, while all other races and ethnicities experienced increased access in this age group.

Due to measure criteria, this age group does not include children who gained coverage in 2014. Data at the CCO level are not available for this measure.

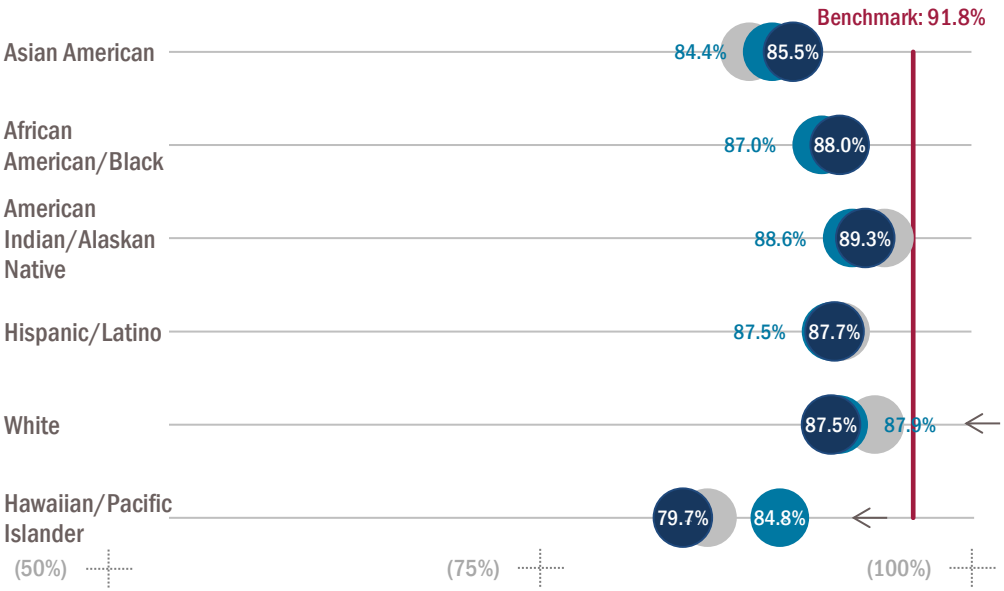
Statewide, access to primary care providers remained steady for adolescents ages 12-19 years.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile



Asian Americans ages 12-19 experienced the greatest improvement in access to primary care between 2013 & 2014.

Gray dots represent 2011. Data missing for 7.9% of respondents. Each race category excludes Hispanic/Latino.



CHILDHOOD IMMUNIZATION STATUS

Childhood immunization status

Measure description: Percentage of children who received recommended vaccines before their second birthday.

Purpose: Vaccines are one of the safest, easiest and most effective ways to protect children from potentially serious diseases. Vaccines are also cost-effective tools which help to prevent the spread of serious diseases which can sometimes lead to widespread public health threats.

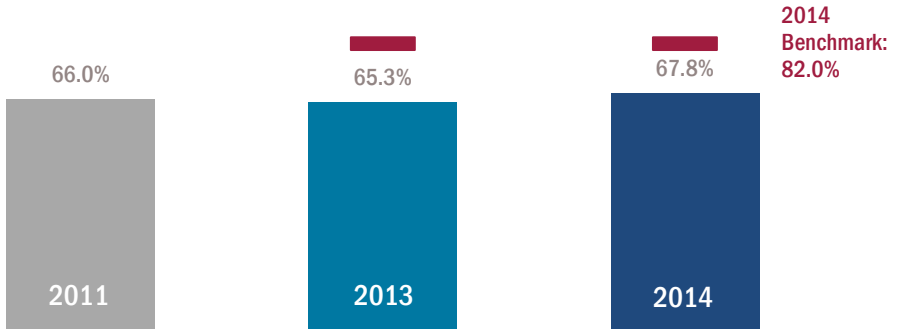
2014 data (n=15,108)

Childhood immunization remained fairly steady from 2011 baseline, with a slight improvement in 2014. At 67.8 percent, statewide performance was still well below the benchmark of 82.0 percent.

Childhood immunization improved slightly for African American, White, and Hispanic/Latino members since 2013, but decreased slightly for other races and ethnicities. However, childhood immunization improved for all but two CCOs between 2013 and 2014.

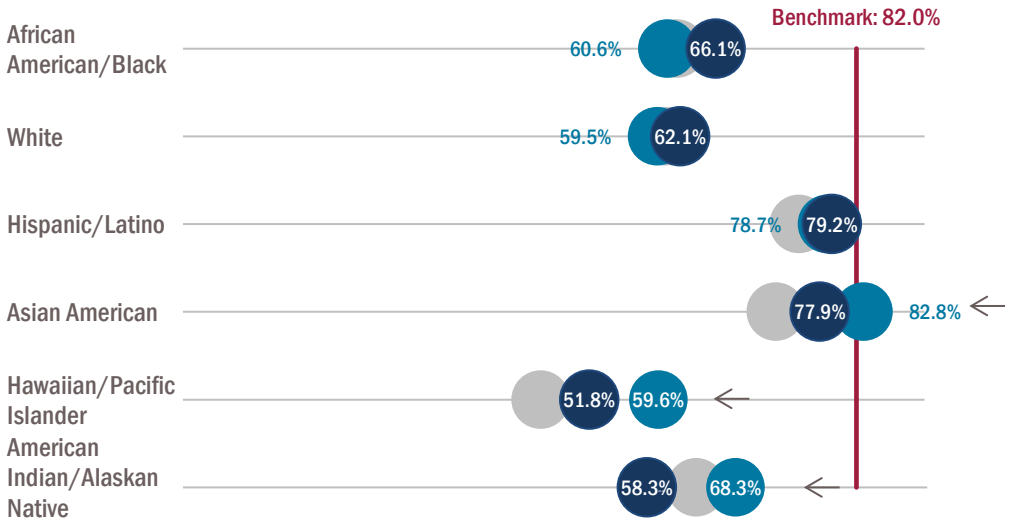
Statewide, childhood immunizations improved.

Data source: Administrative (billing) claims and ALERT Immunization Information System
2014 benchmark source: 2013 National Medicaid 75th percentile



Hispanic/Latino and Asian American children received immunizations more frequently than other members in 2013 & 2014.

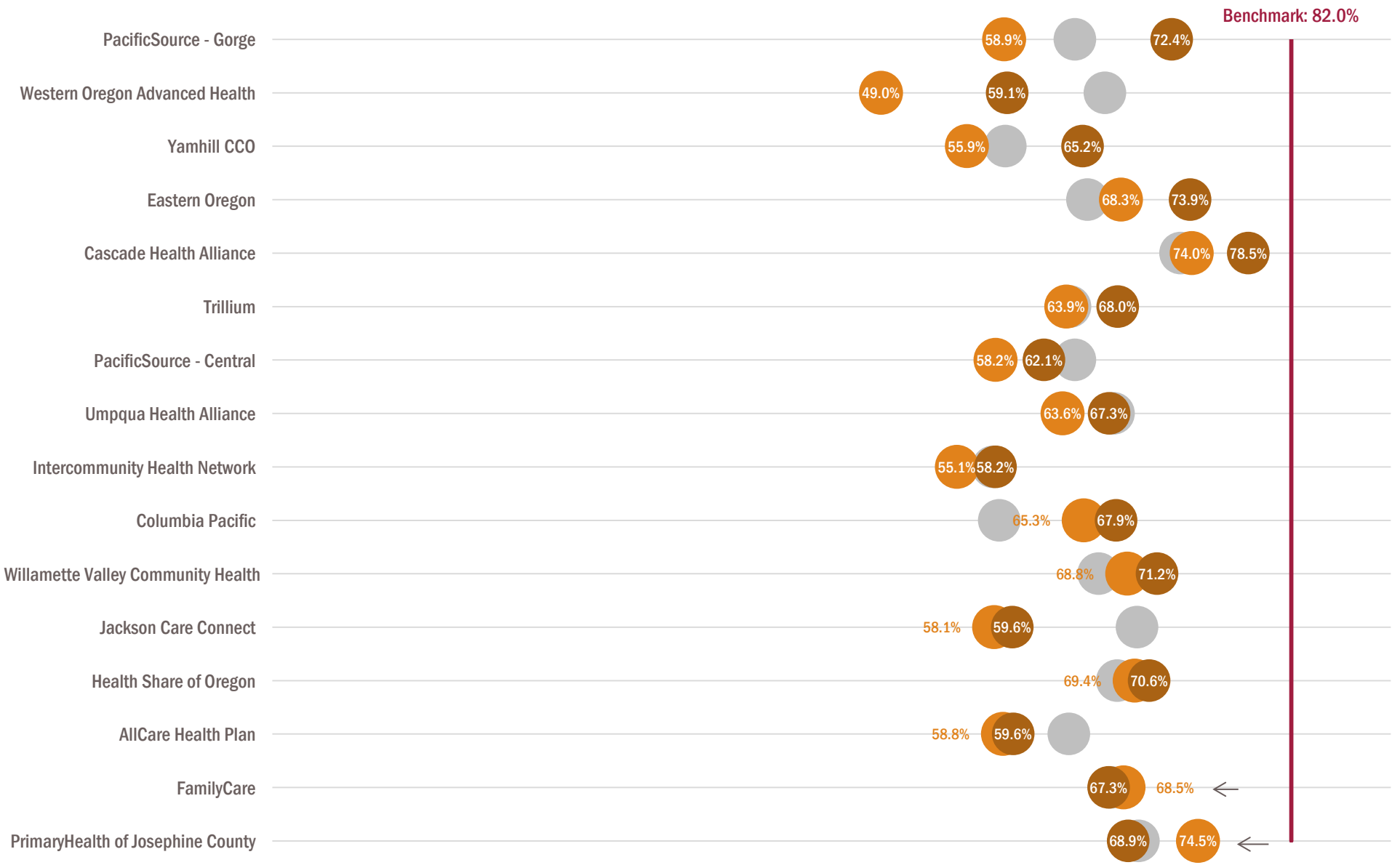
Gray dots represent 2011. Data missing for 8.9% of respondents. Each race category excludes Hispanic/Latino.



CHILDHOOD IMMUNIZATION STATUS

Fourteen of 16 CCOs improved childhood immunizations between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization.Baseline data for PacificSource Central and Gorge are combined.



CHLAMYDIA SCREENING IN WOMEN AGES 16-24

Chlamydia screening in women ages 16-24

Measure description: Percentage of sexually active women (ages 16-24) who had a test for chlamydia infection.

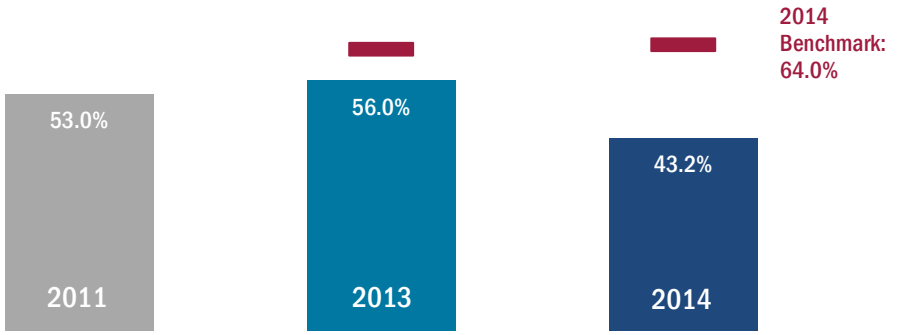
Purpose: Chlamydia is the most common reportable illness in Oregon. Since there are usually no symptoms, routine screening is important to find the disease early so that it can be treated and cured with antibiotics. If chlamydia is not found and treated early, it can lead to pelvic inflammatory disease, which can cause infertility.

2014 data (n=26,957)

Chlamydia screenings have continued to decrease since 2011 at a statewide level. The percentage of women ages 16-24 screened for chlamydia also decreased across all races and ethnicities and for 15 of 16 CCOs.

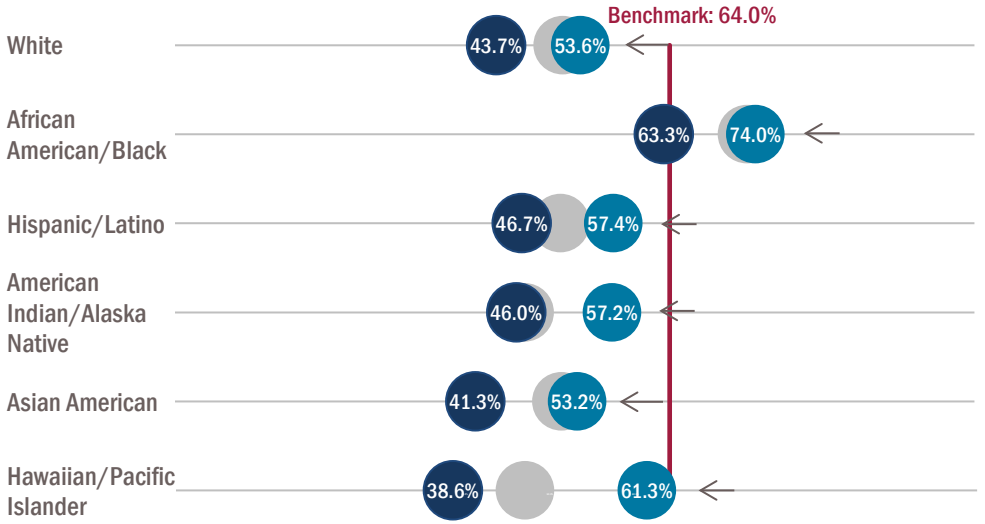
Statewide, chlamydia screening decreased in 2014.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile
2011 and 2013 data have been updated and may differ from earlier reports.



Chlamydia screening declined for all races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 8.2% of respondents. Each race category excludes Hispanic/Latino.
2011 and 2013 data have been updated and may differ from earlier reports.



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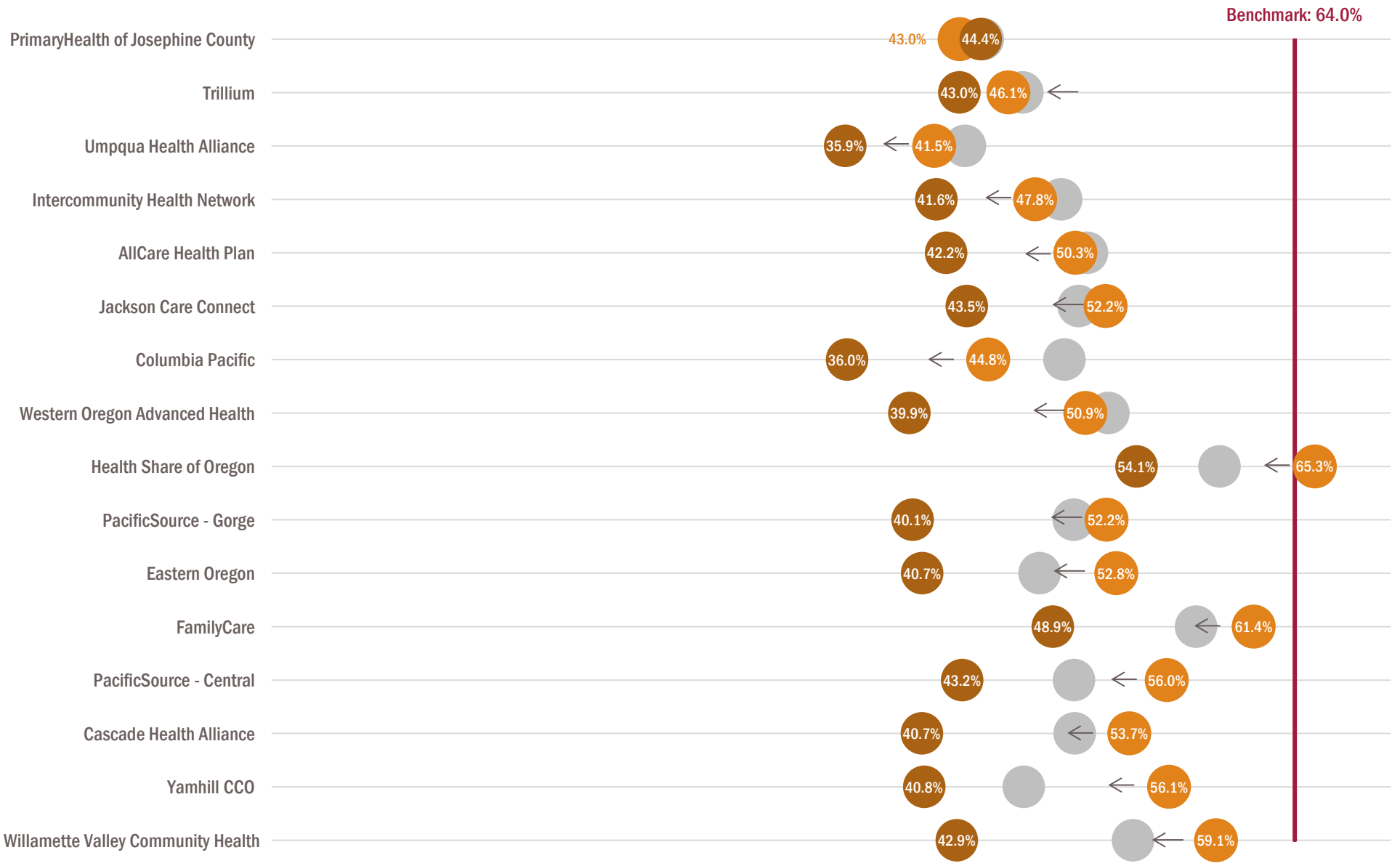
CHLAMYDIA SCREENING IN WOMEN AGES 16-24

Only two CCOs increased chlamydia screening between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.
2011 and 2013 data have been updated and may differ from earlier reports.



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COLORECTAL CANCER SCREENING

Colorectal cancer screening

Measure description: Percent of adult members (ages 50-75) who had appropriate screening for colorectal cancer.

Purpose: Colorectal cancer is Oregon's second leading cause of cancer deaths. With appropriate screening, abnormal growths in the colon can be found and removed before they turn into cancer. Colorectal cancer screening saves lives, while also keeping overall health care costs down.

2014 data (n=6,566)

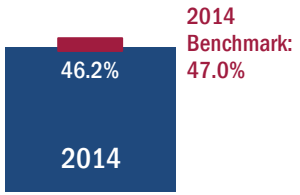
The measure specifications for colorectal cancer screening were updated beginning in 2014 to use medical record data. Previously, rates were calculated using administrative data and were reported per 1,000 member months. Performance in 2014 is thus not comparable to earlier years.

Statewide, 46.2 percent of adult members had appropriate screening. This is near the benchmark of 47.0 percent and is comparable to the 49.8 percent of Medicaid members surveyed in the Medicaid Behavioral Risk Factor Surveillance System (MBRFSS) survey who said they were current on colorectal cancer screening in 2014. However, compared to national data for Medicare and commercial populations (where the 75th percentile is 70.0 and 66.0 percent, respectively), Oregon's colorectal cancer screening rate still has room for improvement.

In 2014, CCO performance ranged from a low of 29.7 percent to a high of 54.0 percent.

Statewide, colorectal cancer screening was just below the benchmark in 2014.

Data source: Administrative (billing) claims and medical record review
Benchmark source: Metrics and Scoring Committee consensus
2014 data are not comparable to earlier years due to changed methodology



Race and ethnicity data.

Race/ethnicity data for this measure are not available.

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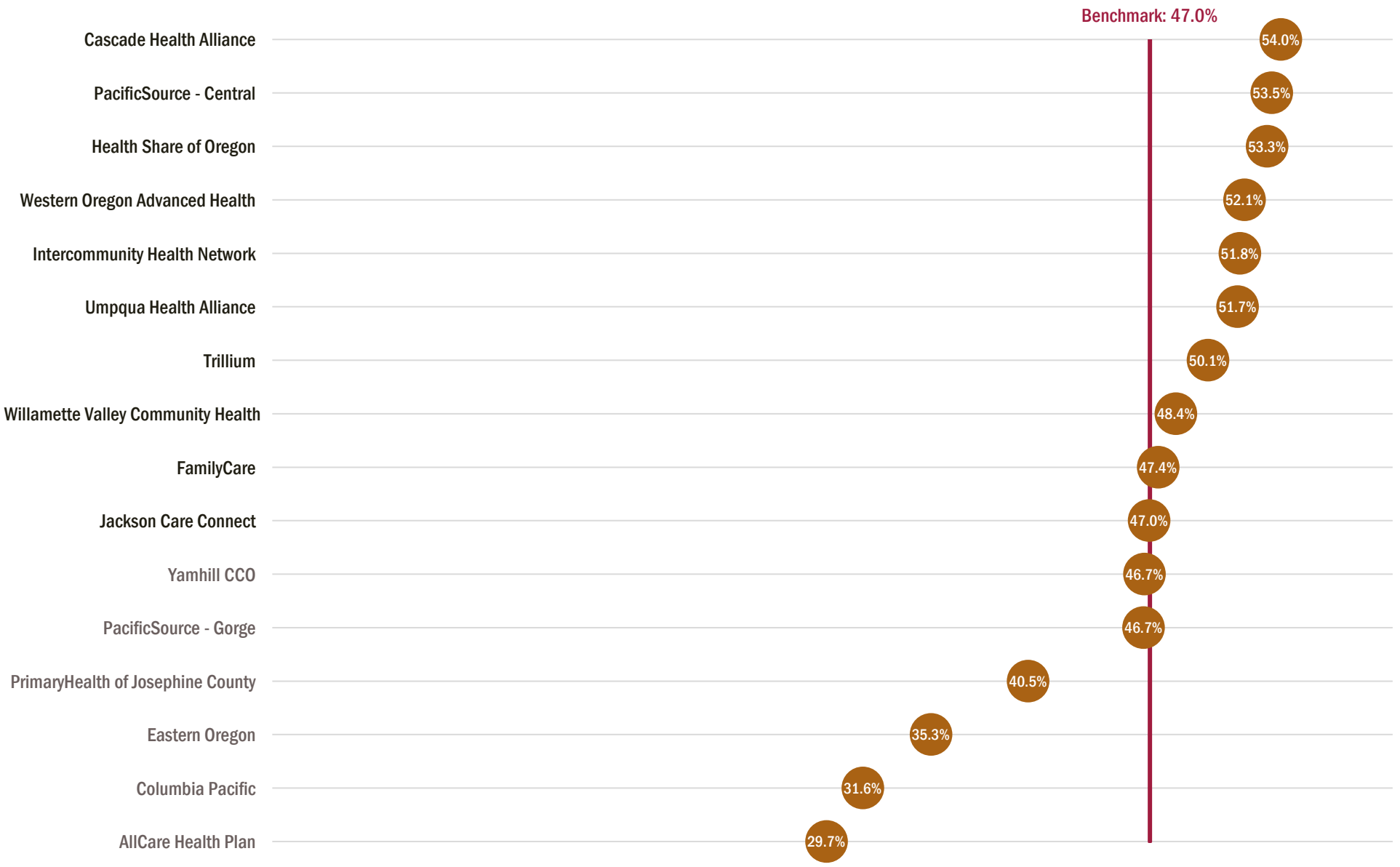
COLORECTAL CANCER SCREENING

Ten of 16 CCOs met the benchmark for colorectal cancer screening in 2014. .

Bolded names met benchmark. This measure does not have an improvement target for 2014.
2014 data are not comparable to earlier years due to changed methodology.



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COMPREHENSIVE DIABETES CARE: HEMOGLOBIN A1c TESTING

Comprehensive diabetes care: HbA1c testing

Measure description: Percentage of adult patients (ages 18-75) with diabetes who received at least one A1c blood sugar test.

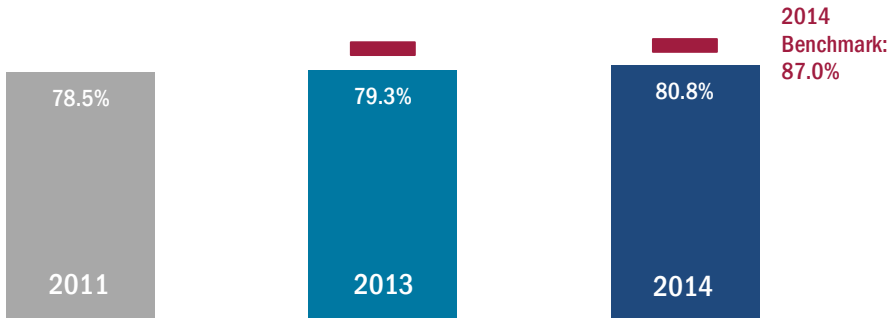
Purpose: Controlling blood sugar levels is important to help people with diabetes manage their disease. It is also a key way to assess the overall effectiveness of diabetes care in Oregon. By improving the quality of care for diabetes, Oregon can help members avoid complications and hospitalizations that lead to poor health and high costs.

2014 data (n=27,332)

Testing for blood sugar (HbA1c) among members with diabetes has shown continual improvement since 2011. Testing among Hispanic/Latino and White members also increased, while testing for all other races and ethnicities decreased. Thirteen of 16 CCOs showed an increase for this metric, with several CCOs approaching the benchmark. This improvement was achieved even with a 36 percent increase in the denominator due to the ACA expansion.

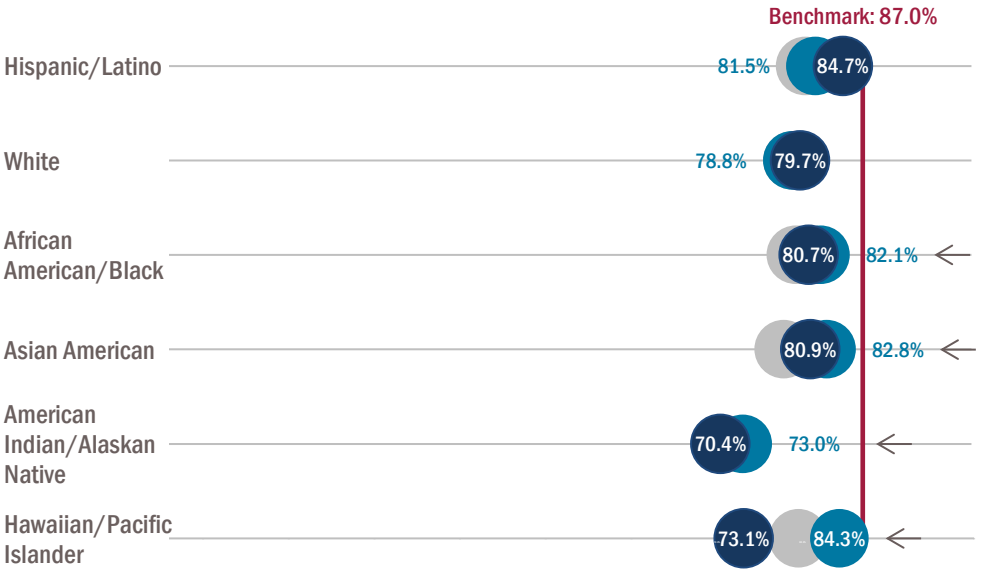
Statewide, hemoglobin A1c testing has increased slightly.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile



HbA1c testing increased the most for Hispanic/Latino members with diabetes between 2013 & 2014.

Gray dots represent 2011. Data missing for 5.9% of respondents. Each race category excludes Hispanic/Latino.



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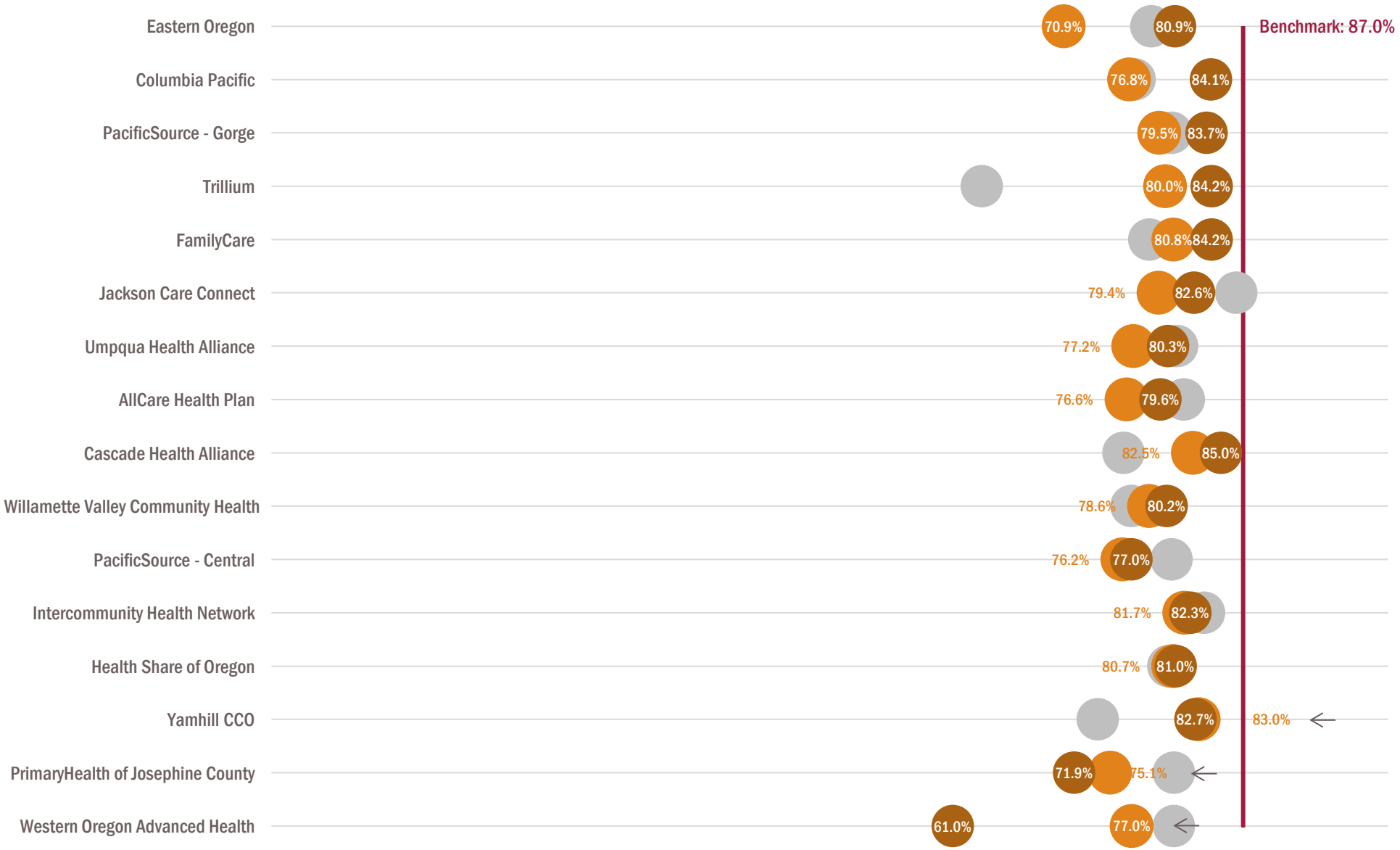
COMPREHENSIVE DIABETES CARE: HEMOGLOBIN A1c TESTING

Thirteen of 16 CCOs improved hemoglobin A1c testing for members with diabetes between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



COMPREHENSIVE DIABETES CARE: LDL-C SCREENING

Comprehensive diabetes care: LDL-C screening

Measure description: Percentage of adult patients (ages 18-75) with diabetes who received an LDL-C (cholesterol) test.

Purpose: This test helps people with diabetes manage their condition by measuring the level of "bad" cholesterol (LDL-C) in the blood. Managing cholesterol levels can help people with diabetes avoid problems such as heart disease and stroke.

2014 data (n=27,332)

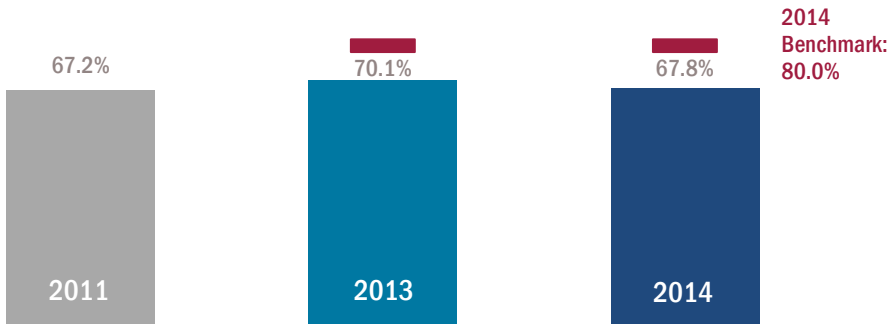
The percentage of LDL-C (cholesterol) screening at the statewide level decreased between 2013 and 2014. Screenings held steady or declined among all races and ethnicities. Historically, the measure showed improvement between 2011 and 2013 before declining during the current measurement period.

The decline in LDL-C screening may be partially due to updated guidance for the treatment of blood cholesterol from the American College of Cardiology / American Heart Association in 2013, which focus on statin therapy for patients rather than LDL-C control or screening.

Three of 16 CCOs showed improvement on this metric.

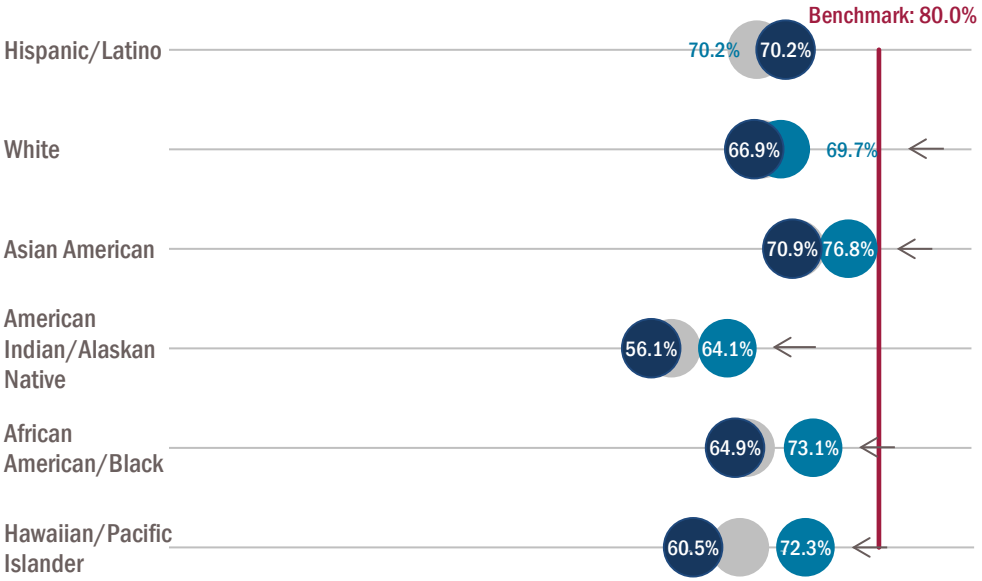
Statewide, LDL-C screenings for people with diabetes declined in 2014.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 75th percentile



LDL-C screenings declined for most races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 5.9% of respondents. Each race category excludes Hispanic/Latino.



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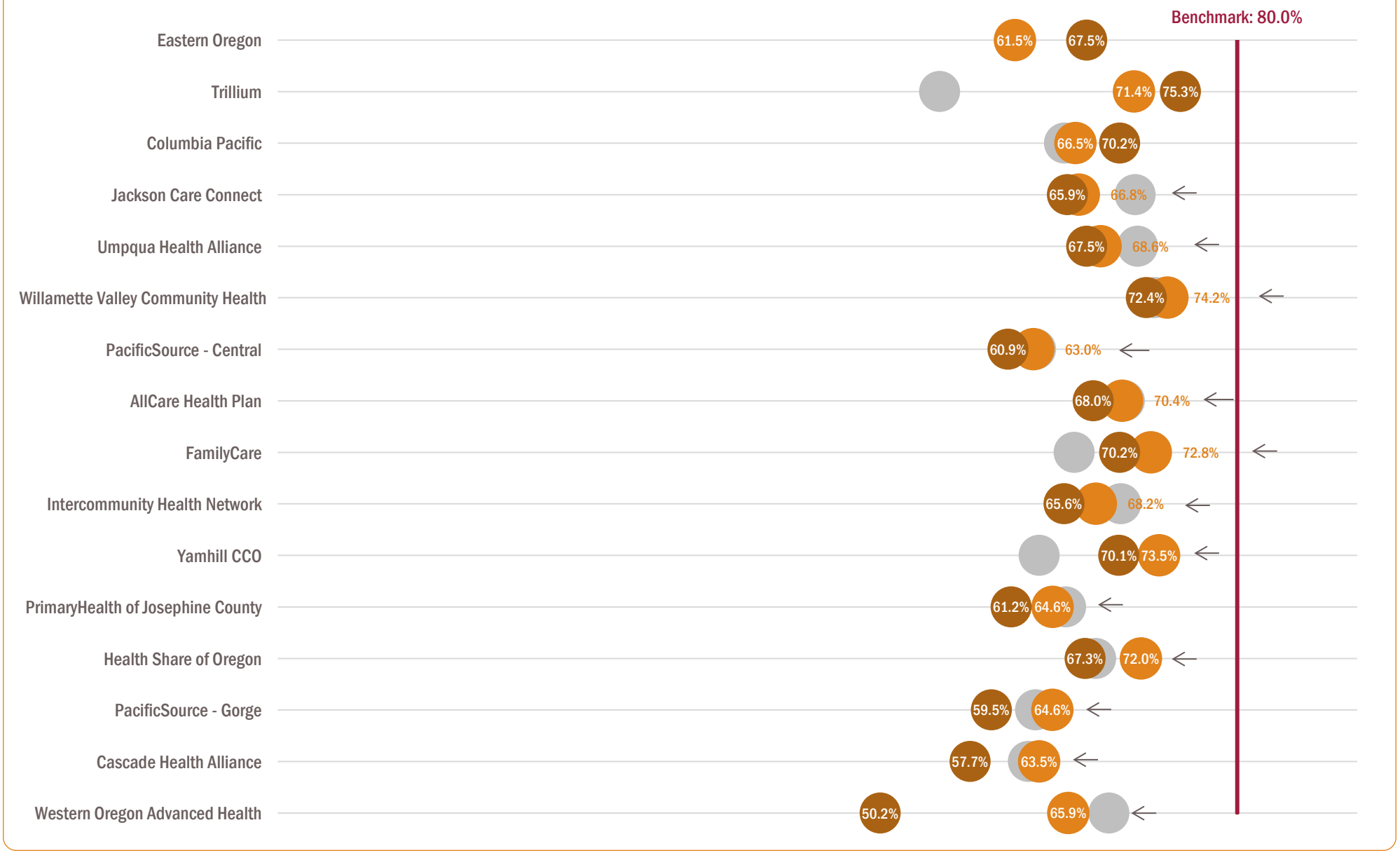
COMPREHENSIVE DIABETES CARE: LDL-C SCREENING

Three of 16 CCOs showed improvement on LDL-C screening for members with diabetes between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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CONTROLLING HIGH BLOOD PRESSURE

Controlling high blood pressure

Measure description: Percentage of patients 18-85 years of age who had a diagnosis of hypertension (high blood pressure) and whose blood pressure was adequately controlled (<140/90mmHg) during the measurement period.

Purpose: Uncontrolled hypertension can have serious complications, including heart disease and stroke. Better control of blood pressure has been shown to reduce the probability that these complications will occur.

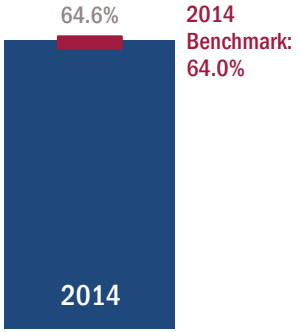
2014 data

Statewide, 64.6 percent of adults with high blood pressure had their blood pressure adequately controlled in 2014. This surpasses the benchmark of 64.0 percent. Eight of 16 CCOs also met the benchmark. Results by CCO ranged from a high of 72.5 percent to a low of 52.2 percent. As 2014 marks the first year of results on this measure, comparison data are not available.

Statewide in 2014, 28.3 percent of adults on Medicaid reported that a doctor told them they have high blood pressure, according to the Medicaid Behavioral Risk Factor Surveillance System (MBRFSS) Survey.

Statewide, 64.6 percent of adults with high blood pressure had their blood pressure adequately controlled in 2014.

Data source: Clinical data - Electronic Health Records
Benchmark source: 2013 National Medicaid 75th percentile.



Race and ethnicity data.

Race and ethnicity data are not available for this measure.

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CONTROLLING HIGH BLOOD PRESSURE

CCO performance on controlling high blood pressure ranged between 52.2 and 72.5 percent in 2014.

All CCOs received credit for submitting Year Two Technology Plans and required data for this measure.
2011 and 2013 data are not available for this measure.



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DEPRESSION SCREENING AND FOLLOW-UP PLAN

Screening for clinical depression and follow-up plan

Measure description: Percentage of patients ages 12 years and older who were screened for clinical depression using an age-appropriate standardized depression screening tool AND if positive, have a documented follow-up plan.

Purpose: Depressive disorders are highly prevalent, chronic and costly, affecting medical outcomes, economic productivity and quality of life. Comprehensive screening in primary care may help providers identify undiagnosed depression and initiate appropriate treatment, improving these members' depression and alleviating their suffering sooner or more thoroughly than if they had not been screened.

2014 data

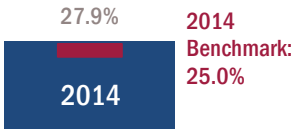
Statewide, results on depression screening and follow-up met the benchmark in 2014. CCO results varied widely, ranging from a high of 68.1 percent to a low of 3.3 percent. The range of CCO performance on this measure in part reflects the challenges of adopting and implementing electronic health record functionality that enables the reporting of all data elements required for this measure.

2014 is the first year results are reported for this measure, so comparison data are not available.

Statewide in 2014, 36.8 percent of adults on Medicaid reported that a doctor told them they have depression, according to the 2014 Medicaid Behavioral Risk Factor Surveillance System Survey.

Statewide, depression screening and follow-up was higher than the benchmark in 2014.

Data source: Clinical data - Electronic Health Records
Benchmark source: Metrics and Scoring Committee consensus.



Race and ethnicity data.

Race and ethnicity data are not available for this measure.

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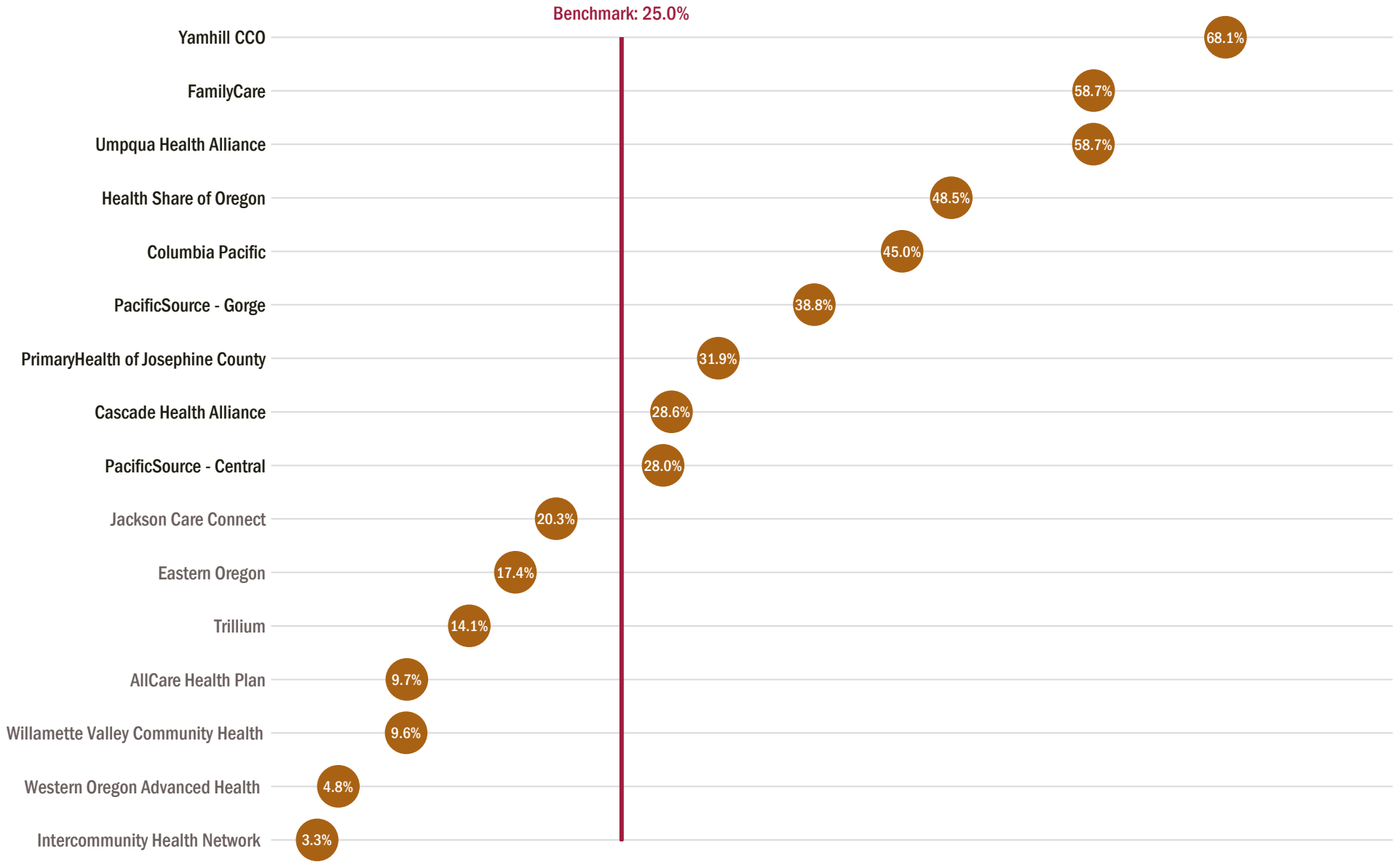
DEPRESSION SCREENING AND FOLLOW-UP PLAN

CCO performance on depression screening and follow-up was varied in 2014.

All CCOs received credit for submitting Year Two Technology Plans and required data. **Bolded names** received credit for achieving the benchmark for this measure.
2011 and 2013 data are not available for this measure.



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DEVELOPMENTAL SCREENING IN THE FIRST 36 MONTHS OF LIFE

Developmental screenings in the first 36 months of life

Measure description: Percentage of children who were screened for risks of developmental, behavioral and social delays using standardized screening tools in the 12 months preceding their first, second or third birthday.

Purpose: Early childhood screening helps find delays in development as early as possible, which leads to better health outcomes and reduced costs. Early developmental screening provides an opportunity to refer children to the appropriate specialty care before problems worsen. Often, developmental delays are not found until kindergarten or later -- well beyond the time when treatments are most helpful.

2014 data (n=52,839)

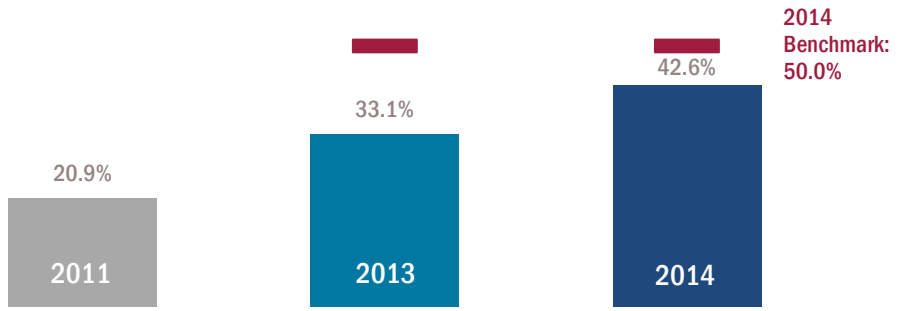
The percentage of children who received a developmental screen in the first 36 months of life increased from 33.1 percent in 2013 to 42.6 percent in 2014, making progress toward the benchmark of 50.0 percent.

Developmental screening increased for all races and ethnicities between 2013 and 2014, although screening was below the benchmark for all. CCOs exhibited consistent improvement with 14 of 16 CCOs improving performance in 2014 and 15 meeting their improvement target or benchmark.

Examples of interventions CCOs have taken to improve developmental screening include provider training and education, collaborating with early learning hubs, and developing alternate payment methodologies for providers to incentivize increased screening.

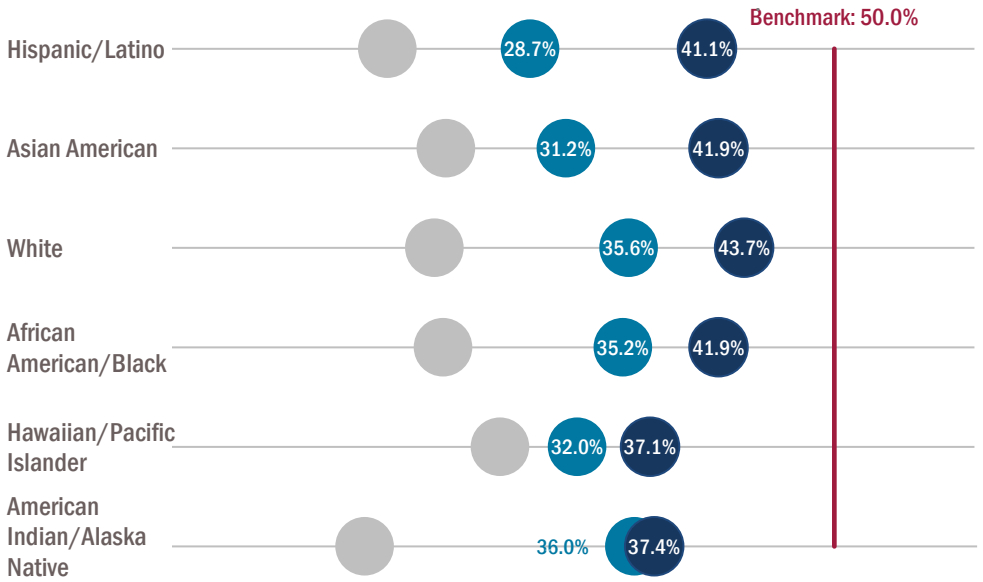
Statewide, developmental screening continued to increase.

Data source: Administrative (billing) claims
2014 benchmark source: Metrics and Scoring Committee consensus



Developmental screening increased across all races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 10.0% of respondents.Each race category excludes Hispanic/Latino



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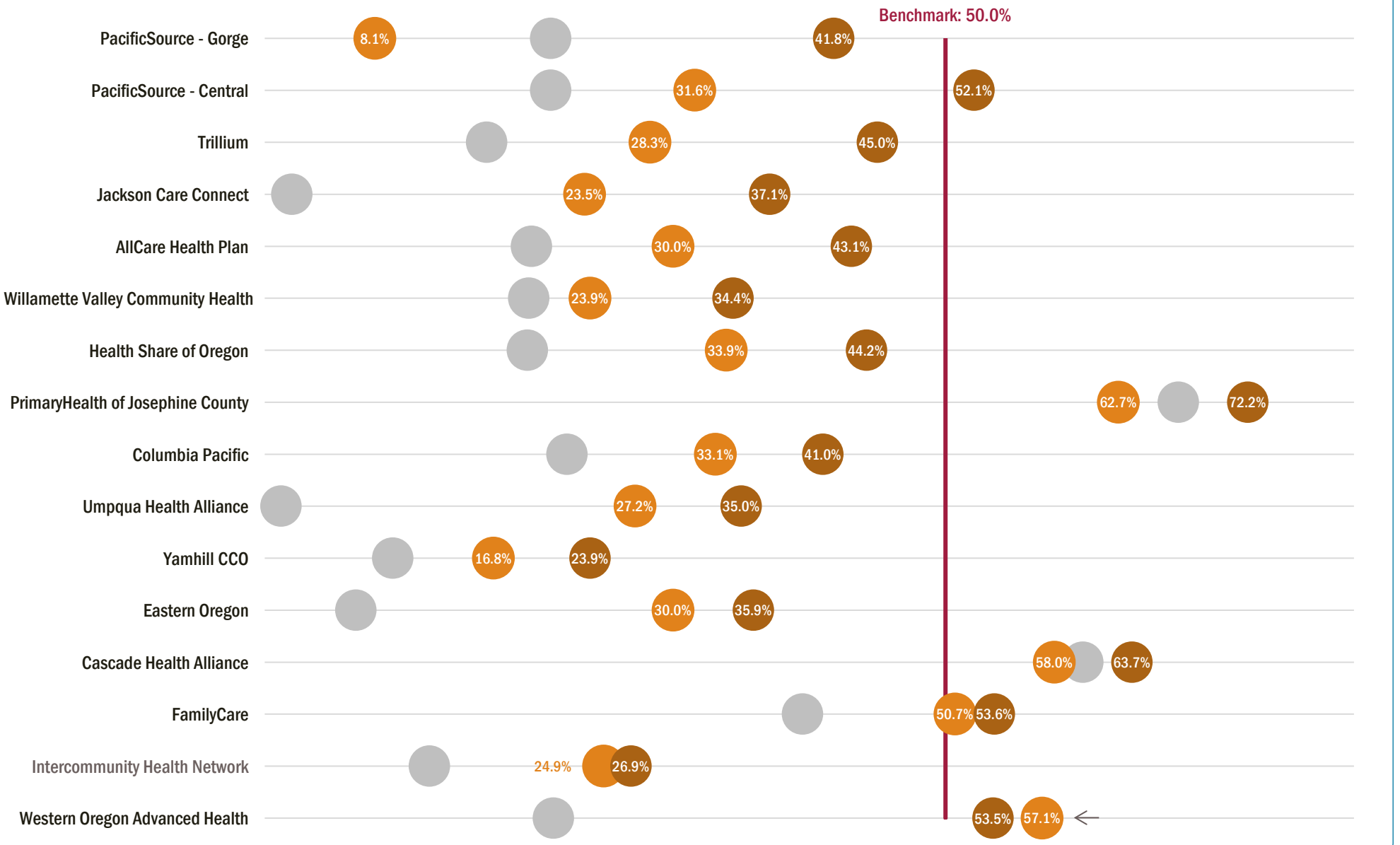
DEVELOPMENTAL SCREENINGS IN THE FIRST 36 MONTHS OF LIFE

Overall, CCOs increased developmental screenings between 2013 & 2014, and 15 of 16 achieved the benchmark or improvement target.

Bolded names met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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DIABETES HbA1c POOR CONTROL

Diabetes HbA1c poor control

Measure description: Percentage of patients 18-75 years of age with diabetes who had hemoglobin A1c > 9.0% during the measurement period (lower scores on this measure are better).

Purpose: Diabetes is a leading cause of death and disability in the United States. Poor glycemic control (as evidenced by HbA1c > 9.0%) increases the likelihood of complications, including poor circulation and nerve damage.

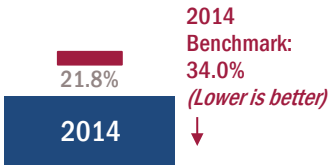
2014 data

Statewide, only 21.8 percent of members exhibited poor HbA1c control, better than the national benchmark of 34.0 percent. All CCOs were also better than the benchmark, with results ranging from 11.5 percent to 32.9 percent. 2014 is the first year results are reported for this measure, so comparison data are not available.

Statewide in 2014, 11.6 percent of adults on Medicaid reported that a doctor told them they have diabetes, according to the 2014 Medicaid Behavioral Risk Factor Surveillance System (MBRFSS) Survey, compared to 8.5 percent of the general population.

Statewide, only 21.8 percent of people with diabetes had poorly controlled diabetes in 2014.

(Lower scores are better)
Data source: Clinical data - Electronic Health Records
Benchmark source: 2013 National Medicaid 75th percentile.



Race and ethnicity data.

Race and ethnicity data are not available for this measure.

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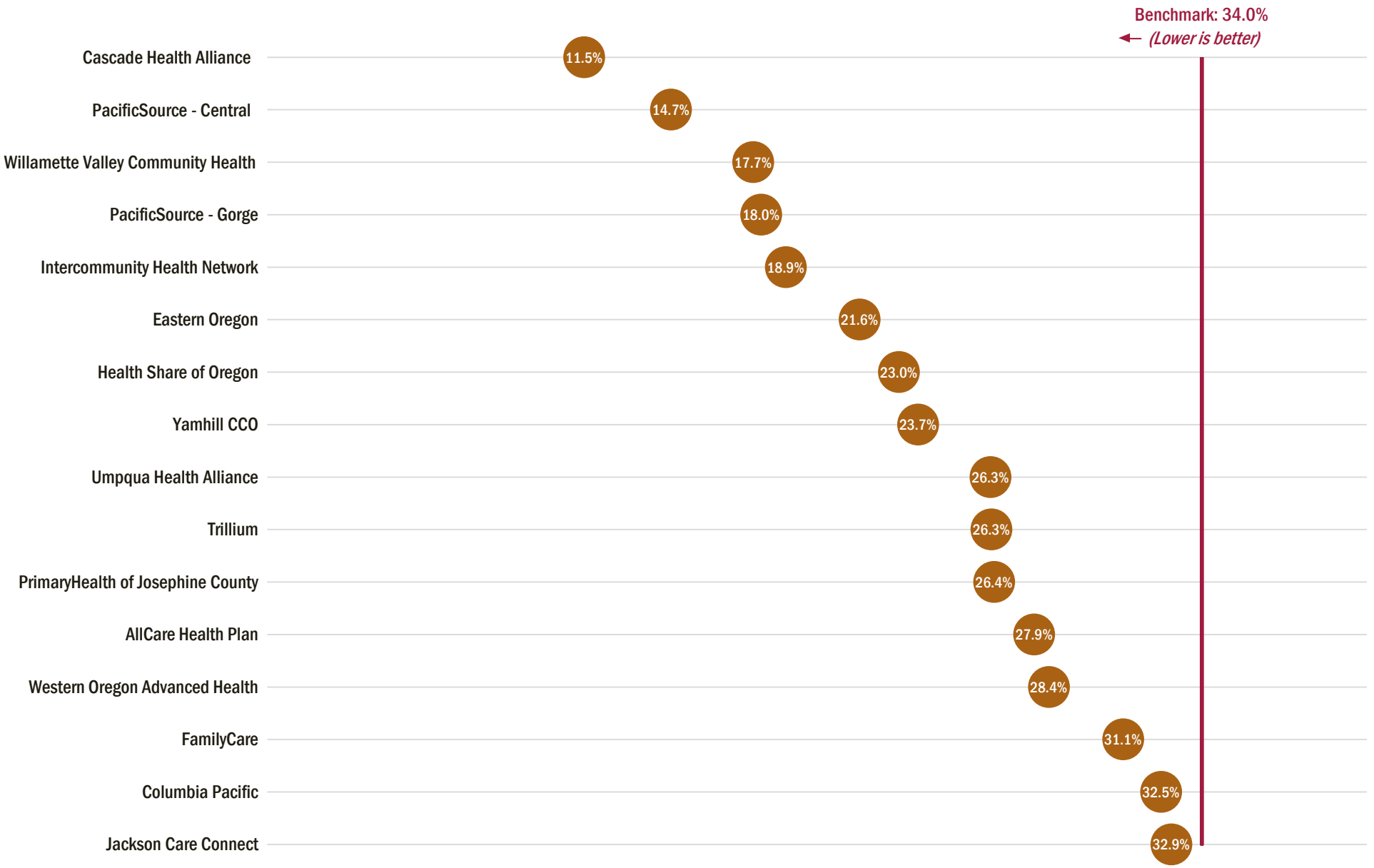
DIABETES HbA1c POOR CONTROL

All 16 CCOs met the benchmark for diabetes HbA1c poor control in 2014.

All CCOs received credit for 1) submitting Year Two Technology Plans and required data and 2) achieving the benchmark for this measure.
2011 and 2013 data are not available for this measure.



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EARLY ELECTIVE DELIVERY

Early Elective Delivery

Measure description: Percentage of women who had an elective delivery between 37 and 39 weeks of gestation. (A lower score is better.)

Purpose: There is a substantial body of evidence showing that an infant born at 37 weeks has worse health outcomes than one born at 40 weeks. Specifically, stays at the neonatal intensive care unit are higher in children at 37-38 weeks than children who completed at least 39 weeks. Because of this, it has become a national and state priority to limit elective deliveries to pregnancies that have completed at least 39 weeks gestation.

2014 data (n=2,789)

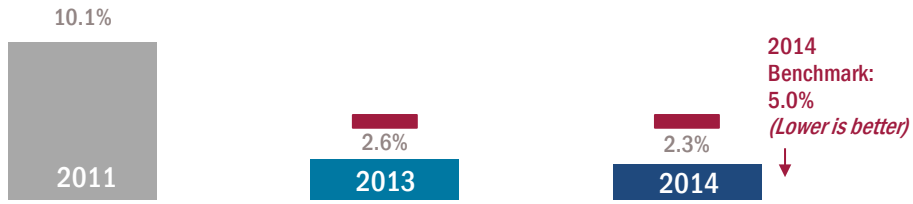
Elective deliveries before 39 weeks decreased 77 percent across the state between 2011 and 2014, from a baseline of 10.1 percent to just 2.3 percent. All CCOs were below the benchmark of five percent in both 2013 and 2014 for this measure, showing continued success across Oregon for better and safer care for mothers and babies.

This promising decrease is likely due to a concerted statewide effort, led by a partnership between the Oregon Association of Hospitals and Health Systems, March of Dimes, Oregon Perinatal Steering committee, and the Northwest Perinatal Network, to eliminate early elective deliveries at all Oregon hospitals.

Due to the steady success on this measure, it will be discontinued as an incentive measure in 2015. However, the state will continue to monitor and report on progress.

Statewide, early elective deliveries remained below the benchmark.

Data source: Administrative (billing) claims, Vital Records, and hospitals
Benchmark source: Metrics and Scoring Committee consensus



Race and ethnicity data.

Race and ethnicity data for this measure are not available.

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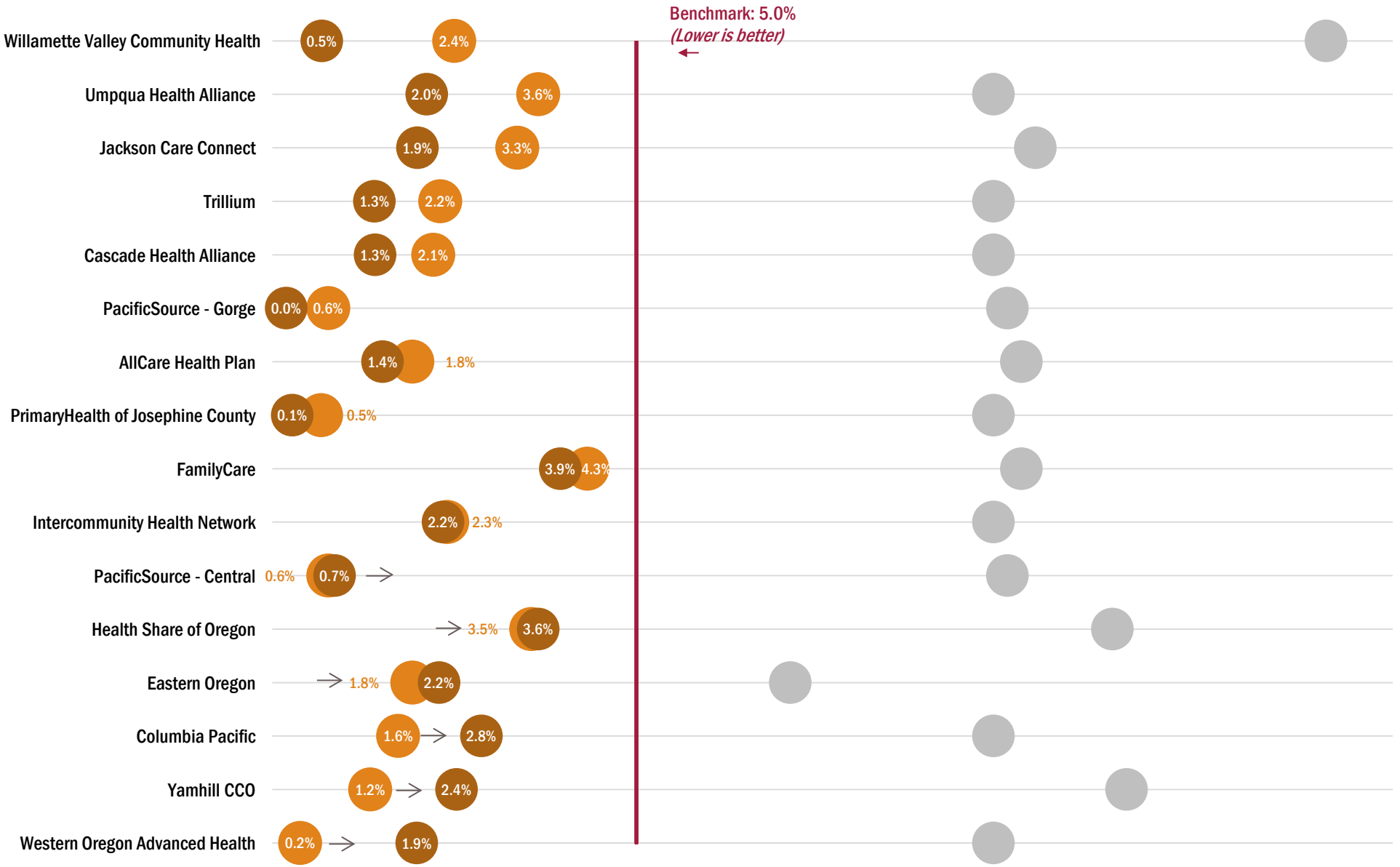
EARLY ELECTIVE DELIVERY

All 16 CCOs remained below the benchmark on early elective deliveries in 2013 & 2014.

All CCOs met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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ELECTRONIC HEALTH RECORD ADOPTION

Electronic Health Record (EHR) adoption

Measure description: Percentage of eligible providers within a CCO's network and service area who qualified for a "meaningful use" incentive payment during the measurement year through the Medicaid, Medicare, or Medicare Advantage EHR Incentive Programs.

Purpose: Electronic health records have the potential to improve coordination of care, increase patient safety, reduce medical error, and contain health care costs by reducing costly, duplicative tests. Physicians who use electronic health records use information available to make the most appropriate clinical decisions.

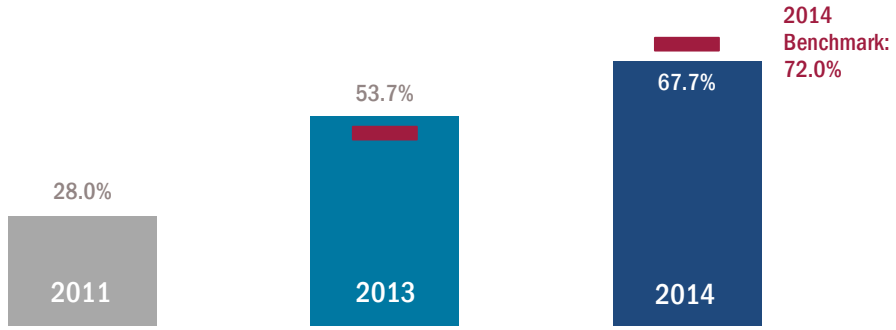
2014 data (n=9,221, total number of eligible providers)

Electronic health record adoption among eligible providers continued to increase dramatically across Oregon. In 2011, 28.0 percent of eligible providers had adopted certified EHRs, but by 2014, 67.7 percent of eligible providers had adopted certified EHRs, an increase of 142 percent. All CCOs improved electronic health record adoption between 2013 and 2014.

The adoption of EHRs is a critical step toward electronic reporting of Clinical Quality Measures (eCQMs). Continuously measuring and electronically reporting clinical quality measures helps ensure that our health care system can deliver effective, safe, efficient, patient-centered, equitable, and timely care. The CCOs' improvements in this area will help in providing better health, better care and lower costs.

Statewide, electronic health record adoption increased markedly.

Data source: State and Federal EHR Incentive Programs
Benchmark source: Metrics and Scoring Committee consensus, based on highest performing CCO in July 2013



Race and ethnicity data.

Race and ethnicity data for this measure are not available.

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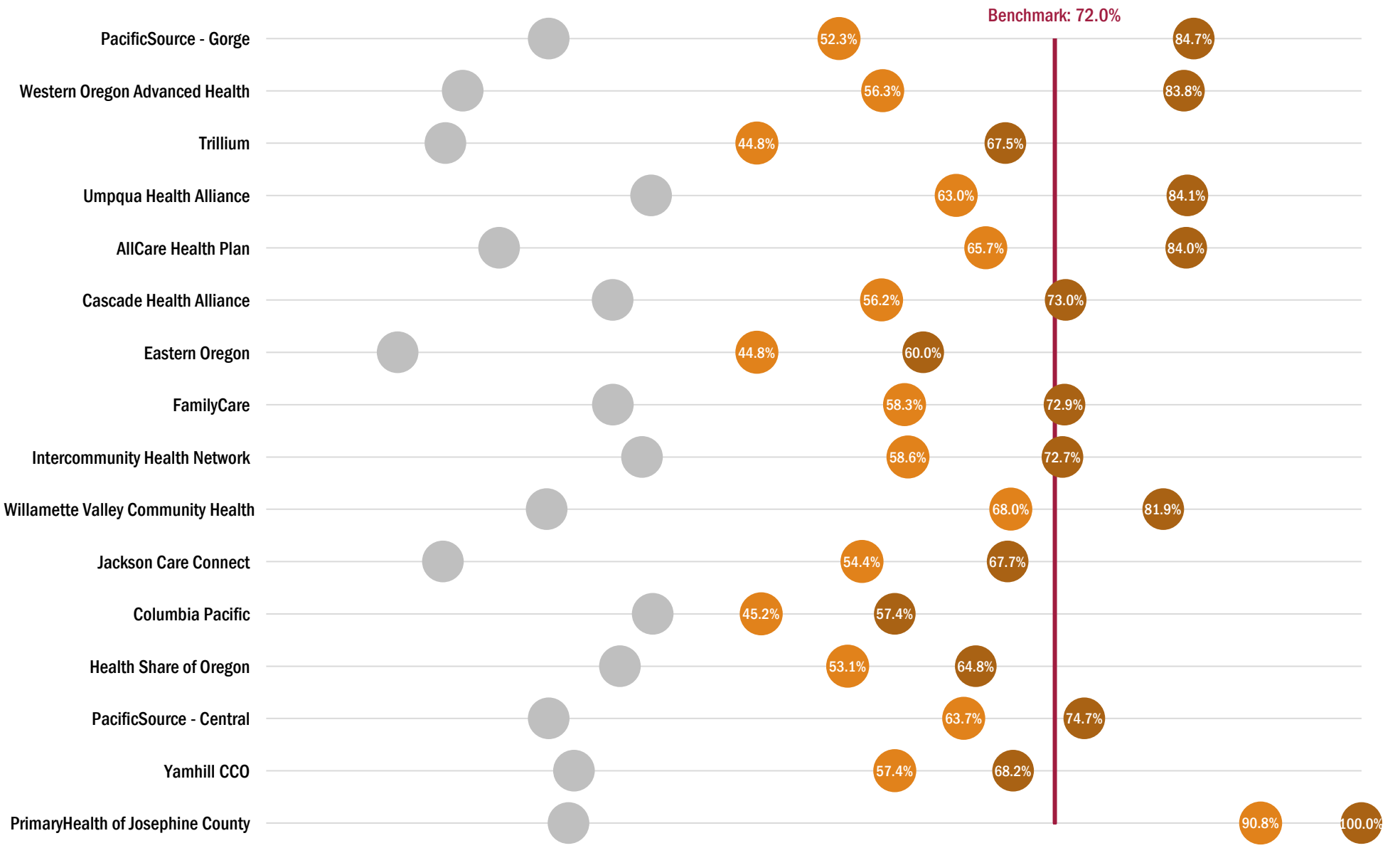
ELECTRONIC HEALTH RECORD ADOPTION

All 16 CCOs increased electronic health record adoption between 2013 & 2014, and 10 achieved the benchmark.

All CCOs met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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FOLLOW-UP AFTER HOSPITALIZATION FOR MENTAL ILLNESS

Follow-up after hospitalization for mental illness

Measure description: Percentage of members (ages 6 and older) who received a follow-up visit with a health care provider within seven days of being discharged from the hospital for mental illness.

Purpose: Follow-up care is important to help members make progress and feel better after being in the hospital for mental illness. This measure addresses an important issue for chidren and adults by suggesting timely follow-up for members.

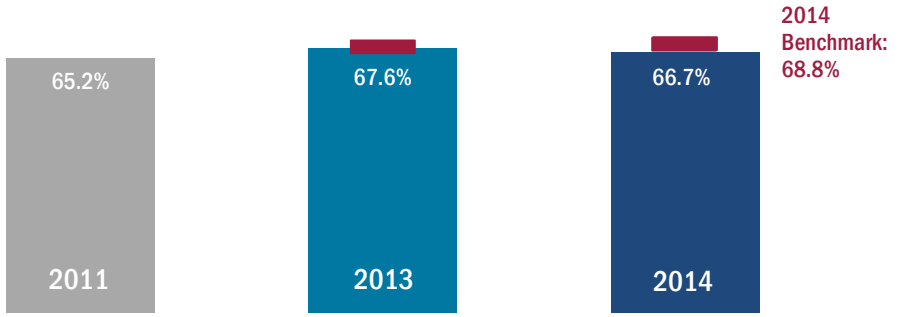
Additionally, research shows that follow-up care helps keep members from returning to the hospital, providing an important opportunity to reduce health care costs and improve health.

2014 data (n=2,873)

Follow-up after hospitalization for mental illness declined slightly at a statewide level from 2013 to 2014 and remains just below the benchmark. Follow-up was varied among the three reportable races and ethnicities, with no clear pattern emerging. Six CCOs improved their performance from 2013 to 2014; five of those also met their improvement target or benchmark.

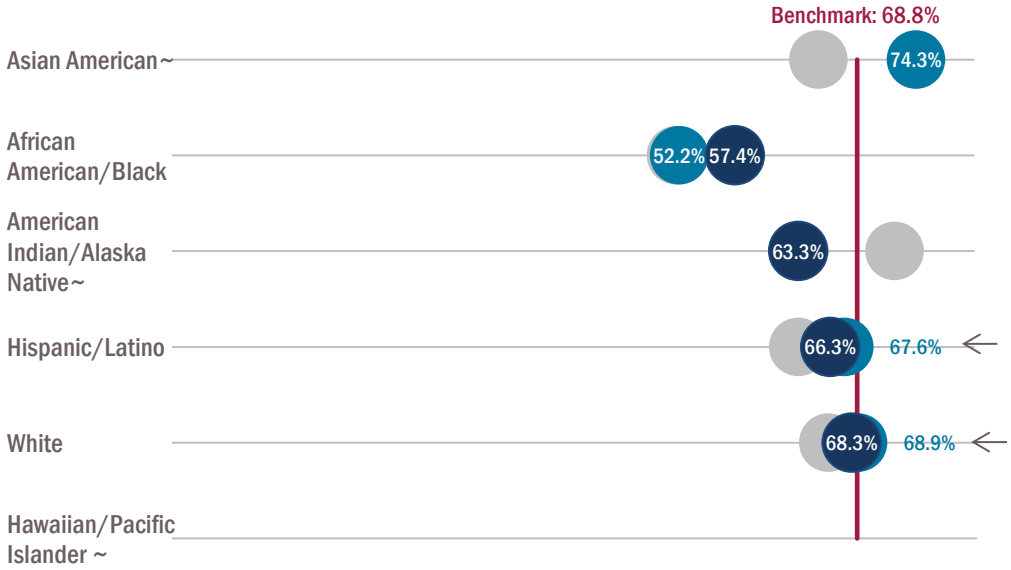
Statewide, follow-up after hospitalization for mental illness remained steady between 2013 & 2014.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 90th percentile



Follow-up after hospitalization was varied among reportable races and ethnicities in 2013 & 2014.

Gray dots represent 2011. Data missing for 7.3% of respondents. Each race category excludes Hispanic/Latino.
~ Data suppressed (n<30)



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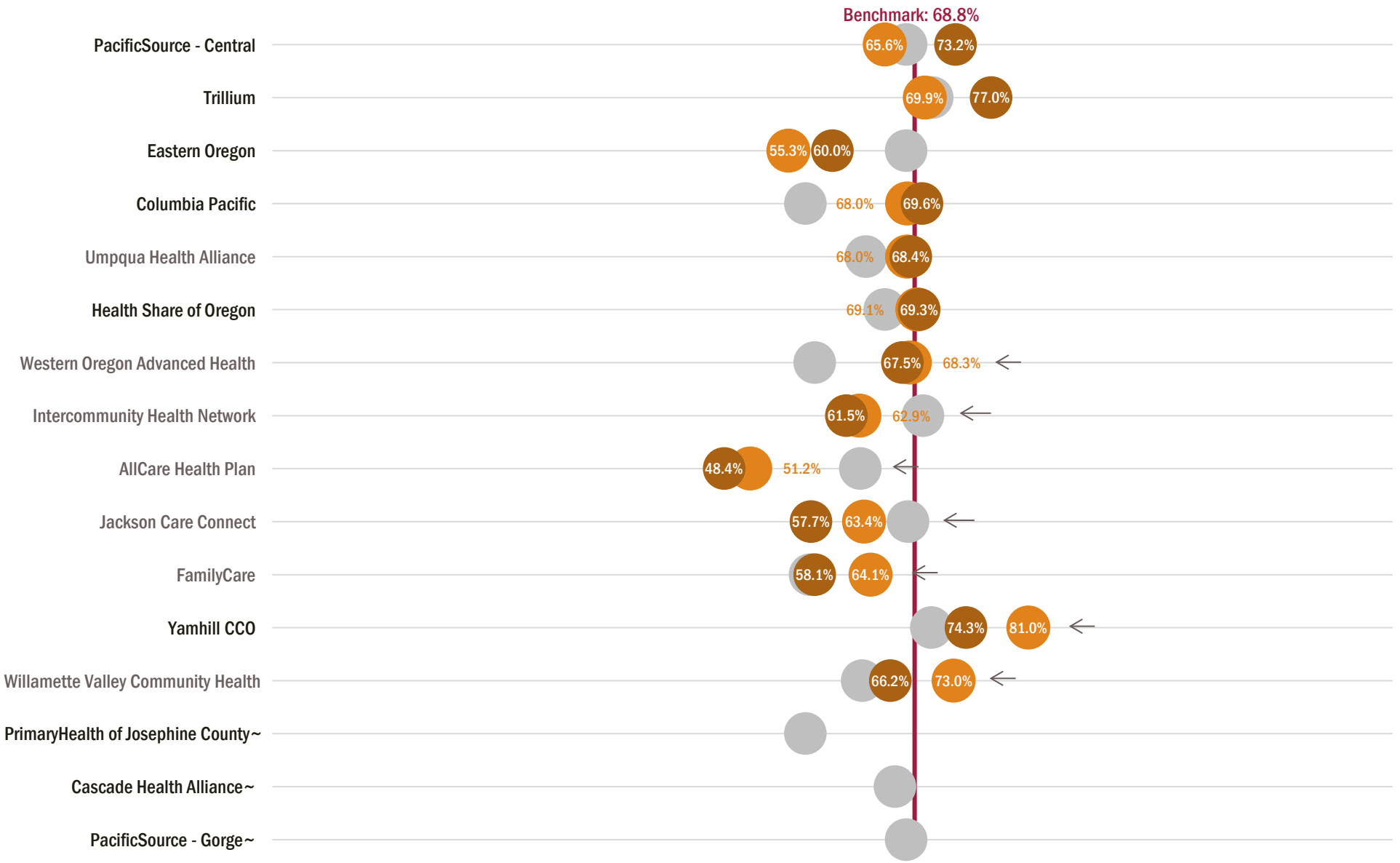
FOLLOW-UP AFTER HOSPITALIZATION FOR MENTAL ILLNESS

CCO performance on follow-up after hospitalization was mixed between 2013 & 2014.

Bolded names met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.
~ Data suppressed (n<30)



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FOLLOW-UP CARE FOR CHILDREN PRESCRIBED ADHD MEDICATION (INITIATION PHASE)

Follow-up care for children prescribed ADHD medication (initiation phase)

Measure description: Percentage of children (ages 6-12) who had at least one follow-up visit with a provider during the 30 days after receiving a new prescription for attention deficit hyperactivity disorder (ADHD) medication.

Purpose: Children with attention deficit hyperactivity disorder can be greatly helped by ADHD medication. One critical component of care is that children have follow-up visits once they are on the medication. After a child receives ADHD medication, a primary care provider should continue to assess learning and behavior and help manage the condition.

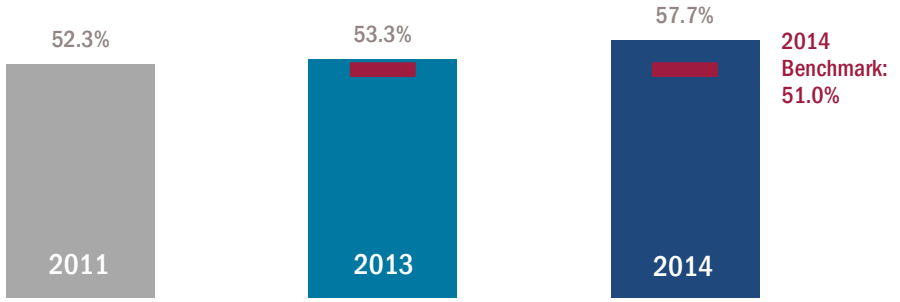
2014 data (n=2,192)

Statewide, initiation of follow-up care for children prescribed ADHD medication continued to improve and remained above the benchmark. Follow-up care improved for all reportable races and ethnicities to exceed the benchmark. Twelve of sixteen CCOs improved performance during the measurement period and 14 CCOs met or remained above the benchmark.

Due to these successes, this measure has been retired as a CCO incentive measure for calendar year 2015, although Oregon will continue monitoring and reporting on it.

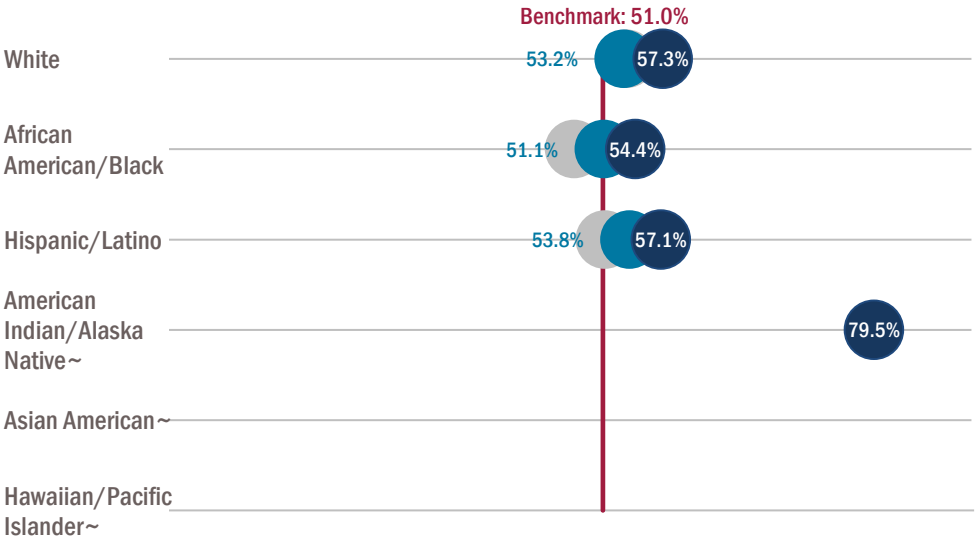
Statewide, initiation of follow-up care for children newly prescribed ADHD medication improved in 2014.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 90th percentile



Initiation of follow-up for ADHD medication improved for all reportable races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 10.9% of respondents. Each race category excludes Hispanic/Latino.
~ Data suppressed (n<30)



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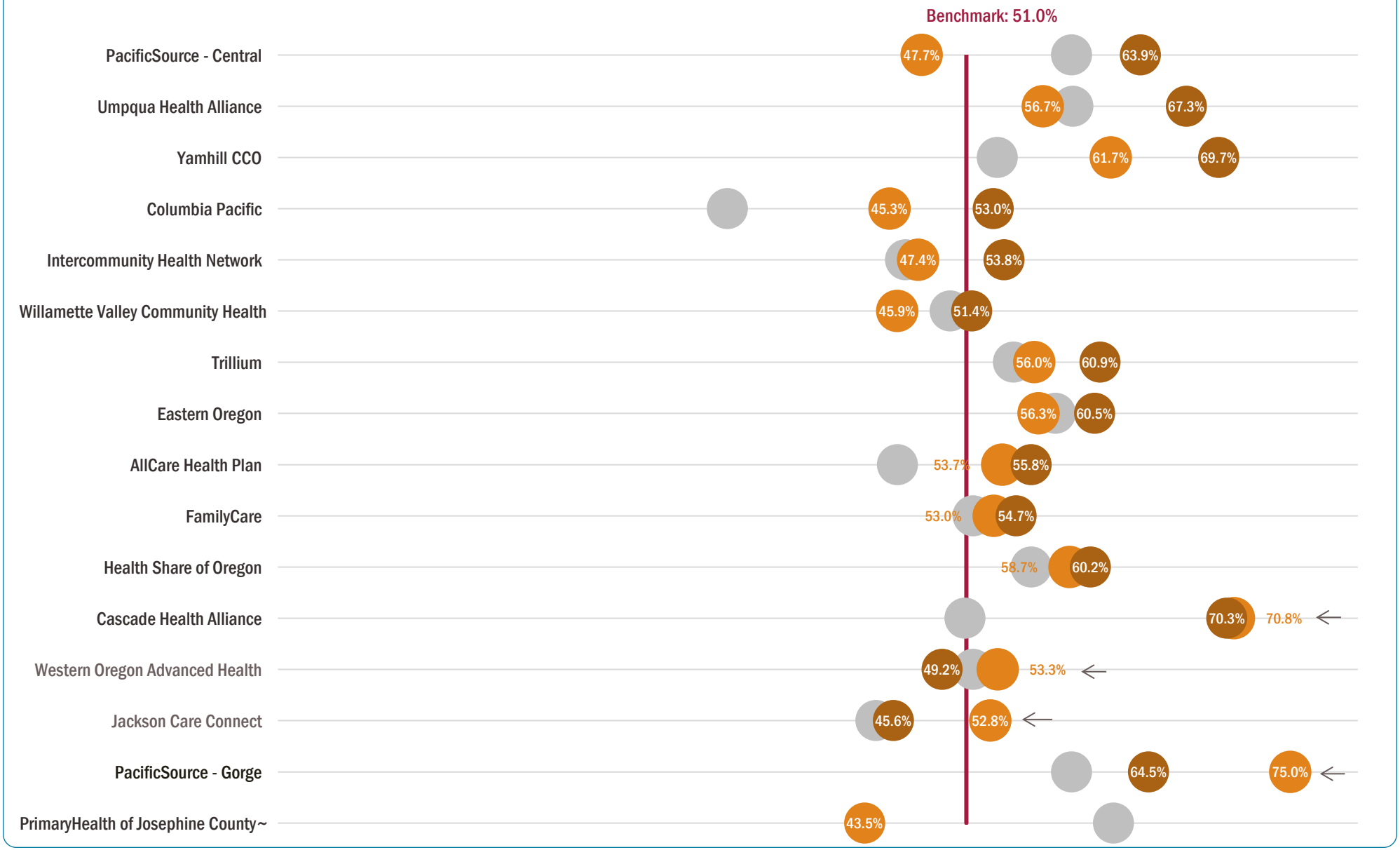
FOLLOW-UP CARE FOR CHILDREN PRESCRIBED ADHD MEDICATION (INITIATION PHASE)

Twelve of 16 CCOs increased follow-up care for children prescribed ADHD medication between 2013 & 2014, and 14 met the benchmark.

Bolded names met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.

~ Data suppressed (n<30)



FOLLOW-UP CARE FOR CHILDREN PRESCRIBED ADHD MEDICATION (CONTINUATION AND MAINTENANCE PHASE)

Follow-up care for children prescribed ADHD medication (continuation and maintenance phase)

Measure description: Percentage of children (ages 6-12) who remained on attention deficit hyperactivity disorder (ADHD) medication for 210 days after receiving a new prescription and who had at least two follow-up visits with a provider within 270 days after the initiation phase (see page 57).

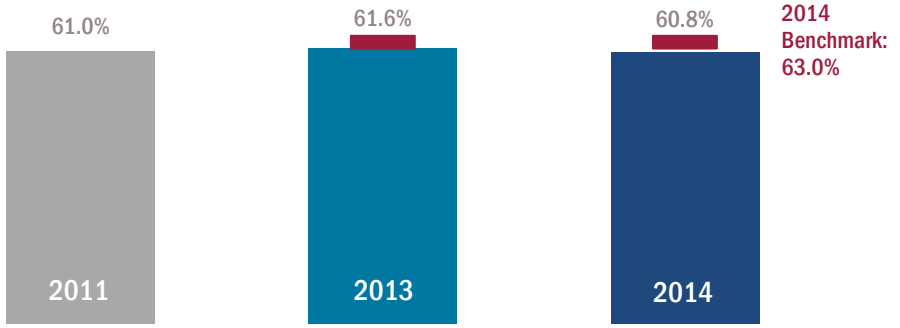
Purpose: Children with attention deficit hyperactivity disorder can be greatly helped by ADHD medication. One critical component of care is that children have follow-up visits once they are on the medication. After a child receives ADHD medication, a primary care provider should continue to assess learning and behavior and help manage the condition.

2014 data (n=1,097)

Ongoing follow-up care for children prescribed ADHD medication has held fairly steady since 2011. Rates declined slightly in the current measurement period. White and Hispanic/Latino children experienced an increase while the African American/Black population showed a decrease on this measure. Data for other races and ethnicities were suppressed due to small populations. Data are not available at the CCO level for 2014.

Statewide, ongoing follow-up for children prescribed ADHD medication remained steady.

Data source: Administrative (billing) claims
Benchmark source: 2013 National Medicaid 90th percentile



African American members with ADHD experienced a decline in ongoing follow-up care between 2013 & 2014.

Gray dots represent 2011. Data missing for 10.1% of respondents. Each race category excludes Hispanic/Latino.
~Data suppressed due to low numbers (n<30)



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HEALTH STATUS (CAHPS)

Health status (CAHPS)

Measure description: Percentage of Medicaid members (adults and children) who report their overall health as excellent or very good.

Purpose: Self-reported health status is a good predictor of future disability, hospitalization, and mortality. Programs to prevent or manage diseases and increase healthy behaviors can all lead to improved health status.

2014 data

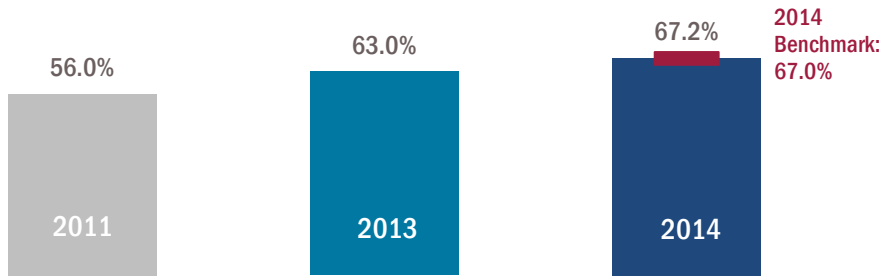
The percentage of adult Medicaid members who reported their overall health is good, very good, or excellent has improved from 2013 to 2014. This improvement may be due in part to the influx of new Medicaid members after the ACA took effect January 1, 2014. Prior to 2014, a higher percentage of adult members were eligible for Medicaid due to disability. With the influx of new, previously ineligible members in 2014, the proportion of healthier members may have increased.

The percentage of children whose parents/guardians reported that they feel healthy has not changed much since 2013.

The only race and ethnicity among whom both children and adults reported feeling healthier between 2013 and 2014 were White members. Hispanic/Latino were the only group among whom both children and adults reported feeling less healthy between 2013 and 2014.

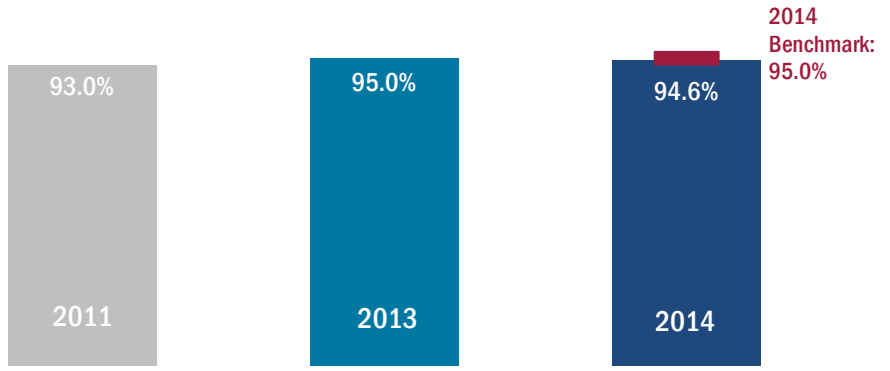
Statewide, more adults reported good overall health in 2014 than in 2013.

Data source: Consumer Assessment of Healthcare Providers and Systems (CAHPS)
2014 benchmark source: National CAHPS benchmarking database



Statewide, children's self-reported health status remained fairly steady.

Data source: Consumer Assessment of Healthcare Providers and Systems (CAHPS)
2014 benchmark source: National CAHPS benchmarking database



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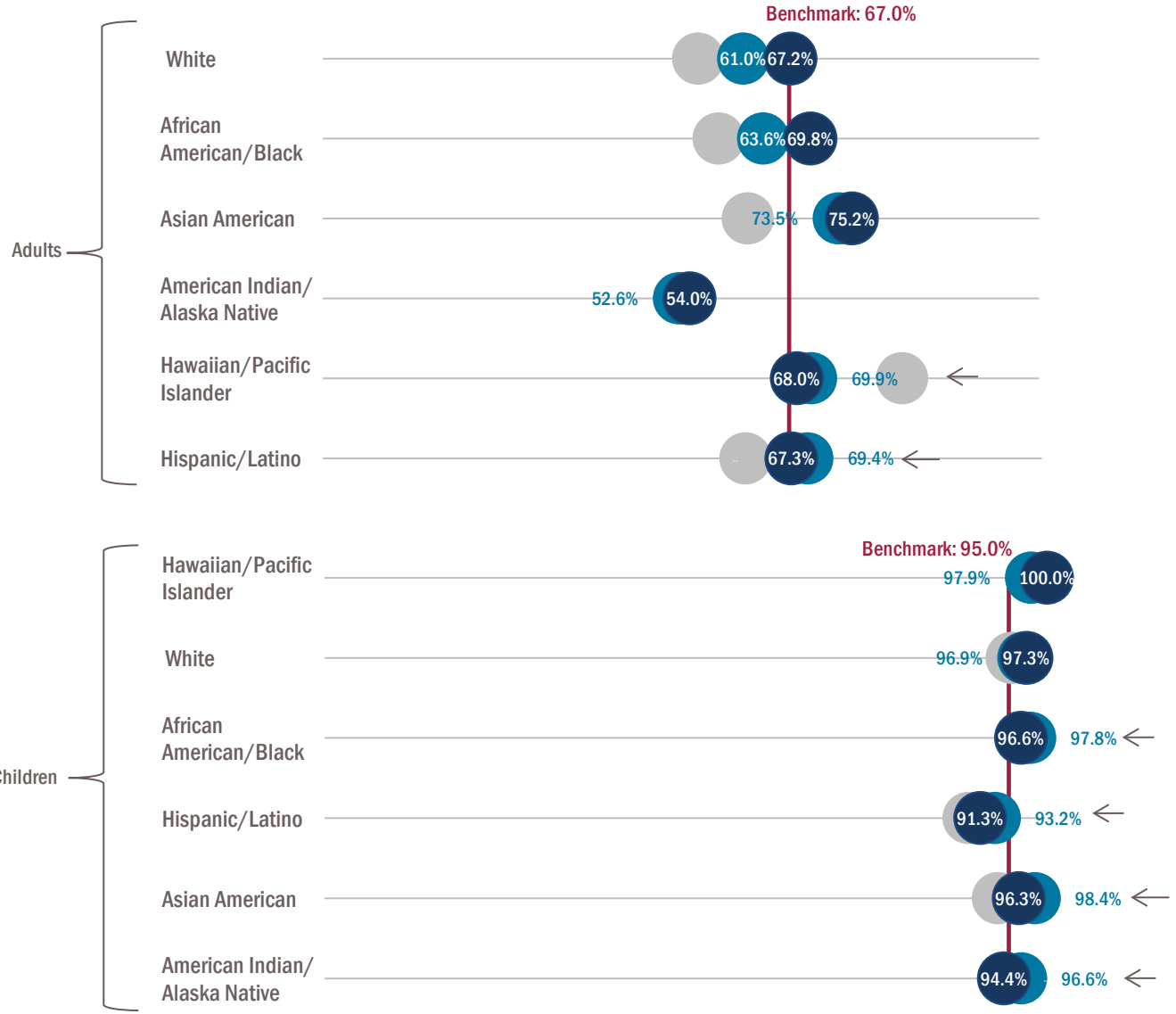
HEALTH STATUS (CAHPS)

Hispanic/Latino members were the race and ethnicity in which both adults and children reported feeling less healthy in 2014 than in 2013.

Gray dots represent 2011. Data missing for 9.2% of adults and 8.5% of children. Each race category excludes Hispanic/Latino.



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HEALTH STATUS (CAHPS)

Adult self-reported health status improved in a greater number of CCOs than child health status between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



IMMUNIZATION FOR ADOLESCENTS

Immunization for adolescents

Measure description: Percentage of adolescents who received recommended vaccines before their 13th birthday.

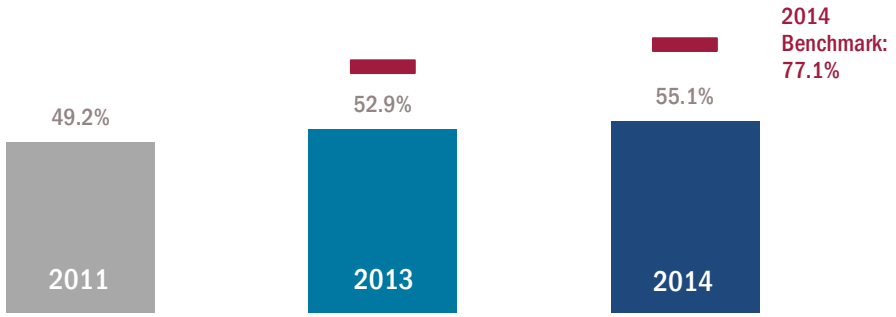
Purpose: Like young children, adolescents also benefit from immunizations. Vaccines are a safe, easy and cost-effective way to prevent serious disease. Vaccines are also cost-effective tools that help to prevent the spread of serious and sometimes fatal diseases.

2014 data (n=13,719)

Although adolescent immunizations continued to increase statewide over 2011 baseline and reached 55.1 percent in 2014, there is still much improvement needed to reach the benchmark (77.1 percent). Adolescent immunizations improved for all races and ethnicities for whom data are published, and ten of 16 CCOs.

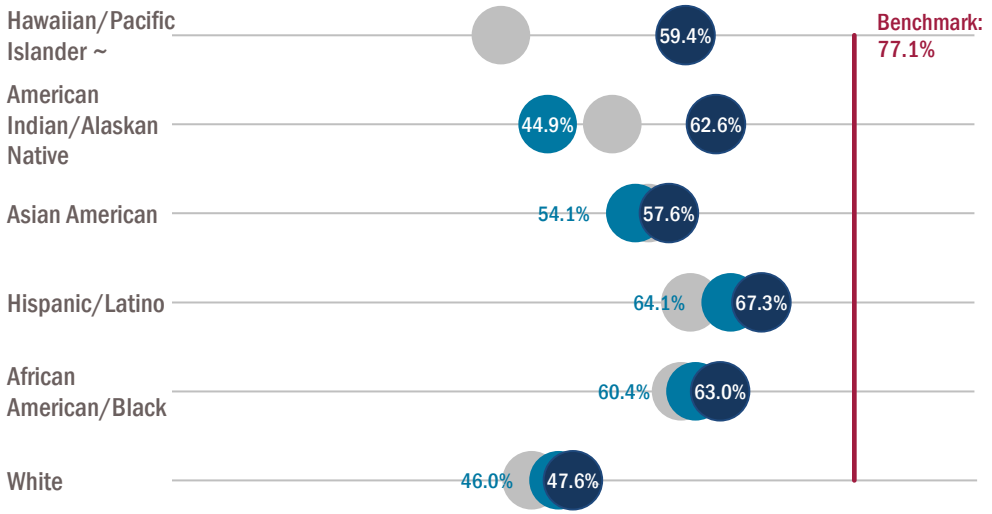
Statewide, adolescent immunizations improved.

Data source: Administrative (billing) claims and ALERT Immunization Information System
2014 benchmark source: 2013 National Medicaid 75th percentile



Adolescent immunizations improved for all races and ethnicities between 2013 & 2014.

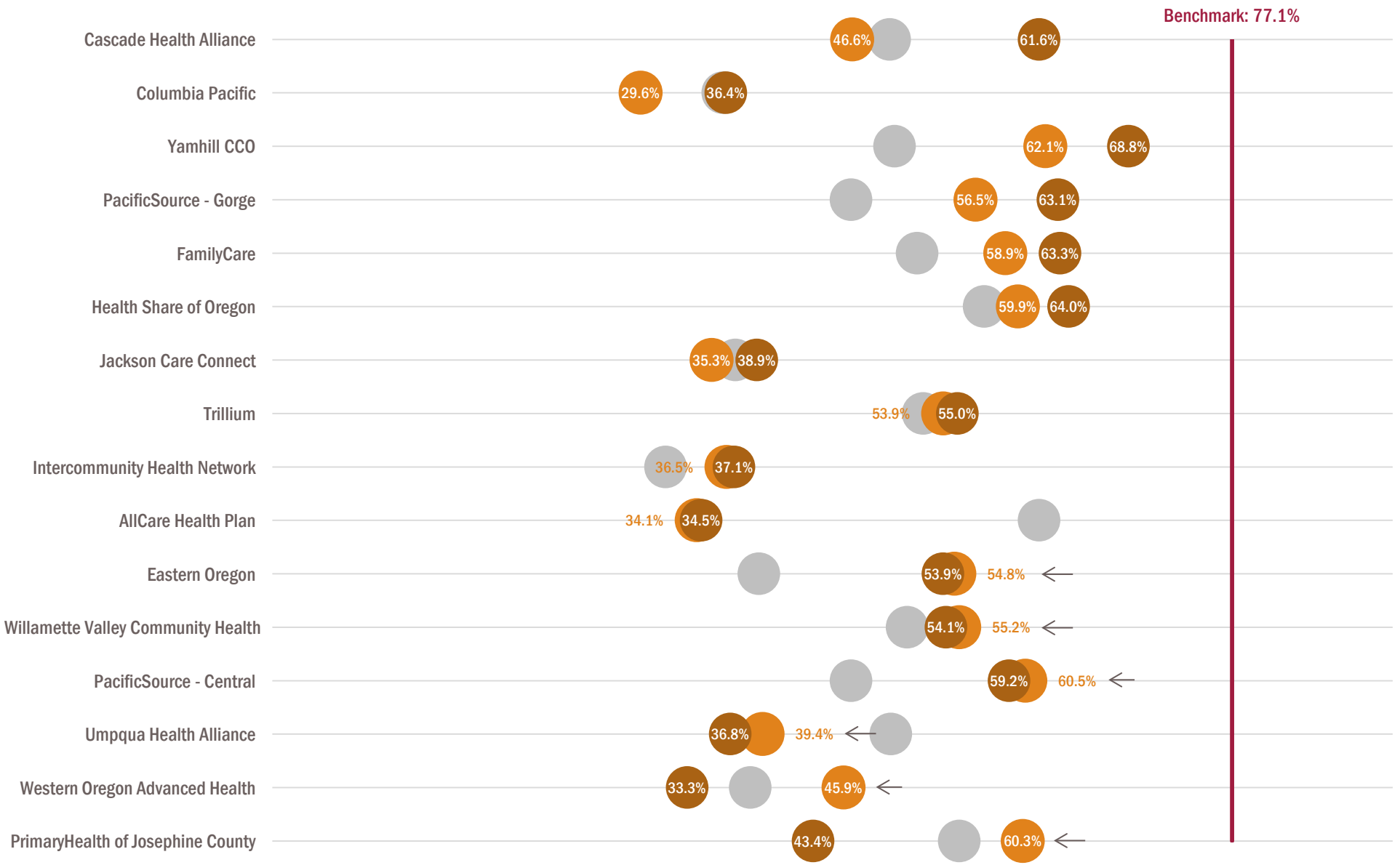
Gray dots represent 2011. Data missing for 7.1% of respondents. Each race category excludes Hispanic/Latino.
~ Data suppressed (n<30)



IMMUNIZATION FOR ADOLESCENTS

While many CCOs improved between 2013 & 2014, adolescent immunizations remain below the benchmark.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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INITIATION AND ENGAGEMENT OF ALCOHOL OR OTHER DRUG TREATMENT (INITIATION PHASE)

Initiation and engagement of alcohol or other drug treatment (initiation phase)

Measure description: Percentage of members (ages 13 and older) newly diagnosed with alcohol or other drug dependence and who began treatment within 14 days of the initial diagnosis.

Purpose: There are more deaths, illnesses and disabilities from substance abuse than from any other preventable health condition.

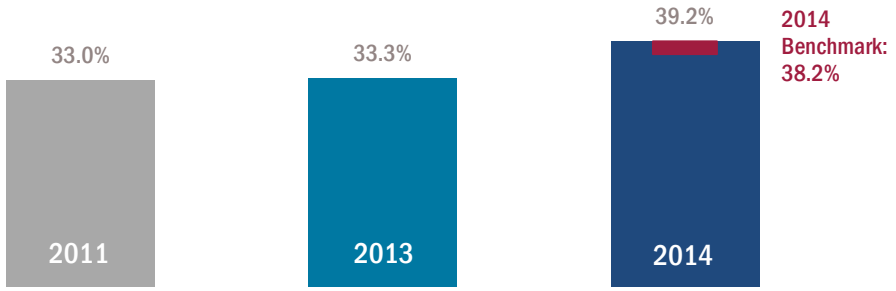
Deliberate efforts to reach those with alcohol or other drug dependence and keep them engaged in treatment can improve health outcomes and save on health care costs.

2014 data (n=13,404)

Statewide, the percentage of members ages 13 and older newly diagnosed with alcohol or drug dependence who began treatment within 14 days of diagnosis surpassed the benchmark in 2014. Nine of 16 CCOs performed above the benchmark (2013 national Medicaid median). However, with fewer than 40 percent of newly diagnosed members receiving timely alcohol or drug treatment, there is much room for improvement.

Statewide, initiation of alcohol or other drug treatment improved.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 national Medicaid median



Initiation improved markedly for Asian American members between 2013 & 2014.

Gray dots represent 2011. Data missing for 9.7% of respondents. Each race category excludes Hispanic/Latino.
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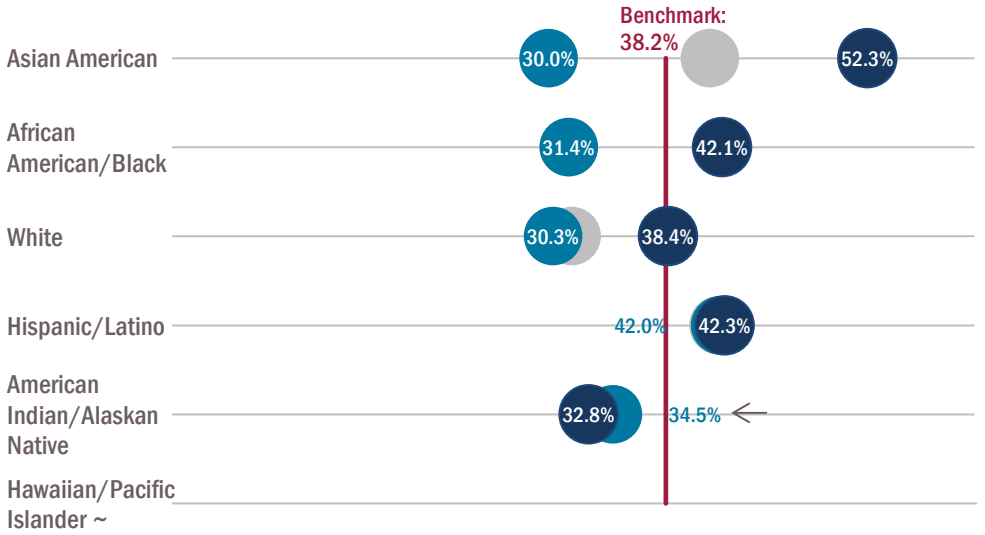

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INITIATION AND ENGAGEMENT OF ALCOHOL OR OTHER DRUG TREATMENT (INITIATION PHASE)

Fifteen of sixteen CCOs improved initiation of alcohol or other drug treatment between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.
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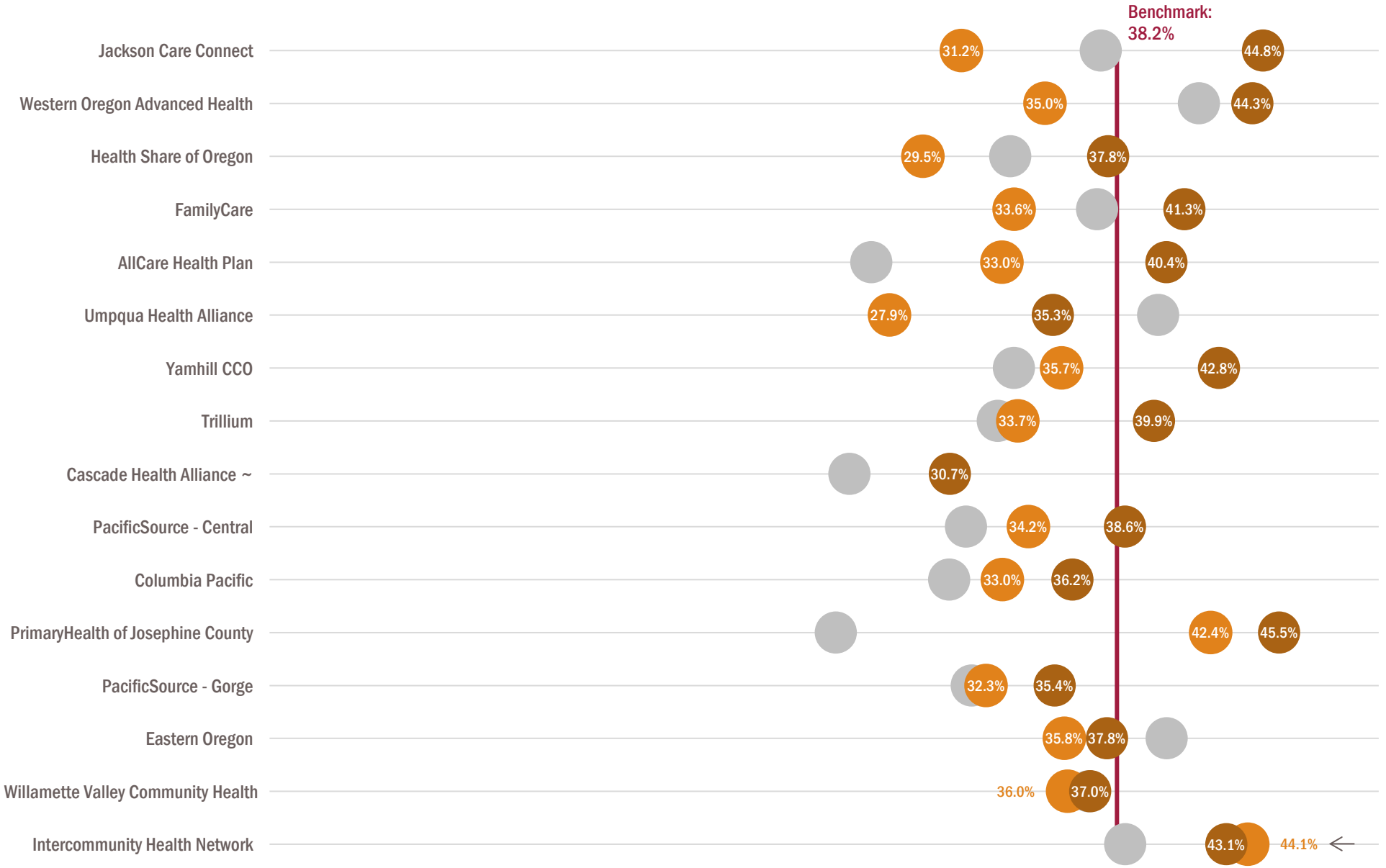

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INITIATION AND ENGAGEMENT OF ALCOHOL OR OTHER DRUG TREATMENT (ENGAGEMENT PHASE)

Initiation and engagement of alcohol or other drug treatment (engagement phase)

Measure description: Percentage of members (ages 13 and older) who had two or more additional services for alcohol or other drug dependence within 30 days of their initial treatment.

Purpose: Many individuals with alcohol and other drug disorders leave treatment prematurely, even though individuals who remain in treatment longer have better outcomes. Ongoing engagement is an important step between the first visit and completing a full treatment.

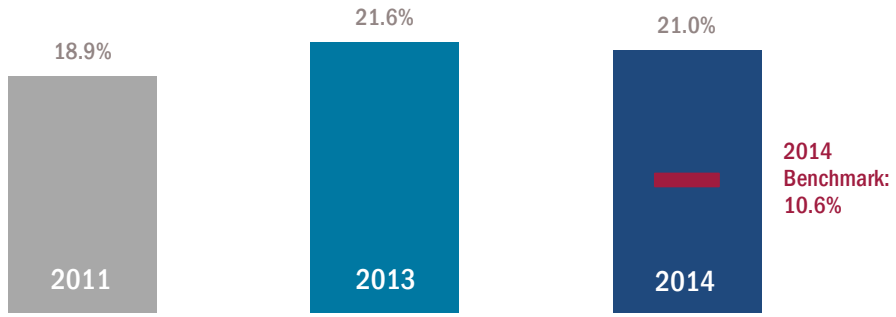
Deliberate efforts to reach those with alcohol or other drug dependence and keep them engaged in treatment can improve health outcomes and save on health care costs.

2014 data (n=13,404)

Statewide, the percentage of members ages 13 and older with two or more services for alcohol or drug dependence within 30 days of initial treatment dropped very slightly (less than one percentage point) from 2013 to 2014. This metric decreased in many CCOs, although all were above the benchmark. Nationally, performance on this metric is low with a Medicaid median of 10.6 percent.

Statewide, engagement of alcohol or other drug treatment remained steady.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 national Medicaid median



Asian American members experienced the greatest improvement between 2013 & 2014.

Gray dots represent 2011. Data missing for 9.7% of respondents. Each race category excludes Hispanic/Latino.
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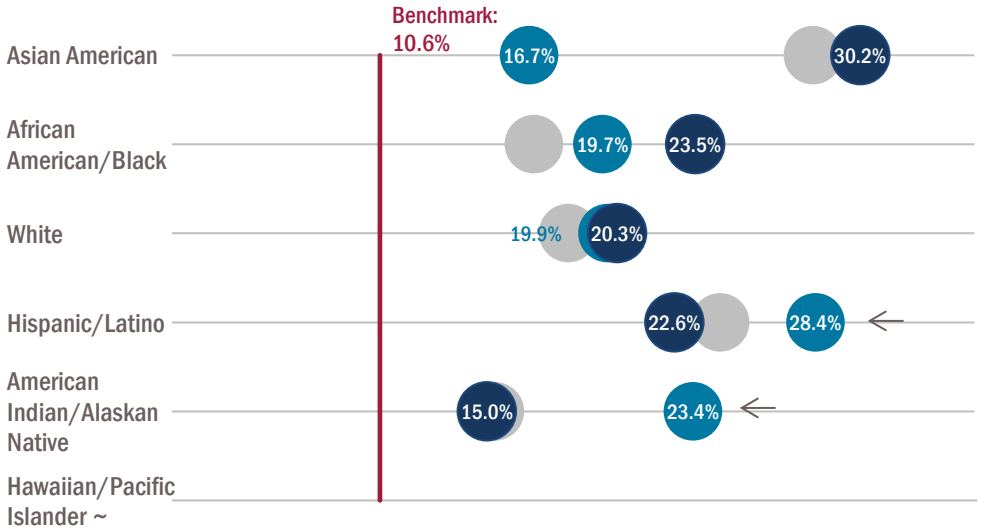

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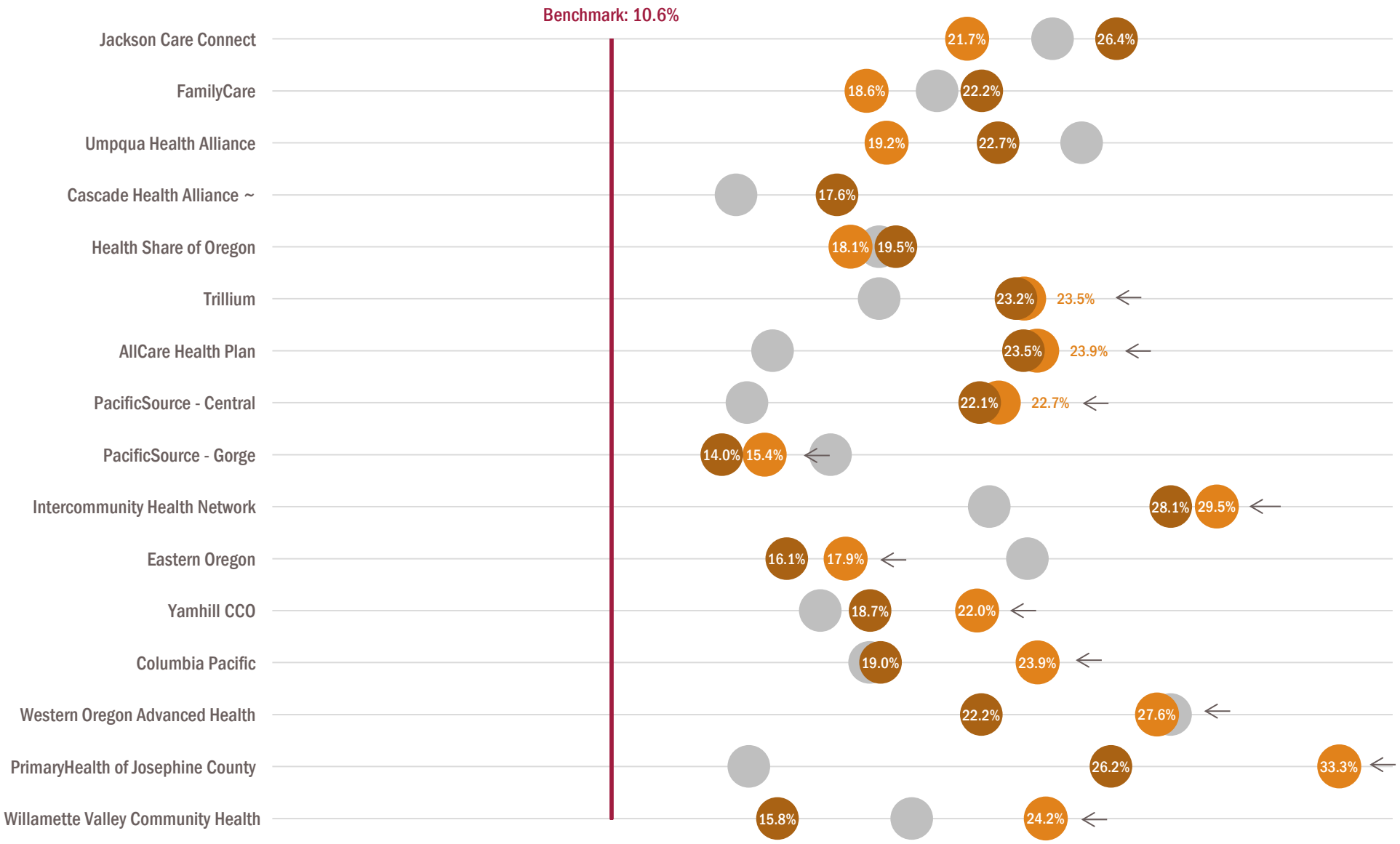
INITIATION AND ENGAGEMENT OF ALCOHOL OR OTHER DRUG TREATMENT (ENGAGEMENT PHASE)

Engagement in alcohol or other drug treatment declined in 11 CCOs between 2013 & 2014, although all 16 were above the benchmark.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



MEDICAL ASSISTANCE WITH SMOKING AND TOBACCO USE CESSATION (COMPONENT 1)

Medical assistance with smoking and tobacco use cessation: doctor advised to quit

Component 1: Percentage of adult tobacco users advised to quit by their doctor.

Purpose: Tobacco use causes many diseases and quitting can have immediate and long-term health benefits. In addition to improving health outcomes, helping people quit smoking also reduces the costs of treating health problems caused by using tobacco, such as lung cancer and heart disease.

2014 data

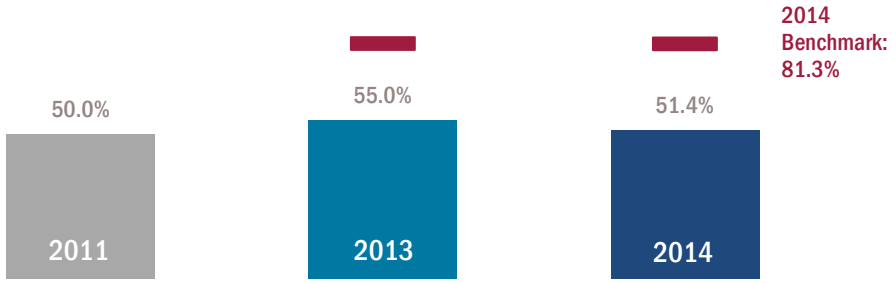
Statewide, the percentage of tobacco users who were advised by their doctor to quit declined from 55.0 percent in 2013 to 51.4 percent in 2014. Performance on this measure remained well below the benchmark of 81.4%.

According to the 2014 Medicaid Behavioral Risk Factor Surveillance System (MBRFSS) survey, 76.4 percent of smokers want to quit and 62.2 percent of smokers have attempted to quit in the last year. Provider advice to quit is an important motivator for members attempting to quit smoking.

While Asian American members had the lowest tobacco use prevalence than any other group (see page 96), a lower percentage of Asian American tobacco users received advice to quit than other races and ethnicities. Half of CCOs improved performance on this measure in 2014, and performance ranged from 42.4 percent to 61.6 percent.

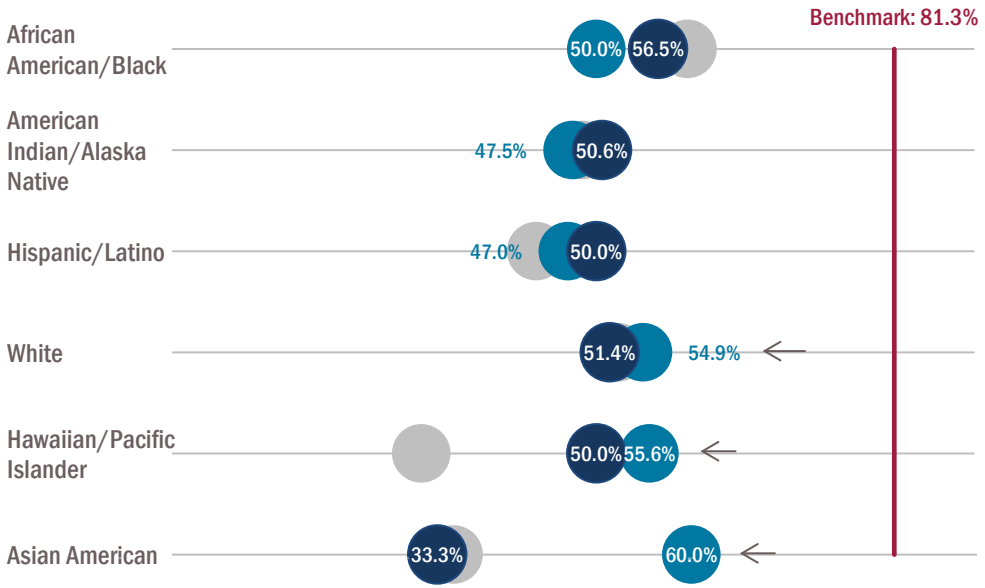
Statewide, the percentage of tobacco users who were advised by their doctor to quit declined in 2014.

Data source: Consumer Assessment of Healthcare Providers and Systems (CAHPS)
2014 benchmark source: 2013 National Medicaid 90th percentile



A lower percentage of Asian American tobacco users received advice to quit in 2014 than in 2013.

Gray dots represent 2011. Data missing for 9.2% of respondents. Each race category excludes Hispanic/Latino.



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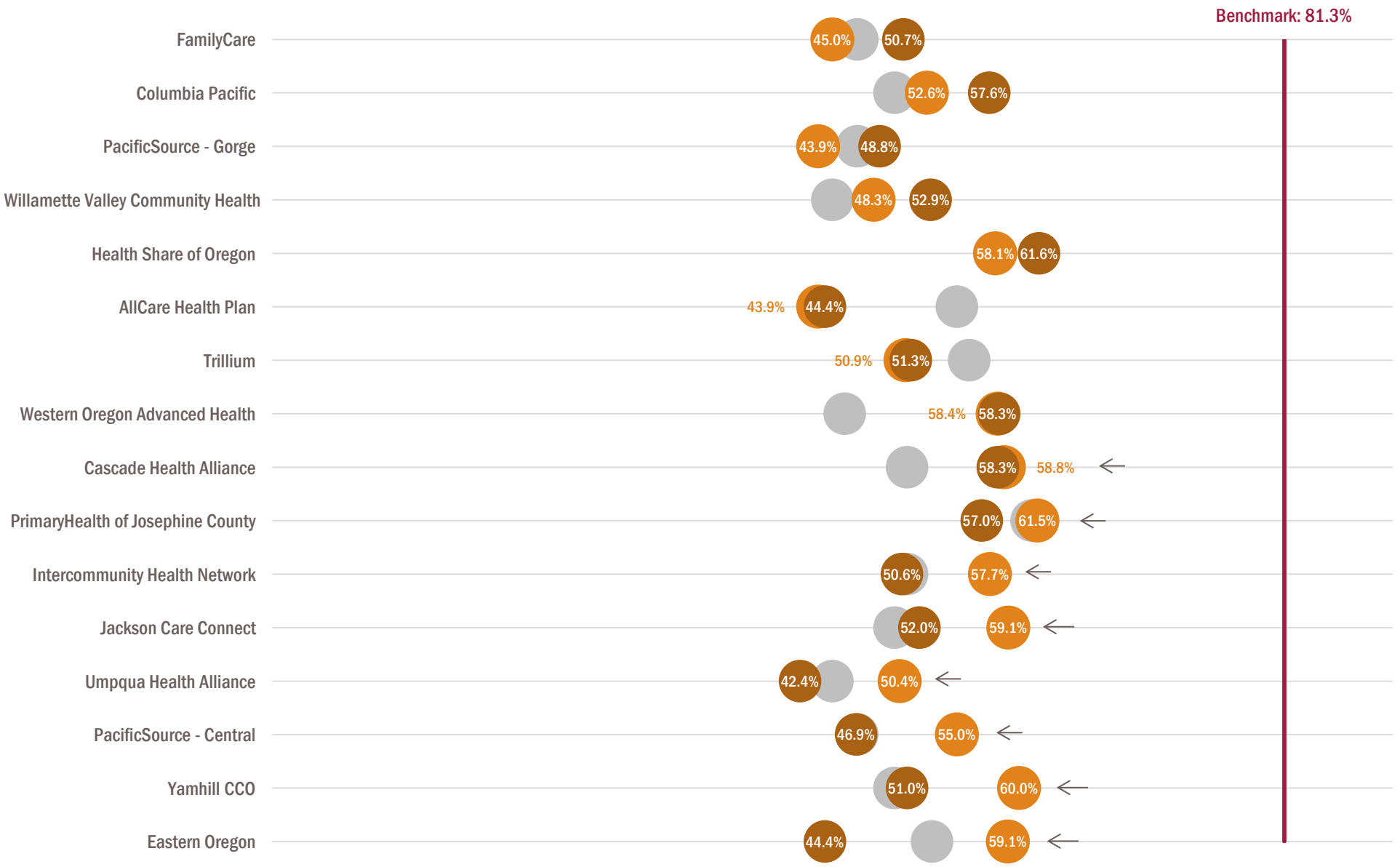
MEDICAL ASSISTANCE WITH SMOKING AND TOBACCO USE CESSATION (COMPONENT 1)

The percentage of tobacco users who were advised to quit by their doctor increased in half of CCOs between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



MEDICAL ASSISTANCE WITH SMOKING AND TOBACCO USE CESSATION (COMPONENT 2)

Medical assistance with smoking and tobacco use cessation: doctor recommended medication to quit

Component 2: Percentage of adult tobacco users whose doctor discussed or recommended medication to quit smoking.

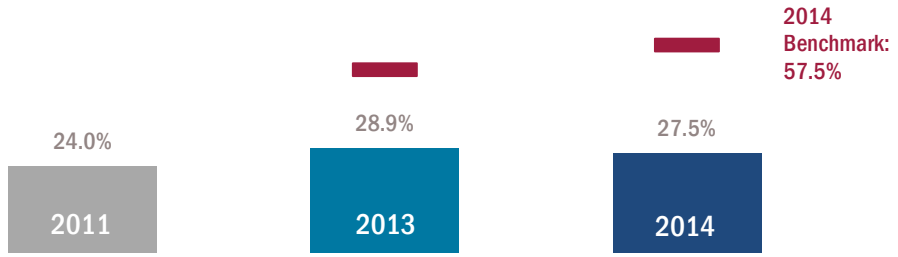
Purpose: Tobacco use causes many diseases and quitting can have immediate and long-term health benefits. In addition to improving health outcomes, helping people quit smoking also reduces the costs of treating health problems caused by using tobacco, such as lung cancer and heart disease.

2014 data

Across the state, doctors were less likely to recommend medication to quit smoking in 2014 (27.5 percent) than in 2013 (28.9 percent). Doctors were more likely to recommend medication to quit smoking to Hawaiian / Pacific Islander members in 2014 than to any other race and ethnicity. Only five of 16 CCOs showed an increase in this measure in 2014 as compared to 2013.

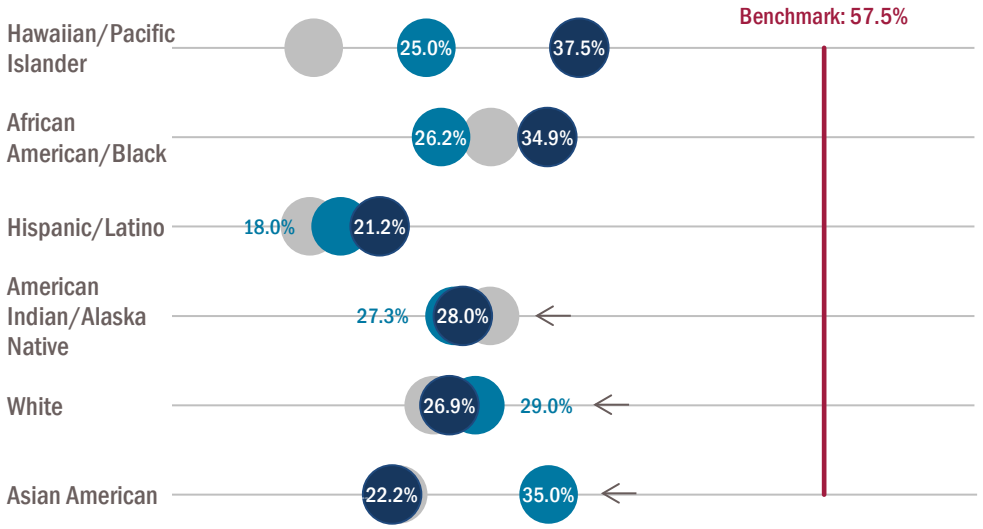
Statewide, a lower percentage of tobacco users said their doctor recommended medication to quit smoking in 2014 than in 2013.

Data source: Consumer Assessment of Healthcare Providers and Systems (CAHPS)
2014 benchmark source: 2013 National Medicaid 90th percentile



The percentage of Asian American members whose doctor recommended medication to quit smoking decreased between 2013 & 2014.

Gray dots represent 2011. Data missing for 9.2% of respondents. Each race category excludes Hispanic/Latino.



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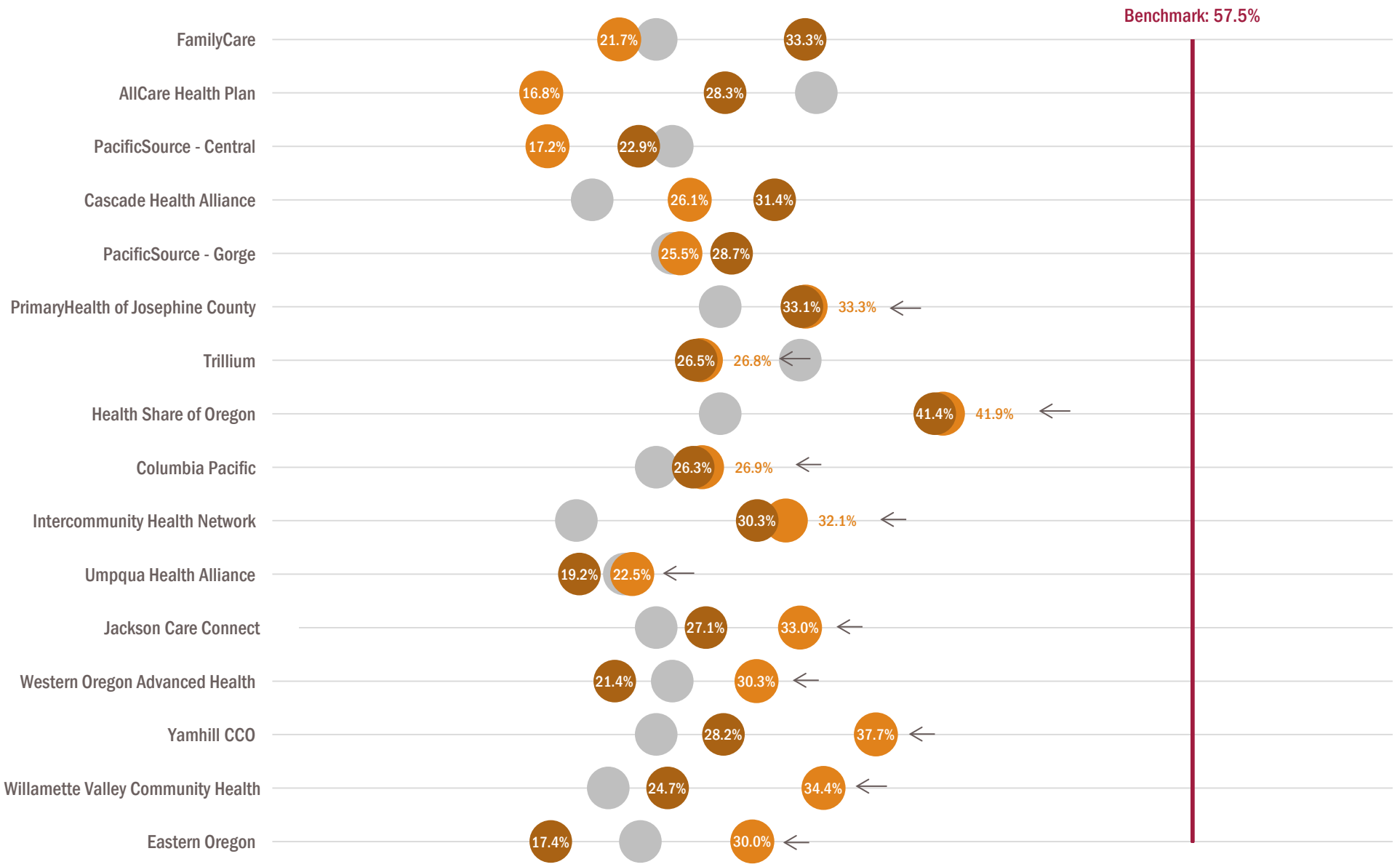
MEDICAL ASSISTANCE WITH SMOKING AND TOBACCO USE CESSATION (COMPONENT 2)

The percentage of tobacco users whose doctor recommended medication to quit decreased in 11 of 16 CCOs between 2013 and 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



MEDICAL ASSISTANCE WITH SMOKING AND TOBACCO USE CESSATION (COMPONENT 3)

Medical assistance with smoking and tobacco use cessation: doctor recommended strategies to quit

Component 3: Percentage of adult tobacco users whose doctor discussed or recommended strategies to quit smoking.

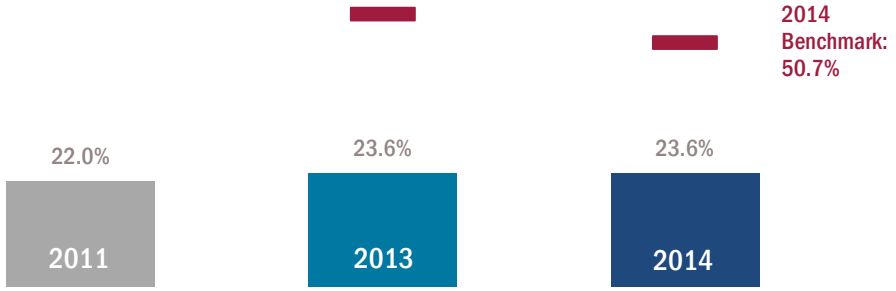
Purpose: Tobacco use causes many diseases and quitting can have immediate and long-term health benefits. In addition to improving health outcomes, helping people quit smoking also reduces the costs of treating health problems caused by using tobacco, such as lung cancer and heart disease.

2014 data

The percentage of tobacco users whose doctor discussed or recommended strategies to quit smoking held steady at 23.6 percent in 2014 at the statewide level. Hawaiian / Pacific Islander members were most likely to learn about strategies to quit from their doctor in both 2013 and 2014. Nine of 16 CCOs showed an increase in this measure in 2014 as compared to 2013.

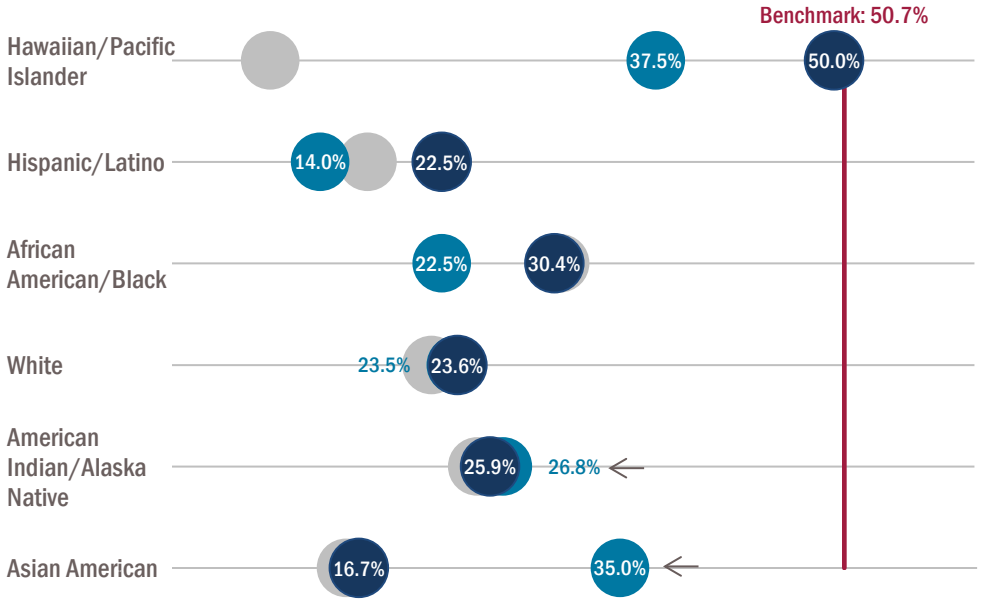
Statewide, the percentage of tobacco users whose doctor recommended strategies to quit smoking remained steady.

Data source: Consumer Assessment of Healthcare Providers and Systems (CAHPS)
2014 benchmark source: 2013 National Medicaid 90th percentile



Hawaiian/Pacific Islander tobacco users learned strategies to quit from their doctor more frequently than other members in both 2013 & 2014.

Gray dots represent 2011. Data missing for 9.2% of respondents. Each race category excludes Hispanic/Latino.



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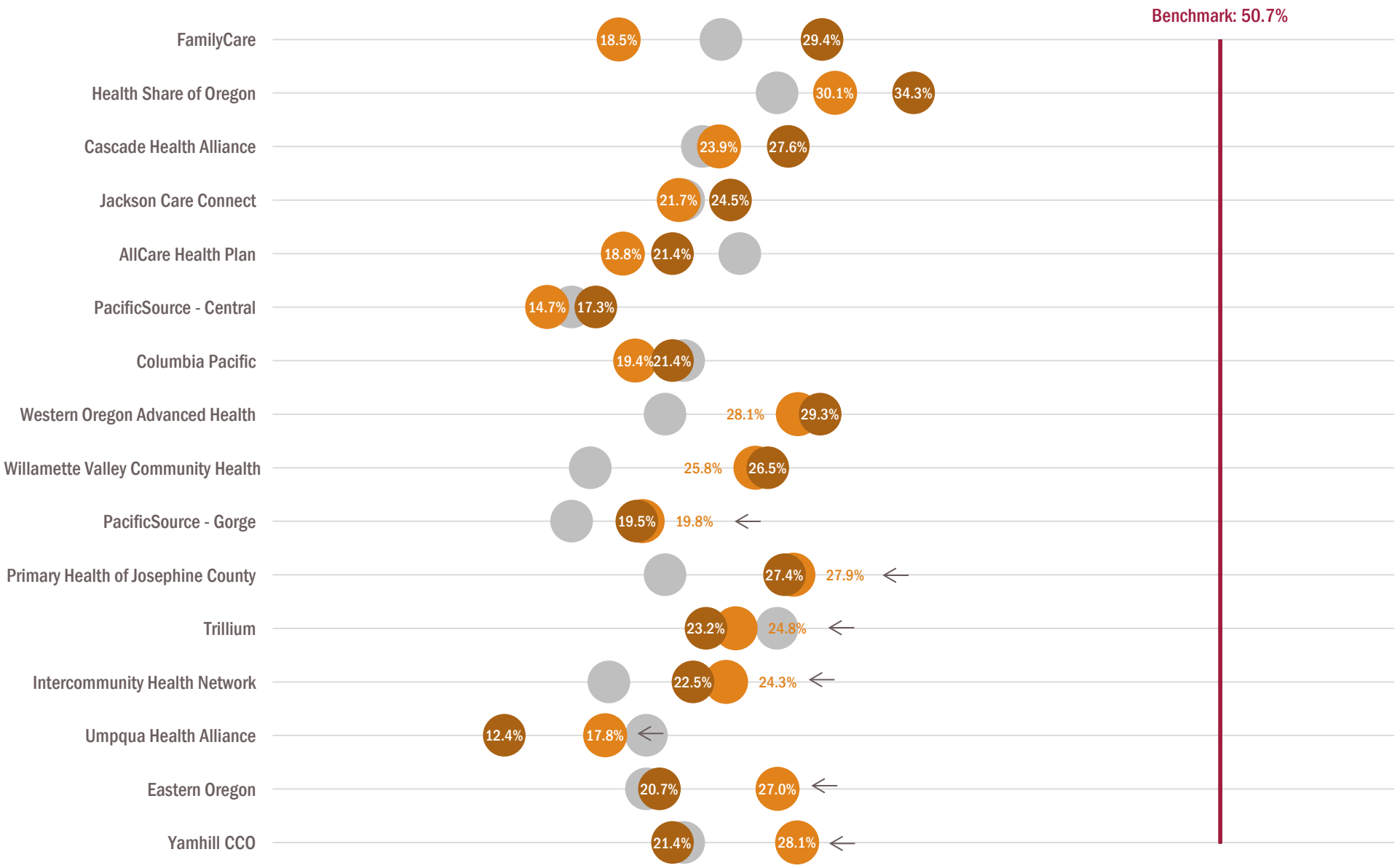
MEDICAL ASSISTANCE WITH SMOKING AND TOBACCO USE CESSATION (COMPONENT 3)

The percentage of adult tobacco users whose doctor recommended strategies to quit smoking increased in 9 CCOs between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



MENTAL AND PHYSICAL HEALTH ASSESSMENTS WITHIN 60 DAYS FOR CHILDREN IN DHS CUSTODY

Mental and physical health assessments within 60 days for children in DHS custody

Measure description: Percentage of children age 4+ who receive a mental health assessment and physical health assessment within 60 days of the state notifying CCOs that the children were placed into custody with the Department of Human Services (foster care). Physical health assessments are required for children under age 4, but not mental health assessments.

Purpose: Children who have been placed in foster care should have their mental and physical health checked so that an appropriate care plan can be developed. Mental and physical health assessments are a requirement for the foster program because of their importance to improving the health and well-being of a child in a trying situation.

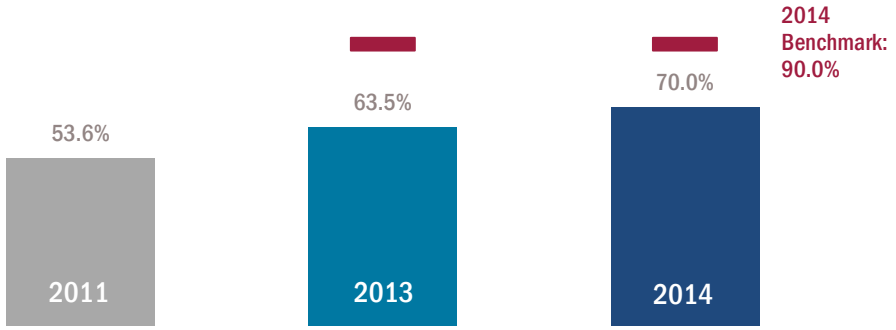
2014 data (n=1,467)

The percentage of children receiving timely a physical and mental health assessment has continually increased since 2011. In 2014, the statewide results were 70 percent, still substantially below the benchmark of 90 percent. Mental and physical health assessments were fairly consistent for all reportable races and ethnicities.

Thirteen CCOs with reportable data both improved their performance and met their improvement targets for this measure in 2014. One CCO achieved timely physical and mental health assessments for 100% of their enrolled children in DHS custody.

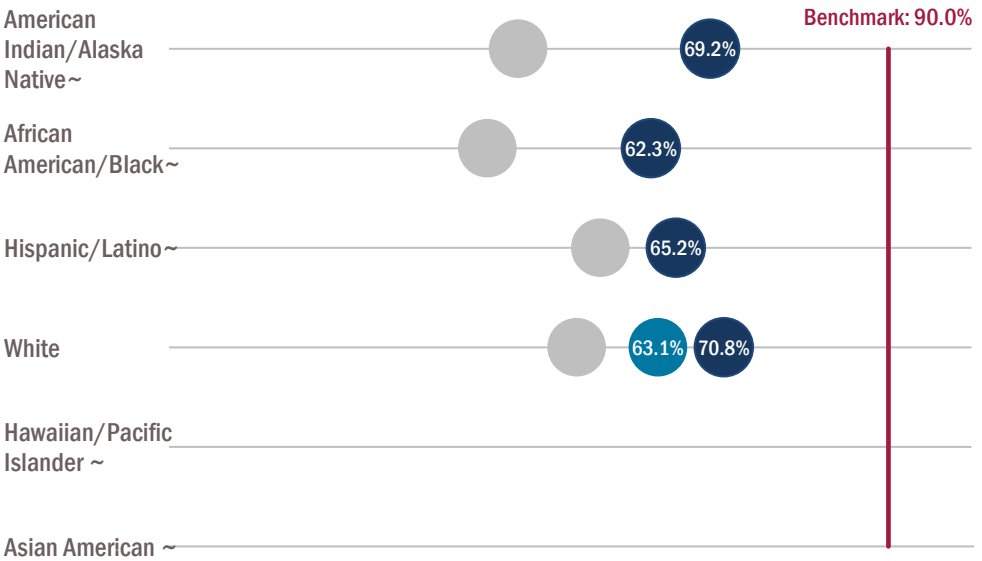
Statewide, assessments for children in DHS custody increased in 2014.

Data source: Administrative (billing) claims + ORKids
2014 benchmark source: Metrics and Scoring Committee consensus



Assessments were below the benchmark for all reportable races and ethnicities in both 2013 & 2014.

Gray dots represent 2011. Data missing for 2.8% of respondents. Each race category excludes Hispanic/Latino.
~ Data suppressed (n<30)



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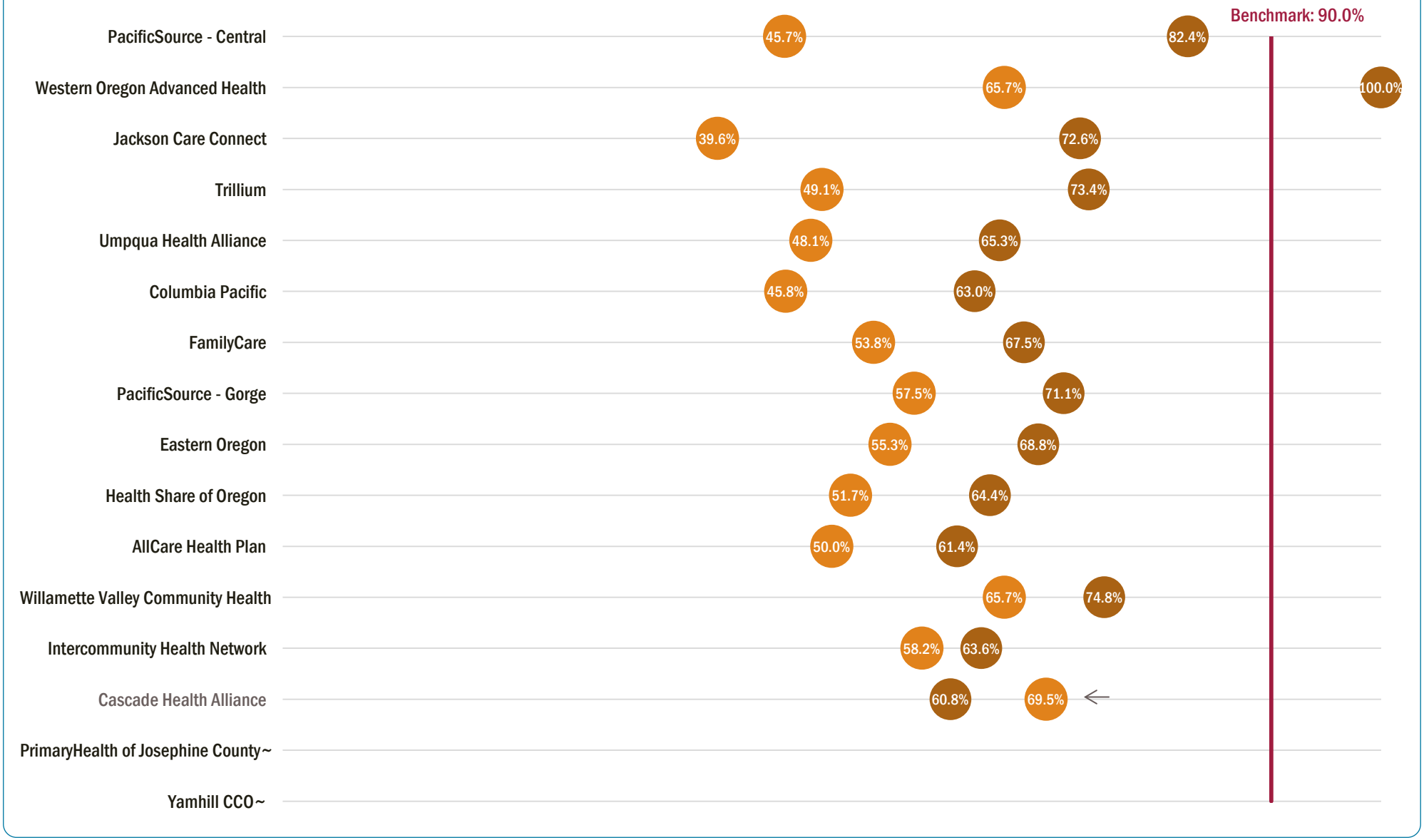
MENTAL AND PHYSICAL HEALTH ASSESSMENTS WITHIN 60 DAYS FOR CHILDREN IN DHS CUSTODY

Overall, CCOs improved markedly on this measure between baseline & 2014, with 15 of 16 meeting the benchmark or improvement target.

Bolded names met benchmark or improvement target.
Baseline data represent combined 2011 and 2013 performance. These combined data provide larger denominators and are more comparable to 2014 performance.
~ Data suppressed (n<30)



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OBESITY PREVALENCE AMONG ADULTS

Obesity prevalence

Measure description: Percentage of adult Medicaid members (ages 18 and older) who are obese, defined as body mass index greater than 30.

Purpose: Obesity is the second leading cause of preventable death in Oregon and is a major risk factor for many conditions including diabetes, cancer, and heart disease. In addition to improving health outcomes, helping people reach a healthy weight can reduce health care costs.

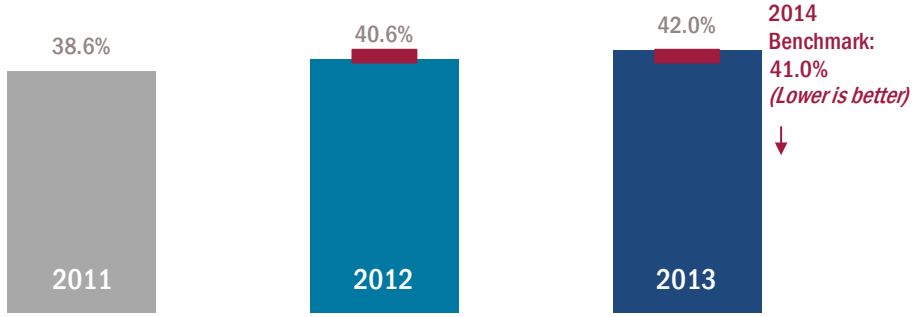
2013 data

Obesity prevalence increased from 2012 to 2013 and surpassed the benchmark (lower rates are better). In 2013, 42.0 percent of CCO members were obese. By contrast, 26.9 percent of the general population was obese. 2013 is the most recent year data from the Oregon Behavioral Risk Factor Surveillance System (BRFSS) survey are available.

However, Oregon's 2014 Medicaid Behavioral Risk Factor Surveillance System (MBRFSS) survey found that 36.2 percent of Medicaid members were obese. This slightly lower rate may be due to the inclusion of new members enrolled after the ACA expansion, who may be healthier overall.

Statewide, obesity prevalence increased slightly.

Data source: Oregon Behavioral Risk Factor Surveillance System (BRFSS) survey
2014 benchmark source: Oregon's 1115 demonstration waiver goals
2012 data have been corrected from previous reports.



Race and ethnicity data.

Race and ethnicity data for this measure are unavailable.

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PATIENT-CENTERED PRIMARY CARE HOME ENROLLMENT

Patient-centered primary care home enrollment

Measure description: Percentage of CCO members who were enrolled in a recognized patient-centered primary care home (PCPCH).

Purpose: Patient-centered primary care homes are clinics that have been recognized for their commitment to quality, patient-centered, coordinated care. Patient-centered primary care homes help improve a patient's health care experience and overall health.

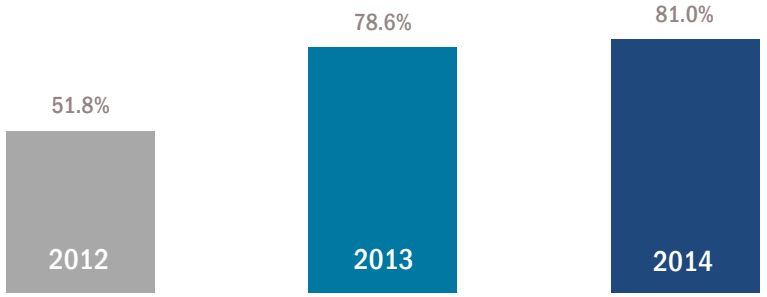
2014 data

Enrollment in patient-centered primary care homes increased by 56 percent since 2012, the baseline year for this metric. This improvement is impressive considering that CCO enrollment increased more than 60 percent in 2014 due to the ACA Medicaid expansion (see graph at right). See pages 100-109 for more information on the Medicaid population in 2014.

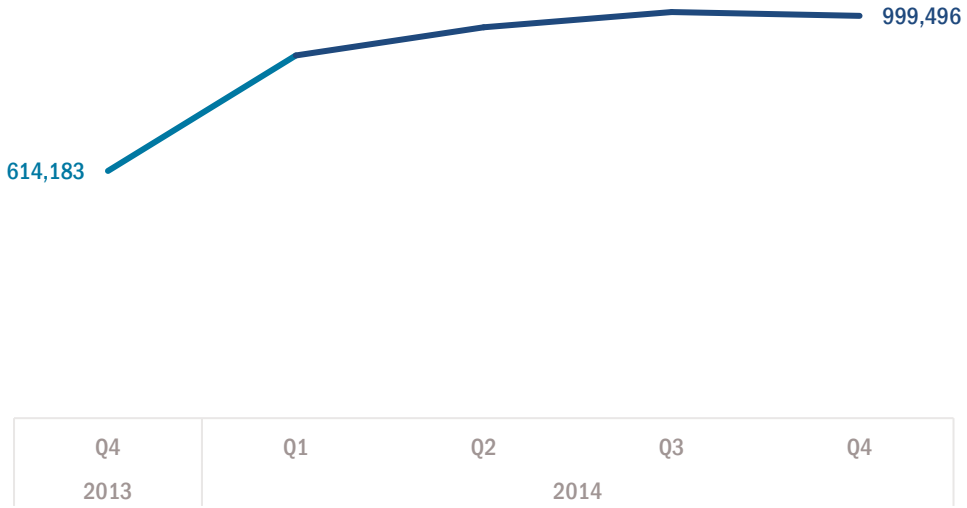
Race and ethnicity data are not available for this measure.

Statewide, patient-centered primary care home enrollment continued to increase, despite Medicaid expansion.

Data source: CCO quarterly report
2014 benchmark source: n/a



CCO enrollment increased more than 60 percent between 2013 & 2014.



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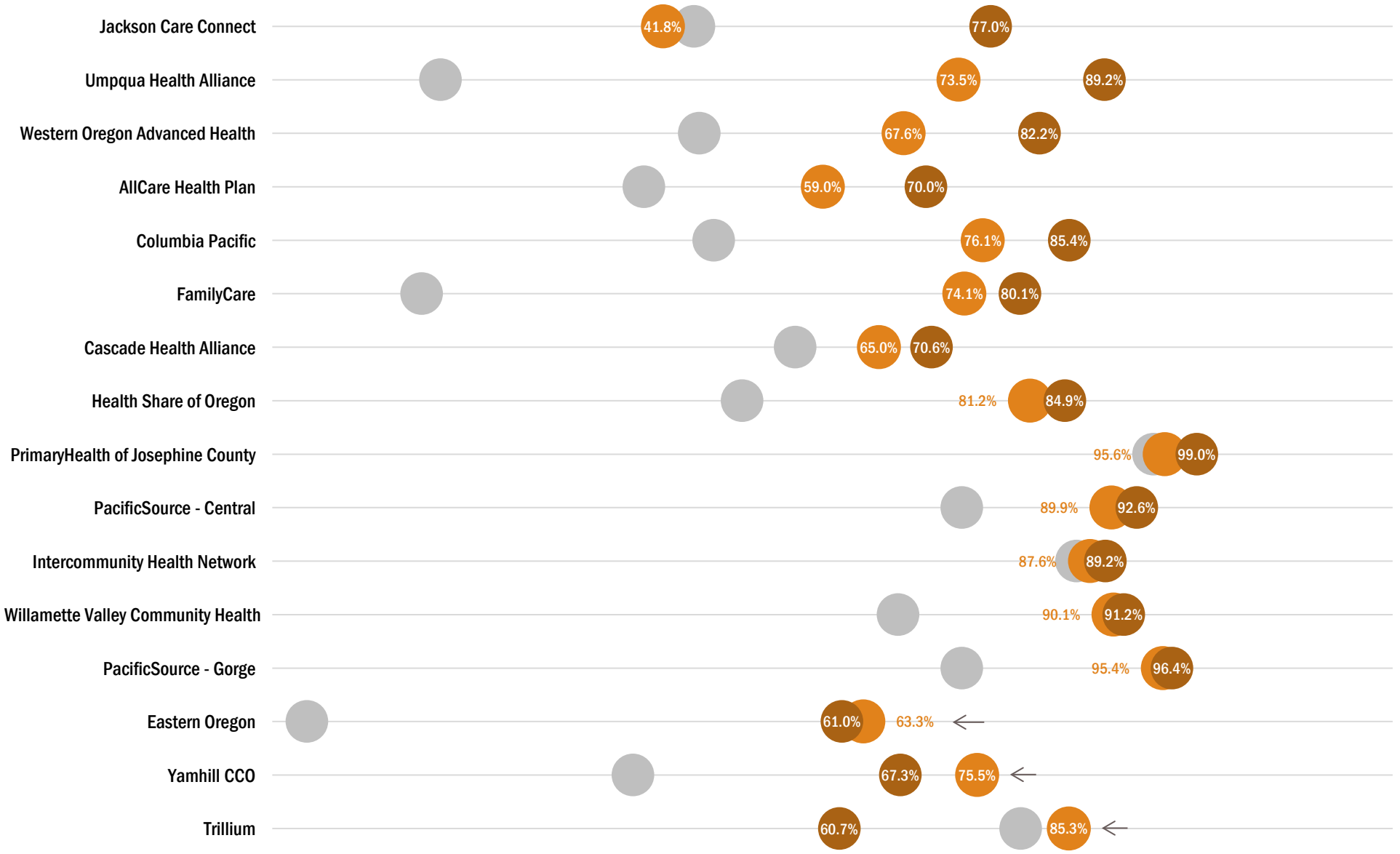
PATIENT-CENTERED PRIMARY CARE HOME ENROLLMENT

Overall, PCPCH enrollment continued to increase between 2013 & 2014.

All CCOs met requirement for quality pool payment (at least 60% enrollment).
Gray dots represent 2012 baselines, which are pre-CCO and based upon a predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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PQI 01: DIABETES SHORT-TERM COMPLICATION ADMISSION RATE

Diabetes short term complications admission rate

Measure description: Rate of adult members (ages 18 and older) with diabetes who had a hospital stay because of a short-term problem from their disease. Rates are reported per 100,000 member years. A lower score is better.

PQI stands for Prevention Quality Indicators, which is a set of indicators developed by the Agency for Healthcare Research and Quality to track avoidable hospitalizations.

Purpose: Good disease management with a health care provider can help people with chronic diseases avoid complications that could lead to a hospital stay. Improving the quality of care for people with chronic disease to help them avoid hospital stays improves the patient experience of health care and improves overall health outcomes. Decreasing hospital stays is also helps to reduce the costs of health care.

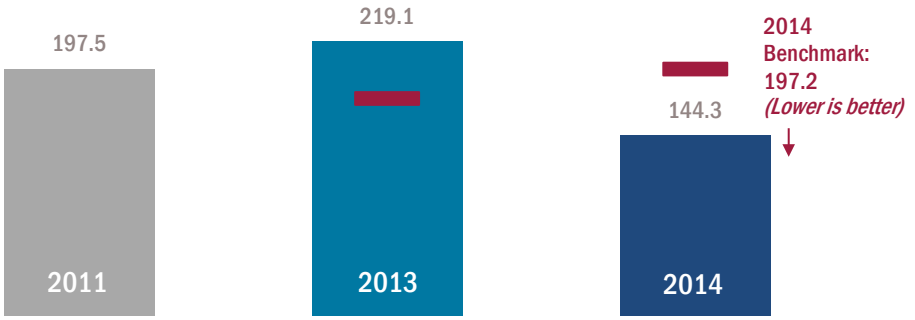
2014 data (n=5,495,358 member months)

The statewide diabetes short-term complication admission rate declined dramatically from 2013 to 2014 and achieved the benchmark for the first time. Lower is better for this measure.

All races and ethnicities experienced a decrease in diabetes short-term complication admission rates with the exception of African American/Black members. CCO results were slightly more mixed, with 11 of 16 showing improvement.

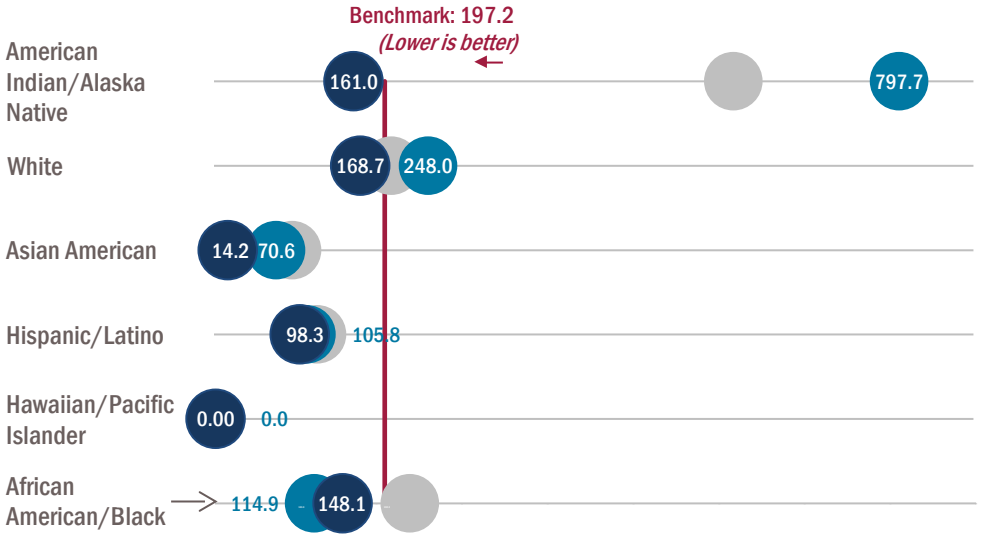
Statewide, the diabetes short-term complication admission rate improved.

Data source: Administrative (billing) claims
Benchmark source: 10% reduction from previous year's statewide rate
2011 and 2013 data have been updated and may differ from earlier reports



American Indian / Alaska Native members experienced the greatest improvement in admission rates due to short term complications of diabetes between 2013 & 2014.

Gray dots represent 2011. Data missing for 11.2% of respondents. Each race category excludes Hispanic/Latino.
2011 and 2013 data have been updated and may differ from earlier reports.



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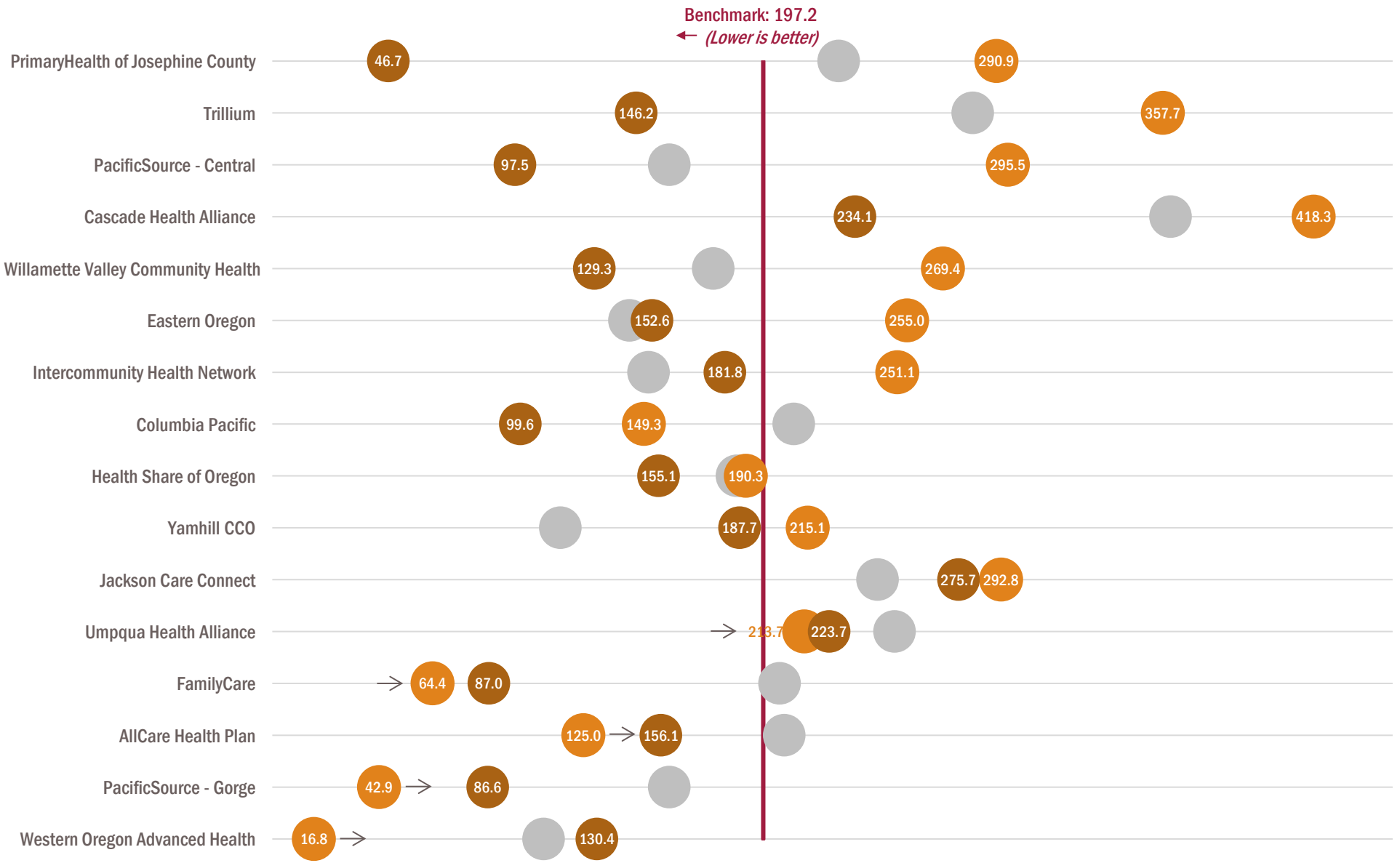
PQI 01: DIABETES SHORT-TERM COMPLICATION ADMISSION RATE

Eleven of 16 CCOs improved diabetes short-term complication admission rates between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined. 2011 and 2013 data have been updated and may differ from earlier reports.



PQI 05: CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD) OR ASTHMA IN OLDER ADULTS ADMISSION RATE

Chronic obstructive pulmonary disease (COPD) or asthma in older adults admission rate

Measure description: Rate of adult members (ages 40 and older) who had a hospital stay because of chronic obstructive pulmonary disease or asthma. Rates are reported per 100,000 member years. A lower score is better.

PQI stands for Prevention Quality Indicators, which is a set of indicators developed by the Agency for Healthcare Research and Quality to track avoidable hospitalizations.

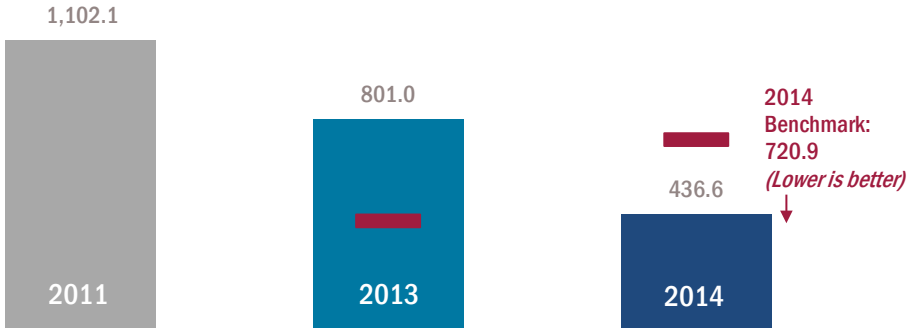
Purpose: Good disease management with a health care provider can help people with chronic diseases avoid complications that could lead to a hospital stay. Improving the quality of care for people with chronic disease to help them avoid hospital stays improves the patient experience of health care and improves overall health outcomes. Decreasing hospital stays also helps to reduce health care costs.

2014 data (n=2,572,352 member months)

Statewide, the admission rate of older adults for COPD or asthma continued to decline from 2013 to 2014. The rate was well below the benchmark for the first time in 2014. Lower is better for this measure. Admission rates improved among all races and ethnicities, although African American/Black members had the highest admission rate. Fourteen of 16 CCOs improved their performance in 2014.

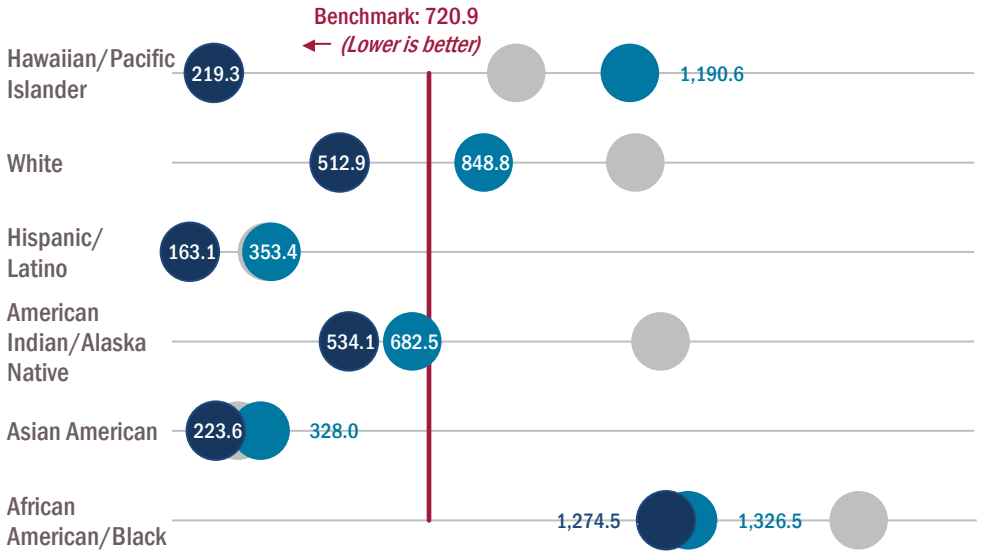
Statewide, the COPD or asthma admission rate improved in 2014.

Data source: Administrative (billing) claims
Benchmark source: 10% reduction from previous year's statewide rate
2011 and 2013 data have been updated and may differ from earlier reports.



Admission rates for COPD/asthma varied widely but improved for all races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 10.4% of respondents. Each race category excludes Hispanic/Latino.
2011 and 2013 data have been updated and may differ from earlier reports.



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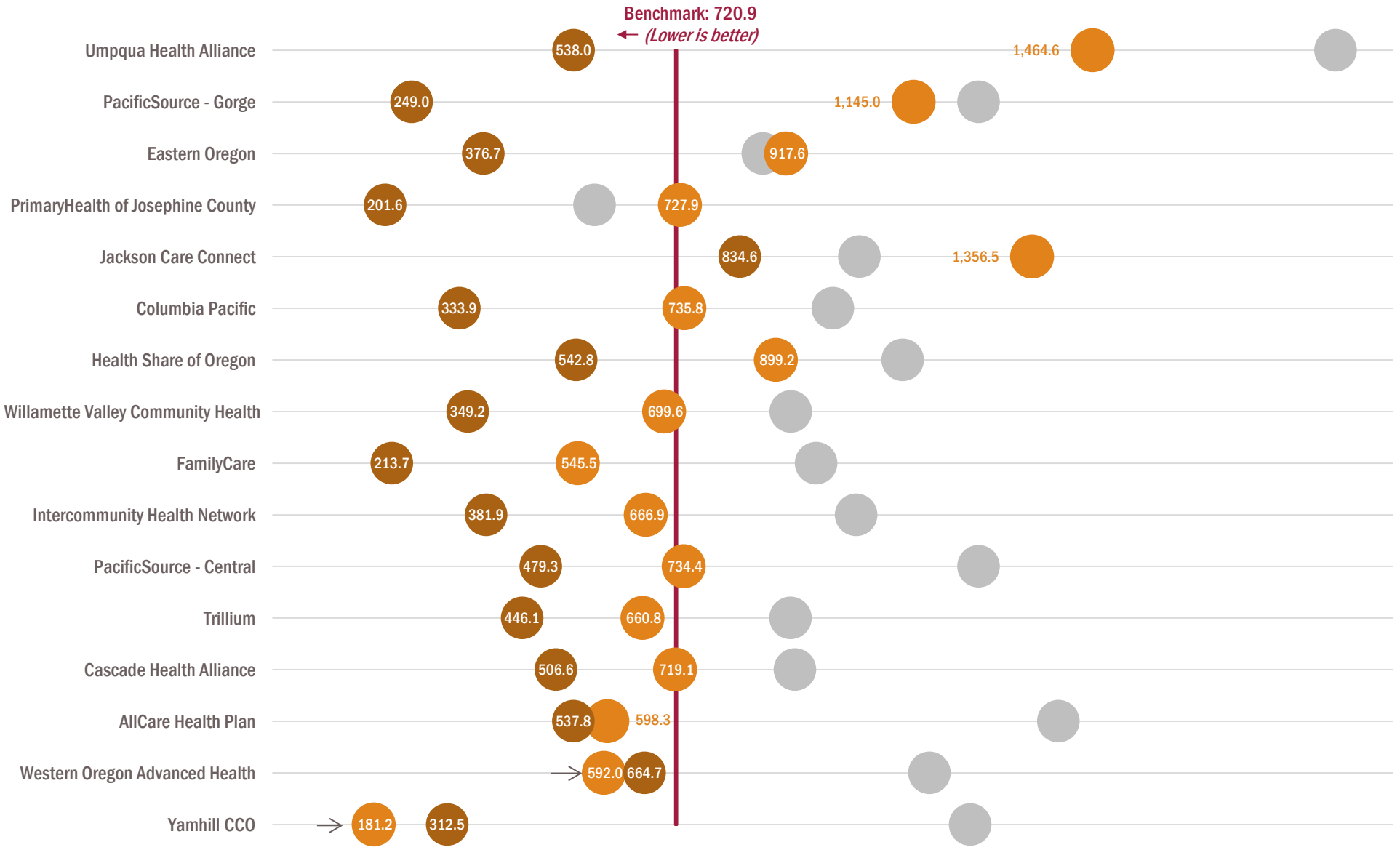
PQI 05: CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD) OR ASTHMA IN OLDER ADULTS ADMISSION RATE

Overall, CCOs improved admission rates for COPD or asthma in older adults between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.
2011 and 2013 data have been updated and may differ from earlier reports.



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PQI 08: CONGESTIVE HEART FAILURE ADMISSION RATE

Congestive heart failure admission rate

Measure description: Rate of adult members (ages 18 and older) who had a hospital stay because of congestive heart failure. Rates are reported per 100,000 member years. A lower score is better.
PQI stands for Prevention Quality Indicators, which is a set of indicators developed by the Agency for Healthcare Research and Quality to track avoidable hospitalizations.

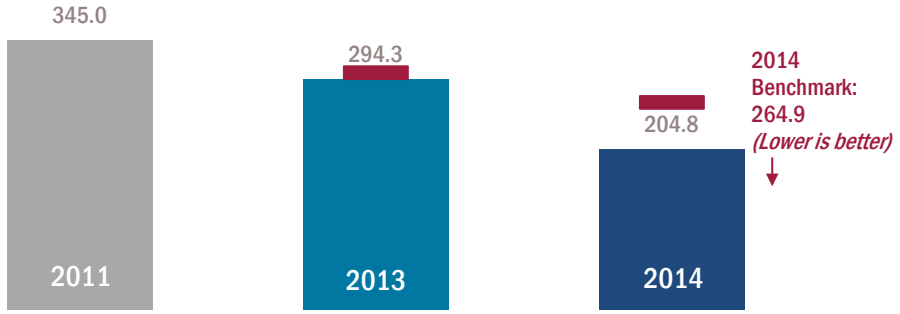
Purpose: Good disease management with a health care provider can help people with chronic diseases avoid complications that could lead to a hospital stay. Improving the quality of care for people with chronic disease to help them avoid hospital stays improves the patient experience of health care and improves overall health outcomes. Decreasing hospital stays also helps to reduce health care costs.

2014 data (n=5,495,358 member months)

Admission rates for congestive heart failure continued to improve and remained below the benchmark in 2014. Lower is better for this measure. Admission rates for all races and ethnicities improved in 2014, but African American/Black members had the highest admission rate, with 833.3 admissions per 100,000 member years. The second highest admission rate was for Asian American members with just 233.83 admissions per 100,000 member years. Fourteen CCOs improved their performance on this measure between 2013 and 2014.

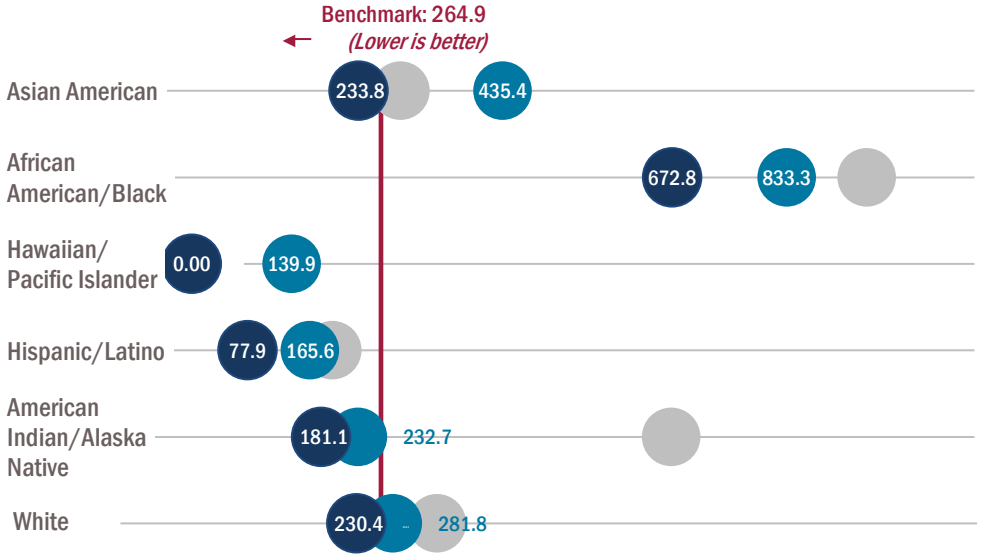
Statewide, the congestive heart failure admission rate improved again in 2014.

Data source: Administrative (billing) claims
Benchmark source: 10% reduction from previous year's statewide rate
2011 and 2013 data have been updated and may differ from earlier reports.



All races and ethnicities experienced improvement in congestive heart failure admission rates between 2013 & 2014.

Gray dots represent 2011. Data missing for 11.2% of respondents. Each race category excludes Hispanic/Latino.
2011 and 2013 data have been updated and may differ from earlier reports.



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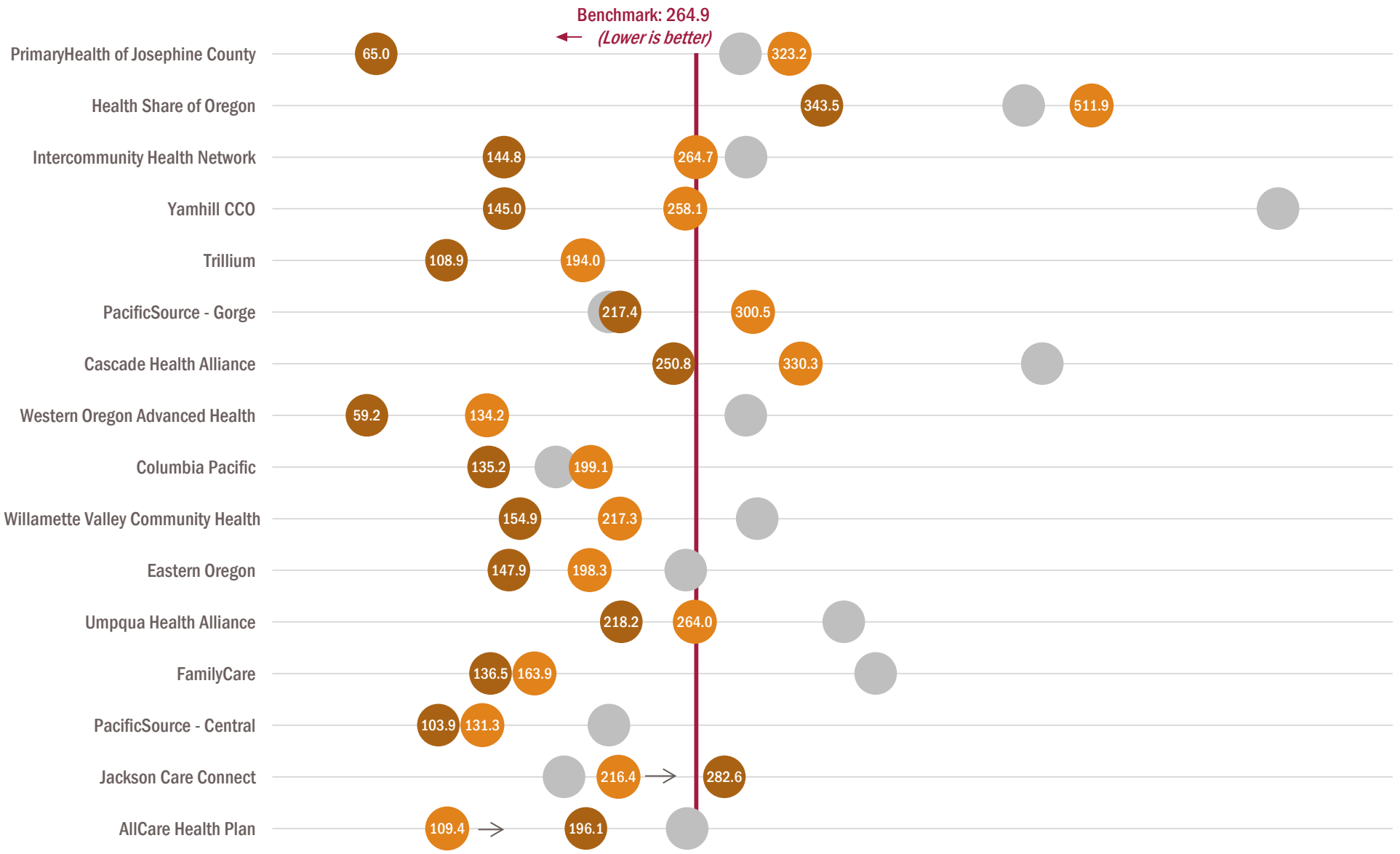
PQI 08: CONGESTIVE HEART FAILURE ADMISSION RATE

Fourteen of 16 CCOs improved admission rates for congestive heart failure between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.
2011 and 2013 data have been updated and may differ from earlier reports.



PQI 15: ADULT ASTHMA ADMISSION RATE

Adult (ages 18-39) asthma admission rate

Measure description: Rate of adult members (ages 18-39) who had a hospital stay because of asthma. Rates are reported per 100,000 member years. A lower score is better.

PQI stands for Prevention Quality Indicators, which is a set of indictors developed by the Agency for Healthcare Research and Quality to track avoidable hospitalizations.

Purpose: Good disease management with a health care provider can help people with chronic diseases avoid complications that could lead to a hospitalization. Improving the quality of care for people with chronic disease to help them avoid hospital stays improves the patient experience of health care and improves overall health outcomes. Decreasing hospital stays also helps to reduce health care costs

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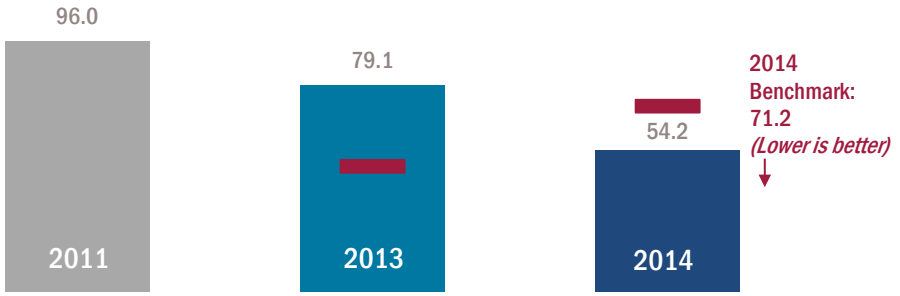
2014 data (n=2,293,006 member months)

The statewide adult asthma admission rate improved in 2014 and reached the benchmark for the first time. Lower is better for this measure. Adult asthma admission rates improved for races and ethnicities except White between 2013 and 2014.

CCO results were mixed, with ten of 16 CCOs improving their performance and seven achieving the benchmark in 2014.

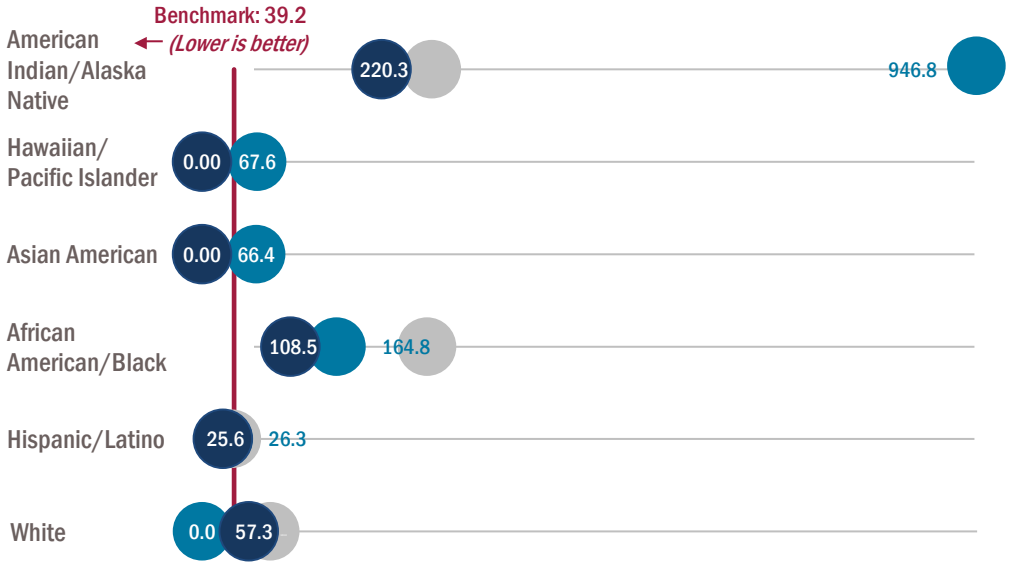
Statewide, the adult asthma admission rate improved.

Data source: Administrative (billing) claims
Benchmark source: 10% reduction from previous year's statewide rate
2011 and 2013 data have been updated and may differ from earlier reports.



Adult asthma admission rates varied among races and ethnicities between 2013 & 2014.

Gray dots represent 2011. Data missing for 11.8% of respondents. Each race category excludes Hispanic/Latino.
2011 and 2013 data have been updated and may differ from earlier reports.



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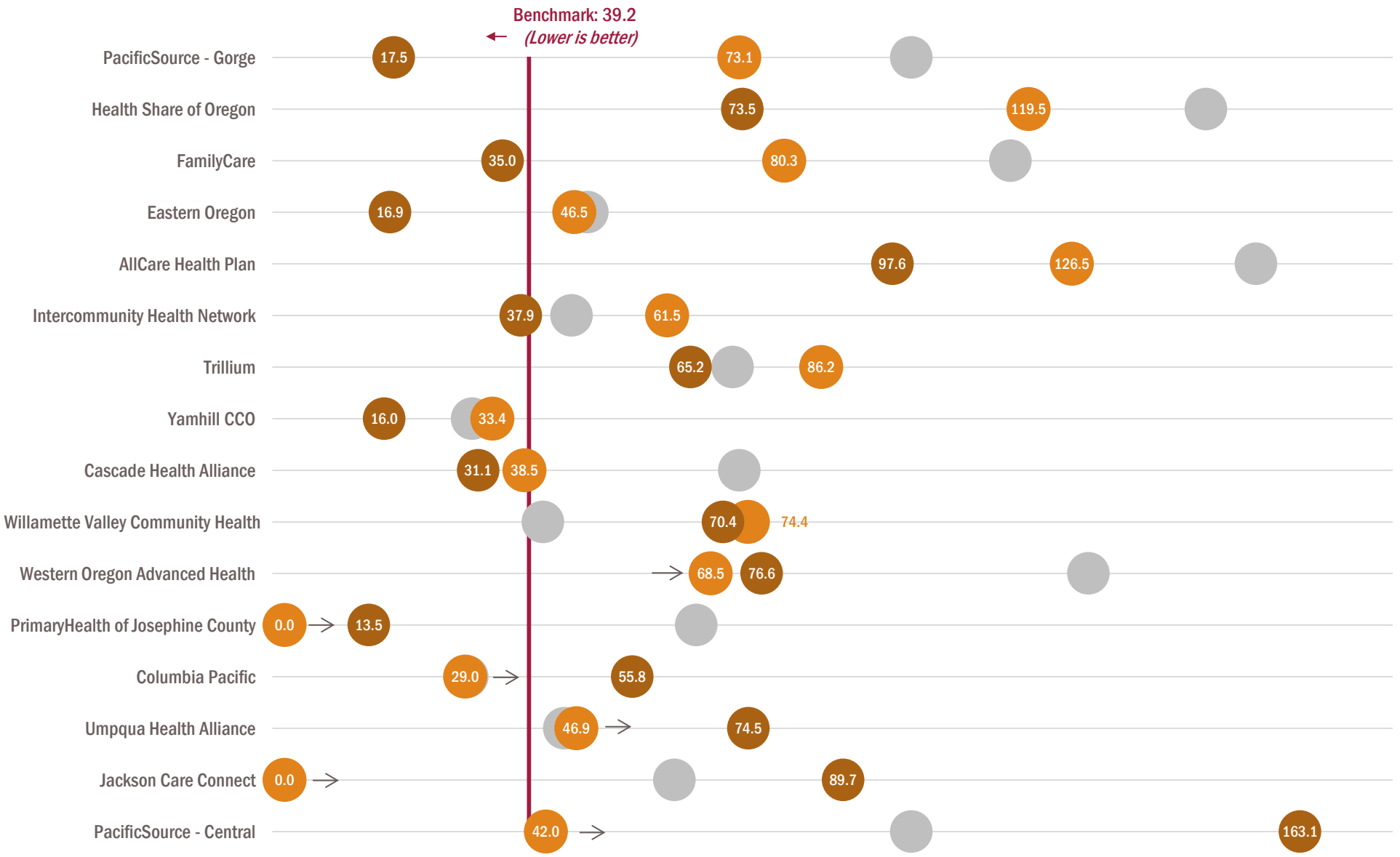
PQI 15: ADULT ASTHMA ADMISSION RATE

Ten of 16 CCOs improved adult asthma admission rates between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.
2011 and 2013 data have been updated and may differ from earlier reports.



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PRENATAL AND POSTPARTUM CARE: TIMELINESS OF PRENATAL CARE

Timeliness of prenatal care

Measure description: Percentage of pregnant women who received a prenatal care visit within the first trimester or within 42 days of enrollment in Medicaid.

Purpose: Care during a pregnancy (prenatal care) is widely considered the most productive and cost-effective way to support the delivery of a healthy baby. This measure helps ensure timeliness by tracking the percentage of women who receive an early prenatal care visit (in the first trimester). Improving the timeliness of prenatal care can lead to significantly better health outcomes and cost savings - as more than 40 percent of all babies born in Oregon are covered by Medicaid.

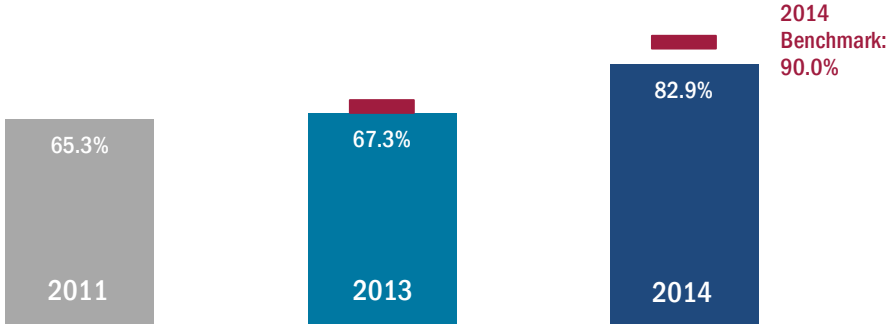
2014 data

The measure specifications for timeliness of prenatal care were updated beginning in 2014 to use medical record data. Previously, this measure used administrative data only; 2014 results are thus not directly comparable to earlier years.

Statewide in 2014, 82.9 percent of pregnant women received a prenatal care visit within the first trimester of pregnancy. All 16 CCOs met the benchmark or improvement target in 2014.

Statewide, four out of five pregnant members received timely prenatal care in 2014.

Data source: Administrative (billing) claims and medical record review
2014 benchmark source: 2013 National Medicaid 75th percentile
2014 data are not directly comparable to earlier years due to changed methodology



Race and ethnicity data.

Race and ethnicity data are not available for this measure.

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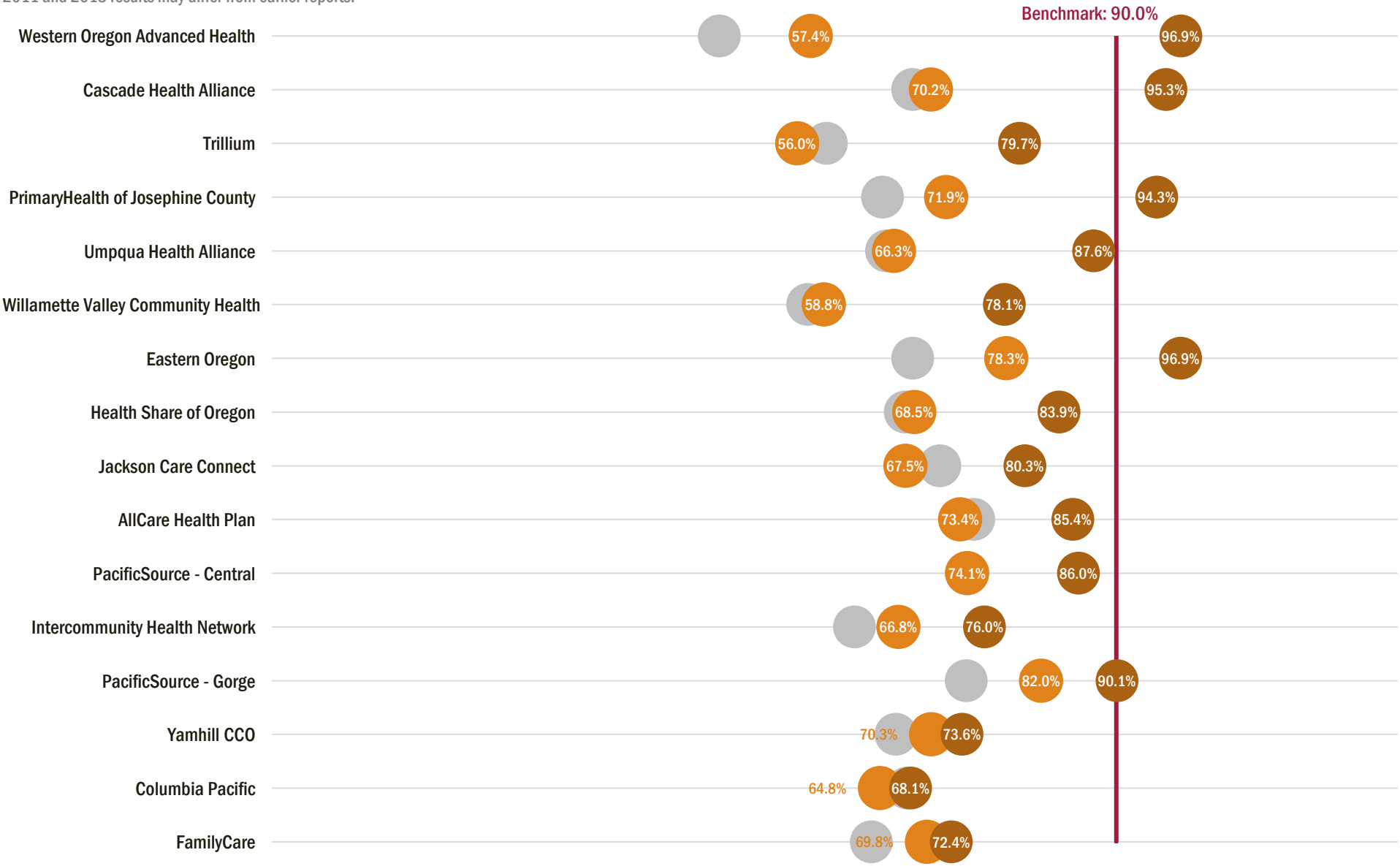
PRENATAL AND POSTPARTUM CARE: TIMELINESS OF PRENATAL CARE

All 16 CCOs met the benchmark or improvement target in 2014.

All CCOs met benchmark or improvement target.
Light orange dogs represent 2013. 2014 results include information from medical records in addition to administrative data; prior years are administrative data only and are not directly comparable to 2014.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.
2011 and 2013 results may differ from earlier reports.



PRENATAL AND POSTPARTUM CARE: POSTPARTUM CARE

Postpartum care

Measure description: Percentage of women who had a postpartum care visit on or between 21 and 56 days after delivery.

Purpose: Having a timely postpartum care visit helps increase the quality of maternal care and reduces the risks for potential health complications associated with pregnancy. Women who have a visit between 21 and 56 days after delivery can have their physical health assessed and can consult with their provider about infant care, family planning and breastfeeding.

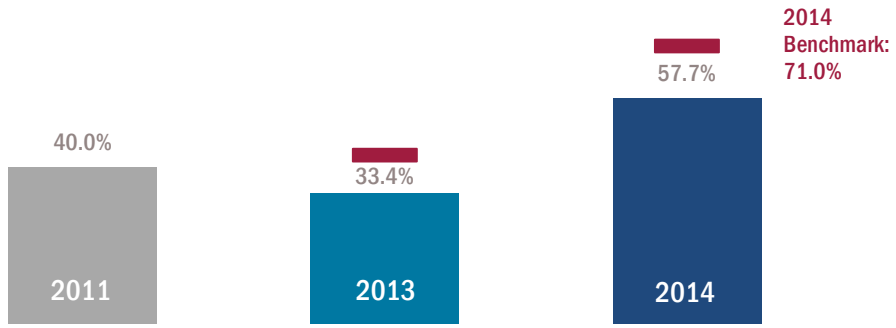
2014 data (n=5,246)

Statewide, 57.7 percent of women who had a baby during the measurement period also had a postpartum care visit. This is below the benchmark of 71.0 percent. Performance among the 15 CCOs who reported data ranged widely between 24.5 and 80.2 percent.

Measure specifications for postpartum care were updated beginning in 2014 to include medical records. Previously, only administrative claims were used. 2014 results are thus not directly comparable to earlier years.

Statewide, the percentage of women receiving postpartum care was below the benchmark in 2014.

Data source: Administrative (billing) claims and medical record review 2014
Benchmark source: 2013 National Medicaid 75th percentile



Race and ethnicity data.

Race and ethnicity data for this measure are not available.

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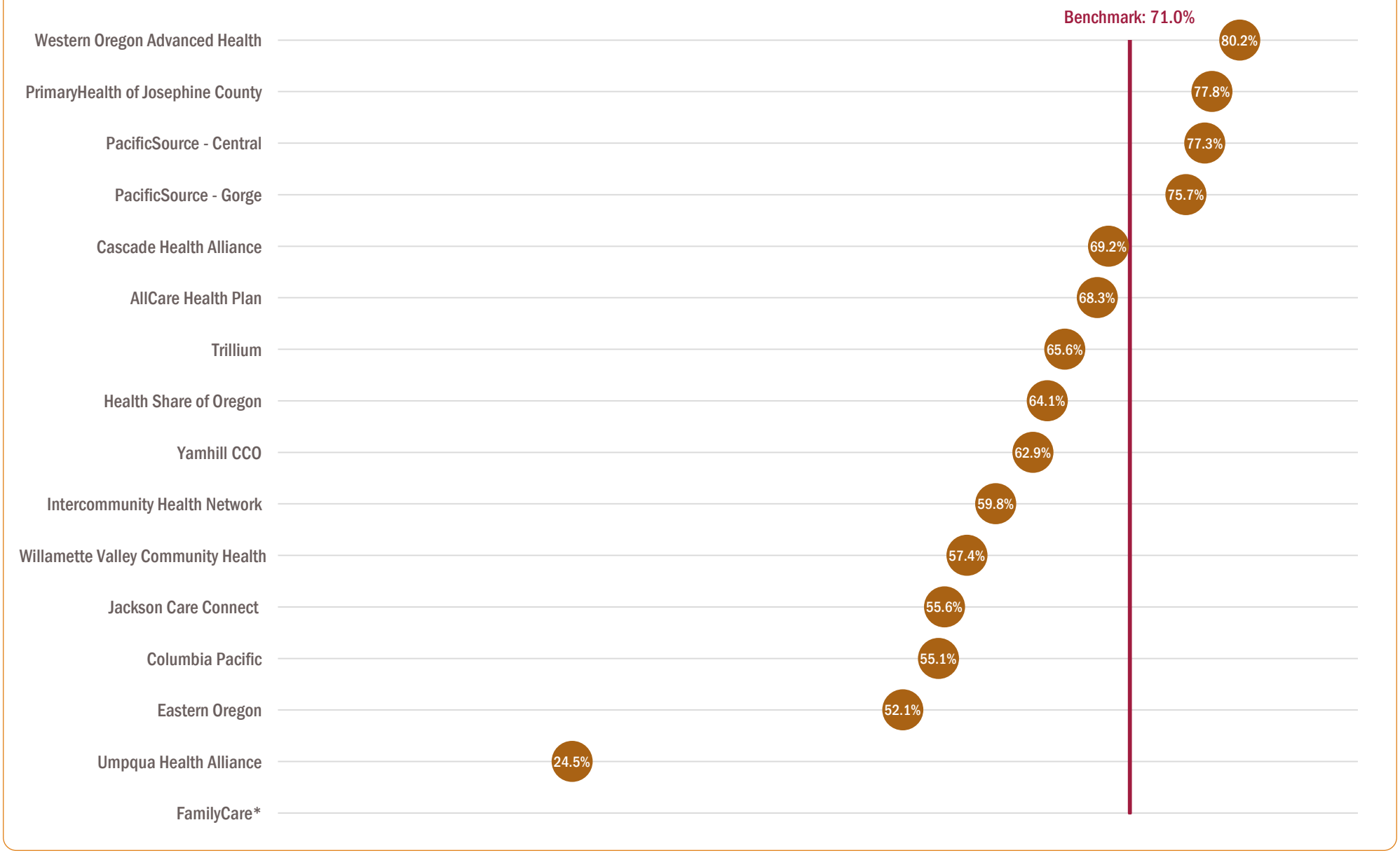
PRENATAL AND POSTPARTUM CARE: POSTPARTUM CARE

The percentage of women who had a postpartum care visit ranged between 24.5 and 80.2 percent between CCOs in 2014.

2011 and 2013 data for this measure are not available at the CCO level.

* CCO did not submit data for this measure.



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PROVIDER ACCESS QUESTIONS FROM THE PHYSICIAN WORKFORCE SURVEY

Component 1: Extent to which providers are accepting new Medicaid patients

Measure description: Percentage of providers who are accepting new Medicaid/Oregon Health Plan patients.

Component 2: Extent to which providers currently see Medicaid patients

Definition: Percentage of providers who currently care for Medicaid/Oregon Health Plan participants. This information does not include "don't know" or missing survey responses.

Component 3: Current payer mix at practices

Definition: Percentage of Medicaid payers at practices.

Purpose: Access to care leads to better health outcomes and more affordable health care. Improving care access for low-income Oregonians can also help reduce health disparities and overall health care costs.

2014 data

The 2014 Physician Workforce Survey showed that more providers were accepting new Medicaid patients as well as seeing Medicaid patients in 2014 than 2012. Statewide, Medicaid comprised a greater share of the payer mix in 2014 (23.0 percent) than in 2012 (17.0 percent).

In 2014, only 5.8 percent of respondents reported that they were completely closed to Medicaid, a notable decrease from 2009 (17.9 percent).

Statewide, more providers were **accepting** new Medicaid patients in **2014** than 2012.

Data source: Oregon Physician Workforce Survey
Benchmark: TBD



Statewide, more providers were **seeing** Medicaid patients in **2014** than 2012.

Data source: Oregon Physician Workforce Survey
Benchmark: TBD



Statewide, Medicaid made up a larger share of provider **payer mix** in **2014** than 2012.

Data source: Oregon Physician Workforce Survey
Benchmark: TBD



SATISFACTION WITH CARE (CAHPS)

Satisfaction with care (CAHPS)

Measure description: Percentage of members (adults and children) who received needed information or help and thought they were treated with courtesy and respect by customer service staff.

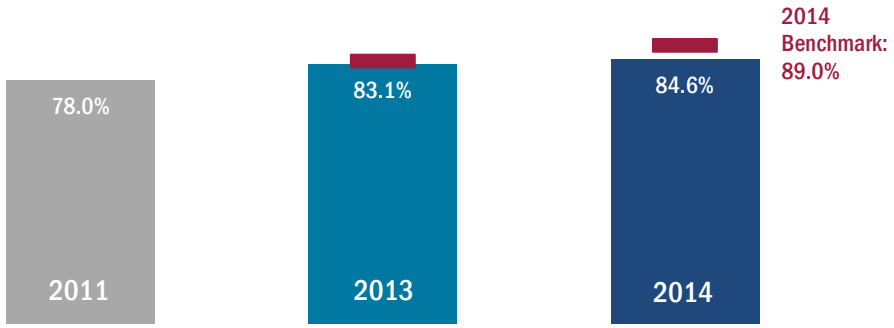
Purpose: According to the Agency for Healthcare Research and Quality, the ability of health plans to deliver high-quality clinical and administrative service to their members depends in part on their understanding of basic customer service principles. As in any other service industry, a satisfied member creates value over the course of lifetime: through repeat visits, trusting relationships with the provider, following provider's advice, etc. Existing members are an invaluable source of information that can help health plans understand how to improve what they do.

2014 data

The percentage of individuals reporting they received needed information and were treated with courtesy and respect by their health plan's customer service improved slightly from 83.1 percent in 2013 to 84.6 percent in 2014, but remained below the benchmark of 89.0 percent. Among the adult population, all races and ethnicities reported improved satisfaction. Ten of 16 CCOs improved their performance from 2013 to 2014, five met their improvement targets and one CCO met the benchmark.

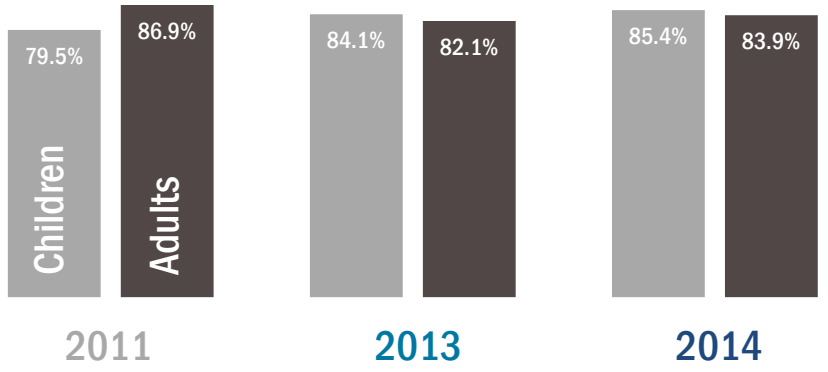
Statewide, members reported improved satisfaction with care.

Data source: Consumer Assessment of Healthcare Providers and Systems (CAHPS)
Benchmark source: average of the 2013 national Medicaid 75th percentiles for adults and children



Satisfaction with care statewide results: children versus adults.

Assessment of Healthcare Providers and Systems (CAHPS)



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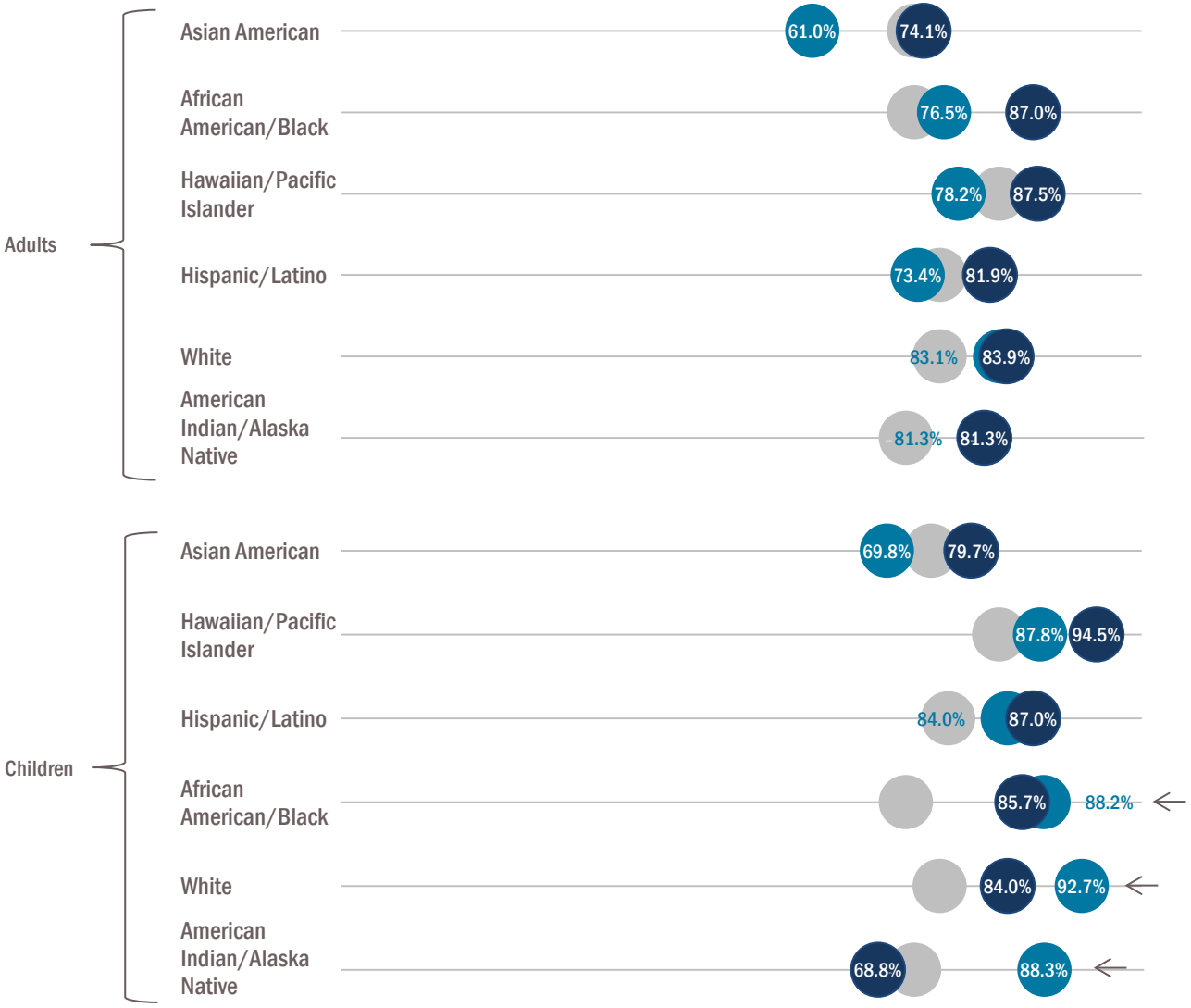
SATISFACTION WITH CARE (CAHPS)

Asian American members reported the greatest improvement in satisfaction with care between 2013 & 2014.

Gray dots represent 2011. Data missing for 8.5% of adults and 9.2% of children. Each race category excludes Hispanic/Latino.



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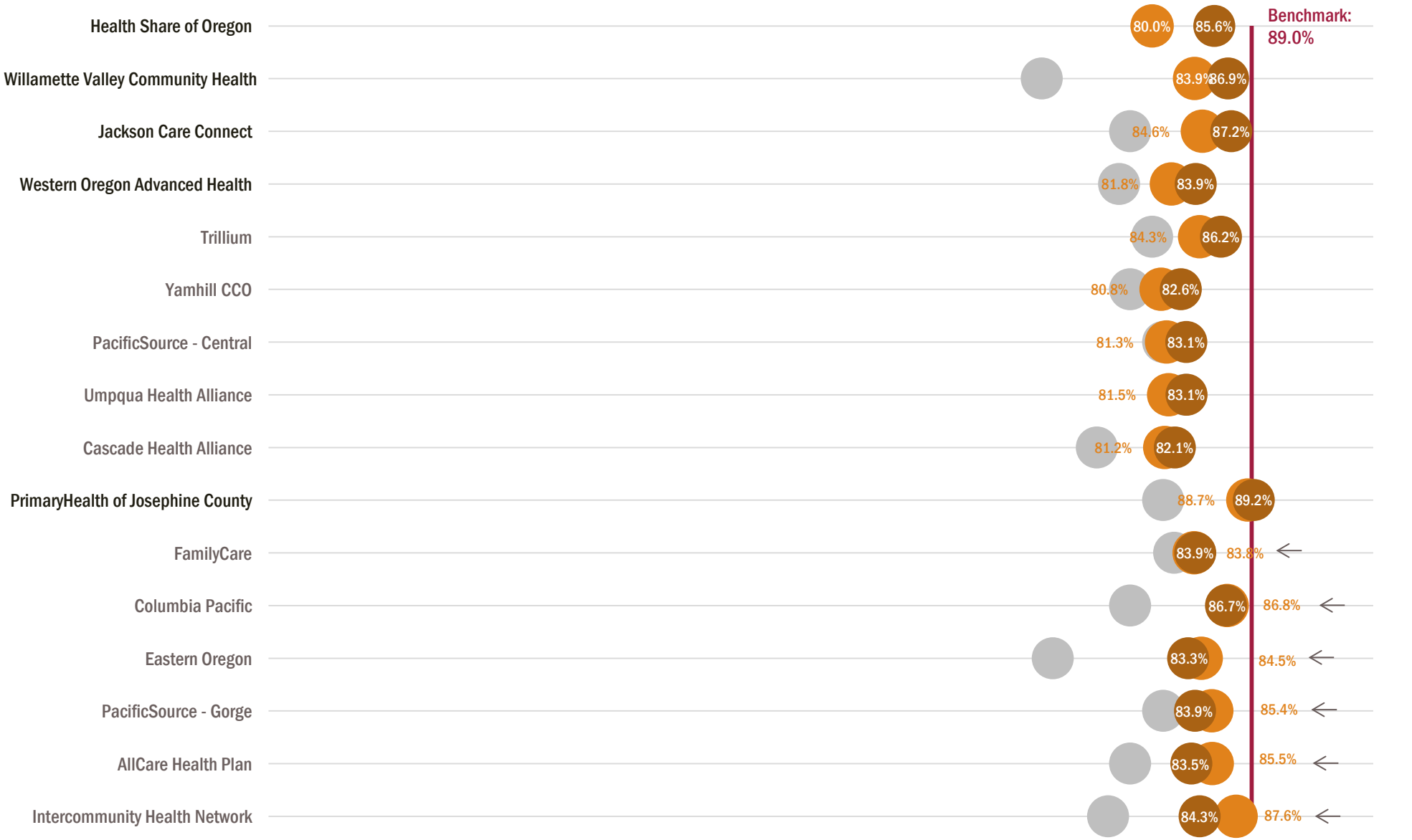
SATISFACTION WITH CARE (CAHPS)

Members in 10 of 16 CCOs reported improved satisfaction with care between 2013 & 2014.

Bolded names met benchmark or improvement target.
Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



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TOBACCO USE PREVALENCE

Tobacco use prevalance

Measure description: Percentage of adult Medicaid members (ages 18 and older) who currently smoke cigarettes or use other tobacco products

Purpose: Tobacco use causes many diseases and quitting can have immediate and long-term health benefits. In addition to improving health outcomes, helping people quit smoking also reduces the costs of treating health problems caused by using tobacco, such as lung cancer and heart disease.

2014 data

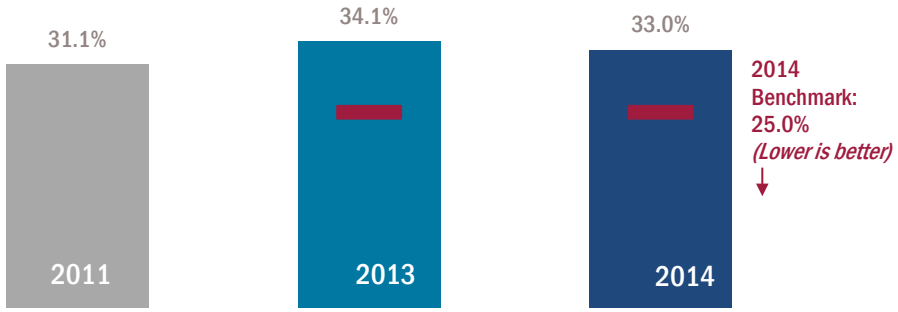
At the statewide level, tobacco use prevalence decreased from 34.1 percent in 2013 to 33.0 percent in 2014. Lower is better for this measure. Despite the slight decline, Medicaid tobacco use prevalence remained substantially higher than the general population (20.8 percent in 2013) and also remained well above the benchmark of 25.0 percent.

When stratified by race and ethnicity, tobacco use prevalence increased among Hispanic/Latino, Hawaiian/Pacific Islander and Asian American populations, and decreased among all others. Interestingly, those races and ethnicities whose rates decreased still had higher prevalence of tobacco use than those groups whose rates increased.

CCO performance was also mixed, with tobacco use prevalence decreasing in 10 of 16 CCOs.

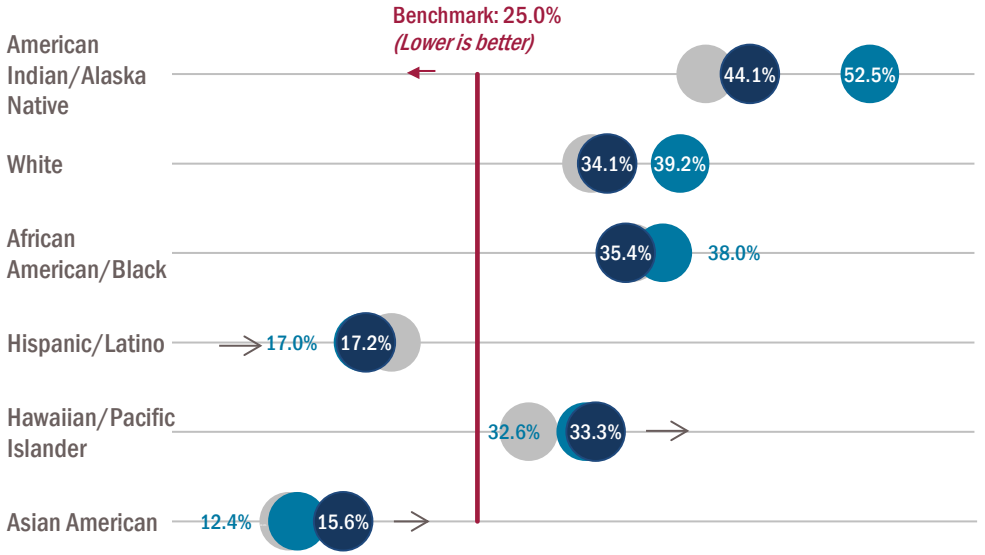
Statewide, tobacco use prevalance decreased slightly between 2013 and 2014.

Data source: Data source: Consumer Assessment of Healthcare Providers and Systems (CAHPS)
Benchmark source: Oregon's 1115 demonstration waiver goals



Tobacco use prevalance improved most for American Indian/Alaska Native members between 2013 & 2014.

Gray dots represent 2011. Data missing for 9.2% of respondents. Each race category excludes Hispanic/Latino.



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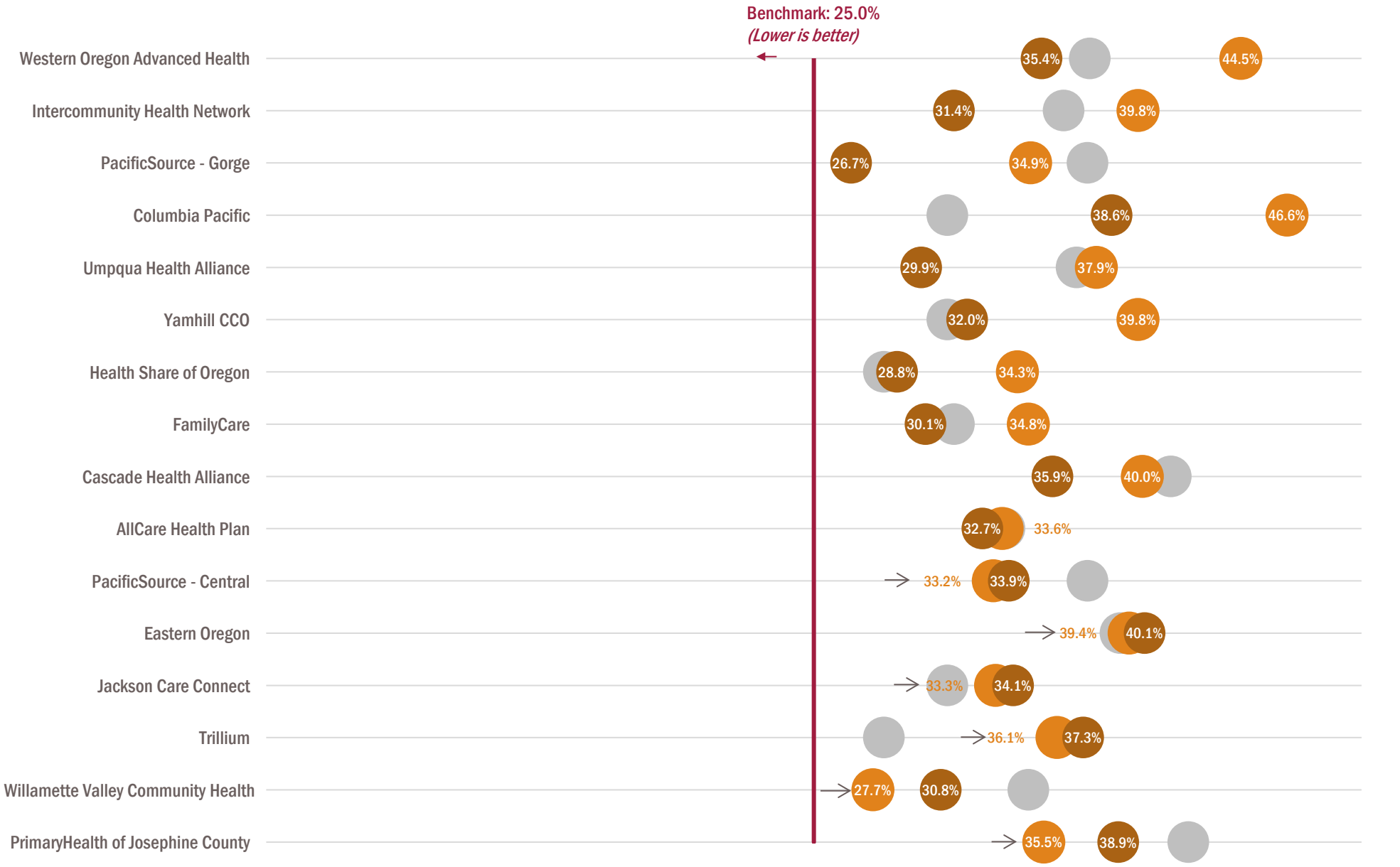
TOBACCO USE PREVALENCE

Tobacco use prevalence improved in 10 of 16 CCOs between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



WELL-CHILD VISITS IN THE FIRST 15 MONTHS OF LIFE

Well-child visits in the first 15 months of life

Measure description: Percentage of children who had six visits with their health care provider prior to reaching 15 months of age.

Purpose: Regular well-child visits are one of the best ways to detect physical, developmental, behavioral and emotional problems in infants. They are also an opportunity for providers to offer guidance and counseling to parents.

2014 data (n=16,880)

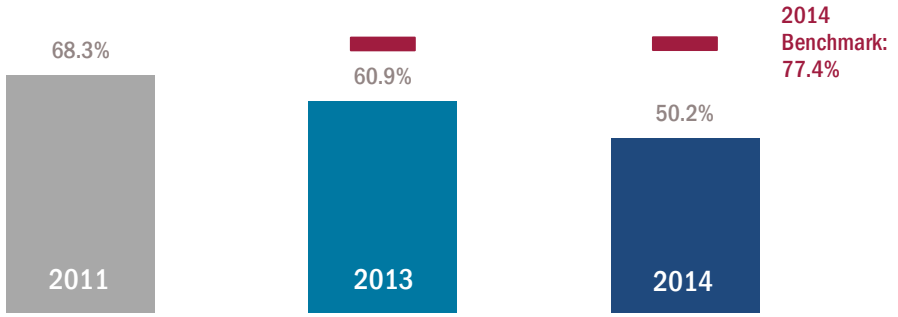
Statewide, the percentage of children who had six or more well-child visits in the first 15 months of life remained below the benchmark in 2014, and declined in 13 of 16 CCOs.

The apparent decline between 2013 and 2014 can likely be attributed to a small denominator in 2013: fewer children were counted in the measure due to the statewide transition to CCOs and continuous enrollment criteria for this measure. 2014 results are more representative than 2013.

The low percentage of children receiving well child visits in 2014 maybe also be due to new members not receiving all six visits within 15 months. Statewide, 71.6 percent of children received at least four well-child visits in the first 15 months of life, and 63.8 percent of children received at least five visits.

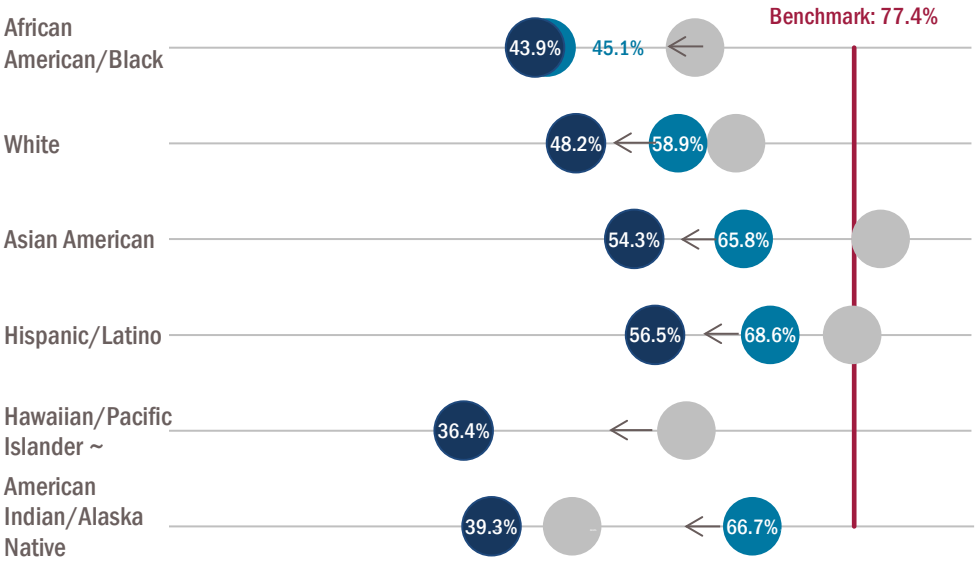
Statewide, well-child visits remained below the benchmark.

Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 90th percentile



Hispanic-Latino children were most likely to have six or more well-child visits in both 2013 & 2014.

Gray dots represent 2011. Data missing for 10.9% of respondents. Each race category excludes Hispanic/Latino.
~ Data suppressed (n<30)



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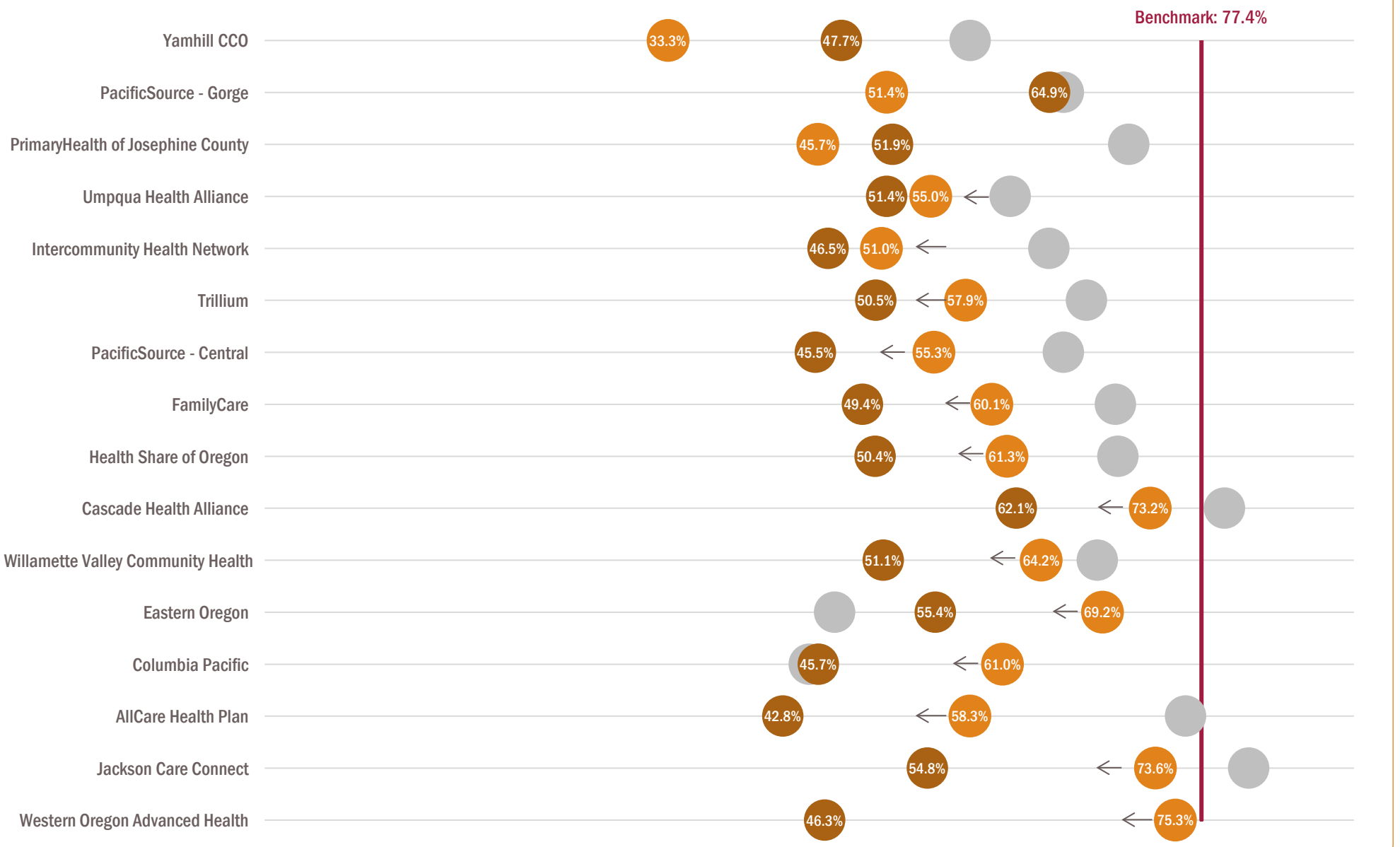
WELL-CHILD VISITS IN THE FIRST 15 MONTHS OF LIFE

Three of 16 CCOs increased the percentage of children receiving six or more well-child visits between 2013 & 2014.

Gray dots represent 2011 baselines, which are pre-CCO and based on data from the predecessor care organization. Baseline data for PacificSource Central and Gorge are combined.



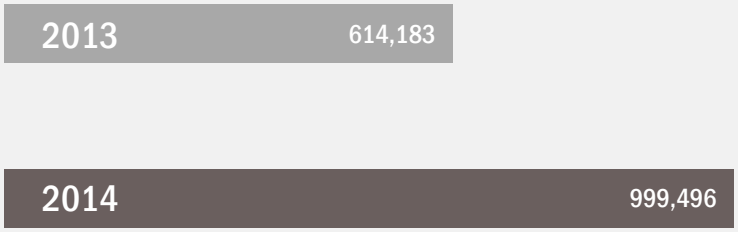
POST-ACA POPULATION

Overview

With the Affordable Care Act (ACA) coverage expansion, an increasing number of Oregonians receive health insurance through the Oregon Health Plan (Medicaid). More than 385,313 Oregonians gained coverage in 2014, meaning approximately 999,496 Oregonians were enrolled by the end of the year. Enrollment has continued to increase in 2015, with approximately 1.1 million members enrolled as of April.

This section of the report highlights these changes. This section of the report also provides more detailed information on three utilization measures since the ACA expansion: emergency department utilization, avoidable emergency department utilization, and outpatient utilization. Data are presented for calendar year 2014, and are broken out by three groups of members: **existing**, **returning**, and **new** (see definitions below).

Total Medicaid enrollment



2014 enrollment by member status



"Existing" members are clients whose enrollment in the Oregon Health Plan began prior to 2014.

"Returning" members are clients who were not enrolled in the Oregon Health Plan during calendar year 2013 but were at some time prior to 2013.

"New" members are clients who were newly enrolled in the Oregon Health Plan in 2014 and were not eligible before that point.

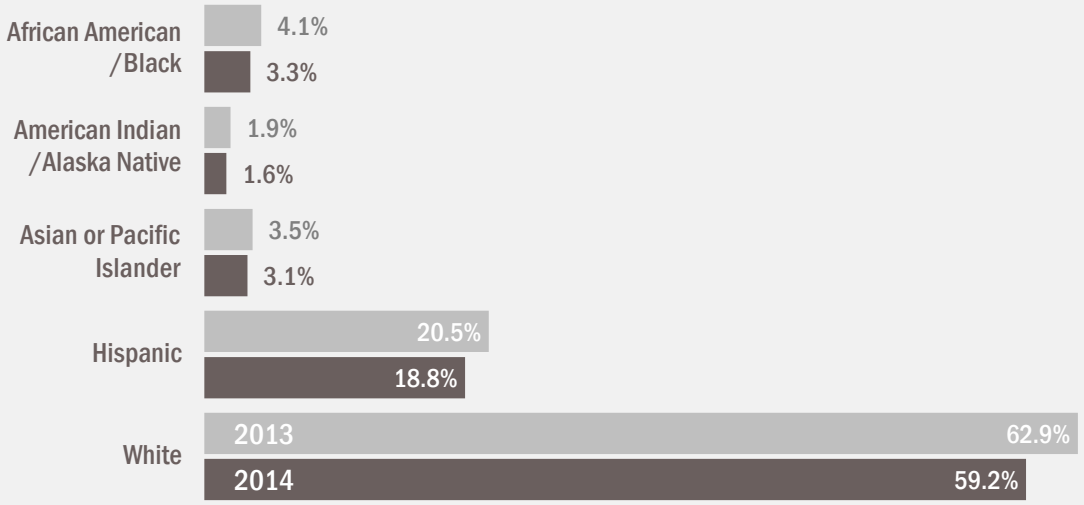
POST-ACA POPULATION

2014

Despite the influx of more than 385,000 new members in 2014, the demographic composition of the Medicaid population remains largely consistent. However, race and ethnicity data were unknown for a larger portion of the population in 2014, which could be masking any demographic changes.

Despite the influx of new members, the racial and ethnic makeup of Medicaid enrollment has not changed much between 2013 and 2014.

Composition based on unique member counts as of December. Data missing: 8% in 2013 and 14% in 2014.



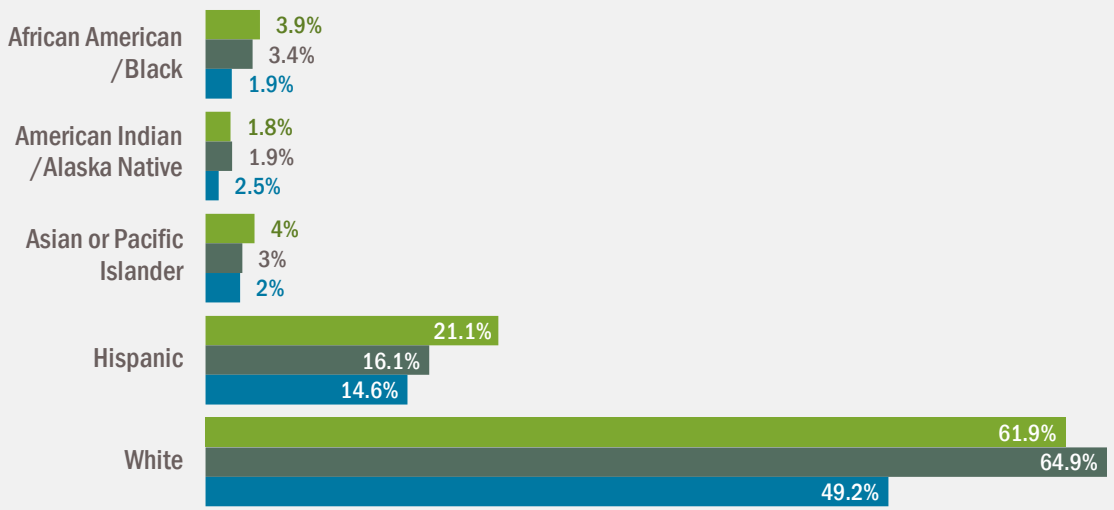
"Existing" members: these are individuals who were enrolled in the Oregon Health Plan during 2013, prior to the expansion beginning in 2014.

"Returning" members: these are individuals who were not enrolled in the Oregon Health Plan during calendar year 2013 but were previously enrolled in Medicaid some time prior to 2014.

"New" members: these are individuals who were newly enrolled in the Oregon Health Plan in 2014 as part of the expansion. These new members were not eligible for Medicaid prior to the expansion.

Race and ethnicity by member status in 2014

Composition based on unique member count as of December 2014. Data missing for 14% of population.



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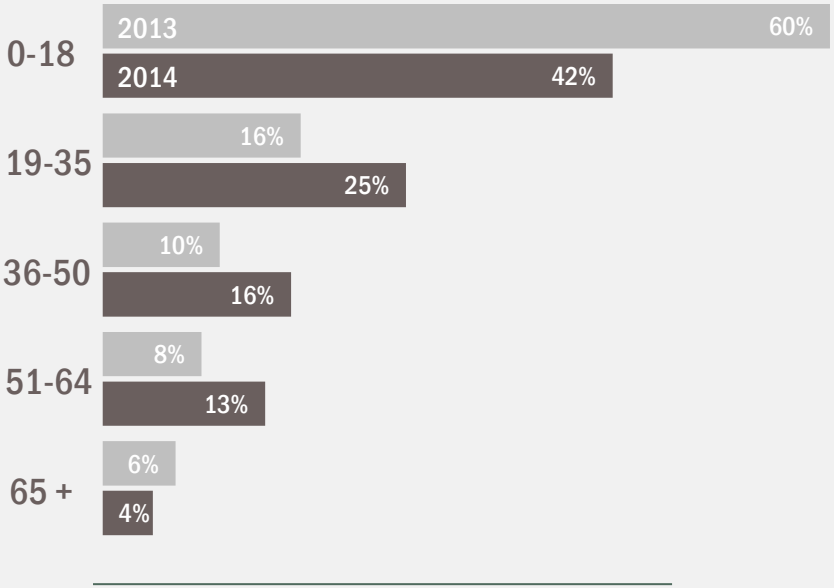
POST-ACA POPULATION

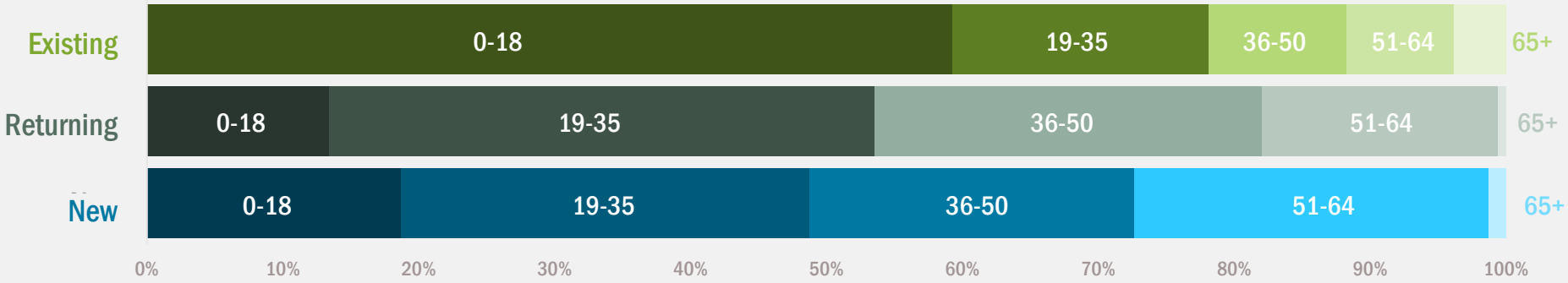
2014

Prior to the Medicaid expansion in 2014, the majority of the population were children and adolescents. In 2014, more adults were eligible for Medicaid and the proportion of members ages 19-64 increased, with the greatest increase being members ages 19-35. When broken out by enrollment history, we see that most children and adolescents had previously been enrolled in Medicaid.

The proportion of members ages 19-35 enrolled in Medicaid increased more than other age groups between 2013 and 2014.



OHP 2014 Enrollment by Member Status and Age Distribution



"Existing" members are clients whose enrollment in the Oregon Health Plan began prior to 2014.

"Returning" members are clients who were not enrolled in the Oregon Health Plan during calendar year 2013 but were at some time prior to 2013.

"New" members are clients who were newly enrolled in a the Oregon Health Plan in 2014 and were not eligible before that point.

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POST-ACA POPULATION: EMERGENCY DEPARTMENT UTILIZATION

Emergency department utilization in 2014

Measure description: Rate of patient visits to an emergency department. Rates are reported per 1,000 member months and a lower number suggests more appropriate use of this care.

2014 data (n= 9,707,039 member months)

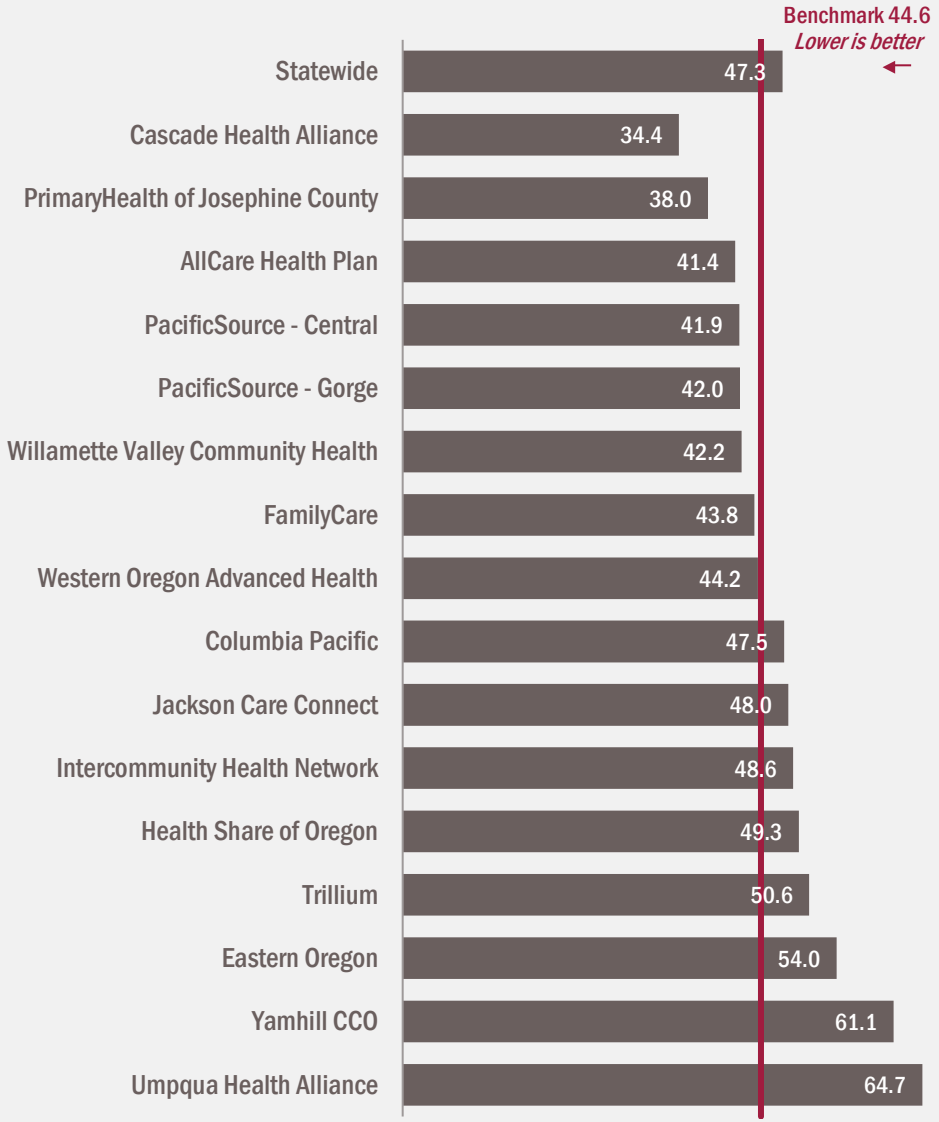
This graph shows emergency department visit rates for all CCO members between January 1, 2014 and December 31, 2014.

The 2014 rate of 47.3 per 1,000 member months has continued to decline from the 2013 rate of 50.7 (see page 18), despite the influx of new Medicaid members.

While some of this decline may be attributed to state and national trends in reduced emergency department utilization, much credit is also due to CCO efforts such as identifying high utilizers, providing care management, and improving access to primary care clinics.

Emergency department utilization during 2014

Rates are reported per 1,000 member months
Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 90th percentile



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POST-ACA POPULATION: EMERGENCY DEPARTMENT UTILIZATION

Emergency department utilization during 2014, by member type.

2014 data (n= 9,707,039 member months)

New members used the emergency department less frequently than members who have prior enrollment experience (33.9 versus 49.6 and 56.9 per 1,000 member months).

Members returning to Medicaid in 2014 had the highest rate of emergency department visit use (56.9 per member months).

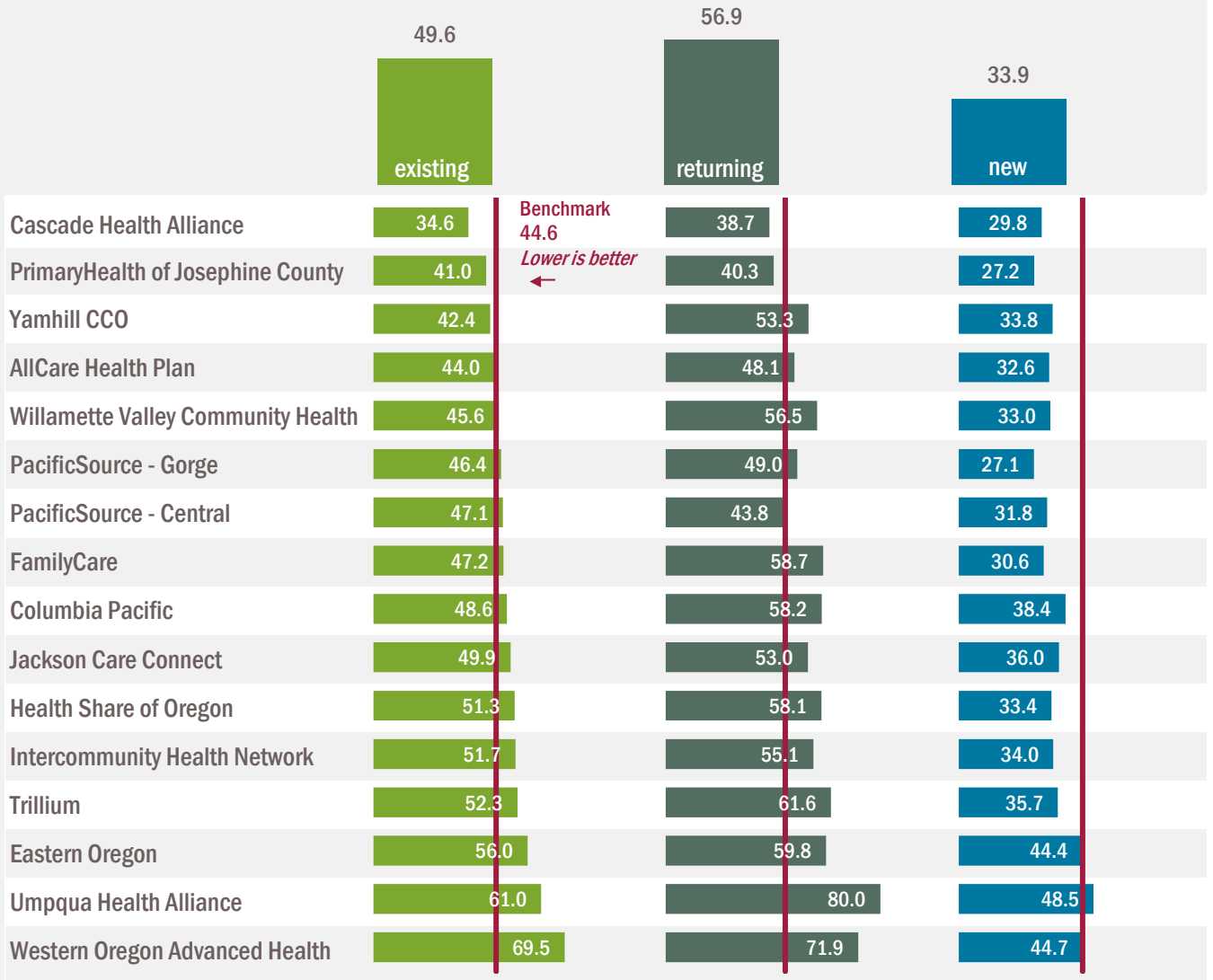
"Existing" members are clients whose enrollment in the Oregon Health Plan began prior to 2014.

"Returning" members are clients who were not enrolled in the Oregon Health Plan during calendar year 2013 but were at some time prior to 2013.

"New" members are clients who were newly enrolled in the Oregon Health Plan in 2014 and were not enrolled prior to 2014.

Statewide, new members with no prior Medicaid enrollment used emergency departments at lower rates than other members.

Rates are reported per 1,000 member months
Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 90th percenite.



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POST-ACA POPULATION: AVOIDABLE EMERGENCY DEPARTMENT UTILIZATION

Avoidable emergency department utilization in 2014

Measure description: Rate of patient visits to an emergency department for conditions that could have been more appropriately managed by or referred to a primary care provider in an office or clinic setting.

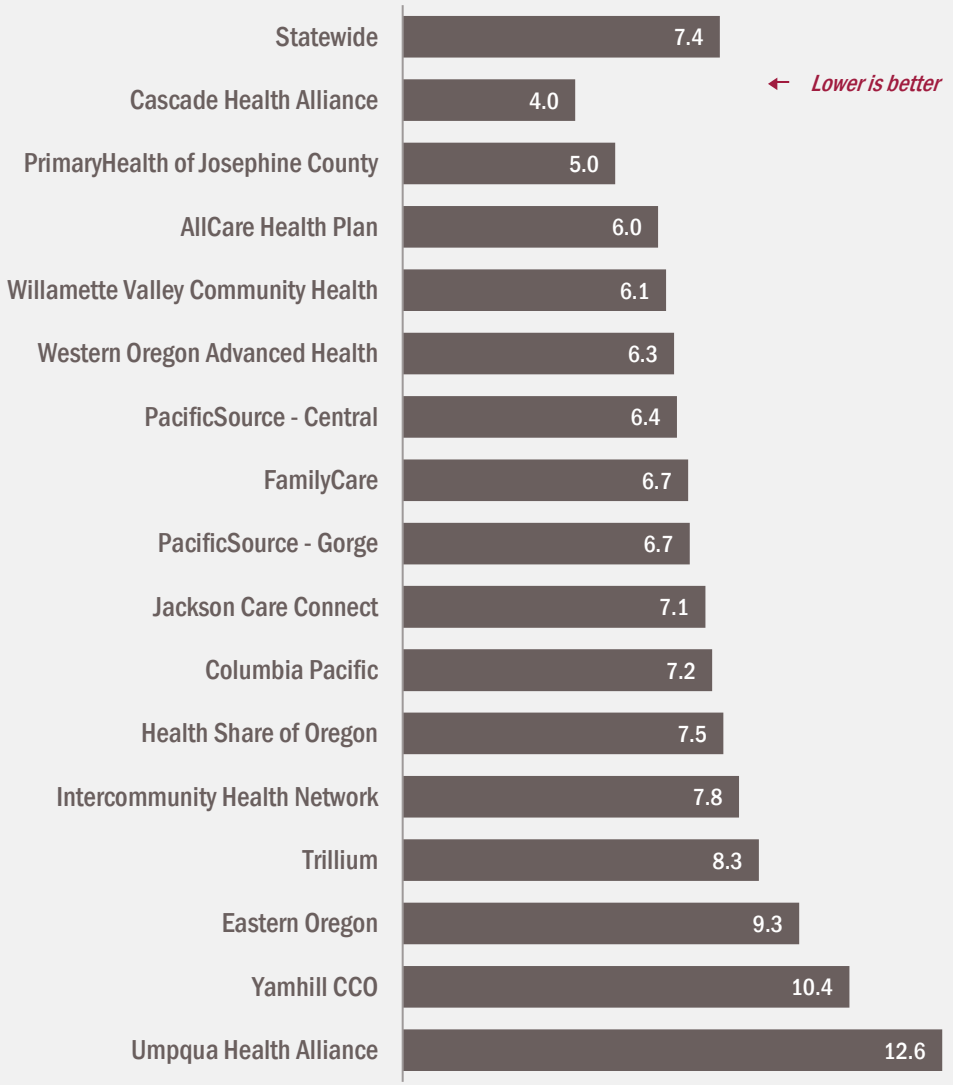
Rates are derived from the ambulatory care: emergency department utilization measure and are reported per 1,000 member months. A lower rate suggests more appropriate emergency department utilization.

2014 data (n= 9,707,039 member months)

This graph shows avoidable emergency department visit rates for all CCO members between January 1, 2014 and December 31, 2014. The observed statewide rate of 7.4 is below the 2013 rate of 8.6 (see page 20) despite the large influx of new Medicaid members.

Avoidable emergency department utilization during 2014

Rates are reported per 1,000 member months
Data source: Administrative (billing) claims
Lower is better



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POST-ACA POPULATION: AVOIDABLE EMERGENCY DEPARTMENT UTILIZATION

Avoidable emergency department utilization in 2014, by member type

2014 data (n= 9,707,039 member months)

New members enrolled in a CCO in 2014 but with no prior Oregon Health Plan enrollment (blue bars) have fewer avoidable emergency department visits than other members (4.7 versus 8.2 and 7.5 per 1,000 member months).

Members enrolled in a CCO in both 2013 and 2014 (green bars) had the highest rate of avoidable emergency department visits in 2014.

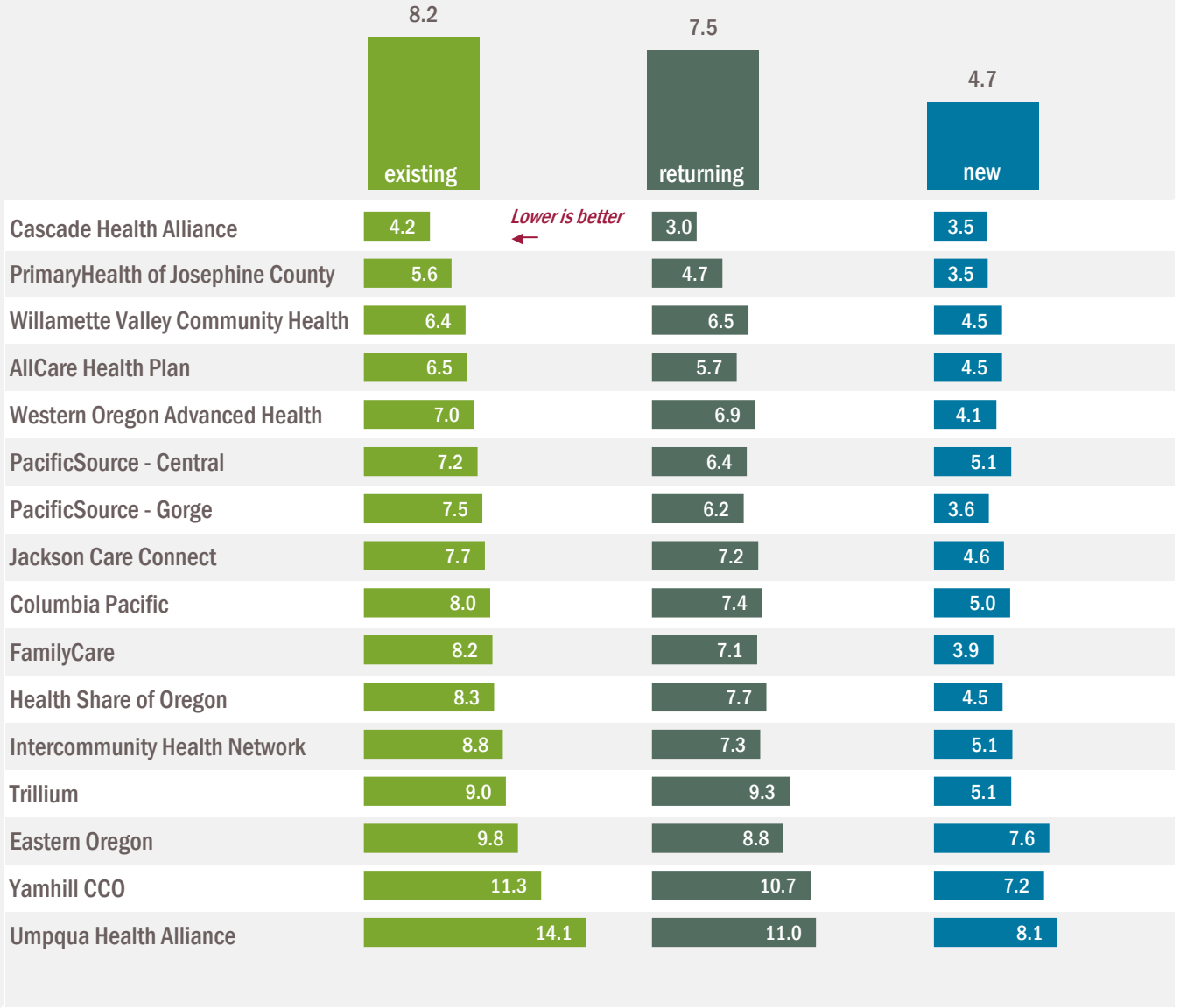
"Existing" members are clients whose enrollment in the Oregon Health Plan began prior to 2014.

"Returning" members are clients who were not enrolled in the Oregon Health Plan during calendar year 2013 but were at some time prior to 2013.

"New" members are clients who were newly enrolled in the Oregon Health Plan in 2014 and were not enrolled prior to 2014.

Statewide, new members had lower rates of avoidable emergency department utilization than other members.

Rates are reported per 1,000 member months
Data source: Administrative (billing) claims
Lower is better.



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POST-ACA POPULATION:UTILIZATION BY AGE AND MEMBER TYPE

Emergency department utilization and avoidable emergency department utilization by age and member type

2014 data (n= 9,707,039 member months)

With the influx of new members due to the ACA expansion, emergency department and avoidable emergency department utilization vary not only by age, but by member type.

Children who returned to Medicaid in 2014 (some prior enrollment experience) had lower emergency department utilization rates than returning adults, but among new members with no prior enrollment experience, older adults have the lowest rates of emergency department utilization. And across all member types, adults ages 36-50 have the highest ED utilization.

Adults generally have lower rates of avoidable emergency department utilization than children, with the exception of new children with no prior Medicaid experience, potentially indicating they have not yet established a source for regular care.

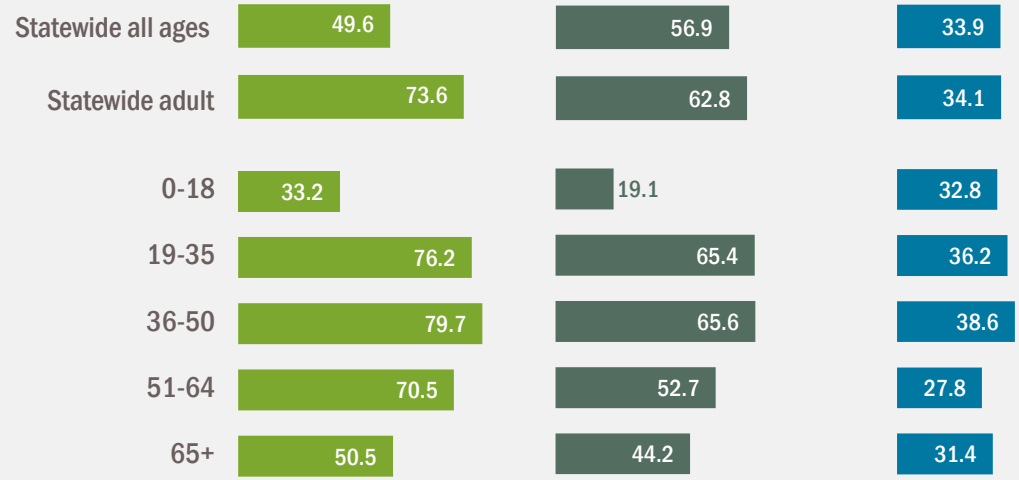
"Existing" members are clients whose enrollment in the Oregon Health Plan began prior to 2014.

"Returning" members are clients who were not enrolled in the Oregon Health Plan during calendar year 2013 but were at some time prior to 2013.

"New" members are clients who were newly enrolled in the Oregon Health Plan in 2014 and were not enrolled prior to 2014.

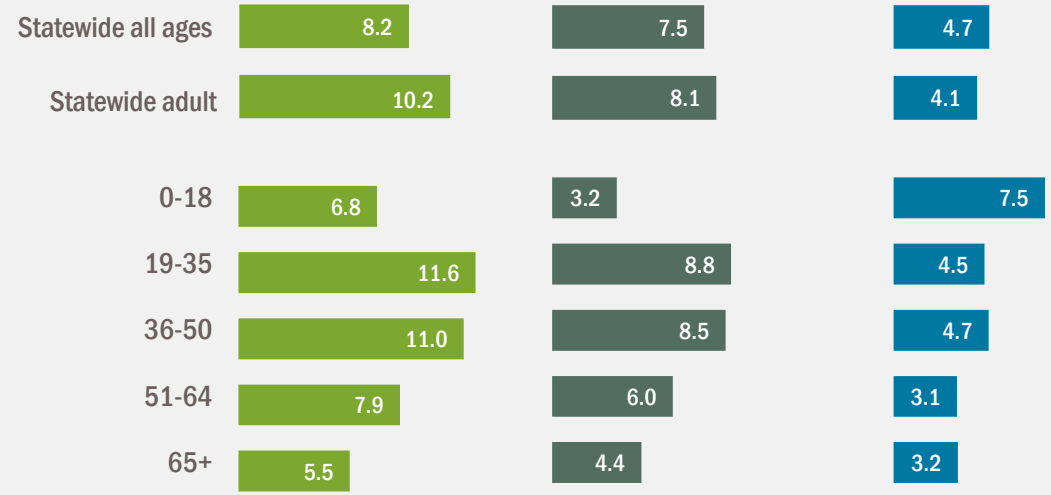
Emergency department utilization is highest for existing adults and lowest for returning children.

Per 1,000 member months.



Avoidable emergency department utilization is highest among new children and existing adults.

Per 1,000 member months.



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POST-ACA POPULATION: OUTPATIENT UTILIZATION

Outpatient utilization in 2014

Measure description: Rate of outpatient services, such as office visits, home visits, nursing home care, urgent care and counseling or screening services. Rates are reported per 1,000 member months.

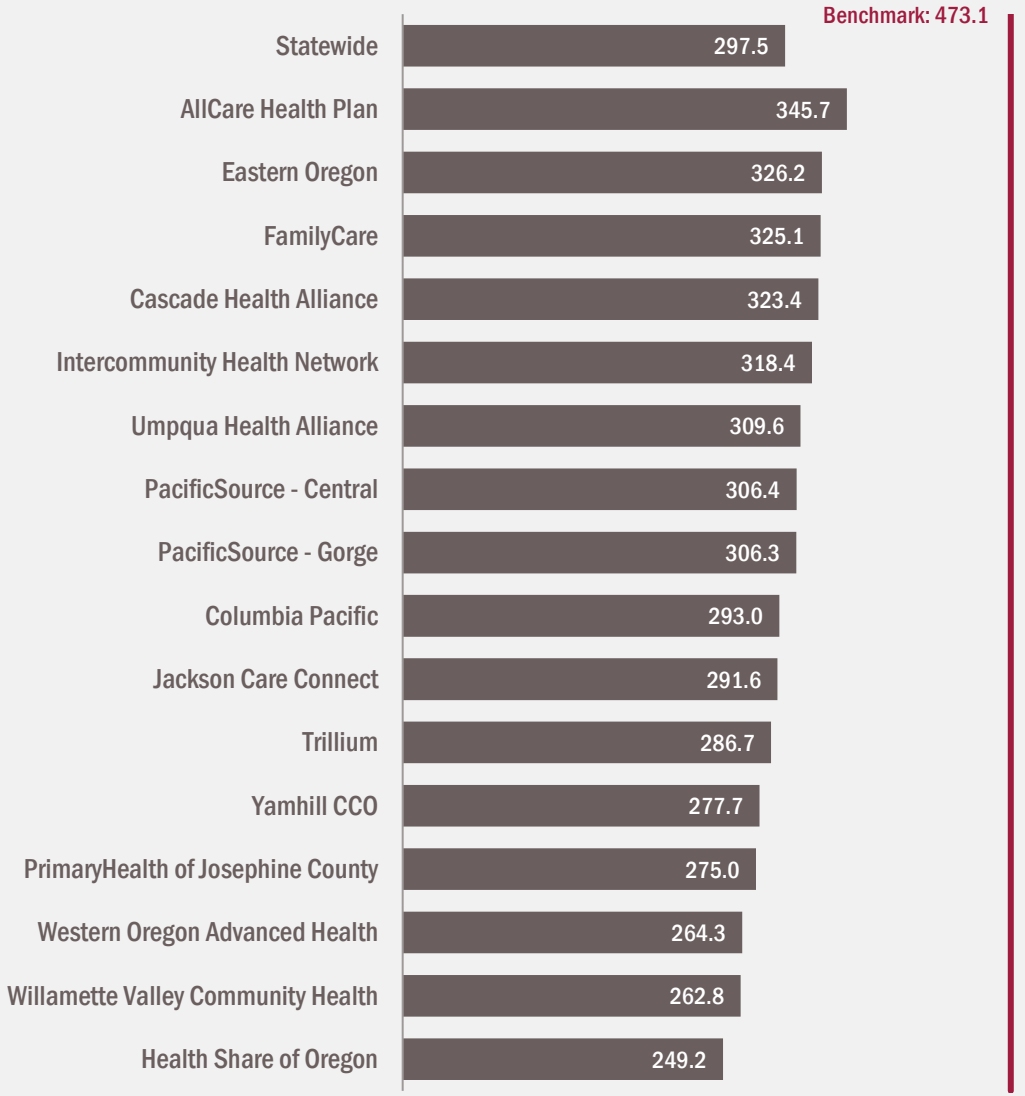
2014 data (n= 9,707,039 member months)

This graph shows outpatient utilization rates for all CCO members between January 1, 2014 and December 31, 2014.

The observed statewide rate of 297.4 is below the 2013 rate of 323.5 (see page 22).

Ambulatory outpatient utilization during 2014.

Data source: Administrative (billing) claims
Benchmark source: 2013 National Medicaid 90th percentile



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POST-ACA POPULATION: OUTPATIENT UTILIZATION

Outpatient utilization in 2014, by member type

2014 data (n= 9,707,039 member months)

New members enrolled in a CCO in 2014 but with no prior Oregon Health Plan enrollment (blue bars) used outpatient services more frequently than existing members and returning members with prior enrollment experience (301.2 versus 297.8 and 289.0 per 1,000 member months). This is promising, indicating new members are accessing services at the same rate as other members despite the 60 percent increase in enrollment due to the ACA expansion.

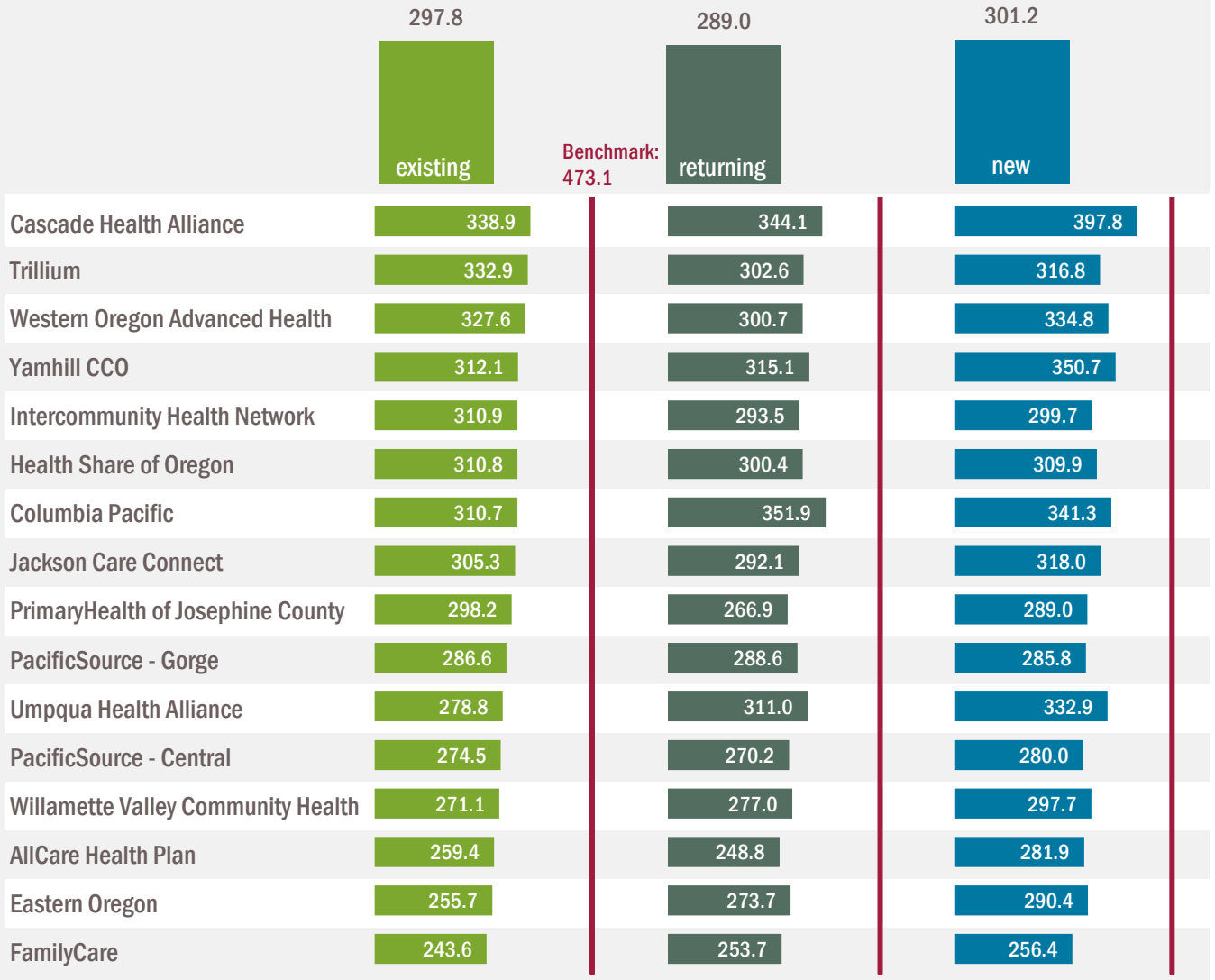
"Existing" members are clients whose enrollment in the Oregon Health Plan began prior to 2014.

"Returning" members are clients who were not enrolled in the Oregon Health Plan during calendar year 2013 but were at some time prior to 2013.

"New" members are clients who were newly enrolled in the Oregon Health Plan in 2014 and were not eligible before that point.

Statewide, new members utilize care in an outpatient setting at slightly higher rates than other members.

Rates are reported per 1,000 member months
Data source: Administrative (billing) claims
2014 benchmark source: 2013 National Medicaid 90th percentile



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COST AND UTILIZATION

Overview

This section of the report contains cost and utilization data for Medicaid spanning calendar years 2011 – 2014. OHA uses Milliman's MedInsight Health Cost Guidelines (HCG) Grouper software to classify claims. Cost and utilization data reported here are comparable to reports produced from Oregon's All-Payer All-Claims database for commercial and Medicare populations.

This report does not include data on services that have occurred but have not yet been recorded or encountered. Data may be incomplete due to lags in submitting data to OHA. Future reports will be updated as more complete data are submitted.

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FINANCIAL: INPATIENT COST

Hospital inpatient care

Description: Per member per month cost of hospital inpatient services. Costs are calculated by dividing the total paid for services by the total member months.

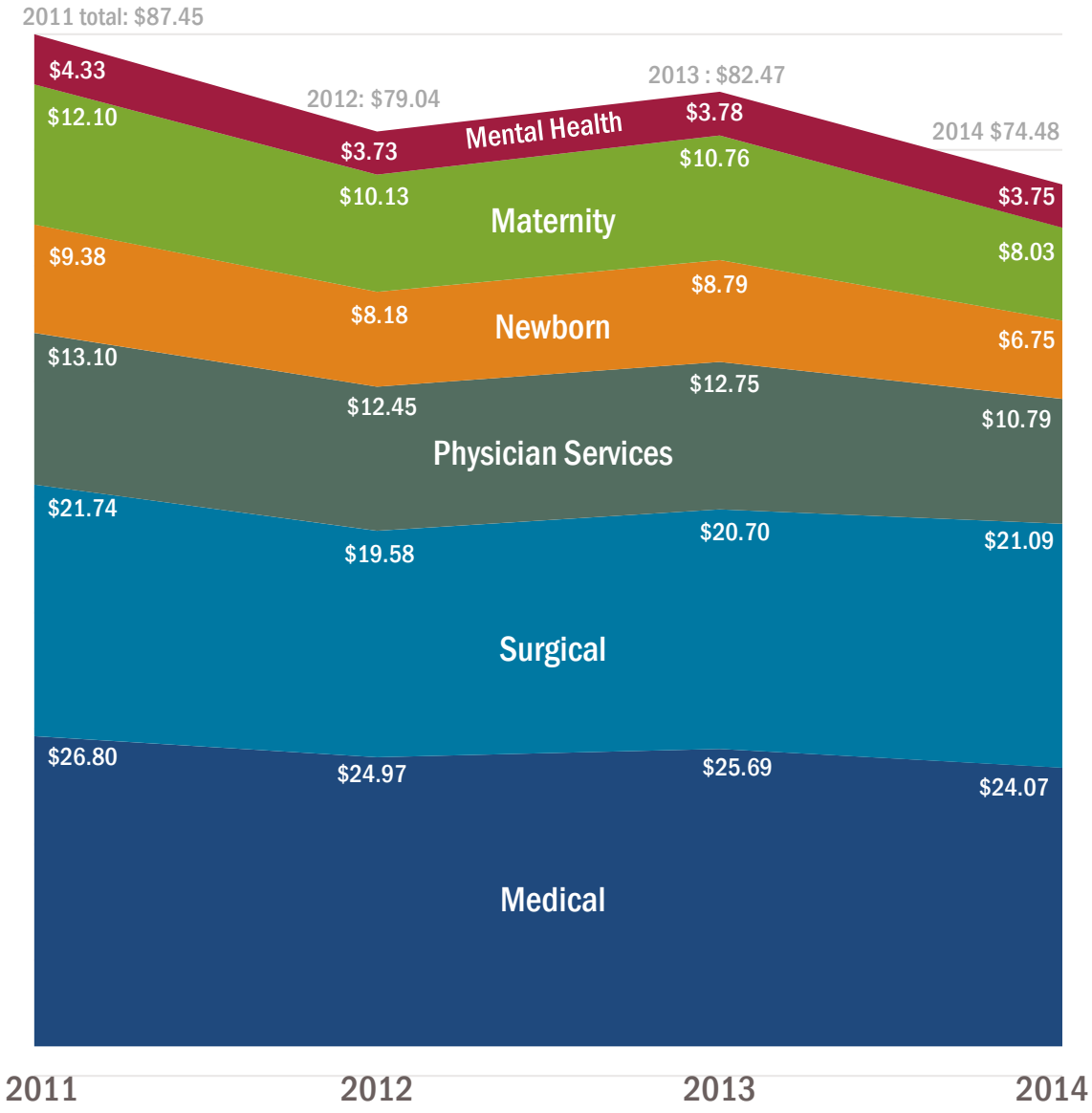
Purpose: Different hospital inpatient interventions require different levels of resource use. With the coordinated model, utilization of these services is also expected over time.

2014 data:

Per-member per-month costs for inpatient hospital services have decreased by 14.8 percent since 2011, the baseline year. This came at a time when more members were in coordinated care since the 2012 creation of CCOs, and when more individuals had access to health care through the Affordable Care Act beginning in 2014. This indicates utilization was held in check as more members enrolled in Medicaid and the inpatient dollars were spread to a larger population.

Overall, inpatient costs have decreased since 2011.

Figures are U.S. dollars per member, per month



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FINANCIAL DATA: OUTPATIENT COST

Outpatient costs

Measure description: Per member per month cost of outpatient services. Costs are calculated by dividing the total paid for services by the total member months.

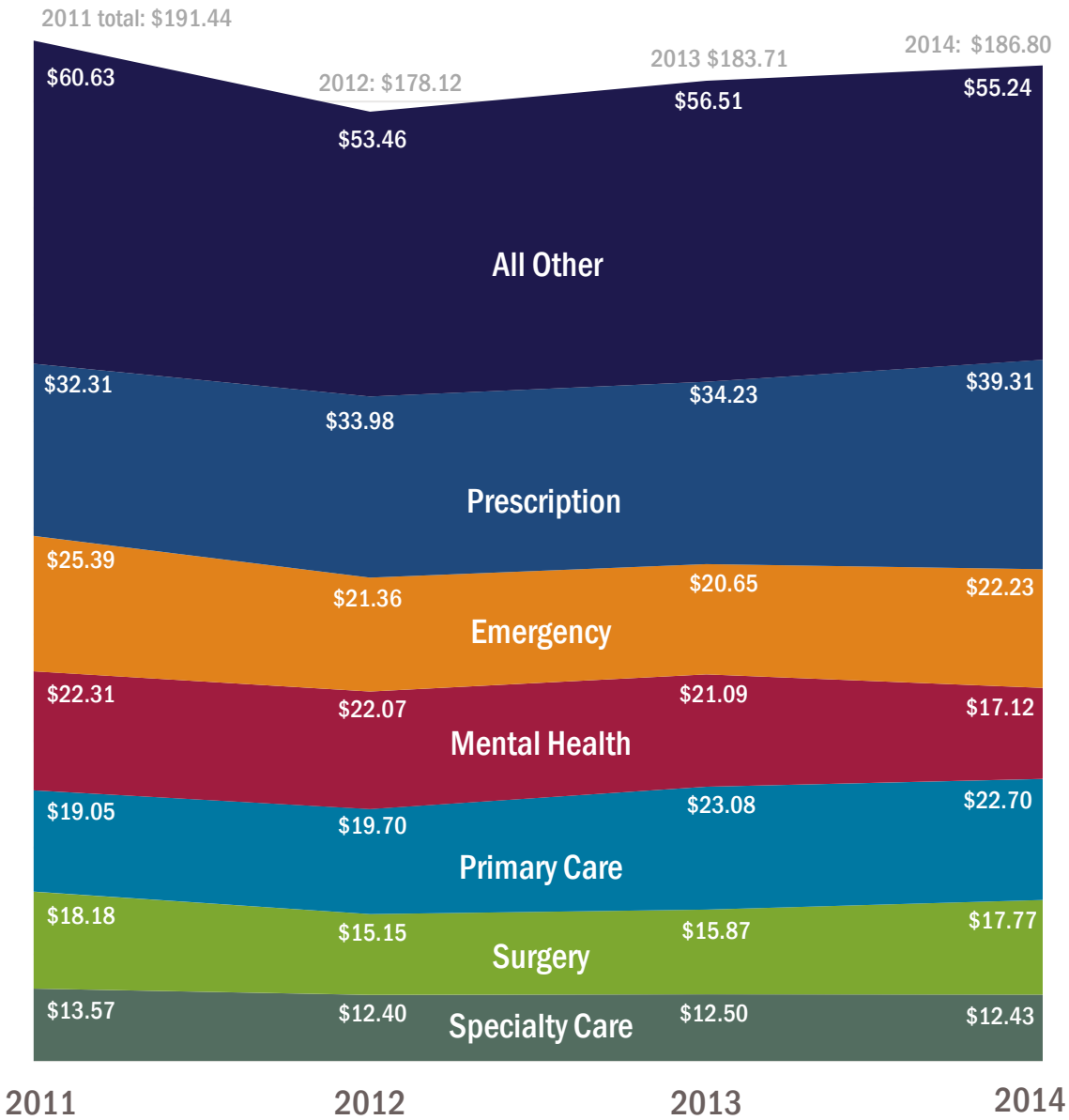
Purpose: Different hospital outpatient interventions require different levels of resource use. With the coordinated model, utilization of these services is also expected over time.

2014 data:

As overall outpatient per member, per month costs have decreased since 2011, two sub-categories have increased: primary care and prescription drugs. With the inception of CCOs, a key focus has been to increase resources at the primary care level to ensure that members are accessing care and treatment plans are initiated in a way that is effective for the patient.

Overall, outpatient costs have decreased slightly since 2011.

Figures are U.S. dollars per member, per month



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FINANCIAL DATA: OUTATIENT COST AND UTILIZATION

Primary care and emergency department costs

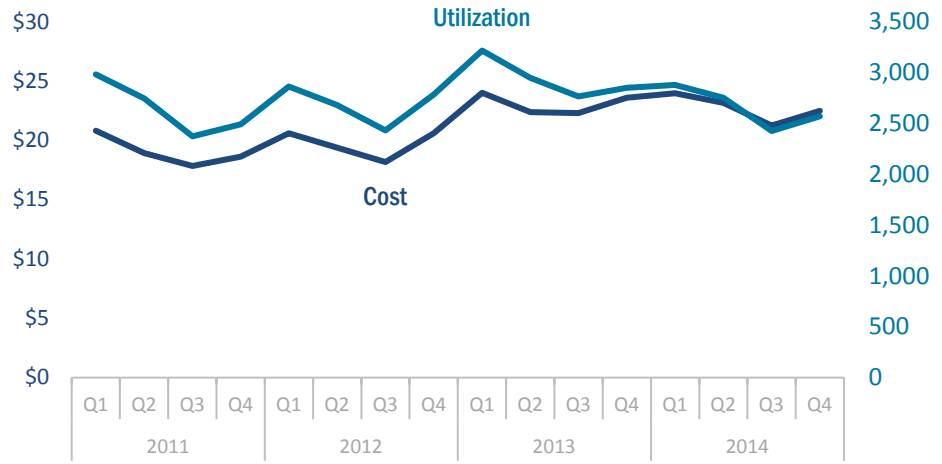
Measure description: Per member per month cost of primary care services displayed with primary care utilization. Costs are calculated by dividing the total claims paid by the total member months and utilization by dividing total primary care visits annually by 1,000 members.

Per member, per month costs of emergency services are calculated as total costs divided by member months.

Purpose: Primary care and emergency department visits may be influenced by the coordinated care model with the focus on patient-centered primary care enrollment.

Primary care cost and utilization have similar trends.

Costs shown are U.S. dollars, per member per month; utilization is annualized/1,000 members.



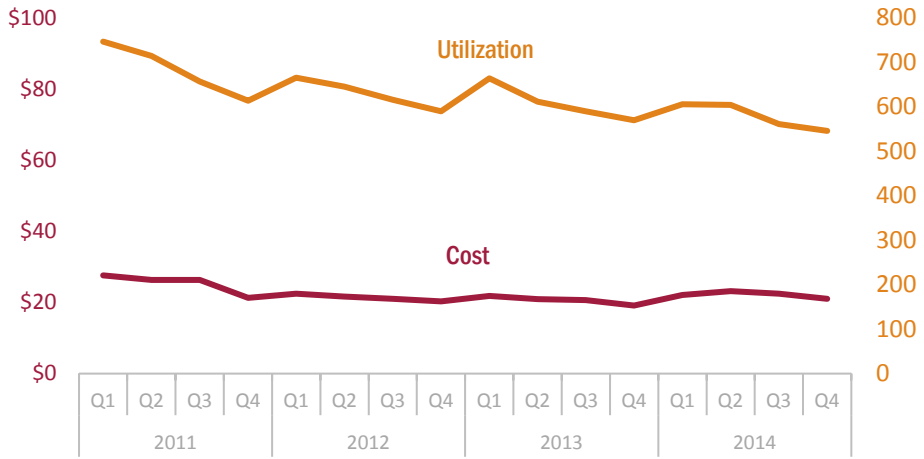
2014 data

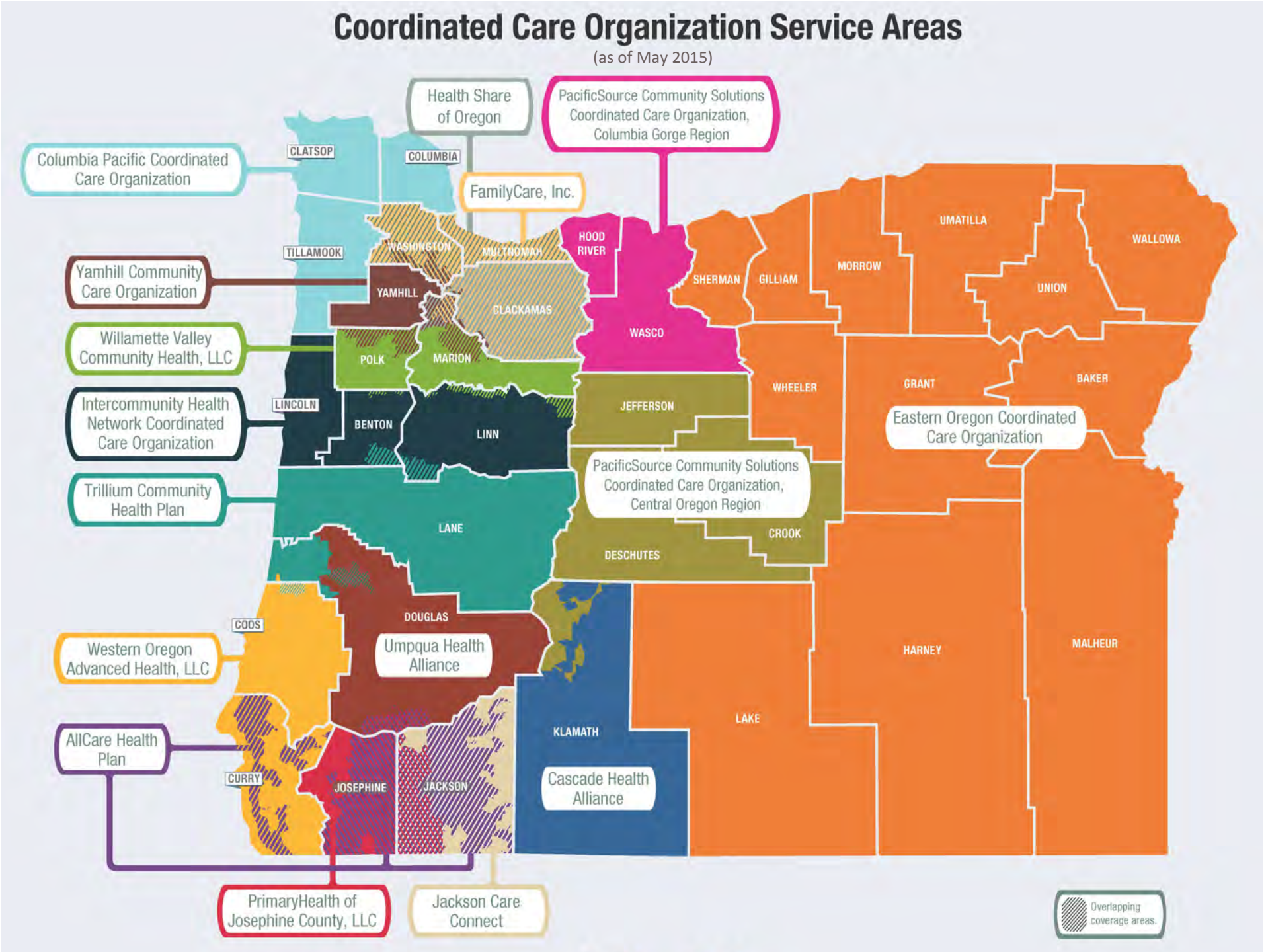
Primary care costs and utilization continue to trend closely together, declining in the first half of 2014 and then showing a slight increase in the second half. This trend is consistent with previous years and appears to be holding steady in 2014, despite the increase in the Medicaid population due to ACA expansion.

Emergency department costs increased slightly in the first half of 2014 but resumed their decline in the second half, again consistent with the continued decline in emergency department utilization (see pages 18–19). Costs increased slightly the first quarter of each year between 2011 and 2014, suggesting a seasonal trend.

ED cost and utilization.

Costs shown are U.S. dollars, per member per month; utilization is annualized/1,000 members.




Coordinated Care Organization Service Areas
(as of May 2015)
Health Share of Oregon
PacificSource Community Solutions Coordinated Care Organization, Columbia Gorge Region
Columbia Pacific Coordinated Care Organization
FamilyCare, Inc.
Yamhill Community Care Organization
Willamette Valley Community Health, LLC
Intercommunity Health Network Coordinated Care Organization
Trillium Community Health Plan
Western Oregon Advanced Health, LLC
AllCare Health Plan
PrimaryHealth of Josephine County, LLC
Jackson Care Connect
Umpqua Health Alliance
Cascade Health Alliance
PacificSource Community Solutions Coordinated Care Organization, Central Oregon Region
Eastern Oregon Coordinated Care Organization
CLATSOP
COLUMBIA
TILLAMOOK
WASHINGTON
MULTNOMAH
HOOD RIVER
YAMHILL
CLACKAMAS
WASCO
POLK
MARION
LINCOLN
BENTON
LINN
JEFFERSON
LANE
DESCHUTES
CROOK
DOUGLAS
COOS
CURRY
JOSEPHINE
JACKSON
KLAMATH
LAKE
SHERMAN
GILLIAM
MORROW
UMATILLA
UNION
WALLOWA
WHEELER
GRANT
BAKER
HARNEY
MALHEUR
Overlapping coverage areas.

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OHA CONTACTS AND ONLINE INFORMATION

For questions about performance metrics, contact:

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For questions about financial metrics, contact:

Jeff Fritsche
Finance Director
Oregon Health Authority
Email: jeffrey.p.fritsche@state.or.us

For more information about technical specifications for measures, visit: www.oregon.gov/oha/analytics/Pages/CCO-Baseline-Data.aspx

For more information about coordinated care organizations, visit: www.health.oregon.gov

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OREGON HEALTH AUTHORITY - Office of Health Analytics
CCO INCENTIVE MEASURES 2014 FINAL REPORT

PacificSource Columbia Gorge Region

CCO Incentive Measure	2013 Baseline	2014 Final Numerator count	2014 Final Denominator count	2014 Final Rate	2014 Benchmark	CCO meets Benchmark? Yes/No If No →	2014 Improvement Target	CCO meets Improvement Target? Yes/No	CCO earned quality pool for this measure? Yes/No
Adolescent Well Care Visits	31.9%	637	1,980	32.2%	57.6%	No	34.9%	No	No
Screening, Brief Intervention and Referral to Treatment (SBIRT)	1.9%	904	4,568	19.8%	13.0%	Yes	4.9%	n/a	Yes
Ambulatory Care: Emergency Department Visits (per 1,000 members months)	46.1	5,801	138,263	42.0	44.6	Yes	46.0	n/a	Yes
CAHPS: Access to Care	86.1%	n/a	n/a	79.8%	88.0%	No	88.0%	No	No
CAHPS: Satisfaction with Care	85.4%	n/a	n/a	83.9%	89.0%	No	87.4%	No	No
Colorectal Cancer Screening[1]	n/a	189	405	46.7%	47.0%	No	n/a	No	No
Developmental Screening 0-36 Months	8.1%	362	866	41.8%	50.0%	No	12.3%	Yes	Yes
Early Elective Delivery	0.6%	0.0	37	0.0%	5.0%	Yes	5.0%	n/a	Yes
Electronic Health Record Adoption	52.3%	92	109	84.7%	72.0%	Yes	55.3%	n/a	Yes
Follow-up after Hospitalization for Mental Illness (7 day)	75.0%	7	7	100.0%	68.8%	Yes	68.8%	n/a	Yes
Follow-up Care for Children Prescribed ADHD Medication (Initiation)	75.0%	20	31	64.5%	51.0%	Yes	51.0%	n/a	Yes
Mental and Physical Health Assessment within 60 Days for Children in DHS Custody	57.5%	27	38	71.1%	90.0%	No	60.8%	Yes	Yes
Patient-Centered Primary Care Home Enrollment	75.5%	35,403	36,732	96.4%	N/A sliding scale. PCPCH Enrollment rate is converted to decimal and applied to total number of measures met.				1.0
Timeliness of Prenatal Care[2]	82.0%	200	222	90.1%	90.0%	Yes	82.8%	n/a	Yes
Year Two Technology Plan: submitted on time and approved by OHA.				n/a	NOTE: CCO must submit technology plan on time to then submit data submission. CCO must submit technology plan AND data submission to receive credit for the clinical measures.				n/a
Depression Screening and Follow Up Plan				Yes	CCO notified of approval on May 29, 2015				Yes
Diabetes HbA1c Poor Control				Yes	CCO notified of approval on May 29, 2015				Yes
Hypertension Control				Yes	CCO notified of approval on May 29, 2015				Yes

[1]The 2013 rates for Colorectal cancer screening were calculated as a rate per 1,000 member months using administrative data only. They are not comparable to 2014 rates.
[2]The 2013 rates for Timeliness of prenatal care were calculated using administrative data only. They are not directly comparable to 2014 rates.

Measure Specifications: http://www.oregon.gov/oha/Pages/CCO-Baseline-Data.aspx
Reference Instructions: http://www.oregon.gov/oha/analytics/CCOData/2014%20Reference%20Instructions.pdf

Total number of measures this CCO met the benchmark or improvement target on:	12
Total number of measures this CCO met plus PCPCH Enrollment score:	**13.0**
Percent of 2014 Quality Pool Earned (See reference instructions for details)	**100%**

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Agenda Item
Home Rehabilitation Program

- 2015 IGA

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Intergovernmental Agreement In Support Of a Community Development Block Grant From The 2015 Community Development Block Grant Program Administered By the Oregon Business Development Department, Infrastructure Finance Authority

Agreement Title:	Sponsorship of Mid Columbia Home Repair Program
Agreement Date:	8.19.2015
Signatory parties:	**Hood River County, Wasco County, Sherman County, Cities of: Cascade Locks, Hood River, Mosier, The Dalles, Dufur, Maupin, Moro, Grass Valley, Antelope, Shaniko, Rufus and Wasco**
Agreement:	The above signatory parties agree to jointly sponsor a housing rehabilitation program provided through a Community Development Block Grant (CDBG), administered by the Oregon Business Development Department, Infrastructure Finance Authority and recognize Hood River County as the lead agency that will be responsible for applying, receiving and administering the CDBG award.
Grant Activity:	The purpose of the proposed CDBG is to manage a housing rehabilitation revolving loan fund to provide assistance to low income homeowners to repair their homes.
Constraints:	One-hundred percent (100%) of the benefitted owner occupied household occupants must have incomes below the federal low- and moderate-income limit (80% of the median family income as adjusted by family size). Only persons who reside within the boundaries of the cities and unincorporated/ nonentitlement county areas of the signatory parties are to receive the housing rehabilitation funding. Columbia Cascade Housing Corporation will enter into a sub-recipient agreement with the lead agency, Hood River County, to manage the housing rehabilitation program.
Counterparts:	This agreement may be signed in counterparts and each counterpart will be deemed an original. Copies of all signatures will be provided as part of the grant application and to each signator.
Multiple Parties:	In the event that one or more of the signatories identified above decline to sign this agreement, it remains sufficient for all other signatories to receive the benefits of the agreement.

So Agreed:

_____ August 19, 2015

Signed: Scott C. Hege Date

Chair, Wasco County Board of Commissioners

Title (Include Jurisdiction)

APPROVED AS TO FORM:

_____

Kristen Campbell
Wasco County Counsel

Return to Agenda

Agenda Item
Marijuana Legislation & Local Regulations Overview

- Wasco County Planning Director's Memo
- AOC Possible Marijuana Action Items for Counties
- Summary of 2015 Oregon Marijuana Legislation
- Selected Provisions of 2015 Oregon Marijuana Legislation
- FAQs – Recreational Marijuana in Oregon
- Douglas County Ordinances
- Deschutes County Hearing Notice
- Hood River County Interpretation of HB 3400 Marijuana

Wasco County Planning Department

"Service, Sustainability & Solutions"

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

Memorandum

To: Wasco County Board of Commissioners

From: Angie Brewer, Planning Director

Date: August 14, 2015

Subject: Information for Marijuana Discussion

Context:
The intent of this memorandum is to provide a high-level overview of HB 3400, the role of the Planning Department, and "opt-out" options available to the County. This information is being shared to (1) ensure consistency in our collective understanding of the applicable regulations, roles and options available at this time, and (2) support Board direction to staff.

Please note that there is still a lot to be clarified at the State and local level, and the guidance provided by this document may need to be updated in the future.

Resources:
HB 3400 may be viewed online at:
https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB3400/Enrolled

Several documents are attached to this memo, including three guidance memos from the Association of Oregon Counties, a copy of frequently asked questions from the Oregon Liquor Control Commission, a copy of Douglas County's recently adopted ordinance to pursue opt-out option 2, a recent media release from Deschutes County for upcoming marijuana hearings, and a recent interpretation made by the Hood River County Planning Department.

Overview:
Medical marijuana and recreational marijuana are not the same. In November 2014, Oregon voters passed Ballot Measure 91, which legalized recreational marijuana and which provided for local jurisdiction opt outs. The 2015 Legislature enacted HB 3400, a comprehensive marijuana regulatory bill, including general provisions allowing local jurisdictions to opt out of marijuana businesses.

As a result of this legislation, commercially grown marijuana has been given status by the State as a farm crop. This means it can be grown commercially on Exclusive Farm Use and other resource zones that list "farm use" as a use allowed without review (no permit required). The

commercial growing of marijuana on non-resource lands (e.g. Tygh Valley Residential and Wamic Residential) will depend on the uses allowed in that zone by the Wasco County Land Use and Development Ordinance. In some cases, it may be allowed with a land use application (includes public notification); in others it may not be allowed at all. This will also be the case for the processing, selling, wholesaling, and distribution of marijuana and products that contain marijuana.

Under our current rules and regulations, the time, place, and manner of marijuana processing and retailing can be regulated for impacts to the community and resources just as any business, home occupation or cottage industry would be in the applicable land use zone.

The OLCC license process will include a Land Use Compatibility Statement (often referred to as a "LUCS") that must be signed by the applicable planning department to verify the use is allowed in that zone. This process will help to ensure business owners are pursuing the necessary planning process to address impacts to communities and resources.

Under HB 3400 Opt Out Option 2 (see HB 3400A Section 134 and attached AOC memo dated 6/30/15), Wasco County may opt out of permitting marijuana businesses by enacting an ordinance identifying which, if any, of the following businesses to prohibit:

a) Medical Marijuana processing sites;
b) Medical Marijuana dispensaries;
c) Recreational Marijuana producers (growers);
d) Recreational Marijuana processors;
e) Recreational Marijuana wholesalers;
f) Recreational Marijuana retailers; or
g) Any combination of the businesses described above.

If Wasco County enacts an ordinance to prohibit any or all marijuana businesses in unincorporated areas, the ordinance will be referred to the voters at the November 2016 General Election. A temporary moratorium will also be in effect until the election stopping the Oregon Liquor Control Commission (OLCC) and the Oregon Health Authority (OHA) from issuing licenses for the prohibited marijuana businesses.

Citizen Inquiries/Concerns:
To date, the Planning Department has received about a dozen inquiries from landowners interested in the commercial growing of recreational marijuana; we have received one application to verify the use is allowed in the EFU zone. The Code Compliance Officer has recently researched a number of reported grow sites, and found that they all had medical marijuana licenses. One citizen has voiced concerns regarding marijuana related fire risks and impacts to limited water supplies. Staff has begun conversations with the area Water Master and Wasco County Fire Board to verify resource impact concerns and ensure coordination moving forward.

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POSSIBLE MARIJUANA ACTION ITEMS FOR COUNTIES

Now that the dust has settled on 2015 marijuana legislation, AOC Legal Counsel Rob Bovett has prepared an outline of potential action items for counties to consider:

1. Decide whether to prohibit "early start" sales of recreational products through medical dispensaries

BACKGROUND: 2015 Senate Bill 460, the so-called "early start" bill, allows medical marijuana dispensaries to sell three recreational products, beginning October 1 of this year. Those three products are dried leaves and flowers, plants that are not flowering, and seeds. The bill allows any county to prohibit such sales by ordinance. No local election is required. A sample ordinance has been crafted by Mr Bovett and made available to county attorneys.

TIMING: A decision should be made very soon, as "early start" sales begin October 1. No action is necessary if your county governing body does not want to prohibit "early start" sales.

2. Decide whether to adopt or revise your time, place, and manner regulations for "early start" sales

BACKGROUND: 2014 Senate Bill 1531, as well as 2015 House Bill 3400, clarified county authority to adopt reasonable time, place, and manner regulations regarding medical marijuana dispensaries. Many local jurisdictions adopted those regulations. If your county governing body decides to not prohibit "early start" sales, you may want to review your regulations to see if they are adequate to address any regulatory concerns or goals your may have about "early start" sales.

TIMING: A decision should be made very soon, as "early start" sales begin October 1.

3. Decide whether to opt out of any one or more of the six categories of marijuana businesses

BACKGROUND: 2013 House Bill 3460, 2014 Ballot Measure 91, and 2015 House Bill 3400 create six categories of state registered or licensed marijuana businesses in Oregon, two medical and four recreational: (1) Medical marijuana processors; (2) medical marijuana dispensaries; (3) recreational marijuana producers; (4) recreational marijuana processors; (5) recreational marijuana wholesalers; and (6) recreational marijuana retailers. House Bill 3400 created two additional paths to opt out of any one or more of those categories of marijuana businesses in unincorporated areas of your county. Under one path, any county governing body can enact an ordinance prohibiting any one or more of those categories, but the ordinance must be referred to county voters at the next general election (November of 2016). So an ordinance enacted under this path effectively operates as a moratorium until the election. Under another path, fifteen Eastern Oregon counties (all counties east of the Cascades, except Wasco and Deschutes) can enact an ordinance prohibiting any one or more of those categories, and those ordinances do not need to be referred to county voters. Sample ordinances and orders have been crafted by Mr Bovett and made available to county attorneys.

NOTE 1: If a county opts out of <u>any</u> of the six categories of marijuana businesses, that county loses its right to a share of the net proceeds of the state recreational marijuana tax, and also loses its ability to seek voter approval for a local recreational marijuana tax (see number 6 below).

NOTE 2: Even if your county opts out of medical marijuana processors and/or medical marijuana dispensaries, House Bill 3400 does grandfather some of those businesses if they already exist in your county.

TIMING: If you are an Eastern Oregon county choosing to opt out without an election, you must act by December 28, 2015. There is no set deadline for imposing a moratorium until the next general election. However, grandfathering continues, and early in 2016 OLCC will begin taking recreational marijuana business license application. Therefore, under either scenario, you are encouraged to act soon if your county governing body desires to opt out.

4. Decide whether to amend your land use planning code to address zoning issues

BACKGROUND: Provisions of 2015 House Bill 3400 directly address zoning issues related to the various categories of medical and recreational marijuana businesses. It is likely that your county will want to review your codes to determine what amendments should be made to ensure the various categories of marijuana businesses are sited in the appropriate locations. Your county planning directors are aware of the issues.

TIMING: The sooner the better.

5. Decide whether to update or adopt reasonable time, place, and manner regulations regarding medical and recreational marijuana businesses

BACKGROUND: As noted above, 2015 House Bill 3400 clarified county authority to adopt reasonable time, place, and manner regulations regarding recreational marijuana businesses. Previously, 2014 House Bill 1531 clarified that authority with regard to medical marijuana dispensaries.

TIMING: If your county has allowed, or is allowing, medical marijuana businesses, now is the time to adopt, or review your existing, time, place, and manner regulations. If your county plans to allow any one or more categories of recreational marijuana businesses, you may want to wait until this Fall to consider finalizing any local time, place, and manner regulations, in order to determine the extent of OLCC regulation, and what gaps or supplements your county desires to fill.

6. Decide whether to seek voter approval for a local option recreational marijuana tax

BACKGROUND: 2015 House Bill 3400 allows a county to seek voter approval, at the next general election (November, 2016, for example) for a local option recreational marijuana sales tax of up to 3 percent. In order to qualify to put such a measure on the ballot, your county cannot opt out of any of the six categories of marijuana businesses described above (opting out of "early start" sales is not a disqualifier).

TIMING: The earliest opportunity for such a local option tax election is November of 2016, so there is plenty of time to take action to place such a measure on the ballot. Summer of 2016 is a likely target. Mr Bovett anticipates that standardized sample ballot measure language will be available from AOC by the Spring of 2016.

Questions? Contact Rob Bovett - rbovett@oregoncounties.org – 503-585-8351

For More Information: Contact Eric Schmidt - eschmidt@oregoncounties.org – 503-585-8351

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Brief Summary of 2015 Oregon Marijuana Legislation

As of June 30, 2015

1. House Bill 3400A (Omnibus Bill)

A. Local Option (Sections 133 to 136)

- Provides two paths for local opt out of any one or more category of marijuana businesses. There are four retail categories (producer, processor, wholesaler, retailer) and two medical categories (processor and dispensary):
  - 1. Opt out by action of the county or city governing body for counties, and cities in counties, that voted against Measure 91 by at least 55 percent (Baker, Crook, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wheeler).
    - Opt out must be done within 180 days of the effective date of HB 3400A.
    - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process.
    - If a county or city opts out of any category, local option tax (*see* below) is prohibited, as well as disqualification for shared state tax revenue (*see* below).
  - 2. Opt out by local vote referred by any county or city governing body.
    - Temporary moratorium until election.
    - Election must be held at the next general election (November of even-numbered year).
    - Grandfathering for existing medical processors and dispensaries that have successfully completed the local land use process.
    - If a county or city opts out of any category, local option tax (*see* below) is prohibited, as well as disqualification for shared state tax revenue (*see* below).

B. Local Time, Place and Manner Regulations (Sections 33 and 89)

- Clarifies reasonable time, place and manner regulatory authority over marijuana businesses.

C. Land Use (Section 34)

- Marijuana given status as a farm crop.
- In EFU zones, prohibits farm stands, farm commercial activities, and new farm dwellings based on marijuana crops.
- Allows counties to permit marijuana crops in farm and forest zones, similar to EFU.
- Requires a completed Land Use Compatibility Statement (LUCS) from local government prior to issuance of marijuana business license by OLCC.

D. Local Option Tax (Section 34a)

- Allows local tax on sale of retail marijuana items, if approved by local voters at a general election, not to exceed 3 percent.
- Prohibits local option tax if city or county prohibits any category of marijuana business.

E. OLCC

- Expands powers and duties relating to regulation, investigation, and enforcement with regard to OLCC licensed marijuana businesses.
- Requires handler permit for employees of retail marijuana businesses that handle marijuana.
- Requires a seed-to-sale tracking system.
- Allows OLCC to require age verification scanners for licensed retail stores.
- Provides for state licensed testing laboratories to test all retail marijuana products.
- Provides for packaging, labeling, and dosage standards.
- Provides for state certified public and private research facilities.
- Allows medical marijuana growers to opt-in to the retail marijuana supply chain to sell excess medical marijuana, subject to licensing and regulation by OLCC.

F. OMMA

Tracking

- Requires registration and tracking of all grow sites, processing sites, and dispensaries in an OHA database.
- Requires designated growers, processors, and dispensaries to submit monthly information to the database regarding amounts possessed and transferred.
- Permits law enforcement, and city and county regulatory agencies, to access database, except for transaction information, which requires a subpoena.

Growers and Processors

- Requires registration of designated grow sites and processing sites.
- Prohibits persons convicted of certain drug crimes from being the designated person responsible for a site.

- Authorizes OHA to inspect sites, and records related to those sites.
- Authorizes OHA to revoke the registration of a site for violation of the OMMA, or local time, place, and manner ordinances.
- Limits the number of plants that may be grown at a single address:
    - 12 mature plants in residential zone in city, with up to 24 for grandfathered sites.
    - 48 mature plants in all other zones, with up to 96 for grandfathered sites.
- Allows designated grower to possess usable marijuana at the rate of 12 pounds per mature outdoor plant, and 6 pounds per mature indoor plant.
- Allows cardholder to assign a portion of the cardholder's possession rights to their designated grower.
- Prohibits marijuana extract processing sites in residential zones.

Dispensaries

- Authorizes OHA to revoke the registration of a dispensary for violation of the OMMA, or local time, place, and manner ordinances.
- Prohibits dispensaries in residential zones.
- Allows dispensary to remain registered if a school opens within 1,000 feet of the dispensary after the dispensary is already operating.

Products and Testing

- Provides for testing of all marijuana items, and requires testing laboratories to be licensed by OHA.
- Provides OHA with regulatory authority over testing, and the production of edibles, extracts, concentrates, and other products.
- Imposes requirements for labeling and packaging.

G. Further Reduction in Marijuana Offense Levels (*see* separate pamphlet)

2. Senate Bill 460A ("Early Start")

- Allows medical marijuana dispensaries to sell limited marijuana retail products, beginning October 1, 2015
    - Seeds.
    - Dried leaves and flowers.
    - Plants that are not flowering.
- Limits amount that can be sold to each customer.
- Allows cities and counties to prohibit these retail sales by ordinance.

3. House Bill 2041A (Retail Taxation)

- State tax on sale of retail products, in lieu of Measure 91 tax on grower products:
    - 17% tax rate (but see "Early Start" special rate below).
- Retains net distribution formula from Measure 91
    - 40% to the Common School Fund.
    - 25% to substance abuse treatment and prevention.
    - 15% to the Oregon State Police.
    - 10% to cities, and 10% to counties, to assist with enforcing Measure 91.
- Disqualifies a city or county from receiving any distribution if the city or county prohibits any one or more of the six categories of marijuana business licensees.
- "Early Start" special tax rate:
    - 25% tax rate, beginning January 4, 2016.

4. Senate Bill 844A (Miscellaneous)

- Research task force
- Reduces expunction waiting period from three years to one year for person adjudicated or convicted of marijuana offenses when they were under 21.
- Changes OMMA "agitation incident to Alzheimer's disease" qualifying condition to "a degenerative or pervasive neurological condition."
- Allows certain medical organizations to be a designated OMMA caregiver.
- Prohibits transplant hospitals from discriminating against OMMA cardholders.

5. House Bill 2668B (Hemp)

- No growing within 1,000 feet of a school
- Hemp growers to allow research by DOA/OSU
- DOA Rules Advisory Committee (RAC)
- No more hemp licenses until March 1, 2017

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Selected Provisions of 2015 Oregon Marijuana Legislation

1. House Bill 3400A (Omnibus Bill)

A. Local Option (Sections 133 to 136)

LOCAL OPTION
EFFECTIVE ON PASSAGE

SECTION 133. (1) As used in this section, "qualifying city or county" means a county, or a city located in a county, in which not less than 55 percent of votes cast in the county during the statewide general election held on November 4, 2014, on Ballot Measure 91 (chapter 1, Oregon Laws 2015) were in opposition to the ballot measure.

(2)(a) The governing body of a qualifying city or county may adopt ordinances that prohibit the establishment of any one or more of the following in the area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of the county:

(A) Marijuana processing sites registered under section 85 of this 2015 Act;

(B) Medical marijuana dispensaries registered under ORS 475.314;

(C) Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015;

(D) Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015;

(E) Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015;

(F) Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015; or

(G) Any combination of the entities described in this subsection.

(b) The governing body of a qualifying city or county may not adopt an ordinance under this section later than 180 days after the effective date of this 2015 Act.

(3) If the governing body of a qualifying city or county adopts an ordinance under this section, the governing body must provide the text of the ordinance:

(a) To the Oregon Health Authority, in a form and manner prescribed by the authority, if the ordinance concerns a medical marijuana dispensary registered under ORS 475.314 or a marijuana processing site registered under section 85 of this 2015 Act; or

(b) To the Oregon Liquor Control Commission, if the ordinance concerns a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

(4)(a) Upon receiving notice of a prohibition under subsection (3) of this section, the authority shall discontinue registering those entities to which the prohibition applies.

(b) Upon receiving notice of a prohibition under subsection (3) of this section, the commission shall discontinue licensing those premises to which the prohibition applies.

(5) Notwithstanding any other provisions of law, a qualifying city or county that adopts an ordinance under this section may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

(6) Notwithstanding subsection (2) of this section, a medical marijuana dispensary is not subject to an ordinance adopted under this section if the medical marijuana dispensary:

(a) Is registered under ORS 475.314 on or before the date on which the governing body adopts the ordinance; and

(b) Has successfully completed a city or county land use application process.

(7) Notwithstanding subsection (2) of this section, a marijuana processing site is not subject to an ordinance adopted under this section if the marijuana processing site:

(a) Is registered under section 85 of this 2015 Act on or before the date on which the governing body adopts the ordinance; and

(b) Has successfully completed a city or county land use application process.

SECTION 134. (1) The governing body of a city or county may adopt ordinances to be referred to the electors of the city or county as described in subsection (2) of this section that prohibit or allow the establishment of any one or more of the following in the area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of the county:

(a) Marijuana processing sites registered under section 85 of this 2015 Act;

(b) Medical marijuana dispensaries registered under ORS 475.314;

(c) Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015;

(d) Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015;

(e) Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015;

(f) Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015; or

(g) Any combination of the entities described in this subsection.

(2) If the governing body of a city or county adopts an ordinance under this section, the governing body shall submit the measure of the ordinance to the electors of the city or county for approval at the next statewide general election.

(3) If the governing body of a city or county adopts an ordinance under this section, the governing body must provide the text of the ordinance:

(a) To the Oregon Health Authority, in a form and manner prescribed by the authority, if the ordinance concerns a medical marijuana dispensary registered under ORS 475.314 or a marijuana processing site registered under section 85 of this 2015 Act; or

(b) To the Oregon Liquor Control Commission, if the ordinance concerns a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

(4)(a) Upon receiving notice of a prohibition under subsection (3) of this section, the authority shall discontinue registering those entities to which the prohibition applies until the date of the next statewide general election.

(b) Upon receiving notice of a prohibition under subsection (3) of this section, the commission shall discontinue licensing those premises to which the prohibition applies until the date of the next statewide general election.

(5) Notwithstanding any other provisions of law, a city or county that adopts an ordinance under this section that prohibits the establishment of an entity described in subsection (1) of this section may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

(6) Notwithstanding subsection (1) of this section, a medical marijuana dispensary is not subject to an ordinance adopted under this section if the medical marijuana dispensary:

(a) Is registered under ORS 475.314 on or before the date on which the governing body adopts the ordinance; and

(b) Has successfully completed a city or county land use application process.

(7) Notwithstanding subsection (1) of this section, a marijuana processing site is not subject to an ordinance adopted under this section if the marijuana processing site:

(a) Is registered under section 85 of this 2015 Act on or before the date on which the governing body adopts the ordinance; and

(b) Has successfully completed a city or county land use application process.

SECTION 135. (1) Notwithstanding sections 133 and 134 of this 2015 Act, a medical marijuana dispensary is not subject to an ordinance adopted pursuant to section 133 or 134 of this 2015 Act if the medical marijuana dispensary:

(a) Was registered under ORS 475.314, or has applied to be registered under ORS 475.314, on or before July 1, 2015; and

(b) Has successfully completed a city or county land use application process.

(2) This section does not apply to a medical marijuana dispensary if the Oregon Health Authority revokes the registration of the medical marijuana dispensary.

SECTION 136. (1) Notwithstanding sections 133 and 134 of this 2015 Act, a marijuana processing site is not subject to an ordinance adopted pursuant to section 133 or 134 of this 2015 Act if the person responsible for the marijuana processing site or applying to be the person responsible for the marijuana processing site:

(a) Was registered under ORS 475.300 to 475.346 on or before July 1, 2015;

(b) Was processing usable marijuana as described in section 85 (1) of this 2015 Act on or before July 1, 2015; and

(c) Has successfully completed a city or county land use application process.

(2) This section does not apply to a marijuana processing site if the Oregon Health Authority revokes the registration of the marijuana processing site.

B. Local Time, Place and Manner Regulations (Sections 33 and 89)

SECTION 33. (1) For purposes of this section, "reasonable regulations" includes:

(a) Reasonable conditions on the manner in which a marijuana producer licensed under section 19, chapter 1, Oregon Laws 2015, may produce marijuana;

(b) Reasonable conditions on the manner in which a marijuana processor licensed under section 20, chapter 1, Oregon Laws 2015, may process marijuana;

(c) Reasonable conditions on the manner in which a marijuana wholesaler licensed under section 21, chapter 1, Oregon Laws 2015, may sell marijuana at wholesale;

(d) Reasonable limitations on the hours during which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may operate;

(e) Reasonable conditions on the manner in which a marijuana retailer licensed under section 22, chapter 1, Oregon Laws 2015, may sell marijuana items;

(f) Reasonable requirements related to the public's access to a premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015; and

(g) Reasonable limitations on where a premises for which a license may be issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, may be located.

(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015, from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under section 22, chapter 1, Oregon Laws 2015.

(3) Regulations adopted under this section must be consistent with city and county comprehensive plans and zoning ordinances and applicable provisions of public health and safety laws.

SECTION 89. (1) For purposes of this section, "reasonable regulations" includes:

(a) Reasonable limitations on the hours during which the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary may operate;

(b) Reasonable conditions on the manner in which a marijuana processing site or medical marijuana dispensary may transfer usable marijuana, medical cannabinoid products, cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds;

(c) Reasonable requirements related to the public's access to the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary; and

(d) Reasonable limitations on where the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary may be located.

(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of marijuana grow sites of persons designated to produce marijuana by registry identification cardholders, marijuana processing sites and medical marijuana dispensaries that are located in the area subject to the jurisdiction of the city or county.

C. Land Use (Section 34)

SECTION 34. (1) Notwithstanding any other provision of law, marijuana is:

(a) A crop for the purposes of "farm use" as defined in ORS 215.203;

(b) A crop for purposes of a "farm" and "farming practice," both as defined in ORS 30.930;

(c) A product of farm use as described in ORS 308A.062; and

(d) The product of an agricultural activity for purposes of ORS 568.909.

(2) Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses on land designated for exclusive farm use:

(a) A new dwelling used in conjunction with a marijuana crop;

(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a marijuana crop; and

(c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a marijuana crop.

(3) A county may allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones under this section and ORS 215.213 and 215.283.

(4)(a) Prior to the issuance of a license under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, the Oregon Liquor Control Commission shall request a land use compatibility statement from the city or county that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located. The commission may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.

(b) A city or county that receives a request for a land use compatibility statement under this subsection must act on that request within 21 days of:

(A) Receipt of the request, if the land use is allowable as an outright permitted use; or

(B) Final local permit approval, if the land use is allowable as a conditional use.

(c) A city or county action concerning a land use compatibility statement under this subsection is not a land use decision for purposes of ORS chapter 195, 196, 197 or 215.

D. Local Option Tax (Section 34a)

SECTION 34a. (1)(a) Except as expressly authorized by this section, the authority to impose a tax or fee on the production, processing or sale of marijuana items in this state is vested solely in the Legislative Assembly.

(b) Except as expressly authorized by this section, a county, city or other municipal corporation or district may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items in this state.

(2) Subject to subsection (4) of this section, the governing body of a city or county may adopt an ordinance to be referred to the electors of the city or county as described in subsection (3) of this section that imposes a tax or a fee on the sale of marijuana items that are sold in the area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of a county by a person that holds a license under section 22, chapter 1, Oregon Laws 2015.

(3) If the governing body of a city or county adopts an ordinance under this section, the governing body shall refer the measure of the ordinance to the electors of the city or county for approval at the next statewide general election.

(4) An ordinance adopted under this section may not impose a tax or fee in excess of 3 percent.

2. Senate Bill 460A ("Early Start")

SECTION 2. (1) As used in this section:

(a) "Limited marijuana retail product" means:

(A) The seeds of marijuana;

(B) The dried leaves and flowers of marijuana; and

(C) A marijuana plant that is not flowering.

(b) "Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

(c) "Medical marijuana dispensary" means an entity registered with the Oregon Health Authority under ORS 475.314.

(2) Notwithstanding any other provision of law, on and after October 1, 2015, a medical marijuana dispensary may sell limited marijuana retail product to a person who is 21 years of age or older if:

(a) The person presents proof of age to the medical marijuana dispensary before entering into the medical marijuana dispensary;

(b) The medical marijuana dispensary verifies that the person is 21 years of age or older at the time of the sale;

(c) The medical marijuana dispensary sells no more than one-quarter ounce of limited marijuana retail product to the person per day if the person is purchasing the dried leaves and flowers of marijuana; and

(d) The medical marijuana dispensary sells no more than four units of limited marijuana retail product to the person if the person is purchasing a marijuana plant that is not flowering.

(3) A city or county may adopt ordinances prohibiting the sale of limited marijuana retail product as described in this section in the area subject to the jurisdiction of the city or the unincorporated area subject to the jurisdiction of the county.

(4) The authority shall adopt rules to implement this section, including rules that:

(a) Are necessary to ensure the public health and safety; and

(b) Ensure that a medical marijuana dispensary complies with this section.

(5) The authority may prohibit a medical marijuana dispensary from selling limited marijuana retail product as described in this section if the medical marijuana dispensary violates this section.

SECTION 3. Section 2 of this 2015 Act is repealed on December 31, 2016.

FAQs

Recreational Marijuana in Oregon

RECREATIONAL MARIJUANA IN GENERAL

Q: What is the purpose of legalizing recreational marijuana?
A: As stated in Measure 91, the purpose of the Act is to:

- Eliminate the problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;
- Protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;
- Permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of this Act;
- Ensure that the State Department of Agriculture issues industrial hemp licenses and agricultural hemp seed production permits in accordance with existing state law;
- Establish a comprehensive regulatory framework concerning marijuana under existing state law.

Q: What does Measure 91 do?
A: Measure 91 allows Oregonians to grow limited amounts of marijuana on their property and to possess personal limited amounts of recreational marijuana for personal use beginning July 1, 2015 under Oregon law. The measure also gives OLCC authority to tax, license and regulate recreational marijuana grown, sold, or processed for commercial purposes. The OLCC does not regulate the home grow/personal possession provisions of the law. Nor does it regulate the sale of small amounts of recreational marijuana through medical marijuana dispensaries starting October 1. The OLCC will begin accepting applications for growers, wholesalers, processors and retail outlets on January 4, 2016.

Q. When did Measure 91 go into effect?
A. The home grow/personal possession provisions of the measure started on July 1, 2015. Sales of small amounts of recreational marijuana through medical marijuana dispensaries will begin October 1. The OLCC will begin issuing commercial recreational marijuana licenses to growers, wholesalers, processors and retail outlets in 2016.

Q. Who will implement the initiative?
A. The initiative designates the Oregon Liquor Control Commission as the state agency that will regulate the commercial growing and selling of recreational marijuana. It also gives the OLCC

authority to license and regulate commercial recreational marijuana operations. The OLCC has no authority to regulate or enforce the home grow/personal possession provisions of the law.

Q: How can I get a job with OLCC in the new marijuana program?
A: OLCC posts job opportunities on the **www.oregonjobs.org** website. You can also **sign up for email alerts** through our website to receive notices about OLCC job opportunities.

Q: Has Measure 91 been changed from what voters approved?
A: Yes. The 2015 session of the Oregon Legislature made technical changes to Measure **91.** It also authorized the sale of small amounts of recreational marijuana through medical marijuana dispensaries starting October 1. The Legislature also changed the way recreational marijuana is taxed. Instead of the OLCC imposing the tax at the grower level, it will now be imposed at the retail level and collected by the Department of Revenue.

Q: Where can I get more information?
A: As updates occur and information is available, we will share that information with you on this website. To keep up to date, **click** here.

Q: What if I have additional questions?
A: Please send additional questions to **marijuana@oregon.gov.**

MEDICAL MARIJUANA

Q. What impact does the new recreational marijuana law have on the current Medical Marijuana Program?
A. Beginning in October 2015, medical dispensaries can sell a one quarter ounce of marijuana flower to any adult over the age of 21. This provision sunsets on December 31, 2016. Beginning in 2016 medical marijuana growers may apply for an OLCC license to sell their excess product into the recreational market.

Q. Should I get a new OMMP card or renew my existing Card?
A. Only you as an individual can determine answer that question. The OLCC cannot advise you about how to make that determination.

Q: What is the difference between recreational marijuana and medical marijuana?
A: Medical marijuana is for patients with qualifying medical conditions. Recreational marijuana, whether grown at a residence, obtained free from an acquaintance, or purchased legally is for personal use for adults 21 years of age or older. For more information on medical marijuana see **www.mmj.oregon.gov.**

PERSONAL USE

Q: When can I smoke/use recreational marijuana?
A: As of July 1, 2015, Oregonians are allowed to grow up to four plants on their property, possess up to eight ounces of usable marijuana in their homes and up to one ounce on their person. Recreational marijuana cannot be sold or smoked in public. For more information go to: www.whatslegaloregon.com

Q: Where and when can I buy marijuana?
A: Limited amounts of recreational marijuana will be available for purchase through medical marijuana dispensaries starting October 1, 2015. Retail stores licensed by the OLCC will open sometime in the second half of 2016.

Q: Where and when can I buy edibles and extracts?
A: Edibles will eventually be available at retail outlets licensed by the OLCC, hopefully at the same time that the stores open in the second half of 2016.

Q: How much marijuana can I have?
A: As of July 1, 2015, recreational marijuana users can possess up to eight ounces of useable marijuana and four plants per residence in Oregon. An individual can carry up to one ounce in public.

Q: What is meant by "useable" marijuana?
A: Useable marijuana refers to dried marijuana flowers or leaves. In other words, marijuana that is ready to smoke.

Q: Can I grow marijuana at home and when?
A: Yes, with limits. As of July 1, 2015, Oregonians can home grow of up to four plants per residence, regardless of how many people live in the residence. Four adults in one residence does not mean 16 plants. The limit is four per residence.

Q: Where can I obtain marijuana seeds or starts after July 1, 2015?
A: The OLCC can provide no guidance on that issue.

Q. Can a landlord tell tenants not to grow recreational marijuana or smoke it rental units?
A. Measure 91 does not affect existing landlord/tenant laws.

Q: What if an employer requires drug testing?
A: Measure 91 does not affect existing employment law. Employers who require drug testing can continue to do so.

Q: Can I smoke marijuana in a bar/restaurant?
A: No. Marijuana cannot be smoked or used in a public place. The OLCC considers any establishment with a state liquor license to be public, including patios or decks set aside for smokers. Allowing marijuana use may put an establishment's liquor license in jeopardy.

Q: What is the definition of a public place?
A: Measure 91 defines a public place as "a place to which the general public has access and includes, but is not limited to, hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation."

Q: Who can smoke recreational marijuana? What is the minimum age?
A: As of July 1, 2015, anyone 21 years of age and old and consume recreational marijuana in Oregon. Marijuana use or possession of recreational marijuana by anyone under 21 years of age is illegal. That includes home consumption.

Q: Who will enforce recreational marijuana laws?
A: Enforcement of the home grow/personal possession provisions of Measure 91 will be at the discretion of local jurisdictions, the state police and possibly other law enforcement agencies. The OLCC is responsible for enforcement actions against businesses that the OLCC licenses to grow, process, wholesale and sell recreational marijuana and related products.

Q: How much will recreational marijuana cost?
A: The retail price of recreational marijuana will be determined through a competitive marketplace.

Q: Can Oregon recreational marijuana be taken to the state of Washington where it is also legal?
A: No. Taking marijuana across state lines is a federal offense.

Q: How will children be protected from recreational marijuana and marijuana products?
A: Measure 91 prohibits the sale of recreational marijuana to anyone under the age of 21. The act also gives OLCC authority to regulate or prohibit advertising. In writing the rules necessary to implement the new law, the OLCC may also regulate packages and labels to ensure public safety and prevent appeal to minors.

Q: Can I get a DUII while under the influence of marijuana?
A: Yes. Current laws for DUII have not changed. Driving under the influence of intoxicants (DUII) refers to operating a motor vehicle while intoxicated or drugged, including impairment from the use of marijuana. In addition, Measure 91 requires OLCC to examine, research and present a report to the Legislature on driving under the influence of marijuana. The OLCC will do this in conjunction with the Department of Justice Criminal Investigation Division and Oregon State Police.

Q: Can I lose my job for using marijuana?
A: That depends on who you work for and what your employer says about the use of marijuana by employees. Passage of Measure 91 does not change existing employment law in Oregon.

Q: Where will marijuana stores be located?
A: Marijuana retailers may not be located within 1000 feet of a school. All licensed businesses must be located in an area that is appropriately zoned. Also, local jurisdictions have authority to adopt reasonable regulations regarding the location of marijuana businesses, including regulations requiring that the businesses be located no more than 1000 feet from one another. To keep up to date, click here.

Q. What impact does the new recreational marijuana law have on the current Medical Marijuana Program?
A: Beginning in 2016 medical marijuana growers may apply for an OLCC license to sell their excess product into the recreational market. Beginning in October 2015, medical dispensaries can sell a one quarter ounce of marijuana flower to any adult over the age of 21. This provision sunsets on December 31, 2016.

Q: Who collects the tax on recreational marijuana?
A: Taxes on recreational marijuana will be collected by the Oregon Department of Revenue at the retail level.

Q: How is Washington state's recreational marijuana law different than Oregon's?
A: See **Oregon/Washington/Colorado Comparison.**

Q: Is it legal to possess or use recreational marijuana on Federal or Tribal land in Oregon?
A: No. It is illegal until either the Federal Government or Tribes take action otherwise.

LICENSING

Q: What licenses will be available?
A: The measure lists four types of recreational marijuana licenses: Producer, Processor, Wholesaler, and Retail. A producer is also known as the grower. A processor is a business that will transform the raw marijuana into another product or extract. Processors are also responsible for packaging and labeling of recreational marijuana. A wholesaler is a business that buys in bulk and sells to resellers rather than to consumers. A retailer is a business that sells directly to consumers. The Oregon Legislature also created a license for the laboratories that test marijuana. The OLCC will issue licenses to labs that are certified by the Oregon Health Authority.

Q: When will the OLCC begin accepting license applications?
A: The OLCC will begin accepting license applications for recreational marijuana on January 4, 2016. It will be an online-only application process.

Q. How will OLCC decide how to grant or deny license applications?
A. Undetermined at this point. The OLCC is in the process of writing the rules necessary to implement Measure 91. The agency has appointed an advisory committee that will write the rules and send its recommendations to the Commission sometime this fall for approval.

Q. If I want to apply for a recreational marijuana license, what should I do now?
A. Be patient. The OLCC won't be accepting applications until January 4, 2016. In the meantime, to keep up to date on process, click here.

Q: How much are the licensing fees?
A: Undetermined at this point. Measure 91 established an annual license fee of $1,000 plus a non-refundable application fee of $250 per license application. However, the Oregon Legislature made the determination that license fees need to cover the cost of the recreational marijuana program. That means fees are likely to be higher than what Measure 91 envisioned, but how much higher remains to be seen.

Q: How many licenses can I have?
A: A licensee may hold multiple licenses and multiple license types.

Q: Can an out-of-state resident hold an Oregon recreational marijuana license?
A: Measure 91 does not specifically address this question. However, the issue of residency could be addressed through legislation or by the OLCC through the rule-making process.

Q: Who will be eligible for a marijuana license?
A: Anyone over 21 years of age and older will be eligible for a recreational marijuana license if they meet certain conditions outlined in section 29 of Measure 91. Under those conditions, the OLCC may refuse a license if it believes the applicant:

- Is in the habit of using alcoholic beverages, habit-forming drugs, marijuana, or controlled substances to excess.
- Has made false statements to the commission.
- Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.
- Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.
- Has maintained an insanitary establishment.
- Is not of good repute and moral character.
- Did not have a good record of compliance with sections 3 to 70 of this Act or any rule of the commission adopted pursuant thereto.
- Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.
- Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

- Is unable to understand the laws of Oregon relating to marijuana or the rules of the commission.

Q: What if my city/county wants to go "dry?"
A: Measure 91 states that local governments may not prohibit licenses in their jurisdiction except with a vote at a general election. Measure 91 allows local governments to adopt reasonable time, place and manner restrictions to regulate public nuisance. The Oregon Legislature created an additional provision that allows certain local governments to opt out of the program depending on how the jurisdiction voted on Measure 91.

Q: What kinds of testing will OLCC require?
A: Undetermined at this point. Under Measure 91, the OLCC has the authority to set testing requirements, but this is a policy question that will be determined during the rule-making process.

RETAIL STORES

Q: When will retail recreational marijuana stores be open?
A: The exact date is up in the air, but the most likely time is during the third quarter of 2016.

Q: Will the OLCC distribute marijuana out of a central warehouse?
A: No. Marijuana will be distributed by those who hold an OLCC recreational marijuana license.

Q: Will there be a quota for how many retail outlets will be allowed?
A: The measure does not specifically address the number of retail outlets allowed. Specifics for licensing retail outlets will be part of the rule-making process that is currently underway.

Q: What will OLCC be doing to get ready for marijuana-related businesses?
A: The OLCC has held listening sessions throughout the state to gain a better understanding of what Oregonians expect in the implementation of Measure 91. In addition to getting legislative approval of the marijuana budget for 2015-17 and preparing to hire staff for the program, the OLCC has also selected a vendor to build the online application process and selecting a second vendor for the traceability (seed-to-sale) system to track recreational marijuana. The OLCC has appointed an advisory committee to help write the rules necessary to implement Measure 91 and several subgroups to address specific issues. The goal is have the rules adopted by October or November of this year, after which the agency will hold seminars around the state to familiarize people with the application process in advance of accepting applications on January 4, 2016.

TAXES

Q: How much are the taxes on recreational marijuana?

A: When recreational marijuana is sold in recreational stores, the taxes will range from 17 to 20 percent. The legislature set the base tax rate at 17 percent, however, they made provisions under certain circumstances for cities and counties to add up to an additional 3 percent tax. The retailer can retain 2 percent of the tax to cover their expenses. The tax will be 25 percent for the limited time that recreational marijuana will be sold in medical dispensaries. Recreational sales in medical dispensaries are slated to start on October 1, 2015, and end on December 31, 2016. The tax will be imposed on sales after January 4, 2016.

Q: How much money will marijuana bring in taxes?

A: The OLCC estimates $10.7 million in revenue for the 2015-2017 biennium.

Q: Where will the tax money go?

A: Measure 91 provides distribution of revenue after costs to the following:

- 40 percent to Common School Fund
- 20 percent to Mental Health Alcoholism and Drug Services
- 15 percent to State Police
- 10 percent to Cities for enforcement of the measure
- 10 percent to Counties for enforcement of the measure
- 5 percent to Oregon Health Authority for alcohol and drug abuse prevention

DOUGLAS COUNTY OREGON
FILED
JUL 15 2015
PATRICIA K. HITT, COUNTY CLERK

Douglas County Official Records
Patricia K. Hitt, County Clerk
Commissioners' Journals
2015-0635
07/15/2015

BEFORE THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY

AN ORDINANCE PROHIBITING MARIJUANA SALES BY LOCAL VOTE.	)	Ordinance No. 2015-07-03
	)	First Reading: July 15, 2015
	)	Second Reading: July 15, 2015
	)	Effective Date: July 15, 2015

WHEREAS, section 134, chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400) provides that a county may adopt ordinances that prohibit the establishment of any one or more of the six categories of state licensed or registered marijuana businesses in the unincorporated area subject to the jurisdiction of the county, subject to a requirement that the ordinance be referred to the electors of the county at the next general election; and

WHEREAS, the Douglas County Board of Commissioners desires to refer the question of whether to allow the operation of medical marijuana processing sites, medical marijuana dispensaries, retail marijuana producers, retail marijuana processors retail marijuana wholesalers, and/or retail marijuana retailers to the voters of Douglas County, therefore,

The Douglas County Board of Commissioners ordains as follows:

(1) In accordance with section 134, chapter 614, Oregon Laws 2015 (Enrolled House Bill 3400), the following are prohibited in the area subject to the jurisdiction of Douglas County:

(a) *Marijuana processing sites registered under section 85, chapter 614, Oregon Laws 2015*
(b) *Medical marijuana dispensaries registered under ORS 475.314.*
(c) *Marijuana producers licensed under section 19, chapter 1, Oregon Laws 2015.*
(d) *Marijuana processors licensed under section 20, chapter 1, Oregon Laws 2015.*
(e) *Marijuana wholesalers licensed under section 21, chapter 1, Oregon Laws 2015.*
(f) *Marijuana retailers licensed under section 22, chapter 1, Oregon Laws 2015.*

(2) This ordinance shall be referred to the electors of Douglas County at the next general election, namely Tuesday, November 8, 2016.

(3) The text of this ordinance shall be provided:

(a) To the Oregon Health Authority, in the form and manner prescribed by the authority; and
(b) To the Oregon Liquor Control Commission, in the form and manner prescribed by the commission.

(4) If any section, paragraph, subdivision, clause, sentence or provision of this ordinance is declared by a court or administrative agency to be invalid, such declaration shall not affect, impair, invalidate, or nullify the remainder of this ordinance.

(5) This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its adoption.

Dated this 15 day of July 2015.

BOARD OF COMMISSIONERS

By _____
Chair

By _____
Commissioner

By _____
Commissioner

Recording Secretary

By Tina L Rey

Approved as to form:

By _____
County Counsel

Date 7/15/2015

DOUGLAS COUNTY OREGON
FILED

JUL 15 2015

PATRICIA K. HITT, COUNTY CLERK

Douglas County Official Records
Patricia K. Hitt, County Clerk
Commissioners' Journals

2015-0636

07/15/2015

BEFORE THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY

AN ORDINANCE PROHIBITING THE SALE OF LIMITED MARIJUANA RETAIL PRODUCT IN DOUGLAS COUNTY.	))))	Ordinance No. 2015-07-04 First Reading: July 15, 2015 Second Reading: July 15, 2015 Effective Date: July 15, 2015

WHEREAS, section 2, chapter ____, Oregon Laws 2015 (Enrolled Senate Bill 460) allows medical marijuana dispensaries to sell limited marijuana retail products to persons at least 21 years of age, beginning October 1, 2015; and

WHEREAS, subsection (3) of that section provides that a "county may adopt ordinances prohibiting the sale of limited marijuana retail product . . . in the . . . unincorporated area subject to the jurisdiction of the county;" and

WHEREAS; the Douglas County Board of Commissioners desires to prohibit the sale of marijuana retail products through medical marijuana dispensaries, therefore,

The Douglas County Board of Commissioners ordains as follows:

(1) In accordance subsection (3) of section 2, chapter ___, Oregon Laws 2015 (Enrolled Senate Bill 460), the sale of limited marijuana retail products through medical marijuana dispensaries is prohibited in the area subject to jurisdiction of Douglas County; and

(2) The text of this ordinance shall be provided to the Oregon Health Authority and the Oregon Liquor Control Commission.

(3) If any section, paragraph, subdivision, clause, sentence or provision of this ordinance is declared by a court or administrative agency to be invalid, such declaration shall not affect, impair, invalidate, or nullify the remainder of this ordinance.

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(4) This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its adoption.

Dated this 15 day of July 2015.

BOARD OF COMMISSIONERS

By _____
Chair

By _____
Commissioner

By _____
Commissioner

Recording Secretary

By Tina L Roy

Approved as to form:

By _____
County Counsel

Date July 15, 2015

Deschutes County
1300 NW Wall Street, Ste. 200, P.O. Box 6005
Bend, OR 97708-6005
Phone (541) 388-6570 - Fax (541) 385-3202
www.deschutes.org

MEDIA RELEASE
Bend, Oregon

MEDIA CONTACT:
Tom Anderson (541) 388-6565
Nick Lelack (541) 385-1708

August 6, 2015

Deschutes County Board to Hold 2 Public Hearings on Marijuana Business Opt Out

The Deschutes County Board of Commissioners will hold two hearings to receive public input on whether to opt out of any of the marijuana businesses otherwise authorized by state law in unincorporated areas next Wednesday, August 12 at 10:00 a.m. and 5:30 p.m. at the Deschutes Services Building, 1300 NW Wall Street, Bend.

The hearing cannot consider personal use, grows, or possession of recreational or medical marijuana. It also cannot consider marijuana businesses in the cities of Bend, La Pine, Redmond or Sisters.

In November 2014, Oregon voters passed Ballot Measure 91, which legalized recreational marijuana and which provided for local jurisdiction opt outs. The 2015 Legislature enacted HB 3400, a comprehensive marijuana regulatory bill, including general provisions allowing local jurisdictions to opt out of marijuana businesses within 180 days of the effective date of the law, June 30, 2015.

Deschutes County may opt out of permitting marijuana businesses by enacting an ordinance identifying which, if any, of the following businesses to prohibit:

a) Medical Marijuana processing sites;
b) Medical Marijuana dispensaries;
c) Recreational Marijuana producers (growers);
d) Recreational Marijuana processors;
e) Recreational Marijuana wholesalers;
f) Recreational Marijuana retailers; or
g) Any combination of the businesses described above.

If Deschutes County enacts an ordinance to prohibit any or all marijuana businesses in unincorporated areas, the ordinance will be referred to the voters at the November 2016 General Election. A temporary moratorium will also be in effect until the election stopping the Oregon Liquor Control Commission (OLCC) and the Oregon Health Authority (OHA) from issuing licenses for the prohibited marijuana businesses.

"As commissioners, we are looking for input from the community on this important issue. Residents are saying that they want us to protect the livability and quality of life in our communities under the new marijuana laws and property owners and businesses want to invest in their buildings and properties to start new marijuana related commercial enterprises," said Board Chair Anthony DeBone.

The public may also view the hearings live or recorded online at http://www.deschutes.org/meetings or submit written comments to the Board of County Commissioners by email at

board@deschutes.org, by mail to Deschutes County, PO Box 6005, Attn: BoCC, Bend, OR 97708-6005, or by fax (541) 385-3202.

For more information, please call Deschutes County Administrator Tom Anderson (541) 388-6565, or Community Development Director Nick Lelack at (541) 385-1708.



Deschutes County encourages persons with disabilities to participate in all programs and activities. To request this information in an alternate format please call (541) 330-4640, or email anna.johnson@deschutes.org.

Deschutes County Government provides for the safety, security and health of Deschutes County's 167,000 citizens through public safety, human services, adult and juvenile corrections and many other valuable public services. For more information, please go to www.deschutes.org.

Hood River County Community Development
Planning, Building Codes, Code Compliance, Economic Development & Veterans' Services
601 State Street, Hood River OR 97031

HRCZO INTERPRETATION – HB 3400 Marijuana

Date: July 2015 **Planner:** John Roberts

Topic / Question: HB 3400

The following information is intended to help answer land use and related questions about medical and recreational marijuana. I have great confidence that the information in this memo will change. The information in this memo does not constitute a final decision or interpretation of the Hood River County Zoning Ordinance ("HRCZO"). It should not be relied upon to make land use, investment or business decisions.

To start:

1. The land use issues associated with medical and recreational marijuana are very dynamic. There are court opinions, pending litigation, various interpretations of the law, new State legislation, existing laws regulating medical marijuana, new laws forthcoming regulating recreational marijuana, etc. which may all influence the administration and regulatory aspects of medical and recreational marijuana.

2. Marijuana is illegal under the federal Controlled Substances Act (CSA) of 1970.

3. The Oregon Medical Marijuana Act is codified in ORS 475.300. The Oregon Health Authority (OHA) adopted Oregon Administrative Rules (OAR 333 Division 8) necessary for the implementation and administration of the Oregon Medical Marijuana Act. The county is not responsible for administering the OAR's relative to medical marijuana.

4. Measure 91, recently authorized the use of recreational marijuana and regulates "Personal Allowances" and "Retail Regulations."

   Personal Allowances: This section of Measure 91 became effective July 1, 2015 and allows a certain amount of useable marijuana, marijuana plants, solids and liquid amount of marijuana products per household. Outside of their households, the Measure allows up to 1 ounce of useable marijuana and delivery of marijuana for noncommercial purposes to another person subject to limits. No consumption is allowed in public. The "Personal Allowances" authorized for recreational marijuana per household is not a land use standard or issue. It will not be regulated by the HRCZO.

   Retail Regulations: The Oregon Liquor Control Commission (OLCC) is required to adopt laws (Oregon Administrative Rules) regulating "Retail Regulations." Marijuana businesses regulated under "Retail Regulations" include producers (growers), processors, wholesalers and retailers. The OLCC is required to begin "accepting" applications for licenses by January 2016 (the law does not identify when licenses will be issued) for recreational marijuana.

5. HB 3400 was passed during the 2015 Legislative Session to clarify and amend components of both medical and recreational use marijuana regulations (time, place, manner, nuisance restrictions, taxation, production, labeling, etc.).

6. Hood River County is responsible for regulating land uses, including medical and recreational marijuana dispensaries and facilities pursuant to the HRCZO. Marijuana businesses and facilities are no different than any other land use when it comes to administering the HRCZO. Like other land uses, the appropriate zoning district(s) to locate these business will be based on characteristics of the business (producing (i.e., growing), manufacturing, wholesaling, retailing or a combination thereof). It is important to review closely proposals for retail operations. Some commercial zoning districts allow any type of retail operation, in other zones retail operations may be prohibited, allowed only as a limited use, a conditional use, or require a "Similar Use" determination.

   Permitting: If the county receives a land use application or building permit for a marijuana facility (i.e., growing, processing, manufacturing, wholesaling or retailing) the proposal will be evaluated to determine consistency with the HRCZO. In some cases, there may be conflicts regarding siting standards, development standards and definitions between the HRCZO and OARs. The HRCZO does not include any standards or approval criteria which requires a use to comply with State or Federal law. If additional time, place and manner restrictions are adopted by the Board of County Commissioners for medical or recreational marijuana facilities, the planning department will be responsible for administering those regulations.

   Disclaimer: To the extent the proposal complies with the HRCZO and is approved, a "disclaimer" letter will accompany that approval notifying the business owner that the location/siting of the facility, although in compliance with the HRCZO may not comply with existing applicable Federal, State and other county regulations or any new laws or rules adopted by OLCC or State legislature. It is the business owner's responsibility to ensure compliance with any other applicable law. A business owner may want to consider obtaining legal advice on any land use matters related to marijuana before making investment decisions.

7. Use of Agricultural Building Exemption: In zoning districts which allow farm uses, an Agricultural Exemption Permit may be issued for the growing of recreational marijuana if it is being grown for the primary purpose of obtaining a profit in money. A disclaimer letter would also be included with any approvals prior to the adoption of OLCC regulations. Electrical, plumbing and mechanical work in an agricultural building is not exempt and requires a permit.

   Agricultural Exemption Permits shall not be issued for the growing of medical marijuana because it cannot legally be grown for profit.

10. Farm Tax Deferral: Growing of medical or recreational marijuana would qualify a property for farm tax deferral.

11. Hemp: The growing of industrial hemp is considered to be an agricultural product / farm use. See OAR 571.305(1). These facilities must be licensed by the Oregon Department of Agriculture (ODA).

HB 3400 - Section 34 (Main Source: Rob Bovett, AOC):

(1) Notwithstanding any other provision of law, marijuana is: "(a) A crop for the purposes of "farm use" as defined in ORS 215.203;"
This establishes that retail marijuana production, as licensed by OLCC, is an agricultural crop that is permitted outright in Exclusive Farm Use (EFU) zones, like any other farm crop. This is self-implementing, meaning the county does not need to amend the HRCZO. Some ODOA and DLCD staff think this section might apply to medical marijuana. It does not. This section was added to and made a part of Measure 91 (2015 Oregon Laws, chapter 1), not the Oregon Medical Marijuana Act (OMMA), or any generally applicable series within ORS. It only applies to retail marijuana production licensed by OLCC.

"(b) A crop for purposes of a "farm" and "farming practice," both as defined in ORS 30.930;"
This establishes that retail marijuana production, as licensed by OLCC, is entitled to the protections and duties provided under the Oregon Right to Farm Act, like any other farm crop. The county does not need to amend the HRCZO to deal with this.

"(c) A product of farm use as described in ORS 308A.062; and"
This establishes that retail marijuana production, as licensed by OLCC, qualifies for farm use deferral under Oregon property tax law, like any other farm crop. The county does not need to amend the HRCZO to deal with this.

"(d) The product of an agricultural activity for purposes of ORS 568.909."
This establishes that retail marijuana production, as licensed by OLCC, is a farm crop that must comply with Oregon water laws applicable to agricultural activities, just like any other farm crop. The county does not need to amend the HRCZO to deal with this.

HB 3400 Exceptions

"(2) Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses on land designated for exclusive farm use: "(a) A new dwelling used in conjunction with a marijuana crop;"
This means you can't use a marijuana crop to establish a right to build a farm dwelling (there is multi-year an income test that would be super easy to meet with a marijuana crop). The county does not need to amend the HRCZO to deal with this.

"(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with

a marijuana crop; and"
Straight forward: No marijuana farm stands.

"(c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a marijuana crop."
Primary processing of marijuana at a grow site (production site) is allowed, but not secondary processing (such as hash oil, etc). Those would need to be done by an OLCC licensed marijuana processor at a location approved for such activity. This is self-implementing, meaning the county does not need to amend the HRCZO, but may.

"(3) A county may allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones under this section and ORS 215.213 and 215.283."
The purpose of his subsection is to allow counties to permit OLCC licensed retail marijuana production in zones other than EFU if other farm crops would be allowed in those other zones, outright or by conditional use (such as rural residential, etc).

Some ODOA and DLCD staff think this subsection mandates that counties must allow such use in those other zones. If the legislature had wanted to say "shall" they would have said "shall." The statute says "may." In any event, the county has the ability to review the HRCZO and determine what additional zones that use (OLCC licensed retail marijuana production) would be allowed (with or without a conditional use permit) or prohibited, and then decide if we to amend the HRCZO to change or clarify any of those.

"(4)(a) Prior to the issuance of a license under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015, the Oregon Liquor Control Commission shall request a land use compatibility statement from the city or county that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where the land is located. The commission may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone. "(b) A city or county that receives a request for a land use compatibility statement under this subsection must act on that request within 21 days of: "(A) Receipt of the request, if the land use is allowable as an outright permitted use; or "(B) Final local permit approval, if the land use is allowable as a conditional use. "(c) A city or county action concerning a land use compatibility statement under this subsection is not a land use decision for purposes of ORS chapter 195, 196, 197 or 215."

Straight forward. A land use compatibility statement (LUCS) from local government is required first, to head off those problems. The county does not need to amend the HRCZO to deal with this. We will just need to process the LUCS as they come in.

Buffer / Distance Setbacks:

There is a 1000 foot setback from schools. Assume this means for medicinal AND recreational?

Yes, through two separate statutes. See HB 3400 Section 16 (retail) and Section 86.

Is there a 1000 foot buffer between retail stares, or can it NOT be greater than 1000 feet? There is no 1,000 foot buffer between retail stores in the statute. However, OLCC could impose one. It is left up to local jurisdictions to establish under HB 3400 Section 33. A local jurisdiction can't impose a separation distance greater than 1,000 feet. HB 3400, Section 33(2).

Did they define how to measure the 1000 feet, whether from the physical building or the property line? Property line. As the crow flies from any property corner. Of interest: http://navigator.state.or.us/apps/schools_locator/index.html

What is the definition of a school? That has been redefined in the bill: (A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or (B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a);

Is a daycare a school? No

Is a building owned by the community but used in the school district for continuing education a school? No

Medical Marijuana
(Clarity on difference and relationship between number of plants for a registered identification cardholder, grow site and processors).

Primary registered identification cardholder is allowed six of fewer mature plants? Yes

Is there a limit on the number of immature plants? 18

Is this effectively equivalent to the personal use allowance for recreational marijuana and therefore Counties cannot regulate / prohibit the location / siting of these uses. Yes

A grower may produce no more than 6 mature plants per registry identification holder and may grow for up to four cardholders for a total of 24 plants? Yes

Is the limit on growing for no more than four cardholders a response to "card stacking?" No, you simply stack multiple cardholders, caregivers, and growers at a single address. The response to card stacking in HB 3400 is to limit the number of medical marijuana plants at any single address, which is 94 (not sure if that is applicable to residential zones though).

Can a County prohibit a grow site in a residential zone and in any zone? Depends on what you mean by "grow site." Personal grow site of a patient, probably not. Registered grow sites, probably yes, to some extent.

Can medical marijuana be grown outdoors? Yes. It is now. But it cannot be viewable from a

public vantage point.

Does the OHA registration license specifically identify how many plants are authorized? Not sure whether OHA will list that on the face of the registration license.

Is a "Processor" allowed to have / grow immature or mature plants on the premises or only parts of the plant for processing? All of the above, up to the designated limits on each, as provided in the OMMA, as amended by HB 3400.