

Hood River County is taking steps to limit exposure to and prevent the spread of COVID-19, as such this meeting will be held via Webex. The Commissioners will not be on site during the meeting but attending virtually. Visit the Board of Commissioners Webpage for a copy of the meeting protocols.

To view and participate in the live meeting you must register prior to joining the meeting. Comments will be taken on item(s) indicated below with a * symbol. Once you “join” the meeting you will be given the phone number and event number to use to call in from a phone to listen to the meeting. You may also elect to use the speakers on your device. If you do not have the ability to or do not want to view/participate in the meeting but only listen, you may just call in. The link to the meeting and phone/event number, for call-in purposes, can be found by visiting the Hood River County website then the Board of Commissioners webpage. Thank you.

WORK SESSION AGENDA

5:15pm Webex Platform

COVID-19 Update

Discuss Strategic Planning Outline and Use of Facilitator

BUSINESS MEETING AGENDA

6:00p.m., Webex Platform

I. ADDITIONS OR DELETIONS

II. CONFLICTS OR POTENTIAL CONFLICTS OF INTEREST

III. *PUBLIC COMMENT (must have registered on Webex and signed up to provide comment) (3 minutes per person per subject that is not on the agenda)

IV. REPORTS – County Administrator, Legal Counsel and Commissioners *Dept. Quarterly Reports are in the packet.

V. WORK SESSION ACTION ITEMS (if any)

VI. CONSENT

- ✓ Approve the following Commissioner meeting minutes: June 15, 2020 and July 6, 2020
- ✓ Approve and sign a Resolution showing intent for the County Forestry department to apply for an ATV grant through the Oregon State Parks & Recreation Department for the 2021-2023 biennium for operations and maintenance of the County's Off-Highway Vehicle Trail System.
- ✓ Affirm support of Western Rivers Conservancy (WRC) effort for their FY 22 Forest Legacy funding request and authorize the County Administrator to submit an email to WRC expressing the Commissions continue support.
- ✓ Approve closure of the Llama timber sale #20-6 and return all appropriate bonding.
- ✓ Approve and sign the Subgrant Agreement #6044 to receive grant funds from the Dept of Corrections for COVID related expenses in the Parole & Probation budget FY 20/21.
- ✓ Confirm email poll approval from Oct. 12, 2020 that appointed the BOPTA Citizen Pool Members and reconfirmed Commissioner Benton to serve as the BOPTA Chair for the coming year and authorize Chair Oates to sign a letter of support to ODOT for their funding

search related to the Historic Columbia River Highway Trail project.

- ✓ Approve and sign a Memorandum of Understanding between Hood River County, City of Hood River, City of Bingen, City of White Salmon, Klickitat County and the Port of Hood River in relation to the development of the Hood River- White Salmon Interstate Bridge Replacement.
- ✓ Accept the resignation of Bob Schuppe from the county planning commission effective September 22, 2020 and the resignation of Peter Frothingham from the county planning commission effective January 1, 2021.
- ✓ Approve setting a public hearing for November 16, 2020 at 6:00pm, or soon thereafter, to consider a request from Hood River Garbage for a 1.45% garbage rate increase to County residents.
- ✓ Approve misc public works vehicles, mowers and power carts as surplus authorizing them to be sold at auction.

VII. NEW BUSINESS

Community Development

First Reading of an Ordinance

- RECOMMENDATION:** 1) Make a motion to conduct the 1st reading of a Comprehensive Plan and Zone Change to 1N 9E 25 Tax Lot 2501 from EFU (non-high value farmland) to F-1 Ordinance by title only
2) Accept the 1st reading of the Ordinance title

NOTE: the 2nd reading will be conducted November 2, 2020, the public hearing was conducted 9/21/2020.

TITLE OF ORDINANCE: Comprehensive Plan and Zone Change: Convert EFU (Non-High Value Farmland) to F-1 For 1N 9E 25 Tax Lot 5201.

Board of Commissioners

Association of Oregon Counties Special Assessment

RECOMMENDATION: Consider paying the AOC Special Assessment for FY 20/21.

VIII. EXECUTIVE SESSION Per ORS 192.660: (2)(h)-Legal Counsel and (2)(e)-Property Negotiations

IX. ADJOURNMENT –

Upcoming Meetings:

October 22, 2020 @ 3pm - Hood River County Budget Policy Meeting via Webex Event

November 2, 2020 @ 3pm - Hood River County Board of Commissioners Work Session via Webex Event

WORK SESSION

REPORTS

July-September 2020 Forestry Department Quarterly Report

Timber Sales

- Logging on all FY 21/22 Timber Sales on track to be completed this calendar year.
- Administration on 14 Timber Sales, including 4 salvage sales.
- Greenwood timber sales: Sold 3 sales totaling 5.439 MMBF, revenue estimated at \$2.5 million.
- Completes large sale volume to sell for FY 22/23 with average bid price of \$455.59/MBF.
- 5 Salvage Sales across Tree Farm in 2020, above average, primarily with added Fir Mt. Fire Salvage volume.
- Road work began on two 22/23 Timber Sales. Timber sale layout on 3 greenwood timber sales.

Forest Management

- Fir Mt Fire burned 313 Acres, including 90 Acres on Hood River County Forest. Maintained presence with liaison work during ODF suppression efforts. Substantial staff time spent on salvage prep.
- Log Markets: Log prices surprisingly good and ticked up thru the summer, after the Spring COVID crash.
- Forest Inventory contractor continues to make good progress on the third year of forest inventory contract.
- Two Forest Road Vegetation Control contracts advertised to maintain vital management access.

Timber Stand Improvement

- Collected Douglas fir cones for seed and future reforestation needs.
- New pre-commercial thinning contract for 456.8 Acres awarded and expected to begin this fall.
- Planting site prep and fall release vegetation control was completed in September.

Forest Recreation

- Due to COVID and emergency staff leave, no Trail Committee meeting was held in the 3rd quarter. Set virtual meeting for October 6th, 2020.
- Implemented recreation night closure on County Forest and Trails due to Extreme Fire Danger followed by a complete public closure of the County Forest for a portion of September due to the dire fire situation in Oregon.
- Submitted request for and received annual reimbursement of \$109,283.81 from the State ATV grant program.
- Began process to contract staff assistance for recreation trail funding project, beginning with a parking permit program development for staging and associated day use areas on the County Forest.

Budget

- Current expenditures are within planned budget.

Personnel/Training

- Multiple long term and unexpected staff absences during the quarter has delayed project work in some areas.

Service & Delivery

- Prepared for and participated in hearing for new EFID Eastside Lateral easements across County Forest.
- Project correspondence and monitoring continues with EFID, FID and Crystal Springs Water District.
- Forestry staff continues work on easements and leases during the quarter, combining to take a substantial amount of staff time.
- Department worked on land transactions to expand or enhance the County Forest as opportunity allowed.

Needs & Issues

- FID Expansion Project and Kingsley Area Closure will extend into Fall of 2021 due to permitting delays, COVID-19 response, and Fire Season Conditions and Closures in 2020. Will consider IGA extension.
- Grant application development begun for FY 21-23 ATV Grant and other Grants for Kingsley Campground.



Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & GIS

601 State Street, Hood River OR 97031

ERIC WALKER, DIRECTOR
(541) 387-6840 • plan.dept@co.hood-river.or.us

TO: Jeff Hecksel, County Administrator

FROM: Eric Walker, Community Development Director

RE: Quarterly Report – FY 20/21 (First Quarter)

DATE: October 9, 2020

STAFFING CHANGES/UPDATES:

Itzuri Villafana-Hernandez, a part-time temporary Planning/Building Technician, recently resigned her position for another job. Her last day is October 16th. Given the recent slowdown, we will not be looking to refill her position at this time.

With the start of school, two staff members have requested to temporarily reduce their normal work hours and take FMLA – COVID Emergency Leave, including one Planning/Building Tech and one Planner.

PLANNING:

During the first quarter of this fiscal year, 74 land use applications were received by the Planning Department. Of these, 31 were taken in during the month of September, which represents the busiest September since at least 2015. The total number of applications taken in this quarter was up by approximately 6 percent over the same period last year. Although a minor overall increase, it represents a good rebound over the previous quarter where Planning applications were down approximately 53 percent. For the calendar year, permit applications are down approximately 23 percent.

Planning permit fees collected over the last quarter equaled approximately \$35,875, which is nearly identical to the same period last year. For the calendar year, permit revenue is down about 29 percent.

The Planning Department was recently notified by the Oregon Department of Land Conservation and Development (DLCD) that they reduced the amount of grant funding awarded to the County to administer the Columbia River Gorge National Scenic Area (NSA) Management Plan by \$11,000 for the 2019-2021 biennium due to the COVID-19 emergency. This amount represents a 14 percent reduction of the regular \$80,000 grant. Since the County already received full payment for the first half of the biennium, the entire reduction will come out of the current fiscal year's budget. (*See attached letter form Gordon Howard, DLCD Community Services Division Manager, dated October 1, 2020.*)

The Board's decision to deny Thrive Hood River's appeal of Apollo Land Holdings' forth permit extension approval was appealed to the Oregon Land Use Board of Appeals (LUBA) in early August. The Planning Department prepared and submitted a copy of the record to LUBA and the affected parties. A record objection was filed by Thrive and three objections were made: (1) Request that a hard copy of Thrive's PowerPoint presentation be included in the record; (2) Request that blurry copies of a few pages be replaced; and (3) Request that a video reference to a Kaun Academy tutorial on the correct usage of a semi-colon be included in the record. County Land Use Counsel did not oppose the first two objections, but did object to the third because no evidence had been provided to show that any of the commissioners actually watched the video and because it was never placed before the Board, just referenced in a letter they provided. Once LUBA decides on the matter, staff will provide a supplemental record and then a hearing schedule will be set, including an opportunity for the County to submit a written brief and present oral arguments. A decision from LUBA is anticipated sometime around the end of the year or early 2021.

The County Planning Commission is scheduled to hearing Thrive Hood River's appeal of Apollo Land Holdings' fifth permit extension approval on October 14th. It is anticipated that the Planning Commission's decision will be appealed to the Board regardless of the outcome. The Planning Department is hoping to have the appeal heard by the Board at its regular scheduled meeting in December.

On August 12th, the Planning Commission held a work session to consider draft changes to the County Zoning Ordinance regarding permit extensions. The Planning Commission accepted the draft language and requested that it be scheduled for public hearing as soon as the department's schedule allowed. Given current workload and the upcoming holidays, the first public hearing is not anticipated until sometime after the first of the year.

Over the last three months, the Columbia River Gorge Commission held multiple public hearings to considered both technical and policy related changes to the NSA Management Plan. Planning Department staff provided comments in June regarding the proposed amendments. It is anticipated that the Gorge Commission will vote to adopt the amended Management Plan in the next month or two. If the Board is interested to learn more about the amendments tentatively approved so far and those up for further consideration, please visit: <http://www.gorgecommission.org/management-plan/gorge2020/>.

BUILDING:

Total permits issued by the Building Department during the last quarter (368) was down approximately 15 percent over the same period last year. Total permit revenue during the quarter was also down approximately 20 percent over this same period. Although revenue is down again this quarter, the losses are significantly better than 48 percent drop over the previous quarter. For the current calendar year, total revenue is down approximately 41 percent. As mentioned in the prior quarter's report, the Building Department is fortunate to have a healthy budget reserve, but we continue to watch permit numbers and revenue closely to ensure the long-term health of the department.

CODE COMPLIANCE:

Total code compliance cases are up significantly this calendar year. To date, 19 formal complaints have been received, including 7 this quarter. This number does not include 20 short term rental violations pursued based on identification by Host Compliance. The total number of non-STR complaints received so far this year is already 21 percent higher than those received for all of 2019.

As for STR violation, there are currently seven set to be heard by the County's Hearings Officer later this month. The owners of these STR operations previously received both a first and second letter but failed to either make an application or cease operations. These hearings were postponed from March due to COVID-19. Earlier this week, Micaela Keller, Code Compliance Coordinator, sent notice of violation letters to three property owners of new unpermitted STR operations, including two "first letters" and one "second letter." It should be noted that being able to utilize Host Compliance to identify and monitor STR operations in the County has been invaluable to our STR compliance program.

Besides the 10 active violations, the Planning Department is currently reviewing five STR applications. To date, the County has approved 37 STRs within the County since the first STR ordinance went into effect in January 2017.

GIS:

Mike Schrankel, half-time GIS Coordinator, took the lead in acquiring new aerial photography for the County, including the cities of Hood River and Cascade Locks. The new photography is ultra-high (3-inch) resolution and includes both ortho (top-down) and oblique (side) imagery. It is very impressive. The imagery is currently available to certain County departments via Pictometry. Mike is currently working to input the ortho imagery into the County WebMap. The oblique imagery may be added later for public view, but is subject to an additional cost.

Besides day-to-day GIS database maintenance/updates and data/tools refinements, Mike is also in the process of developing an outline, two-part series of live virtual WebMap trainings for County staff and other public users of the County's new ArcGIS Online platform. These trainings are expected to occur during the months of October and November. Other work over the past quarter includes assisting the EOC with pre-planning for large scale wildfire events and completing online trainings in the use of Esri's Web AppBuilder.



Oregon

Kate Brown, Governor

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October 1, 2020

Eric Walker
Community Development Director
Hood River County
601 State Street
Hood River, Oregon 97031



SENT VIA E-MAIL

RE: Notice of Reduction DLCD Technical Assistance grant award

Dear Mr. Walker:

I am sorry to inform you that in its August, 2020 Legislative Session, in response to revenue reductions to the state resulting from the COVID-19 emergency, the Oregon Legislature reduced the amount of monies appropriated for the DLCD Technical Assistance Grant Fund for the 2019-2021 biennium by \$289,000. As a result, the department must reduce the amount of our grant award to you for this contract from \$80,000 to \$69,000.

The Technical Assistance Grant contract in effect includes the following clause:

b. Conditions Precedent to Disbursement. DLCD's obligation to disburse Grant Funds to Grantee is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:

i. DLCD has received funding, appropriations, limitations, allotments or other expenditure authority sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to make the disbursement.

Since the Legislature has not provided sufficient expenditure authority based upon its action in August, 2020, DLCD must invoke this provision of the contract and reduce the contract amount.

This letter constitutes notice under the contract of the reduced amount of the payments you will receive from the State of Oregon under it. Unless we make other arrangements, the reduction will come out of the final payment to you under the terms of the contract. Please respond with information as to whether you will be reducing the scope of work outlined in the contract, or if you will continue with the entire contract deliverables, but make up the money shortfall in other ways. It is our intent that this letter and your response will constitute an addendum to the contract to respond to the clause quoted above, and that we will not need to amend the actual contract terms.

Subject or Addressee
September 8, 2020
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Please work with your DLCD regional representative, Scott Edelman, at 541-306-8530 or sedelman@state.or.us to answer your questions and help you with a response to this letter. If you have any questions of me please contact me at (503)934-0034 or gordon.howard@state.or.us.

I regret very much the necessity for us to take this painful step in response to the Legislature's reduction in our technical assistance grant fund for the 2019-2021 biennium. We wish to work with you to ensure that we and you can minimize the inevitable disruptions to your work caused by this action to the greatest extent possible.

Yours truly,



Gordon Howard
Community Services Division Manager

cc: Senator Chuck Thompson
Representative Anna Williams
Nate Stice, Regional Solutions Team Coordinator
Scott Edelman, DLCD Regional Representative
Angela Williamson, DLCD Grants Administrative Specialist

Human Resources – Quarterly Report
July - September 2020

General Activity: General employee relations support, talent acquisition for individual roles, COVID responses/signage.

- LEA Arbitration Decision back, calculated salary and certification back pay and obtained contract signatures.
- AFSCME Union 2503 Contract ULP hearing held, summary brief supplied and awaiting ALJ Decision
- Remote/Telework Policy written and on table for discussion with County Leadership Team
- Employee Handbook on hold
- Conducted Open Enrollment, completed messaging, supported general population through process
- Built “Employee Only” Health and Wellness website on Hood River County Website
- Publicly posted all Union Contracts on Hood River County Website

Administration Office

- Working closely with Administration and Labor Relations Attorney for ULP Hearing preparation and Summary Brief submission
- Updating and maintaining current COVID-19 Signage
- Preparing Elected Officials Salary recommendations for upcoming Budget Committee meeting

Budget and Finance

- Supplying information for HR component of new Caselle implementation
- Updating job descriptions

District Attorney

- General Employee Relations

Forestry

- General Employee Relations

Records and Assessment

- Finished furnishing Employee Health Room, provided appropriate signage

Prevention and Education

- Posted two positions for Prevention and Education Specialists – interviewed – hired (response to 2 resignations)

Health Dept

- Working closely with Health Department on COVID-19 Messaging and PSAs
- Opened Public Health Nurse role (experienced 1 resignation)
- Working with Employee Assistance Program for an in house team program

Public Works/Parks & Bldg

- Filled all open roles and on-boarded employees

Community Development

- General Employee Relations

Sheriff Office/911 Dispatch

- Opened Sheriff Deputy role – offer extended to 2 officers
- Completed LEA Union Contract updates, provided 3-year salary schedule and obtained Union Contract signatures

QUARTERLY REPORT- Juvenile Department

July – September 2020

We are settled into the new normal of Covid-19 at the Juvenile Department. We purchased another surface pro so that all staff can work from home if needed. The expectation is that we will always have at least one person in the office but in the event that we are required to quarantine or are ill, our option to keep working is available. We continue to follow the safety guidelines including meeting with clients behind glass, documenting who is in our office space and regularly sanitizing our department and common spaces we share with adult probation.

Our caseloads are holding steady with new cases emerging as other's are closing. Our youth who are in the custody of the Oregon Youth Authority and Interstate Compact youth have been more active in the last quarter. We are fortunate to have great working relationships with our partners who assist us with these cases. We returned to a full court docket in July. Since most cases had been put on hold since March, the first two months were pretty hectic. We are finally settling back into a more typical docket. The court is looking into using WebEx for delinquency and dependency hearings in an effort to have better communication and interaction between the judge and youth and families. The logistics of this are still being worked out.

We are primarily seeing clients face to face now behind glass but are also still having some phone meetings. Most mental health, drug and alcohol and sex offender treatment is still accessed by video. Through our partnership with CEOJJC, funds became available to the Juvenile Departments to assist youth who were being impacted by the COVID-19 pandemic. We were able to purchase a laptop for one of our clients to use who has been struggling to attend his mental health sessions from home. The plan is for this youth to come to the Juvenile Department and use the device to attend sessions. Once that youth's case is closed, the lap-top will remain with the Juvenile Department and can be used by other youth who have on-line classes or treatment needs and don't have access to a computer at home. We were also able to purchase school supplies for a client and his four foster siblings.

Robbie Johnson, Director

Prevention Department Quarterly Report

July-September 2020

We have continued to support the Emergency Operation Center and the Health Department during the pandemic and smoke/fire season by:

- Participation in EOC weekly calls
- Mask distribution
- Being a liaison to the Health Department
- Participation in the JIC/PIO meetings and facilitating as needed
- Get Ready Gorge website updates and providing Spanish translation when needed
- Participation in the Migrant Seasonal Farmworker Taskforce
- Other areas as needed

Our Alcohol, Tobacco and Other Drug Prevention (ATOD) Coalition meetings continue via Zoom monthly

We have resumed our Survivors of Suicide Loss Support group via ZOOM. The monthly meetings are held on the 2nd Tuesday from 5:30-6:30PM. This group is for the Columbia Gorge Region to support those who have lost someone to suicide. It is well attended, and numbers are increasing.

Working with regional agencies to develop a Suicide Prevention Coalition.

Received certification to be a facilitator for QPR (Question, Persuade and Refer) an international science based training that trains community members to ask a person if they are considering suicide, persuade them to seek the help that they need and refer to a professional. It is a 90-minute training. Provided the first training to the ATOD Coalition via ZOOM in September. Would like to make this available to County Departments and all agencies and groups within our county. Please let me know if this is something that you would like to bring to your agency.

Participation in the Hood River County School District (HRCSD) Social Emotional Learning (SEL) workgroup which is comprised of school district personnel, community agencies and parents. SEL is working in three areas in the school system: students, parents, and staff. We are looking for ways to support each group as we continue through the pandemic and virtual learning. Grave concerns about the stress each group is experiencing.

Attended Cascade Locks Action Team monthly meetings to update on what resources the department has available for the community.

Hood River Middle, Wy'east Middle and Hood River Valley High School H.E.A.L.T.H. Media club curriculum adapted to virtual learning platform. Outreach to current club members by distributing "goodie" bags including an invite to the first meeting, a mask, sanitizer, toothbrush, granola bars, doodle pages with encouraging messages and an overview of what is to come this year. These were delivered to each member's home which provided an opportunity to see how they are doing and encourage them to participate again this year.

A huge project was accomplished in collaboration with HRCSD and community volunteers in August. There are 4,000 students enrolled in HRCSD and I envisioned that each student would receive a "Return to Learn" bag welcoming them back to school. The School District also had materials to be distributed.

So, we teamed together with our community to make it happen! Stickers were put on bags by Down Manor volunteers, hand sanitizer bottles were filled by Adult Parole and Probation Work Crew, apples were donated by Kiyokawa Orchards and Gorge Grown, printing was donated by Print It and Weatherly Printing, artwork created by a former H.E.A.L.T.H. Media club member and bags were filled by multiple community volunteers, school district personnel and the Prevention Department staff. Each student received their bag as they went to pick up their IPADs prior to the beginning of the school year. Banners were distributed to each school campus encouraging the staff that they are supported by their community. <https://www.hoodriverprevents.com/newsletter-minute-archive>



The Regional Resource Directory has been printed and is being distributed throughout the 5 County region. It contains over 400 resources, is bilingual and denotes if an agency has bilingual staff and/or materials and/or a website. Kathy Smith, Office Manager, was instrumental in bringing this all together! Please see our Hood River Prevents newsletter linked above for more details.

The Toddlers 2 Tweens Parent Bootcamp trainings are going to become virtual within the next month. We will be offering these trainings once a month in Spanish and English. The training will help parents understand emotions and how to help children deal with emotions in a positive way. A by-product of this is that we as adults learn how to better understand and deal with our emotions. OTUS, the Wise Owl, helps us with this. He made a guest appearance at the Children's Fair this year. More to come in the next report.

Kathy continues to update our data collection that spans nearly 20 years. We receive data from numerous sources, one of which is the Oregon Student Wellness survey. She compiles this into useable graphs EXCEL spreadsheets that help to direct the focus of our work.

I continue to Chair the Prevention, Treatment Advisory Board for Mid-Columbia Center for Living. We are working to redefine the duties of this Board in order to meet state requirements and better serve our communities.

I also continue to serve as the Secretary for CLEAR (Children Learning through Education and Research) Alliance, a non-profit organization that is currently working to update into a virtual platform the delivery of our Tobacco, Marijuana and E-Cigarette Course. This course prior to the pandemic has been delivered in person to all 6-9th and 11th grade students in HRCSD. The virtual course should be ready in November so that we can continue to provide education to our students. The course is also applicable and available for delivery to Driver's Education classes and the community groups.

I serve on the Oregon Public Health Association/Addiction Prevention Section Board.

In August, we said goodbye to Ross McLeod. He resigned due to health issues and we wish him the best. In September, we said goodbye to Nubia Contreras as she moves into a Community Health Worker role with Bridges to Health.

On October 12th we welcomed Sarah Christensen to our team! Sarah will be filling Nubia's position as a Prevention and Education Specialist. Sarah has 6 years of teaching experience at the elementary level and is bilingual. On October 16th we welcome Mesa Willis to our team! Mesa will be filling Ross's position, also as a Prevention and Education Specialist. Mesa has a Master's in Public Health degree and has worked with community coalitions and enjoys epidemiology and student leadership. We are extremely excited to have a full team with diverse backgrounds and experiences.



HOOD RIVER COUNTY PUBLIC WORKS

MIKEL S. DIWAN, DIRECTOR

918 18th Street • Hood River, OR 97031 • (541) 386-2616 • FAX (541) 386-2912

FY 2020-21 QUARTERLY REPORT – PUBLIC WORKS DEPARTMENT 1st QUARTER; JULY 1 – SEPTEMBER 30

ADMINISTRATION

- One accident occurred during the Quarter. An employee sustained a severe injury to their hand which resulted in them being restricted from work for about 12 weeks. They were able to return to work without restriction at the beginning of October.
- One vacant Equipment Mechanic position and one vacant Road Technician were filled. There are currently two vacant Road Technician positions and one vacant Engineering Technician position. The Engineering Technician position has not been filled since it was established in 2017.
- Office staffing was an issue for most of September due to several people being on medical or school closure leave. Subsequently, the Public Works office was periodically closed to the public for most of the month.
- Road Fund revenues from State Highway Funds have been down about 20% since the COVID pandemic started. The decline did not impact this summer's work and plans are still in place for the 2021 paving program. However, future projects may need to be evaluated if revenues do not return to pre-COVID levels.
- ODOT will be proposing to decrease the exchange rate for several of their local fund exchange programs. Most notably are the State Fund Exchange and the State Funded Local Program which will impact how Public Works leverages its paving schedule and equipment replacement. The Director served on an ODOT workgroup that negotiated some of the proposed changes.
- The Director was appointed Chair of the AOC County Road Program Budget Committee in June and to the AOC Budget and Finance Committee in July.

ROADS

- Paved portions of Country Club Road and Brookside Drive. Also started adding new shoulder rock to both roads and should finish sometime in October.
- Applied pavement markings and thermoplastic stop bars, crosswalks and railroad crossings on county roads.
- Chip sealed Sherman Street and applied pavement markings to several city streets for the City of Hood River.
- Repaired the roadway on the east side of the East Fork Hood River Bridge on Toll Bridge Road. The roadway had begun to erode due to a sinkhole under the east bridge abutment.
- Graded and made other improvements to the shooting range on Neal Creek Road.
- Crack sealed Eastside Road, Van Horn Drive, Mason Road, Paasch Drive, Whiskey Creek Drive, lower Fir Mountain Road and the upper part of Highline Drive as preparation work for the 2021 chip seal plan.
- Replaced a storm drain culvert on Collins Road.

MAINTENANCE

- Scheduled new fuel and card reader systems to be installed at both the Hood River and Parkdale yards. Both systems are expected to be up and running by the middle of October.
- Ordered a security camera system for the Hood River yard. Installation is scheduled for the first of October.
- Received three new vehicles ordered in early 2020. Licensing is expected to take another 6-8 weeks due to DMV office closures.
- Ordered five new vehicles; one for the Health Department, one for Forestry, one for Parks one for the Sheriff's Office and one for Public Works.
- Ordered two new equipment trailers; one for Parks and one Public Works.



HOOD RIVER COUNTY PUBLIC WORKS

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- Ordered two new replacement carts for Parks for use at the campgrounds.
- Began winter equipment checks and preparing to mount snow plow and sanding equipment.
- All surplus equipment has been sold and picked up. The cumulative total received thru September 30 from the GovDeals online auctions is \$158,821.
- The last FY21 Public Works capital item to start work is the installation of a new fence and gate at the Parkdale yard. All other items have either been completed or are in progress.

ENGINEERING

- 163 various permit requests were processed; including 45 for construction or other work within the Right-of-Way, 73 for over-dimensional truck permits, 7 utility locate requests and 38 building permit applications.
- 21 Land Use applications were reviewed for comments on behalf of Community Development.
- Attended pre-construction meetings for the following projects; the Bloom Development in Odell, the Thomas Development in Odell, the Crystal Springs Westside Transmission Main project, the Crystal Springs Neal Creek Transmission Main project and the Guignard Industrial Development project.
- Reviewed plan submittals for the Rivers Edge II project and the West Side Elementary School RRFB project.
- Attended a pre-submittal meeting for the Zeller Partition project in Odell.
- Assisted with contract review for the Barker Road Reconstruction Project.
- Prepared the Evans Creek Culvert Post Construction Report for the Oregon Department of State Lands.

LANDFILL

- No monitoring samples were collected this quarter but DEQ was contacted regarding permit and reporting requirements. At Public Works' request DEQ agreed to allow the County to alter the timing of its report submittals in order to comply with the landfill closure permit.

SURVEY

- 13 surveys were filed during the quarter; including 1 Partition Plat, 2 PLA's, 9 Records of Survey and a Right-of-Way survey for Huston Drive.

PARKS

- Staff worked on remodeling the residential house at Tucker Park by installing new cabinets, doors, trim, windows, flooring and appliances. An arrangement for a new Park Host tenant is expected to be in place in time for the 2021 camping season.
- A new pump, control panel and supply line was installed on the Tucker Park irrigation well.
- Two new mowers were ordered and received and two new carts were ordered but are awaiting delivery.
- Loose dogs at the campgrounds continued to be a problem. During the course of the summer the Tucker Park camp host was bitten or attacked on three different occasions.
- The conversion to coin-operated showers at the campgrounds went well and received very few complaints. Most guests supported the attempt to conserve water and commented that they are a standard feature at many other parks they visit.



HOOD RIVER COUNTY PUBLIC WORKS

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BUILDINGS

- Staff hired a contractor to replace the treading on all three courthouse stairwells. The prior metal treads had become a tripping hazard and were replaced with rubber molding similar to the ones at CBAB.
- EC Electric was hired to perform a volt and amperage study at the courthouse in order to optimally size a replacement generator. A diesel-powered generator is expected to be installed next spring and include a new transfer switch so emergency power will be provided to the entire building.
- The portable generator for the Health Department was serviced and put on a regular maintenance plan. Additional circuitry is also being installed so the generator battery will have continuous power.
- The solar lights for the courthouse dirt parking area arrived and will be installed in October.
- The HVAC unit for the CBAB server room continued to encounter problems during the hottest periods and should be considered for replacement. Due to the additional heat generated in the server room by non-county equipment the replacement unit should likely be upsized.

MUSEUM

- The museum remained closed during the Quarter due to the COVID-19 pandemic.
- Hood River Security was contracted to provide night patrol services at the museum. The patrols will be an extension of services currently provided at the Port and will begin in October.

Records and Assessment
Departmental Quarterly Report: July - September 2020
October 13th, 2020

Department Projects

Records and Elections

- The following chart displays quarterly statistics for recordings, marriage licenses, passports, and registered voter counts.

Year	Period	Recordings	Marriage Licenses	Passports	Registered Voters
2020	July - September	1,728	114	0	15,554
2020	April - June	934	47	0	15,099
2020	January - March	1,217	37	332	15,213
2019	October - December	1,220	33	306	14,979
2019	July - September	1,211	101	309	14,946
2019	April - June	1,140	62	259	14,696
2019	January - March	816	26	326	14,814
2018	October - December	935	30	334	14,673
2018	July - September	1,134	103	306	14,583

- We have been busy preparing for the November 3rd General Election. Ballot design and the mailing of ballots to our military and overseas voters was completed in September.
- We have noticed a significant increase in the volume of voter communications compared to prior elections. Misinformation and confusion appear to be the greatest threats to the election. We are spending extra time dispelling myths and explaining how elections are conducted in Oregon.
- Some of the security improvements identified in our Department of Homeland Security risk assessment were completed in September.

County Assessor

- The appraisers finished completing the 614 flags for permit activity.
- The ratio study for Hood River County was accepted and approved by the Department of Revenue. The ratio study is used as a tool to verify that sales of property are in line with the Real Market Values assigned.
- The Open Space report was completed and submitted to the Department of Revenue in August.
- We have received back 960 of the 1,320 personal property returns that were sent out and due on March 15th. All the returns were processed just in time to calculate the tax roll.

- We currently have two cases pending in the Magistrate Division of the Oregon Tax Court. The first case is for State Appraised property and is being handled by the Department of Justice. The other case is for locally assessed property and has a joint status report due in October.
- The tax roll for 2020-21 will soon be certified. The taxable assessed value (TAV) for Hood River County went from 2,564,576,284 in 2019-20 to 2,883,580,276 in 2020-21 or an increase of 12.44%. The increase in TAV is not representative of a typical annual increase and can be directly attributed to the City of Hood River decision not to levy any urban renewal taxes for this year. Had the City levied for urban renewal the TAV increase would have been approximately 4.1%. The total tax amount calculated for Hood River County went from \$3,755,534 to \$6,539,706 or an increase of 74.14%. This increase in tax revenue is mostly attributed to the new county local option levy and the City of Hood River decision to not levy any urban renewal taxes for this year. The total tax to collect for all taxing districts in the County went from \$37,959,904 to \$41,183,146 an increase of just over 8.49%.

Fiscal Status

- The budgeted amount for material and services appears to be adequate.

Personnel Supervision

- Juan's and Duane's performance evaluations were completed this quarter.
- Brian and Darlene attended the Department of Homeland Security Tabletop the Vote 2020: National Election Cyber exercise in July.
- Darcy McCullough and Kelly Magana celebrated their one-year anniversary with the Records and Assessment Department in August.
- Brian and Duane attended the virtual annual County Assessor's Conference in August.
- Brian and Darlene attended the virtual annual County Clerk's Conference in August.
- Darcy attended the beginner and advanced BOPTA Clerk training in September.

Needs & Issues

- The turnover in the Department has impacted our ability to maintain the same production levels as in prior years. Our newer staff are working to develop the knowledge necessary to master their positions. Much of the work we do is cyclical and takes several years of going through these processes to gain enough knowledge and experience to understand the nuances and complexity of this work.
- The COVID-19 virus has impacted the operations of the Department. We have temporally discontinued processing passports and all other in-person services have been moved to phone, email, or by appointment. Customer traffic counts continue to increase for all communications.

WORK SESSION ACTION ITEMS

CONSENT ITEMS

Hood River County is taking steps to limit exposure to and spread of COVID-19(novel coronavirus). In support of State and Federal guidelines for social distancing, the Hood River County Board of Commissioners **will hold this meeting in person at the address listed below**. In addition, the meeting will be shown on Webex. To listen to/view the meeting please call **(408) 418-9388** and use **Event number: 1446 754 9841**. You may also access the meeting via a smart device or computer. For best results please dial into the number above and mute the microphone and speakers on your device once logged in. Please visit the Board of Commissioners webpage for the link. Thank you.

HOOD RIVER COUNTY BOARD OF COMMISSIONERS WORK SESSION AGENDA

June 15, 2020 @ 5:15pm, 3020 Wy'East Road, Hood River, Oregon

MINUTES

Chair Oates call the meeting to order. Present: Commissioner Benton, Commissioner Perkins, Commissioner Joplin, Commissioner McBride, Counsel Davies and Administrator Hecksel.

Columbia River Gorge Commission Interviews

Michael Mills – started his career in N Bonneville, WA. Currently lives in the upper Hood River Valley. He saw this opportunity to volunteer and use his skills in collaborative government and working through gorge commission issues. Spent career working with local governments and is retired from Oregon Solutions. Feels experience will be helpful in this position.

Commissioner Joplin – stated the gorge commission is unique and representatives are from larger urban areas to rural areas. We have struggled with decisions that sound and seem urban based and hope to be able to blend rural and urban issues and needs.

Michael stated that in working with Oregon Solutions he worked on a project with diverse issues – participated in crowd funding after the fire and dealt with many local jurisdictions locally as well as around the state. It is critical that all voices heard and feels collaborative efforts is important.

Bridget Bailey-is the county's current representative on the gorge commission.

Was asked why she wants to serve. Bridget loves serving on the gorge commission. Talked about her background and business pursuits.

Bridget stated she wants to be reappointed because she has spent the last 3 years reviewing the management plan and a change would not be good at this point. The mgmt. plan is a 500-page document and as an attorney has the knowledge to represent the county.

The gorge commission reviews building applications and hears appeals – she has heard 6 over the last 3 years. In regard to the fire – interesting to see that a decision could have been made differently and with a gorge commission policy they may have been able to close the trails a day earlier.

Brings an AG background. Concerned that Erickson at end of term who serves as a gov. appointment and

another from WA this is a very important economic aspect to the area and important to when the changes in ag to the mgmt. plan. Feels that UGB adjustment could be attainable for the county when the time is right.

Joplin asked to share her perspective on blending urban and rural needs. Bridget – steward of natural resources. Passion for the snickers act and has courage to voice the desire to ensure those are met. Has courage to push and advocate for changes on the Commission when the current feeling is not supportive of a particular change like allowing wineries.

Perkins asked what do you see as the greatest benefit of the NSA and challenges of the gorge commission going forward.

Bridget – loves stewardship and it is all our responsibilities, doesn't mean you cannot use it but you need to respect it. Challenge is enforcement. Why all the rules and hearings. Why a \$2M biennium budget for gorge commission. Disappointed when sees all the reasons when the commission itself cannot mitigate down to correct use of the land. Wonder why we go through all the permitting process in the firsts place. During Mgmt. Plan ensuring that mandatory enforcement of the act. She has asked staff to investigate an open violation and staff does not follow up. She is not on the exec committee yet – but she is not sure why we go through the process of setting up rules when they are not enforced. Feels the County does okay and feels that the cultural in this area would let the commission know if the rules were not followed.

Benton – recently met with her and had a debriefing. Concerned that the BOC spent time talking about the changes to the mgmt. plan and heard that she was not able to get the changes inserted into the mgmt. plan and therefore she voted against those changes. Concerned the messages we are sending through her are not getting to the rest of the gorge commission Board. Can you talk to that?

Bridget stated before she came on the former Community Development Director wrote a letter indicating it would be more than 3 years before an UGB adjustment would probably be looked at in Hood River County and so, there were other priorities identified as well and so she pushed those issues forward. She was also able to get the Community Development Director involved in the quarterly management process review. The current director hasn't had time to go to that quarterly meetings since sometime last year. When Chair Oates came on board, she reached out to Oates asking if the County would want to expand the UGB in the next 3 years. Also, she is one vote out of the 13 commissioners that serve on the Gorge Commission.

Timber Deposit Fund Transfer Policy

Doug Thiesies, forest Manager stated we manage the timber deposit fund in accordance with Revised Resolution 351 currently and explained how the timber is managed based on that.

Currently allowable cut volume is 9.5M board feet using a 10 yr. avg bid price per 1000 bf. Plus, there are salvage funds that are transferred to the County general fund and calculated using a 10-year average per mortality sales.

Talked about the changes that he wants to make. Noted that 4 out of the 5 decades we have harvested less and one year we have harvested more. Shows that it is not exact. You are calculating a transfer based on 9500 as a constant which hasn't changed since 1994 – only change is timber price. We don't change timber harvest. Table shows that we have changed it and it is reviewed every 10-15 years, it is in our mgmt. plan it is a long-term projection.

We have increased acres of county forest lands and therefore the allowable cut could increase as explained.

Oates asked if Doug has applied the new system to what has been done in the past and if so how did it come out? Doug stated yes and for the last 10 years we would have transferred less than the current method. However, as you can see on the last table in the sheet the upcoming 10 years the new method would transfer an additional \$1M.

Perkins stated that he has heard Doug talk about this since he came to the county and it makes sense and keeps us in a better place long term. Reflects what we are actually doing and not what just in theory.

Benton – what does our timber reserve balance look like and what is the difference. Doug stated he doesn't have the balance off the top of his head, but it is high. Expects at the end of the FY to be around \$13-14M.

Joplin asked with the new formula will the new output meet or exceed the input?

Perkins stated that the current method will do what Joplin is concerned with. The change will reflect actual numbers in revenue and with the new formula we would follow the actual average and not be drawing on funds not yet received.

HOOD RIVER COUNTY BOARD OF COMMISSIONERS BUSINESS MEETING AGENDA

June 15, 2020 @ 5:15pm, 3020 Wy'East Road, Hood River, Oregon

MINUTES

Chair Oates call the meeting to order. Present: Commissioner Benton, Commissioner Perkins, Commissioner Joplin, Commissioner McBride, Counsel Davies and Administrator Hecksel.

ADDITIONS OR DELETIONS TO THE AGENDA

None

CONFLICTS OR POTENTIAL CONFLICTS TO DECLARE

None

PUBLIC HEARING

Hood River County Budget

Hecksel stated there are changes to the proposed budgets and going into the budget process a bit this year. Outlined what the cuts could have been had the local public safety option not approved.

Oates opened the HRC budget and asked for public comments.

Brian Robb 922 Union Street, Hood River – started looking at the county budget last week and found it difficult to determine what is going on. Wanted to look at expenditures in the Sheriff's budget and he was not able to scan through the document it needs to have OCR applied. Also feels that info showing the layman how all things are divided to make it easy to see where the money goes would be helpful. Regarding the levy, the budget approved by the budget committee it mentions the budget was developed as the levy was NOT approved and then there is a list of changes and feels that shouldn't be in there since it is not an option anymore. Feels the committee should have had the foresight to prepare a budget as if the levy did pass. Problems with the process. Expenditure questions regarding public safety levy. Feels the County needs to open the book on how public safety is managed – it is time to not just do things because we have always done it that way. Black citizenry is low but 1/3 of our citizens are Latino. Feels the Sheriff's budget needs to be looked at to show how the new \$2M is spent.

Elda Ore, Phelps Creek Rd – Here to talk about Oak Grove Park on the Westside of the county. Has used it to play tennis for many years. Is part of the Oak Grove Park friends and funding the maintenance of the park for several years. They have paid for maintenance and organized work parties and welcomed by the community to keep the park open. Now that the funding measure has been passed she is asking the maintenance funding for Oak Grove Park be reinstated. They will continue to fund raise for maintenance of projects like the resurfacing of the tennis courts.

Cathi Lannon, Devon Court, HR – Chair of Friends of Oak Grove Park. Thanked the commission for continuing to work with them to keep Oak Grove Park open. Also, congrats on getting the levy passed. Hoping now the county has more funding available you will consider adding back the maintenance of Oak Grove Park and Panorama Point into the County budget. Parks are important for the citizens.

We hope to resurface the tennis courts – understands that it has to be put out to bid the cost is approximately 18K – asks that amount be put into the budget and they will donate that amount to cover the cost.

Mary Ruth Benson, Avalon Dr, HR – after some budget committee meetings were cancelled, she decided to come to this meeting. Confusion and discrepancy about the information not on the county website and where the meeting was going to be held. Looked into the packet to see if the budget information was there. Has experienced this in the past and finds it hard to use the website to find current up to date information.

Grateful that \$1.3M in cuts will not be taking place. Enjoys OSU Extension and events that the museum hosts. Wants to address the additional expenditures in the Sheriff's budget and asked for creative approach by the county. Look to Eugene and other areas that have been doing things different for decades – feels that Hood River County can be creative and what is public safety and how to keep the county safe. For example, if you were stopped for a bad tail light instead of a deputy with all their gear you could be stopped by a mechanic armed with a bulb to fix the light and there are many other ideas and wants to see this county be open to that creativity.

Hearing no other comments on the Hood River County Budget FY 20/21 Chair Oates called for comments on 911, Windmaster Sewer District, or Windmaster Urban Renewal District budgets and hearing none, Chair Oates closed the hearings on all 4 public hearings and asked for Commissioner deliberations.

Hecksel stated there are a few proposed changes he heard during the hearing testimony – asked if the Commission wants to accommodate the request from the Friends of Oak Grove Park which would add

approximately \$21,500+/- of expenses for maintenance of Oak Grove Park, Panorama and Ruthton Parks for FY 20/21.

Hecksel also stated in the packet under the Administrators report there is a document from MCEDD indicating they received a \$250K grant for small business in Hood River County but it does not cover Administrative costs and they are asking the County to pay \$2K and that is being proposed as an amendment in the FY 20/21 Hood River County budget. Also, additional legal feels, the county is under threat, asks that \$100K be added to legal services from the \$123,645 ending fund balance to the respective accounts. Also not caught in the budget process Barker Rd is in the urban renewal plan and seed money is needed for engineering and design and therefore request contingency in WMURD be reduced by \$120K to go into projects line item specifically for Barker Road.

In regard to the tennis courts because we don't know the exact value since of the work at this time we can do a budget adjustment later in the year when the cost is known, so asks that the estimated \$18,000 not be added to the budget at this time.

McBride asked what the unallocated fund balance is. Hecksel said between \$7-800K and while that may seem high the county has a \$325K note to be paid in the next fiscal year 21/22 which will need to come from that balance.

Unappropriated ending fund balance is \$866,665. FY 20/21 Contingency is \$700K.

Oates stated he feels it is reasonable to add the Parks maintenance cost of \$22,600 into the budget.

Perkins agrees – feels all the items are reasonable the MCEDD funding was unexpected and the amount is small to get \$225K into the community small businesses. Regarding the law suite it is prudent to defend ourselves. WMURD asked for clarification if that adjustment is in the WMURD budget. Hecksel said the 4 items would be in the Hood River County Budget.

Perkins stated he is thankful for voters to pass the funding. Folks need to understand that we spelled out in the levy how the money was to be spent and as we move forward we can think about doing things differently but we have to spend the funds from the levy how we stated they would be spent.

Benton stated that we are tied to what the levy indicated how the funds would be spent. However, we are open to improvements.

Joplin made a motion to adopt the Hood River County budget along with the four modifications stated by the County Administrator for FY 20.21 and to levy taxes from July 1, 2020 – June 30, 2021. Perkins seconded the motion.

Vote on the motion was as follows:

Commissioner Joplin – yea
Commissioner McBride -yea
Commissioner Benton – yea
Commissioner Perkins -yea

Chair Oates – yea

Motion carried.

911 Communications Budget FY 20/21

Perkins moved to adopt the 911 Communication budget as presented for FY 20/21 and to levy taxes from July 1, 2020 – June 30, 2021. Benton seconded the motion.

Vote on the motion was as follows:

Commissioner Joplin – yea
Commissioner McBride -yea
Commissioner Benton – yea
Commissioner Perkins -yea
Chair Oates – yea

Motion carried.

Commissioner Benton took over the meeting to deal with the Windmaster budgets.

Windmaster Sewer District Budget FY 20/21

Oates made a motion to approve the Windmaster Sewer District budget as presented for FY 20/21. No taxes to be levied. Joplin seconded the motion.

Vote on the motion was as follows:

Commissioner Joplin – yea
Commissioner McBride -yea
Commissioner Benton – yea
Commissioner Perkins -yea
Chair Oates – yea

Motion carried.

Windmaster Urban Renewal District budget FY 20/21

Oates made a motion to accept the budget and levy taxes from July 1, 2020 – June 30, 2021. Joplin seconded the motion.

Vote on the motion was as follows:

Commissioner Joplin – yea
Commissioner McBride -yea
Commissioner Benton – yea

Commissioner Perkins -yea
Chair Oates – yea

Motion carried.

Chair Oates resumed control of the meeting.

PUBLIC HEARING

Apollo Extension Appeal

Land Use Counsel Doughman read the hearing protocols into the record and asked if there was any prehearing contact to declare.

Oates stated that he was approached by Thrive to meet after the planning commission decision and he declined.

Perkins stated he was also approached by Thrive to meet and declined.

Joplin stated to too was approached by Thrive to discuss the issue and she declined to meet.

Chair Oates opened the hearing and noted this is a de novo hearing. New information can be brought forward.

David Doughman, Land use Attorney further read the hearing rules into the record on behalf of the Chair. This is a de novo hearing to consider an appeal of an approval to extend the Apollo CLUP for one year – full details is in the staff report in the packet.

Doughman stated Thrive raises an issue of impartiality of one of the Planning Commission members. There is a pending complaint with the State Ethics Commission. He does not recommend the Board of Commissioners evaluate whether there was an ethics violation or not. Since this hearing is a de novo hearing the Board of Commissioners do not owe any deference to Planning Commission record, this really is a new hearing.

Walker, Comm Development Director – we are here tonight to consider an appeal by Thrive of a decision to uphold a request to extend a CLUP by Apollo Land Holding for 1 year.

There are four (4) standards that apply, and the Planning Commission generally agreed that each standard was met. Appellants primary argument was that the planning commission and board of commissioners could use other factors in making their own determination. The planning commission generally agreed that the community development director has such discretion, but they did not agree on how this discretion should be used to either uphold or overturn the planning commission decision.

Staff recommends the appeal be denied.

Eric stated the presentation order will be the applicant, then the appellant and then the applicant goes again for rebuttal.

Michael Robinson - 1120 SW 5th Ave, Portland OR. Here tonight on behalf of applicant Bob Benton, Apollo Land Holding. He will speak and then Mr. Benton will to one of the issues. Robinson asked for 15 minutes for first presentation and then 10 minutes for rebuttal.

Stated the Planning Director approved a fourth (4th) extension which was appeal to the Planning Commission and they got it right too and approved the extension. Indicated there was a document passed out earlier speaking to the decision Six (6) years ago that approved an application for a venue, that approval is not relevant tonight it, that decision was not appealed and you cannot get at it through this hearing. We are here to determine an extension request and if the criteria for an extension was met as the community development department stated it was.

Robinson spoke about the points and how each was met and other things to consider and point to why the extension should be approved as done by the Planning Commission.

Robinson asks the Board of Commissioners approve the fourth (4th) extension for this application.

Bob Benton, Nunamaker Rd, Hood River here representing Apollo Land Holding the applicant. There have been assertions through this process regarding transparency and disclosure and he takes that seriously. Transparency matters to him regarding service. Regarding the parking issue raised – when that process was happening several spots was determined and then a traffic study was done. The standard was never brought up or applied to their application.

Heather Staten Thrive (appellant). Earlier this year Mind Global contacted them for an idea on this property. When the purchase fell through Thrive contact the Port to take on this property. We are not opposed to all large-scale development they are opposed to a concert venue in the Dee area.

Went through the approval criteria. Stated in May 2018 21 articles of the HRCZO were amended. Applicant has the burden of proof that the project meets the approval criteria and applicant has not documented that the 2018 changes do not amend the application.

Pointed to Article 51 – Off Street parking. Section H was added in 2018 and not in 2014 when another extension was discussed. Spoke to more approval criteria that was not met by the applicant.

Stated there is lack of progress on construction and that has been considered in the past on other applications. Noted that construction has not started. Stated that many facts relied on when granting the permit has changed like the traffic study and railroad ownership has changed.

Chair Oates called for other opponents to extension.

Mary Ellen Barilotti, Reed Rd, Hood River, OR – submitted a detailed and legal reasonable document on this subject. Feels that we will be here in 20 years if you use the applicant's interpretation. She has a different interpretation and it is one thing to say they have a right to an extension, but do they have a right to an extension

to be on property they don't have a right to be on anyway. Noted that rural property cannot be used as a concert venue. If the applicant had started construction, they could have made the argument they are substantially complete with their project and the property was committed to that use.

Patricia Case, Reed Rd, Hood River, OR – the permit should have never been granted, residents of Hood River County don't want this project. Also, the ethical issues do complicate the matter and cannot just put those aside. Legal issues: feels those have been brought out by Thrive, Barilotti and 1000 friends of Oregon and urges the commissioners to take those comments into consideration.

State laws, as she understands them, shows the Board of Commissioners has opportunity tonight to correct mistakes that were made in the past. Original application and 3 extensions were made under faulty understanding of law and if you make decision in favor of the applicant tonight that would be in question because of the way the law was interpreted by Barilotti and Thrive. Thrive points out the County is under no obligation to grant another extension and the applicant has not met the approval criteria.

Who benefits? The only people that benefit are the developers – she couldn't find anyone that is in support of this project.

Urges the commission to not vote for an extension of this permit.

Ron Cohen, Dee Hwy, Parkdale – owns a business downtown and lived on Dee Hwy for 45 years. Feels 4 extensions for one application is too many. Original permit was granted in 2014. Applicant knew no extensions were guaranteed and feels 6 years is too many with no progress.

Mr. Benton is an owner of the development and feels it is difficult for the commissioners to make a decision when dealing with a fellow county commissioner and hopes the commission will deny the extension and allow LUBA to grant or deny the extension.

Chair called for further comments and hearing one he called for Robinson to make a rebuttal.

Michael Robinson, here on behalf of the applicant. Only one issued raised with enough specificity is 51.10 but that was never applied to the application, so it doesn't matter.

David Doughman –the new section was not applied to the original permit extension. The standard in article 1 talked about approval criteria to original decision and if that was not applied then he does not feel that the zoning ordinance changed in that instance.

Eric stated that the standard in 51.10 standard was not addressed in part of the decision and done intentionally. When you look at parking standards you look at the building capacity and parking needed to deal with capacity. This was a different case – there were several different numbers proposed and the number proposed dictated the site. If you read the decision it says you will provide no more than 436 parking spots to limit the use.

Robinson further stated - you are here to take the law and apply it to this application. Thrive asked if the applicant met the burden of proof and of the 4 criteria only 4 come in play. There is nothing in the criteria that said relooking at the original criterial. We acknowledge this was done 6 years ago and the issue is the appeals on this and the time it takes when you are done with an appeal it is time for another extension. There was no appeal of the 2014 decision. To kill this extension as a way to kill the original approval is not the way to deal

with this issue. The Planning Commission and Community Development Director both found that the extension criteria were met. Does not feel that because the word may be used in the zoning ordinance the Board of Commissioners can deny this extension. The Commissioners could start a process and put in different standards and for the next extension for anyone would then be applied.

Appreciates what Ms. Barilotti said but there is not state law that governs extensions and the LUBA decision she referred has nothing to do with this extension.

Concludes that this applicant has done what is required under the Code and the Director and Planning Commission have the same conclusion same. The approval criteria has been met and the extension should be granted. He will waive final written argument so the Commission can decide on this tonight. Urges the Board of Commissioners to approve the extension.

Chair Oates closed the hearing and called deliberation by the Board of Commissioners.

McBride asked if after a certain number of extensions, the fee for an extension doubles? Eric Walker confirmed. McBride assumes that is to put burden on someone asking for extension. Walker stated that is fair to say.

McBride – letter of warning of that no guarantee of extensions that would seem to indicate there would be some discretion the planning department would have to exercise for extensions going forward and as he looks at requirements (52 requirements) number 4 was to pull a permit if building was going to occur. Asked if no building permit was pulled.

Walker stated that is true the building application was submitted but withdrawn which was about the time one of the appeals came forward thinking they didn't want to move forward not knowing how the appeal would unfold.

Perkins – his main question was answered about 51.10 and changes in the county code or ordinance not pertaining to original criteria and feels that staff answered that amply.

Joplin – comments, no questions. Understands there are a lot of different perspectives on this issue and whether they like or dislike, agree or not on this process. At some point it is an agreement to disagree. In the materials a few things spoke to her in a Thrive letter in January 2020, 2nd page paragraph 2: referring to We (Thrive) disagree on how many is too many. The code does not discuss how many extensions is too many maybe that is a discussion for the future but there is currently no language that states how many are allowed.

Another comment from Dale Hill – talking about not challenging the 4 standards and the applicant has not moved forward so this should be denied. Nothing in our code says how long a project has before completed. Maybe that is something to discuss for the future.

Another Thrive note from January 2020 we received a letter about grammar and a video to force a sentence to say what you want it to say rather than what it does say.

She would be willing to look at the code further and put side bars for future issues but that is not what is before us tonight.

Oates – since he has been on the commission this is the first time he has been involved with this and understands why some of the extensions were approved but feels that projects are not to go on forever but also things change and he understands that. He feels he is coming in the middle of this and feels the criteria has been met and the planning department has that authority to make this decision.

Also, in Walkers report to Board states that a permit decision does not guarantee extensions and urges the applicant to implement their project in a timely manner. Also included that the planning department stated the extension will likely be the last barring any extenuating circumstances. He agrees with that statement. Feels the criteria were met and agrees the PD has the authority to make the decision.

McBride – asked Walker how common is it to request four extensions? Robinson stated that is a question that the parties did not have a chance to address.

Walker said that to keep the discussion to the record and going from memory he believes he did make a statement to the planning commission that typically we look at the first extension being guaranteed, second extension pretty flexibly and beyond that we are looking to progress and an extension is based on extenuating circumstances. In this case have we granted 4 extensions and he cannot think of another one that we have but feels that with the 3 appeals surrounding this application that was taken into consideration and feels those are extenuating circumstances.

McBride – his biggest concern is that in this situation and the facts on the ground it is incumbent on the Commission to make sure that we are not playing favorites when dealing with land use decisions and it is difficult to have a co-commissioner in the audience and be a part of the requesting side and he fears the appearance of favoritism and that is his line of questioning and feels that maybe it would be better for another entity to make this decision and not us.

Oates - for himself that being in this position it would not make a difference if the applicant was his mother.

Perkins agrees this is a small community you are going to know many of the people that come before you on a land use decision.

Counsel Doughman – ultimately it has to be the Board of Commissioners who makes the decision here. LUBA will only look at if the Commission had an authority to make a decision they will not make it for you. That is why these ethic rules are in place so there is separation as best as can be done.

Perkins – through the process he sees things that can be improved on in the future but they do not apply to this application and hopes that moving forward we can get more time to deal with these things.

Perkins and asked what the motion needs to include. Staff and Counsel provided the options.

Perkins made a motion to deny the appeal and to approve an extension based on the requirements set forth by staff. Joplin seconded the motion.

Vote on the motion

McBride – no

Commissioner Joplin – yea
Commissioner Perkins – yea
Chair Oates – yea

Counsel Doughman stated staff will draw up an Order and then the Chair will sign the Order with a copy sent to the appellants and applicant etc.

Perkins made a motion for the Order to be brought back for the Chair to sign. Joplin seconded the motion.

Vote on the motion

McBride – yea
Commissioner Joplin – yea
Commissioner Perkins – yea
Chair Oates – yea

{ Commissioner Benton rejoined the Commissioners for the rest of the meeting }

ITEMS FROM THE PUBLIC

None.

REPORTS

County Administrator - Hecksel stated the county's CARES Act funding request for COVID-19 relief has been approved. We will need to sign another certification and will then receive \$435K for reimbursement.

Reported currently we have 81 cases with 1 presumptive. Health department reports of those 82 49 are resolved with 1903 total tests so far. Stated a shared call center has been set up and is ready to be active but we haven't had to use it yet and hopefully we won't.

Noted a on the consent agenda there is a request to set a public hearing to consider an Easement to East Fork Irrigation District, this is a request for a special meeting on July 6th, will there be a quorum? Commissioners confirmed there would be a quorum for that meeting.

From a staff perspective it has been difficult to keep up with all the regular and special Commission meetings and respectfully ask that there not be another meeting until July 6th.

Joplin – reported that the Mid-Columbia Center for Living has finalized their upcoming budget and due to COVID-19 their budget has suffered and will be laying off 14 employees and closing on Fridays. They hope to recover in the next fiscal year.

McBride – reported that Mid-Columbia Community Action Council is looking to receive around \$1-1.8M in funding this year which more than doubles their budget. The Board is trying to pay as much attention as possible and bring to bear influence and awareness of how that money will be spent and organized. Trying to ensure everything is being done properly and utilize extra staff that Mid-Columbia Housing Authority has for

intakes etc. A 360 evaluation of the organization has been done and was presented to the Executive Direction Jim Slusher.

Perkins – Mid Columbia Economic Development District has been bringing in grant funds and more revolving loan funds that come with funding requirements to help business bridge the gap until they are ready to get back up and running.

Oates – R1ACT meeting was held and again talking about tolling on I5/205. Did start a new division called Climate within ODOT.

Recently spoke with Nate Stice of the Governors Office last Friday about the hold of reopening movements and a different set of rules being applied. Also talked about the damage in the Ag area from the storm last Thursday night. Stice will be looking into the possibility of State disaster declaration. 30% of the pears in the Parkdale area were hit and as well as many cherries.

WORK SESSION ACTION ITEMS

Timber deposit Fund Resolution consideration.

RECOMMENDATION: Set a public hearing for July 20th at 6pm.

McBride made a motion to approve setting a public hearing to consider an Easement across county forest land for July 20, 2020 at 6:00pm. Perkins seconded the motion.

Vote on the motion was as follows:

Commissioner Joplin – yea
Commissioner McBride – yea
Commissioner Perkins – yea
Commissioner Benton – yea
Chair Oates - yea

Motion carried.

Columbia River Gorge Commission County Representative Appointment

Joplin moved to appoint Michael Mills as the county rep on the CRGC. Perkins 2nd the motion.

McBride stated the amount of experience Bridget brings to the table and ability to be up to speed does carry value to him. Both are good candidates and nice to have multiple candidates.

Vote on the motion was as follows:

Commissioner Joplin – yea
Commissioner McBride – yea
Commissioner Perkins – yea
Commissioner Benton – yea

Chair Oates -yea

Motion carried.

Chair Oates or Hecksel will call the applicants.

CONSENT

- ✓ Award the following salvage timber sales to the highest bidders: Huskey Rd Salvage-2020#20-11 to WyEast Timber Services, LLC and the Westside Salvage-2020#20-12 to: WyEast Timber Services, LLC
- ✓ Award the following timber sales to the highest bidders: Macbeth TS #21-2 to High Cascade, Inc. and the Kitty TS #21-3 to: High Cascade, Inc.
- ✓ Approve the budget adjustment Resolution to recognize \$66,167 in revenue and expenditures from the Columbia Gorge Health Council into the Health department budget FY 19/20.
- ✓ Approve the budget adjustment Resolution to recognize additional HIV Program revenue and expenditures in the Health Budget FY 19/20.
- ✓ Approve the budget adjustment Resolution to recognize COVID-19 funds from the OHA into the Health department budget FY 19/20.
- ✓ Approve closing the Kingsley/Iris Salvage-20 Sale #20-10 and pay the final invoice of \$9600 from the performance bond funds.
- ✓ Confirm the e-mail poll approval from 5/27/20 authorizing Chair Oates to sign a letter of support for East Fork Irrigations grant request to the Oregon Water Resources Department.
- ✓ Approve setting a special meeting for July 6, 2020 to consider a pipeline Easement across County forestland at 6:00pm that evening.
- ✓ Approve and sign an Intergovernmental Agreement with Wasco County to receive Marine Patrol Services.
- ✓ Approve and sign off on an OLCC liquor license application for Kings & Daughters Brewery LLC.
- ✓ Declare miscellaneous printers, scanners, microfilm machine and ballot counter as surplus and authorize staff to dispose of the items as allowed in the Administrative Code.

McBride made a motion to approve the consent agenda. Benton seconded the motion.

Vote on the motion was as follows:

Commissioner Joplin – yea
Commissioner McBride – yea
Commissioner Perkins – yea
Commissioner Benton – yea
Chair Oates -yea

Motion carried.

EXECUTIVE SESSION

Chair moved the Commission in to executive session per ORS 192.660(2)(d)- Labor Negotiations

ADJOURNMENT – Chair Oates adjourned the meeting at approximately 8:00pm.

Hood River County is taking steps to limit exposure to and spread of COVID-19 (novel coronavirus). *This meeting will be held in person at the address listed below.* Proper social distancing will be observed. Masks are required in the building. In addition, the meeting will be shown on WebEx. To listen to the meeting please call **(408) 418-9388** and use **Event Number: 146 756 2850**. You may also access the meeting via a smart device or computer to view/listen to the meeting. For best results please register for the meeting via the link on the Commissioners Webpage and then call into the number above and mute the microphone and speakers on your device once logged in.

Thank you.

HOOD RIVER COUNTY BOARD OF COMMISSIONERS
WORK SESSION AGENDA

July 6, 2020 @ 5:30pm, 601 State Street, Hood River, Oregon

MINUTES

Chair Oates called the work session to order. Present: Commissioner Perkins, Commissioner Benton, Commissioner McBride, Commissioner Joplin via phone/Webex, Counsel Davies and Administrator Hecksel

Review County Charter Amendments

Chair Oates briefed the Commission on the items discussed by the Committee for changes.

Highlights – term limits. Not pursued. Term limit for Chair make 4 years on Presidential years this was recommended by the Committee. Also being elected at the primary.

Perkins asked if the committee talked about if a sitting Commissioner wanted to run as Chair it would preclude a Commissioner from running because they would have to give up their current Commissioner seat because the Commissioner and Chair position would be up for election at the same time requiring the Commissioner to resign to run for Chair. This way if that happens under the current rules the sitting Commissioner does not have to give up their seat.

Chair Oates – stated we removed the requirement for the DA to be a resident of the County as that is precluded by ORS. Counsel spoke about the ordinance changes.

Oates asked Hecksel to speak about the discussion regarding compensation boards. Hecksel noted this was not discussed by the committee but came up during the budget process. We found ORS language that speaks to compensation for elected officials and how that should be done unless your charter says otherwise. Currently the charter only says the budget committee lay members reviews BOC salaries but is silent to the other elected officials.

Staff recommends using lay members of the budget committee for all elected officials BOC, JP and SO (language would need to be added to the Charter for the JP and SO) or have a comp committee to everyone's salary.

DA would not be included because they are a State employee and elected as such. Hecksel noted that historically HRC has not paid additional salary to the DA position.

Perkins likes the committee being the lay members of the compensation committee, but it seems like we should have more guidance for the other elected JP and SO but still use the lay members.

Hecksel said that would work and maybe a resolution or guidance in the Admin code for guidance regarding salaries for the JP and SO.

Joplin asked if there would be any time that a commissioner would want to participate on the other elected officials' salaries. But we may want to provide guidance to allow for DA extra compensation in case we want to in the future instead of leaving them out.

McBride said maybe someone on the Commission or two people to make an uneven number could also serve on the compensation committee, such as the Chair and Vice Chair for the SO, and JP salary discussion but not for the commissioners themselves.

Oates asked thoughts on 2- or 4-year term for the Chair. Commissioners like leaving it as a two year term for the Chair.

Benton – suggestion regarding residency requirement for committee – new language saying live in the district one year prior to filing. Receive recommendation that someone is 1 year as a registered voter in the dist. they are wanting to file for. Counsel said that she also received a recommendation that we use a registered elector and not a 1-year residence.

Counsel- another suggestion was to provide a provision for redistricting. Benton suggests waiting and having specific Charter amendment for just that. If we are going to put language into the charter feels we would need to have a meeting to discuss how that would look. Feels it is a good point but feels that would be reconvene the charter review committee.

Counsel confirmed in order to make the Nov. 2020 ballot for deadline to file the ballot title is August 14, 2020.

Commissioners requested a Resolution be drafted for consideration in order to make the November 2020 ballot.

HOOD RIVER COUNTY BOARD OF COMMISSIONERS
BUSINESS MEETING AGENDA

July 6, 2020 @ 6:00pm, 601 State Street, Hood River, Oregon

MINUTES

Chair called the regular meeting to order. Present: Commissioner Perkins, Commissioner Benton, Commissioner McBride, Commissioner Joplin via phone/Webex, Counsel Davies and Administrator Hecksel

ADDITIONS OR DELETIONS FROM THE AGENDA

None

CONFLICT OR POTENTIAL CONFLICTS OF INTEREST TO DECLARE

None to declare

PUBLIC HEARINGS

East Fork Irrigation District Easement

RECOMMENDATION: Conduct public hearing, determine the Easement is in the best interest of the public and authorize the necessary documents be drafted and signed by Chair Oates to complete the transaction.

Chair Oates opened the hearing and asked the Commissioners for conflicts or potential conflicts.

Oates and Perkins stated they are both customers of EFID but stated there is large group that do and their decision making will not be influenced by this.

Benton acknowledged the same water rights in EFID. Joplin does not have any rights but not sure why that would be a conflict. Oates stated it is not, but just a disclosure.

No challenges from the audience. Oates read the guidelines for the hearing for the record.

Chair called for a staff report.

Doug Thiesies, County Forest Manager read his staff report that was provided in the BOC packet for the record. Staff recommends approval and that the Commissioners adopt an Order with the findings of fact and conclusion of law as provided in his staff report.

Nicholas Christensen, Engineer for EFID – feels staff gave a good overview. Wanted to thank the Commissioners for considering this easement. This will save the district \$3-4M dollars which allows EFID to make improvements elsewhere in the district.

Perkins asked if this reduces the overall easement EFID currently has across county land? Thiesies said it is an increase of 1040 ft. Christensen said there are turnouts off the existing canal and so pipes will still need to be maintained but the pipe will be smaller.

Oates called on John Buckley, Manager at EFID – the most beneficial part of the projects is to conserve water. EFID has no reservoir and keeps looking for sites but nothing has come open. If we can get things piped and do away with overflow and eventually pipe the main and the Dukes Valley canal we will put a fair bit it water back into the East Fork of the Hood River.

Oates called for other public testimony and hearing none, Chair called for questions by the Commissioners. Hearing none he closed the hearing and called for Commissioner deliberations or a motion.

Perkins moved to approve the easement and signing of all documents by the Chair to complete the transaction. McBride seconded the motion.

Vote on the motion was as follows:

Commissioner Joplin - yes
Commissioner McBride - yes
Commissioner Benton - yes
Commissioner Perkins - yes

Chair Oates -yes

Motion carried.

REPORTS – County Administrator, Legal Counsel and Commissioners

Hecksel stated there were 7 new positive COVID cases report this morning and that since last Friday total cases are 95. We have been focused on the workload of contact tracing by the health dept staff now estimated to be 25. A few weeks ago, they were contacting 180 individuals each day.

Also, the number of resolved cases, the OHA has changed terminology and that is no longer being used. Resolved is now referred to as 88 cases released from isolation which essentially is everything on the table except the 7 reported today.

The county is working with the school district to work through what needs to happen in order to reopen schools in the fall. Also, in listening to the PH session from last week, they are doing pre planning for mass vaccinations – let's hope that happens soon.

Unrelated to COVID – the BOC will recall during the budget process that funding restored to reopen parks and Panorama park is reopen but due to safety issues Ruthton is not yet open.

McBride – MCCAC evaluation has been completed and we look forward to the rest of the year.

Bridge study group: the port has hired someone to help with bridge development and has had 2 meetings with him and each meeting resulted in sub meetings that direct what the group needs from this person. Things are going well. We are going to talk about public private partnerships. Additionally, he has had a few meetings with individuals that build bridges – feels that occasionally during some of the meetings the info they are receiving is not quite accurate. He has been able to ask about actual cost to build and what the cost of crossing could be based on the cost of construction. The group will be doing a RFP or a forum asking bridge developers to come and share ideas on how to make a project happen and hopefully that will happen in the next 6-9 months. Feels things are going in the right direction and feels paths to a new bridge in the near term is feasible.

Oates – EOC meeting: mid valley migrant school started today with 2 shifts 40-50 kids per shift. Everyone is masked 2 nurses on duty and temperatures are taken when they arrive. EOC secured masks to provide businesses to folks when they come in.

Regional governors meeting on July 1st – talking about the statewide masking order. Hopes the Commissioners are supportive of the masking order and keep business open.

Benton asked about a local enforcement mechanism. General reply was there really isn't an enforcement mechanism other than peer pressure.

Oates mentioned the CRGC management plan review issues and what our concerns were. Pointed out the differences between each county in the NSA. He suggested that the at large members it would be nice if they were folks that were affected like someone from HRC and Wasco County.

Talked with Michael Mills HRC new repo on the CRGC to share the concerns and issues the BOC is interested in.

WORK SESSION ACTION ITEMS

County Charter Amendments. **RECOMMENDATION:** Direct staff and legal to draft the proper documentation to submit the Charter Amendments to the November 2020 ballot.

Chair Oates- staff and legal counsel to bring forward a Resolution and ballot title for consideration at the July 20, 2020 BOC meeting that reflect the discussion in the work session. No 4-year term for the Chair. Make the budget committee lay members including 2 BOC members to be the compensation committee for the JOP and Sheriff as well as the BOC but not including the Commissioners during that part of the discussion. All other recommended changes by the Charter Review Committee are to be moved forward for consideration.

NEW BUSINESS

Administration

Extension of Local State of Emergency

RECOMMENDATION: Approve and sign a Resolution extending the Local State of Emergency in Hood River County concerning Coronavirus (COVID-19) as previously stated in Resolution 2323.

Hecksel noted that the emergency declaration the Commission passed in March expired June 30, 2020. Recommends that this be extended, it allows for flexibility and it can always be changed or modified if needed. The new resolution would carry the emergency through to December 31, 2020.

Commissioner McBride made a motion to approve a Resolution to extend the local state of emergency in Hood River County in response to the Coronavirus (COVID-19) as previously stated in Resolution No. 2323. Perkins seconded the motion.

Vote on the motion was as follows:

Commissioner Joplin - yes
Commissioner McBride - yes
Commissioner Benton - yes
Commissioner Perkins - yes
Chair Oates -yes

Motion carried.

ADJOURNMENT- Chair Oates adjourned the meeting at: 6:35pm.

HOOD RIVER COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST FORM

DATE: October 9th, 2020 **DEPARTMENT:** Forestry **NAME:** Doug Thiesies

SUBJECT: Approval of State ATV Trails Operations and Maintenance Grant Application

AUTHORITY: ORS: 275.340 OAR: _____

COUNTY ORD.: _____

BACKGROUND/SUMMARY OF SUBJECT:

Hood River County Forestry is preparing an Oregon Parks and Recreation Department (OPRD) ATV Grant Program application to assist with implementation of the Trail Management Plan and Trail Master Plan. The grant requests Operations and Maintenance funding for Hood River County's Off-Highway Vehicle Trail System for the period of July 1, 2021 through June 30, 2023. This funding request includes support for 50% of the Forest Recreation Manager position, seasonal recreation staff, equipment and supplies. The approximate value of the two year project request is \$457,500.00 which includes approximately 91.5K of in-kind match and approximately 366K of grant reimbursement. The fiscal impact is 366K. This grant includes approximately funding for the two year period. The County Sheriff's Dept. will also be applying for a sister request to fund enforcement on the motorized trail system. The Forestry Department is seeking approval for this operations and maintenance project which will continue a long history of OPRD Grant funding for OHV trails in Hood River County.

ATTACHMENTS: Resolution 1

FISCAL IMPACT:

2021-2022 Budget Line Item: 101-1801-461.3025 Account Balance: \$197,187.50
2022-2023 Budget Line Item: 101-1801-461.3025 Account Balance: \$168,812.50

ACKNOWLEDGEMENT BY AFFECTED PARTIES:

COUNTY COUNSEL FINANCE OTHER AGENCIES ADMIN
HR DEPT APPROPRIATE COUNTY COMMITTEE OTHER

RECOMMENDATION OF THE DEPARTMENT:

Approve the Forestry Department intent to submit an ATV grant application for Operations and Maintenance funding as described.

ADMINISTRATION RECOMMENDATION:

Approve and sign a Resolution showing intent for the County Forestry department to apply for an ATV grant through the Oregon State Parks & Recreation Department for the 2021-2023 biennium for operations and maintenance of the County's Off-Highway Vehicle Trail System.

FOLLOW UP: ORD/RESO/AGMT/ORDER, ETC: ORIGINALS TO R&A
COPIES TO: _____

Hood River County Grant Application Questionnaire And Compliance Check List

1. **Grant Title:** ATV Operations and Maintenance

2. **Grant Agency:** Oregon Parks and Recreation
 Address: 102620 NE Crooked River Drive, Terrebonne, OR 97760
 Contact Person: Ian Caldwell
 Phone #: 541-410-5512

3. **Federal Agency:** NA
 Address: _____
 Contact Person: _____
 Phone #: _____
 CFDA Number: _____

4. **Applicant:** Hood River County Forestry Dept.
 Address: 918-18 Street
 Contact Person: Andrew Wells (Doug Thiesies)
 Phone #: 541-387-6888

5. **Brief description of the grant:** Funding for operation, maintenance and administration of the motorized trails and related infrastructure on the County Tree Farm.

6. **Describe the match requirements if any. Indicate the budget ramifications associated with the match in the year of receipt of the grant and future years. Also explain how "in kind" service will affect the County's regular work load.**
 ATV Grant match may include County personnel time, County Equipment use, Community Service Crew hours, state grants for Kingsley Campground and Staging Area improvement, private volunteer hours, County match of Grant related equipment purchases, private equipment Use donations, material and cash donations for ATV projects, and other County consideration not otherwise reimbursed by the Grant. All match or "in kind" consideration is reviewed and subject to approval by OPRD. Much of the "in kind" work is already part of the typical work year in the Forestry Department as the Trail Program is established and integrated on the Tree Farm. It really cannot be separated from the Forestry work that must be done unless the BOC closed the trail system, which the BOC has already indicated it is not willing to do. Primary individuals responsible for Grant Administration are the Tree Farm Recreation Manager and Forest Manager.

7. **Describe how the grant is to be administered once it is awarded. Include contract preparation and/or review, compliance with Federal regulations (Davis-Bacon, ADA etc), compliance with the County bid process, flow of grant revenue and expenditures, insurance, bonding, reimbursement for administration and other items for monitoring the grant application through completion.**

The Grant is administered by OPRD with two primary State contacts. The County Tree Farm Recreation Manager is responsible for Grant preparation, coordination, procurement, budget review and following all requirements of the Grants. Most, if not all the field and office work is done in house by the use of County Recreation Staff which is funded by this Grant. Work with State regarding SHPO.

Expected in the next year is additional opportunity for match by pairing with other State Grants for the Kingsley Campground and Day Use Development. These Grants will be pursued in the coming months.

8. **Provide a budget for the grant project.**

See Attached Spreadsheet.

9. **Please ensure the following requirements have been met:**

- a. Review by the County Building & Grounds Committee if there will be a need for office space or land requirement due to the grant award;
- b. Comments by affected departments (if applicable);
- c. Ensure compliance with the County bid process for grant administrator;
- d. Ensure the grant conforms with the County comprehensive plan, County policies and/or Board of Commissioners plan; (grant work conforms with previously mentioned plans and the Forest Management Plan, Trail Management Plan and Trail Master Plan.)
- e. Provide a calendar plan for process of grant application.
 - Letter of Intent: Submitted Sept 2020
 - Application Due: Nov 16th, 2020
 - OPRD Presentation: Feb, 2021
 - OPRD Grant Approval/Award: April 2021

Acquire the following signatures prior to submittal of grant application questionnaire:

Budget & Finance Director

County Administrator

**Submit this questionnaire along with the grant application/paperwork to the Administration Office for submittal to the Board of Commissioners.

HRC Detailed Budget Worksheet							Hood River County Budget Category	Hood River County Budget Category	Hood River County Budget Category
Project Sponsor: Hood River County Forestry Department							2021-2022 ATV Activities 101-1801-461.30-25	2021-2022 Capital Expense 101-1801-461.70-05	2022-2023 ATV Activities 101-1801-461.30-25
Project Title: Hood River County O&M 2021-2023									
Project Term Dates: July 1, 2021 to June 30, 2023									
Type of Item	Unit (describe what unit is)	Unit Cost	Qty.	Subtotal	Match	Grant Request			
HRC Personnel									
Recreation Manager	2080 hours @ \$42.72/hour	\$42.72	2080	\$88,857.60	\$0.00	\$88,857.60	\$44,428.80	\$0.00	\$44,428.80
OHV Staff Employees	32 Months OHV Specialists, plus Laborers (6586 total hrs)	\$30.36	6586	\$199,950.96	\$0.00	\$199,950.96	\$99,975.48	\$0.00	\$99,975.48
Materials & Supplies									
Services/Professional									
Vault Toilet Pumping & Emergency Cleaning	Lump sum pumping two times each/year for 4 toilets & emergency cleaning	\$687.50	16	\$11,000.00	\$0.00	\$11,000.00	\$3,437.50	\$0.00	\$7,562.50
Portable Toilet Rental	Lump sum rental of two toilets for 6 months	\$300.00	10	\$3,000.00	\$0.00	\$3,000.00	\$3,000.00	\$0.00	\$0.00
NW & East Areas OHV Maps	Lump sum printing OHV maps NW & East Areas	\$4,500.00	1	\$4,500.00	\$0.00	\$4,500.00	\$0.00	\$0.00	\$4,500.00
Purchases Equipment									
Signage Materials	Lump sum posts, signs, decals, hardware, copy paper, laminate, etc. for trail/kiosk signage/repair/replacement	\$1,341.44	1	\$1,341.44	\$0.00	\$1,341.44	\$670.72	\$0.00	\$670.72
Tools and Equipment	Lump sum miscellaneous tool box hand tools, drills, trail hand tools, etc.	\$5,000.00	2	\$10,000.00	\$2,000.00	\$8,000.00	\$7,500.00	\$0.00	\$500.00
U17 Excavator	Kubota U17	\$30,000.00	1	\$30,000.00	\$3,000.00	\$27,000.00	\$0.00	\$27,000.00	\$0.00
Armoring Materials	Rock, etc for staging areas and trail tread	\$400.00	6	\$2,400.00	\$0.00	\$2,400.00	\$1,200.00	\$0.00	\$1,200.00
Bathroom Cleaning Supplies and Equipment	Cleaning supplies, toilet servicing equipment, and PPE.	\$1,200.00	1	\$1,200.00	\$0.00	\$1,200.00	\$600.00	\$0.00	\$600.00
Culverts	Lump Sum Plastic Culverts	\$2,000.00	1	\$2,000.00	\$0.00	\$2,000.00	\$1,000.00	\$0.00	\$1,000.00
Incidental Purchases	Materials & supplies (paint, nuts, bolts, flagging, ice, etc.)	\$4,000.00	1	\$4,000.00	\$0.00	\$4,000.00	\$2,000.00	\$0.00	\$2,000.00
Operating Expenses									
Kingsley Reservoir Well	Monthly well water testing & miscellaneous incidentals	\$750.00	1	\$750.00	\$0.00	\$750.00	\$375.00	\$0.00	\$375.00
Equipment Operation	Fuel, glycol, oil, grease, & incidentals	\$7,000.00	1	\$7,000.00	\$0.00	\$7,000.00	\$3,500.00	\$0.00	\$3,500.00
Equipment Repair & Maintenance	Repair & maintenance as needed for equipment	\$5,000.00	1	\$5,000.00	\$0.00	\$5,000.00	\$2,500.00	\$0.00	\$2,500.00
Total M&S									
In-Kind Equipment									
HRC Pick-up Trucks	Lump sum GSA rate for miles driven	\$3,000.00	1	\$3,000.00	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00
HRC Equipment	Lump sum use of HRC mini-excavator, fire truck, ATV, etc.	\$40,000.00	1	\$40,000.00	\$40,000.00	\$0.00	\$0.00	\$0.00	\$0.00
In-Kind Labor									
HRC Employees	Lump sum employees at loaded hourly rates	\$12,000.00	1	\$12,000.00	\$12,000.00	\$0.00	\$0.00	\$0.00	\$0.00
Citizen Volunteers	Volunteer labor @ \$22.75/hour	\$26.43	1200	\$31,716.00	\$31,716.00	\$0.00	\$0.00	\$0.00	\$0.00
Sub-Totals				\$457,716.00	\$91,716.00	\$366,000.00	\$170,187.50	\$27,000.00	\$168,812.50
Grant Request Total				Required In-Kind Amount	\$91,500.00				
				Actual In-kind %	20.04	\$366,000.00			

**BEFORE THE BOARD OF COMMISSIONERS
HOOD RIVER COUNTY, OREGON**

**IN THE MATTER OF AUTHORIZING THE)
HRC FORESTRY DEPARTMENT TO APPLY FOR A)
21-23 ATV GRANT FROM THE OREGON) RESOLUTION NO. _____
PARKS AND RECREATION DEPARTMENT FOR)
OPERATION AND MAINTENANCE OF A MOTORIZED)
TRAIL SYSTEM AND ASSOCIATED FACILITIES)**

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the 21-23 OPRD ATV Operations and Maintenance Grant Program; and

WHEREAS, the Hood River County Forestry Department desires to participate in this grant program to the greatest extent possible as a means of providing needed forest recreation maintenance, improvements and enhancements; and

WHEREAS, the County Board of Commissioners, County Administration, Forestry Department Staff, Forest Recreation Trail Committee, and the Recreation Trail Master Plan have identified motorized recreation trails, staging areas and associated facilities on the County Forest as a priority goal; and

WHEREAS, this project includes operation, maintenance and administration, of a motorized (multi-use) trail system on the County Tree Farm; and

WHEREAS, the Hood River County Forestry Department has available local matching funds to fulfill its share of obligation related to this grant application should the grant funds be awarded; and

WHEREAS, Hood River County will provide adequate support for on-going operations and maintenance of a recreation trail system, staging areas and associated facilities should the grant funds be awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOOD RIVER COUNTY AS FOLLOWS:

Section 1: The Hood River County Board of Commissioners demonstrates its support for the submittal of a grant application to the Oregon Parks and Recreation Department for the 21-23 OPRD ATV GRANT for the County Forest and authorizes the Commission Chair to sign the application.

Section 2: This Resolution shall be effective following its adoption by the Hood River County Board of Commissioners.

Adopted this 19th day of October, 2020.

**HOOD RIVER COUNTY
BOARD OF COMMISSIONERS**

Michael J. Oates, Chair

Robert Benton, Commissioner

Karen Joplin, Commissioner

Les Perkins, Commissioner

Rich McBride, Commissioner

From: [Jeff Hecksel](#)
To: [Heidi DeHart](#)
Cc: [Doug Thiesies](#); [Mikel Diwan](#)
Subject: FW: Forest Legacy Program FY22 - Hood River Forest & Fish Project
Date: Wednesday, October 7, 2020 7:54:16 AM
Attachments: [FLP_FY21_HRBC.pdf](#)

For consent on the next agenda.

From: Josh Kling [mailto:jkling@westernrivers.org]
Sent: Tuesday, October 6, 2020 10:27 PM
To: Jeff Hecksel <jeff.hecksel@co.hood-river.or.us>; Mikel Diwan <mikel.diwan@co.hood-river.or.us>
Subject: FW: Forest Legacy Program FY22 - Hood River Forest & Fish Project

Jeff & Mikel,

I hope you are doing well and staying safe. We are hoping that you can help with HRC affirming their support for the Hood River Forest & Fish Project. You had previously supplied a letter of support (attached). All that we need now is an email affirming your continued support for our FY22 Forest Legacy funding request.

Please don't hesitate to contact me with questions or comments.

Best,

Josh

Josh Kling | Conservation Director
Western Rivers Conservancy
t: 503-241-0151 x 213 | c: 503-260-8974 | www.westernrivers.org

Sometimes to save a river, you have to buy it.



From: Alex Barton
Sent: Thursday, September 10, 2020 2:48 PM
To: 'mike.oates@co.hood-river.or.us' <mike.oates@co.hood-river.or.us>
Subject: Forest Legacy Program FY22 - Hood River Forest & Fish Project

Hi Mike,

WRC is submitting proposals to the Forest Legacy Program this year for the Hood River Forest & Fish Project. We've appreciated the Board of Commissioners' support in the past, and we're hoping that you can provide a Letter of Support again this year. All we'll need is an email that affirms your continued support for the project and/or grants permission to use the letter previously submitted (attached).

Please don't hesitate to contact us with any questions or comments.

Many thanks,

Alex Barton | Field Representative

Western Rivers Conservancy

t: 503-241-0151 x 225 | c: 603-748-0838 | www.westernrivers.org

Sometimes to save a river, you have to buy it.



HOOD RIVER COUNTY BOARD OF COMMISSIONERS



JEFF HECKSEL, COUNTY ADMINISTRATOR

601 State Street • Hood River, OR 97031 • (541) 386-3970 • FAX (541) 386-9392

BOARD OF COMMISSIONERS

MIKE OATES - CHAIR

KAREN JOPLIN - DISTRICT NO. 1

RICH McBRIDE - DISTRICT NO. 2

BOB BENTON - DISTRICT NO. 3

LES PERKINS - DISTRICT NO. 4

September 16, 2019

Sue Doroff, President
Western Rivers Conservancy
71 SW Oak St. #100
Portland, OR 97204

RE: Support for Hood River Basin conservation funding

Dear Sue:

On behalf of the Hood River County Board of Commissioners I am writing to express out support for land conservation in the Hood River Basin and the associated funding, including from both the Forest Legacy Program and the Oregon Watershed Enhancement Board. The Hood is well known for spectacular scenery, diverse fish and wildlife, strong agricultural and timber resources and outstanding recreation. The Hood River contains the most diverse runs of salmon and steelhead in the lower Columbia River Basin, including runs of bull trout, summer and winter steelhead, spring and fall Chinook, and coho salmon. But those runs have been declining and are now listed as threatened.

Western Rivers Conservancy (WRC) is working to conserve important fish and wildlife habitat and enhance recreational opportunities adjacent to the Mt. Hood National Forest. WRC is working to place a conservation easement on Weyerhaeuser Columbia Timberlands' 20,159-acre Mid-Columbia Tree Farm that includes over 30 miles of key Hood River salmon and steelhead habitat. The proposed easement will protect a large swath of the middle Hood River basin that is at the interface between existing public lands upstream and encroaching development downstream.

The proposed acquisitions complement large-scale salmon and steelhead restoration projects occurring across the basin. In 2010, the utility PacifiCorp removed Powerdale Dam from the mainstem Hood and dedicated to conservation three miles of the lower river. Federal, state, tribal and NGO partners have invested over 70 million dollars in salmon and steelhead restoration projects including many on the Mid-Columbia Tree Farm. Protecting this working forestland will ensure the benefits of these restoration investments are fully realized to aid species recovery.

Successful conservation of the Mid-Columbia Tree Farm will prevent development in a sensitive area, protect important habitat for threatened salmon and steelhead runs, maintain working forests and local jobs, enhance recreation opportunities and protect both drinking water and irrigation water for the Hood River Valley.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Oates'.

Michael Oates, Chair
Hood River County Board of Commissioners

A Small County with a big mission:
Providing Quality of Life for all.

High Cascade Inc.
P.O.Box 415
Carson, WA 98610

September 23, 2020

Mr. Doug Thiesies
Hood River County Forestry Dept.
918 18th Street
Hood River, OR 97031

Llama Timber Sale #20-6

Dear Doug,

The final payment has now been made on the Llama Timber Sale #20-6 and all contractual obligations have been completed. We request that the contract now be closed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Stump', is written over a horizontal line. The signature is stylized and includes a large loop at the end.

Garret Stump
President

**CONTRACT, AGREEMENT, GRANT APPLICATION
ROUTING SLIP**

All new/3+ yrs since last review or multiple changes to contracts/agreements etc must be routed through legal counsel for review and approval as well as Budget & Finance prior to being executed by the County. Please attach this sheet to the front of each contract/agreement etc you are seeking approval on from either the Board of Commissioners or the County Administrator along with any other necessary paperwork (i.e. ARF, budget adjustment, resolution etc).

- Step 1. County Counsel (new doc., 3+ yrs since reviewed, multiple changes) *Attached*
- County Counsel N/A (amendment/renewal)
- Step 2. Tina Ruffin, B&F

Title of Contract: Oregon Department of Corrections Coronavirus Emergency Supplemental Funding Subgrant Agreement #6044.

Signature: Jamie Hepner

Notes: HRC's allocation \$1,713.00

NOTE: Budget & Finance will review your contract, agreement and or grant application PRIOR to it being reviewed and approved by the Commission and or the County Administrator as appropriate. Budget & Finance once they have reviewed the document will forward it to Administration for final approval. You will still be responsible for completing any other paperwork that is necessary for the document in question (i.e.: ARF, grant application questionnaire etc, budget adjustment, resolution etc).

20-77 SHF

REQUEST FOR LEGAL SERVICES

Date: 9/16/2020

Date Due: 9/30/2020

Subject: Oregon Department of Corrections Coronavirus Emergency Supplemental Funding
Subgrant Agreement #6044

Contact: Sheriff's Office Parole/Probation Jamie Hepner-jhepner@hooddriversheriff.com

Written Response: Yes

Question:

Please review Oregon Department of Corrections Coronavirus Emergency Supplemental Funding Subgrant Agreement #6044. Total amount to Hood River County not to exceed \$1,713.00.

Requesters Signature

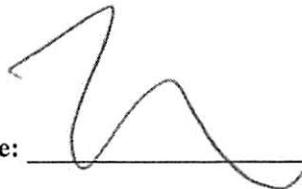
Response:

Approved as to form -

Date:

9/21/20

County Counsel's Office:



Jamie Hepner

From: Connie Eggleston <ceggleston@gorgelaw.com>
Sent: Wednesday, September 23, 2020 8:13 AM
To: Jamie Hepner
Subject: RE: Legal Services Request
Attachments: 20 09 21 20-77 SHF Approval.pdf

Dear Jamie:

Attached is LSR 20-77 SHF Approval for your files.

Thank you,

Connie Eggleston | Paralegal
Peachey Davies & Myers, PC
430 Industrial St. | P.O. Box 417 | Hood River, OR 97031
Phone: 541.386.2221
Fax: 541.386.1381
[website](#) | [vCard](#) | [map](#) | [email](#)



NOTE: I am not an attorney and I am not permitted to give legal advice. Nothing in this communication is intended to provide legal advice and you should not interpret the contents as such.

CONFIDENTIAL: The information contained in this electronic communication is privileged and/or confidential. The information is for the sole use of the intended addressee. If the reader of this communication is not the intended addressee, you are hereby notified that any dissemination, distribution and/or copying of this communication or the information contained in this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 541-386-2221 and thereafter, immediately destroy this electronic communication. I thank you in advance for your professional courtesies in this matter.

TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

ACCEPTANCE OF SERVICE: I do not accept service of legal documents by email unless I have specifically agreed in writing to accept service by that method in advance

From: Jamie Hepner <jhepner@hoodriversheriff.com>
Sent: Wednesday, September 16, 2020 4:35 PM
To: Jenel Rose <jrose@gorgelaw.com>; Connie Eggleston <ceggleston@gorgelaw.com>
Subject: Legal Services Request

Hello Jenel and Connie,

LSR and Subgrant Agreement attached for Coronavirus Emergency Supplemental Funding between Oregon Department of Corrections and HRC.

Thank you,
Jamie

Jamie Hepner
Commander
Hood River County Sheriff's Office
Parole/Probation Division
p: 541-387-7056 f: 971-228-3599
jhepner@hoodriversheriff.com

OREGON DEPARTMENT OF CORRECTIONS
CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING
SUBGRANT AGREEMENT #6044

2575 Center St. NE
Salem, OR 97301

This Subgrant Agreement (“Agreement”) is made and entered into by and between the **State of Oregon**, acting by and through its Department of Corrections, hereafter referred to as “DOC,” and **Hood River County**, hereinafter referred to as “Subgrantee,” and collectively referred to as the “Parties.” This Agreement shall become effective on the date when it is fully executed and approved as required by applicable law.

1. Grant. In accordance with the terms and conditions of this Agreement, DOC shall provide Subgrantee an amount not to exceed **\$1,713.00** (the “Grant Funds”) to assist Subgrantee in implementing the project described in Exhibit A (the “Project”) during the period beginning on the Project Start Date and ending on the Project End Date (the “Project Period”), as those dates are specified in Exhibit A. The Grant Funds may be used by Subgrantee solely for Eligible Costs (as described in Section 4.a) incurred by Subgrantee as outlined in Exhibit A during the Project Period. DOC’s obligation to disburse Grant Funds under this Agreement shall end on the Project End Date. The Grant Funds provided under this Agreement are a subaward of federal funds received by DOC under a Federal award. Additional information on the Federal award and subaward are set forth in Exhibit C.

2. Agreement Documents. This Agreement consists of this document and the following documents, all of which are attached hereto and incorporated herein by reference:

- Exhibit A: **Project Description**
- Exhibit B: **Federal Terms and Conditions**
- Exhibit C: **Federal Award and Subaward Information**

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

3. Reports. Subgrantee shall submit the reports required by this section.

a. Progress Reports. Subgrantee shall submit to DOC a progress report, together with such other Project information as DOC may reasonably request, (collectively, a “Progress Report”) every 6 months during the Project Period. Progress Reports must be received by DOC no later than January 11 and July 11, in each case reporting for the prior calendar 6-month period. Additionally, Subgrantee shall submit to DOC, no later than January 8, an annual Progress Report for the prior year that describes, in a narrative fashion, Subgrantee’s

progress in meeting the Project's objectives and any remedial actions necessary if those objectives have not been met in any respect. Progress Reports must be submitted by email to DOC's Contact identified on the signature page and contain all of the requested data. Subgrantee must receive prior approval from DOC to submit a Progress Report after its due date.

b. Financial Reports. Subgrantee shall submit to DOC a Financial Report each quarter to detail expenditures of Grant Funds during the prior calendar quarter. Financial Reports must be received by DOC no later than October 11, January 11, April 11, and July 11 for the prior calendar quarter; provided, however, that the final Financial Report must be submitted no later than the earlier of 30 days after completion of the Project or 30 days after the Project End Date. Subgrantee must receive prior approval from DOC to submit a Financial Report after its due date.

4. Disbursement and Recovery of Grant Funds.

a. Disbursement Generally. Subject to Section 4.b, DOC shall disburse the Grant Funds in a single installment of \$1,713.00. DOC shall disburse the Grant Funds within 30 days of the execution of this Agreement. The Grant Funds may be used solely for Eligible Costs incurred in carrying out the Project. "Eligible Costs" are the reasonable costs incurred by Subgrantee during the Project Period in implementation of the Project, and that are not excluded by DOC, either by this Agreement or by exclusion as a result of financial review or audit.

b. Conditions Precedent to Disbursement. DOC's obligation to disburse Grant Funds to Subgrantee is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:

- i.** DOC has received funding, appropriations, limitations, allotments or other expenditure authority sufficient to allow DOC, in the exercise of its reasonable administrative discretion, to make the disbursement.
- ii.** Subgrantee is in compliance with the terms of this Agreement.
- iii.** Subgrantee's representations and warranties set forth in Section 6 are true and correct on the date of disbursement with the same effect as though made on the date of disbursement.

5. Recovery of Unexpended Grant Funds. Any Grant Funds disbursed to Subgrantee under this Agreement that remain unexpended ("Unexpended Funds") on the earlier of termination of this Agreement, completion of the Project, or the Project End Date, must be returned to DOC. Subgrantee shall return all Unexpended Funds to DOC within 30 days after the earlier of termination of this Agreement, completion of the Project, or the Project End Date.

6. Representations and Warranties of Subgrantee. Subgrantee represents and warrants to DOC as follows:

a. Organization and Authority. Subgrantee is duly organized and validly existing under the laws of the State of Oregon and is eligible to receive the Grant Funds. Subgrantee has full power, authority, and legal right to make this Agreement and to incur and perform its obligations hereunder, and the making and performance by Subgrantee of this Agreement (1) have been duly authorized by all necessary action of Subgrantee and (2) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Subgrantee's charter or other governing documents, (3) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Subgrantee is a party or by which Subgrantee or any of its properties may be bound or affected. No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Subgrantee of this Agreement.

b. Binding Obligation. This Agreement has been duly executed and delivered by Subgrantee and constitutes a legal, valid and binding obligation of Subgrantee, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.

c. No Solicitation. Subgrantee's officers, employees, and agents shall neither solicit nor accept gratuities, favors, or any item of monetary value from contractors, potential contractors, or parties to subagreements. No member or delegate to the Congress of the United States or State of Oregon employee shall be admitted to any share or part of this Agreement or any benefit arising therefrom.

d. No Debarment. Neither Subgrantee nor its principals is presently debarred, suspended, or voluntarily excluded from any federally-assisted transaction, or proposed for debarment, declared ineligible or voluntarily excluded from participating in this Agreement by any state or federal agency. Subgrantee agrees to notify DOC immediately if it is debarred, suspended or otherwise excluded by any state or federal agency or if circumstances change that may affect this status, including without limitation upon any relevant indictments or convictions of crimes.

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

7. Records Maintenance and Access; Audit.

a. Records, Access to Records and Facilities. Subgrantee shall make and retain proper and complete books of record and account and maintain all fiscal records related to this Agreement and the Project in accordance with all applicable generally accepted accounting principles, generally accepted governmental auditing standards, state minimum standards for audits of municipal corporations, and in accordance with 2 CFR Part 200, Subpart F. Subgrantee shall ensure that each of its subgrantees and subrecipients complies with these requirements. DOC, the Secretary of State of the State of Oregon (the "Secretary"), the United

States Department of Justice Office of Special Programs, Bureau of Justice Assistance (“USDOJ”), and their duly authorized representatives shall have access to the books, documents, papers and records of Subgrantee that are directly related to this Agreement, the funds provided hereunder, or the Project for the purpose of making audits and examinations. In addition, DOC, the Secretary, USDOJ and their duly authorized representatives may make and retain excerpts, copies, and transcriptions of the foregoing books, documents, papers, and records. Subgrantee shall permit authorized representatives of DOC, the Secretary and USDOJ to perform site reviews of the Project, and to inspect all vehicles, real property, facilities and equipment purchased by Subgrantee as part of the Project, and any transportation services rendered by Subgrantee.

b. Retention of Records. Subgrantee shall retain and keep accessible all books, documents, papers, and records that are directly related to this Agreement, the Grant Funds or the Project for a minimum of six (6) years, or such longer period as may be required by other provisions of this Agreement or applicable law, following the Project End Date. If there are unresolved audit questions at the end of the six-year period, Subgrantee shall retain the records until the questions are resolved.

c. Expenditure Records. Subgrantee shall document the expenditure of all funds disbursed by DOC under this Agreement. Subgrantee shall create and maintain all expenditure records in accordance with generally accepted accounting principles and in sufficient detail to permit DOC to verify how the moneys were expended.

d. Audits. If Subgrantee expends \$750,000 or more in Federal funds (from all sources) in its fiscal year, Subgrantee shall have a single organization-wide audit conducted in accordance with the 2 CFR Part 200, Subpart F (Audit Requirements). Copies of all audits must be submitted to DOC within 30 days of completion. If Subgrantee expends less than \$750,000 in its fiscal year in Federal funds, Subgrantee is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in Section 7.a herein.

e. Audit Costs. Audit costs for audits not required in accordance with 2 CFR Part 200, Subpart F, are unallowable. If Subgrantee did not expend \$750,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit are not Eligible Costs and may not be charged to Grant Funds.

8. Subgrantee Procurements.

a. Subgrantee shall make purchases of any housing for the Project under procedures that comply with Oregon law, including all applicable provisions of the Oregon Public Contracting Code and rules, as well as the requirements of 2 CFR §§ 200.317-326, as applicable.

b. All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. Justification must be provided to DOC for any non-competitive or sole-source

procurement. Justification should include a description of the housing procured, an explanation of why it was necessary to procure noncompetitively, time constraints and any other pertinent information. All sole source procurements in excess of \$100,000 must receive prior written approval from DOC in addition to any other approvals required by law applicable to Subgrantee. Intergovernmental agreements between units of government are excluded from this requirement to obtain DOC approval of sole source procurements.

c. The Subgrantee shall be alert to organizational conflicts of interest or non-competitive practices among vendors that may restrict or eliminate competition or otherwise restrain trade. A vendor that develops or drafts specifications, requirements, statements of work, or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award in such procurement. A request for a waiver of this restriction must be submitted to and approved by DOC in advance and in writing.

9. Default. Subgrantee shall be in default under this Agreement upon the occurrence of any of the following events:

a. Subgrantee fails to perform, observe or discharge any of its covenants, agreements or obligations set forth herein; or

b. Any representation, warranty or statement made by Subgrantee herein or in any documents or reports relied upon by DOC to monitor implementation of the Project, the use of the Grant Funds or the performance by Subgrantee is untrue in any material respect when made.

10. Remedies upon Default. If Subgrantee's default is not cured within 30 calendar days of written notice thereof to Subgrantee from DOC or such longer period as DOC may authorize in its sole discretion, DOC may pursue any remedies available under this Agreement, at law or in equity. Such remedies include, but are not limited to, termination of this Agreement as provided in Section 11.a.ii, suspension of further disbursements of Grant Funds, recovery of Grant Funds, and declaration of ineligibility for the receipt of future awards from DOC.

11. Termination

a. **Termination by DOC.** DOC may terminate this Agreement upon thirty (30) days advance written notice of termination to Subgrantee. In addition, DOC may terminate this Agreement effective upon delivery of written notice of termination to Subgrantee, or at such later date as may be established by DOC in such written notice, if:

i. Subgrantee fails to implement the Project during the Project Period or commencement or continuation of the Project by Subgrantee is, for any reason, rendered improbable, impossible, or illegal; or

ii. Subgrantee is in default under this Agreement and has failed to cure the default within the time period specified in Section 10; or

- iii. Subgrantee takes an action without the approval of DOC that, under the provisions of this Agreement, requires the approval of DOC; or
- iv. DOC fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow DOC, in the exercise of its reasonable administrative discretion, to continue to make payments under this Agreement; or
- v. Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement; or
- vi. The Project would not produce results commensurate with the further expenditure of funds.

b. Termination by Subgrantee. Subgrantee may terminate this Agreement effective upon delivery of written notice of termination to DOC, or at such later date as may be established by Subgrantee in such written notice, if:

- i. After conferring with DOC, Subgrantee has determined that the requisite local funding to continue the Project is unavailable to Subgrantee or Subgrantee is unable to continue implementation of the Project as a result of circumstances not reasonably anticipated by Subgrantee at the time it executed this Agreement and that are beyond Subgrantee's reasonable control; or
- ii. Federal or state laws, rules, regulations or guidelines are modified or interpreted in such a way that the Project is no longer allowable or no longer eligible for funding under this Agreement.

c. Effect of Termination. Upon termination of this Agreement, DOC may end all further disbursements of Grant Funds; provided, however, that if this Agreement is terminated under Sections 11.a.iv, 11.a.v, 11.a.vi, or 11.b, DOC will disburse Grant Funds to cover Eligible Costs incurred by Subgrantee prior to termination that DOC would otherwise be required to reimburse under the terms and conditions of this Agreement had the Agreement not been terminated. Termination of this Agreement shall not affect Subgrantee's obligations under this Agreement or DOC's right to enforce this Agreement against Subgrantee in accordance with its terms, with respect to Grant Funds actually received by Subgrantee or with respect to portions of the Project actually implemented. Specifically, but without limiting the generality of the preceding sentence, Sections 7 and 12 shall survive termination of this Agreement.

12. GENERAL PROVISIONS

a. Contribution. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against DOC or Subgrantee relating to this Agreement or the Project and with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and

all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's contribution obligation with respect to the Third Party Claim.

With respect to a Third Party Claim for which DOC is jointly liable with Subgrantee (or would be if joined in the Third Party Claim), DOC shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Subgrantee in such proportion as is appropriate to reflect the relative fault of the DOC on the one hand and of the Subgrantee on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of DOC on the one hand and of Subgrantee on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. DOC's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if DOC had sole liability in the proceeding.

With respect to a Third Party Claim for which Subgrantee is jointly liable with DOC (or would be if joined in the Third Party Claim), Subgrantee shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by DOC in such proportion as is appropriate to reflect the relative fault of Subgrantee on the one hand and of DOC on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Subgrantee on the one hand and of DOC on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Subgrantee's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

b. Dispute Resolution. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

c. Amendments. This Agreement may be amended only by a written instrument signed by both Parties and approved as required by applicable law.

d. Duplicate Payment. Subgrantee is not entitled to compensation or any other form of duplicate, overlapping or multiple payments for costs reimbursed under this Agreement from

any agency of the State of Oregon or the United States of America or any other party, organization or individual.

e. No Third Party Beneficiaries. DOC and Subgrantee are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly, to a third person unless such a third person is individually identified by name herein and expressly described as an intended beneficiary of the terms of this Agreement.

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

f. Notices. Except as otherwise expressly provided in this Agreement, any notices to be given by a Party to the other Party hereunder shall be given in writing by personal delivery, facsimile, email, or mailing the same by registered or certified mail, postage prepaid, to Subgrantee Contact or DOC Contact at the address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either Party may hereafter indicate pursuant to this Section 12.f. Any notice personally delivered shall be deemed to be given when actually delivered. Any notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine, and to be effective against DOC, such facsimile transmission must be confirmed by telephone notice to DOC Contact. Any notice by email shall be deemed to be given when the recipient of the email acknowledges receipt of the email. Any notice by registered or certified mail shall be deemed to be given three (3) days after mailing. The parties also may communicate by telephone, regular mail or other means, but such communications shall not be deemed notices under this Section unless receipt by the other Party is expressly acknowledged in writing by the receiving party.

g. Work Product. To the extent it has the necessary rights, Subgrantee hereby grants to DOC a non-exclusive, irrevocable, perpetual, royalty-free, license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display for governmental purposes, all documents, reports and works of authorship created, produced or obtained as part of or in connection with the Project ("Work Product"). Subgrantee shall deliver copies of Work Product to DOC upon request. In addition, if applicable law requires that DOC or Subgrantee grant to the United States a license to any intellectual property created, produced or obtained as part of or in connection with the Project, or if applicable law requires that the DOC or the United States own such intellectual property, then Subgrantee shall execute such further documents and instruments as DOC may reasonably request in order to make any such grant or to assign ownership in the intellectual property to the United States or DOC.

h. Governing Law, Consent to Jurisdiction.

i. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.

ii. Any claim, action, suit or proceeding (collectively, "Claim") between DOC (and/or any other agency or department of the State of Oregon) and Subgrantee that arises from or relates to this Agreement must be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon (unless Oregon law requires that it be brought and conducted in another Oregon county). Subgrantee hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such form is an inconvenient forum.

iii. Notwithstanding Section 12.h.ii above, if a Claim must be brought in a federal forum, then it must be brought and adjudicated solely and exclusively within the United States District Court for the District of Oregon. This Section 12.h.iii applies to a Claim brought against DOC or any other agency or department of the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of Oregon to be sued in federal court. This Section 12.h.iii is also not a waiver by the State of Oregon of any form of defense or immunity, including but not limited to sovereign immunity and immunity based on the Eleventh Amendment to the Constitution of the United States.

i. **Compliance with Law.** Subgrantee shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Agreement or to the implementation of the Project, including without limitation 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and the federal laws, rules and regulations described in Exhibit B, as applicable. Without limiting the generality of the foregoing, Subgrantee expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

j. **Insurance; Workers' Compensation.** All employers, including Subgrantee, that employ subject workers who provide services in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage, unless such employers are exempt under ORS 656.126. Employer's liability insurance with coverage limits of not less than \$500,000 must be included. Subgrantee shall ensure that each of its subgrantees and subrecipients complies with these requirements.

k. **Independent Contractor.** Subgrantee shall implement the Project as an independent contractor and not as an agent or employee of DOC. Subgrantee has no right or authority to incur or create any obligation for or legally bind DOC in any way. DOC cannot and will not control the means or manner by which Subgrantee implements the Project, except as specifically set forth in this Agreement. Subgrantee is responsible for determining the

appropriate means and manner of implementing the Project. Subgrantee acknowledges and agrees that Subgrantee is not an “officer”, “employee”, or “agent” of DOC, as those terms are used in ORS 30.265, and shall not make representations to third parties to the contrary.

l. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.

m. Counterparts. This Agreement may be executed in two or more counterparts (by facsimile or otherwise), each of which is an original and all of which together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.

n. Integration and Waiver. This Agreement, including all Exhibits, constitutes the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. The delay or failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by that Party of that or any other provision.

The signatures of the parties follow on the next page.

Subgrantee, by the signature below of its authorized representative, hereby acknowledges that it has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

Approved by Subgrantee – Hood River County Board of Commissioners

Signature of Subgrantee

Date

Name/Title

Approved by Department of Corrections

Eric McDowell, Contracts Officer

Date

Approved for Legal Sufficiency

Approved for Legal Sufficiency by AAG Sam Zeigler by email dated September 14, 2020

DOC Contact
Denise Sitler
2575 Center Street NE
Salem, OR 97301
denise.sitler@doc.state.or.us
(503) 945-9051

Subgrantee Contact
Jamie Hepner
309 State St.
Hood River, OR 97031
jamie.hepner@co.hood-river.or.us
(541) 387-6862

EXHIBIT B

Federal Terms and Conditions

- I. Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Subgrantee certifies by accepting grant funds that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, nor voluntarily excluded from participation in this transaction by any Federal department or agency. (This certification is required by regulations published May 26, 1988, implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 69 and 28 CFR Part 67.)
- II. No Supplanting. The Subgrantee certifies that Federal funds will not be used to supplant State or local funds, but will be used to increase the amount of funds that, in the absence of Federal aid, would be made available for law enforcement activities.
- III. Compliance with Applicable Law. The Subgrantee shall comply with all applicable laws, regulations, and guidelines as written or as amended, of the State of Oregon, the Federal Government and DOC in the performance of this Agreement. Without limiting the generality of the foregoing, Subgrantee shall comply with all laws, rules and guidelines set forth in the most recent version of the *Grant Management Handbook* published by the Oregon Criminal Justice Commission, including but not limited to:
 - A. The provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 38, Equal Treatment Regulations; Part 42, Non-Discrimination/Equal Employment Opportunity Policies and Procedures; Part 46, Protection of Human Subjects; Part 54, Title IX Regulations; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures, and Federal laws or regulations applicable to Federal assistance programs.
 - B. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646).
 - C. Section 102(a) of the Flood Disaster Protection Act of 1973, P.L. 93-234, 87 Stat.97, approved December 31, 1976.
 - D. Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.).
 - E. National Environmental Policy Act of 1969, 42 USC 4321 et seq.
 - F. Flood Disaster Protection Act of 1973, 42 USC 4001 et seq.
 - G. Clean Air Act, 42 USC 7401 et seq.
 - H. Clean Water Act, 33 USC 1368 et seq.
 - I. Federal Water Pollution Control Act of 1948, as amended, 33 USC 1251 et seq.
 - J. Safe Drinking Water Act of 1974, 42 USC 300f et seq.
 - K. Endangered Species Act of 1973, 16 USC 1531 et seq.
 - L. Wild and Scenic Rivers Act of 1968, as amended, 16 USC 1271 et seq.

- M. Historical and Archaeological Data Preservation Act of 1960, as amended, 16 USC 469 et seq.
- N. Coastal Zone Management Act of 1972, 16 USC 1451 et seq.
- O. Coastal Barrier Resources Act of 1982, 16 USC 3501 et seq.
- P. Indian Self-Determination Act, 25 USC 450f.
- Q. Hatch Political Activity Act of 1940, as amended, 5 USC 1501 et seq.
- R. Animal Welfare Act of 1970, 7 USC 2131 et seq.
- S. Demonstration Cities and Metropolitan Development Act of 1966, 42 USC 3301 et seq.
- T. Federal Fair Labor Standards Act of 1938 (as appropriate), as amended, 29 USC 201 et seq.
- U. 28 CFR Part 46 and all USDOJ Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

IV. Standard Assurances and Certifications Regarding Lobbying.

- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or any employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subgrantee agrees to complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying", in accordance with its instructions.
- C. The DOC will require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subgrantees will certify and disclose accordingly.
- D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

V. Certification of Non-discrimination.

The Grantee, and all its contractors and subcontractors, certifies that no person shall

be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded under this Agreement on the basis of race, color, age, religion, national origin, disability, or gender. Subgrantee shall comply with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d); the Victims of Crime Act (42 U.S.C. 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 5672(b)); Title VI the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. 794); the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-34); the Education Amendments of 1972 (20 U.S.C. 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. 6101-07); 28 C.F.R. pt. 42 (U.S. Department of Justice Regulations – OJJDP Grant Programs); 28 C.F.R. pt. 42, Subparts C, D, E, G, and I, and pt. 54 (U.S. Department of Justice Regulations – Nondiscrimination; Equal Employment Opportunity; Policies and Procedures); Exec. Order No. 13279 (equal protection of the laws for faith-based and community organizations); Exec. Order No. 13559 (fundamental principles and policymaking criteria for partnerships with faith-based and neighborhood organizations); and 28 C.F.R. pt. 38 (U.S. Department of Justice Regulations – Equal Treatment for Faith-Based Organizations).

In accordance with Federal civil rights laws, the Subgrantee shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

In the event that a Federal or State court or administrative agency, such as BOLI, makes a finding of discrimination after a due process hearing on the grounds of race, color, age, religion, national origin, disability or gender against the Subgrantee or any of its contractors or subcontractors, the Subgrantee or any of its contractors or subcontractors will forward a copy of the finding to DOC. DOC will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

The addresses for DOC and OCR are as follows:

Oregon Department of Corrections
2575 Center St NE
Salem, Oregon 97301

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531

VI. Systems Requirements.

- A. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, the Office of Justice Programs (OJP) requires the Subgrantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Subgrantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov.gsp_grantcondition. Subgrantee shall document planned approaches to information sharing and describe compliance to the GSP and

appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

- B. Any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, Subgrantee may be fined as per 42 U.S.C 3789g(c)-(d). Subgrantee may not satisfy such a fine with federal funds.
- C. Subgrantee understands and agrees that – (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
- D. To avoid duplicating existing networks or information technology systems in any initiatives funded by OJP, Bureau of Justice Assistance (BJA) for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the Subgrantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed information technology system.

VII. Services to Limited-English-Proficient (LEP) Persons.

National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, the DOC and grantees are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including interpretation and translation services, where necessary. Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. The U.S. Department of Justice has issued guidance for grantees to assist them in complying with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.

- VIII. Equal Employment Opportunity Plan (EEOP). The Subgrantee will provide an Equal Employment Opportunity Plan (EEOP) to the Office for Civil Rights, Office of Justice Programs (OCR) and the DJCS, if it has received a single reward of \$500,000 or more. If the Subgrantee receives \$25,000 or more and has 50 or more employees, it will maintain a current EEOP on file and submit an EEOP Certification Form to the OCR, certifying that its EEOP is on file. For public Subgrantee agencies receiving less than \$25,000, or public Subgrantee agencies with fewer than 50 employees, regardless of the amount of the award, the

Subgrantee will provide an EEOP Certification Form to the OCR certifying it is not required to submit or maintain an EEOP. EEOP Certification Forms are available at: <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>:

If required to formulate an EEOP, the Subgrantee must maintain a current copy on file which meets the applicable requirements. **The Subgrantee must complete the EEOP certification and submit the Certification or the EEOP document (as applicable) within 60 days of contract execution.**

IX. National Environmental Policy Act (NEPA); Special Condition for U.S. Department of Justice Grant Programs.

A. Prior to obligating grant funds, Subgrantee agrees to first determine if any of the following activities will be related to the use of the grant funds. Subgrantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the Subgrantee, a contractor, subcontractor or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

1. new construction;
2. minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain;
3. a renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
4. implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.

B. Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the Grantee's or its contractors' or subcontractors' existing programs or activities that will be funded by these grant funds, the Grantee, upon specific request from the Bureau of Justice Assistance, agrees to cooperate with the Bureau of Justice Assistance in any preparation by the Bureau of Justice Assistance of a national or program environmental assessment of that funded program or activity.

X.. Certification Regarding Drug Free Workplace Requirements. Subgrantee certifies that it will provide a drug-free workplace by:

A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in

the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

- B. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The Grantee's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - C. Requiring that each employee engaged in the performance of the grant be given a copy of the employer's statement required by paragraph (1).
 - D. Notifying the employee that, as a condition of employment under the award, the employee will:
 - 1. Abide by the terms of the statement; and
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
 - E. Notifying the Subgrantee within ten days after receiving notice from an employee or otherwise receiving actual notice of such conviction.
 - F. Taking one of the following actions, within 30 days of receiving notice, with respect to any employee who is so convicted:
 - 1. Taking appropriate personnel action against such an employee, up to and including termination; or
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
 - G. Making a good faith effort to continue to maintain a drug-free workplace.
- XI. **No Text Messaging While Driving.** Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," Subgrantee is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this Agreement and to establish workplace safety policies and conduct education, awareness and other outreach to decrease crashes caused by distracted drivers.

EXHIBIT A

Project Description

The goal of the Coronavirus Emergency Supplemental Funding grant is to provide funding to assist eligible states, local units of government, and tribes in preventing, preparing for, and responding to the coronavirus. The CESF Program is authorized by Division B of H.R. 748, Pub. L. No. 116-136 (Emergency Appropriations for Coronavirus Health Response and Agency Operations); 28 U.S.C. 530C. Allowable projects and purposes under this Agreement are limited to the housing needs of non-COVID positive clients under the Subgrantee's supervision where those needs are associated with the preparation for, response to, and prevention of the spread of COVID-19.

Subgrantee will use Grant Funds only for client housing.

Project Start Date: January 20, 2020

GRANT #: CESF-20-25

GRANTEE PROGRAM CONTACT: Jamie Hepner

EMAIL: jhepner@hoodriversheriff.com

TELEPHONE: 541-387-7056

Project End Date: January 19, 2022

CFDA #: 16.034

GRANTEE FISCAL CONTACT:

Tina Ruffin

EMAIL: tina.ruffin@co.hood-river.or.us

TELEPHONE: 541-387-6824

EXHIBIT C

Federal Award and Subaward Information Information required by 2 CFR § 200.331(a)(1)*

Federal Award Identification:

1. Subrecipient name (which must match registered name in DUNS): Hood River County
2. Subrecipient's unique entity identifier (e.g. DUNS number): 05-564-8638
3. Federal Award Identification Number (FAIN): 2020-VD-BX-0540
4. Federal Award Date: May 14, 2020
5. Sub-award Period of Performance Start and End Date: From January 20, 2020 to January 19, 2022
6. Total Amount of Federal Funds Obligated by this Agreement: \$1,713.00
7. Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity including this Agreement**: \$1,713.00
8. Total Amount of Federal Award committed to the Subrecipient by the pass-through entity: \$1,713.00
9. Federal award project description: CESF for housing non-COVID positive clients
10. Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the pass-through entity:
 - (a) Name of Federal awarding agency: Bureau of Justice Assistance
 - (b) Name of pass-through entity: State of Oregon acting by and through its Department of Corrections
 - (c) Contact information for awarding official of the pass-through entity: Denise Sitler 2575 Center Street NE, Salem, OR 97301, denise.sitler@doc.state.or.us (503) 945-9051
11. CFDA Number and Name: 16.034 Coronavirus Emergency Supplemental Funding Program
Amount: \$1,713.00
12. Is Award Research and Development? Yes No
13. Indirect cost rate for the Federal award: 10 %

*For the purposes of this Exhibit, the term "Subrecipient" refers to Grantee, and the term "pass-through entity" refers to DOC.

**The Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity is the Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity during the current fiscal year.



Hood River County Board of Commissioners

Jeff Hecksel, County Administrator

COMMISSIONERS

601 State Street · Hood River, OR 97031 · (541) 386-3970 · FAX (541) 386-9392

Michael Oates – Chair
Karen Joplin – District No. 1
Rich McBride – District No. 2
Robert Benton – District No. 3
Les Perkins – District No. 4

October 16, 2020

Office of Federal Lands Highway
Federal Highway Administration U.S. Department of Transportation
21400 Ridgetop Circle
Sterling, VA 20166-6511

Re: Nationally Significant Federal Lands and Tribal Project Program

Dear Program Administrators at FHWA's Office of Federal Lands Highway,

I am writing this letter on behalf of the Hood River County Board of Commissioners in support for the efforts to secure funding by the USDA Forest Service, Columbia River Gorge National Scenic Area office, and the Oregon Department of Transportation to construct the remaining segment of the Historic Columbia River Highway State Trail. A completed trail is a valuable resource for communities in this region and for drawing visitors to an area that benefits greatly from tourism and investments to improve connections to the natural environment in the Columbia River Gorge. We appreciate the years of work ODOT and other partners have dedicated to restoring the Historic Highway and State Trail to honor their historical, recreation, and economic significance. The completion of this trail is aligned with the County's interests in promoting economic prosperity and diversity, which rely on transportation access for all and public spaces that invite and promote connectedness to the land and local communities.

This funding opportunity will help Oregon achieve the vision intended for this trail and transportation access to places along the Historic Columbia River Highway. We look forward to engaging with ODOT and other partners in this process to ensure the success of the project and the vitality of the trail for years to come.

Thank you.

Michael J. Oates, Chair
Hood River County Board of Commissioners

From: [Heidi DeHart](#)
To: [Bob Benton \(bob.benton@co.hood-river.or.us\)](#); [Karen Joplin](#); [Les Perkins](#); [Mike Oates](#); [Rich McBride](#)
Cc: [Jeff Hecksel](#)
Subject: Email Poll 2 Items
Date: Monday, October 12, 2020 2:35:00 PM

Good Afternoon

We have a couple of items that are time sensitive and therefore are asking they be considered through this e-mail poll:

1. Board of Property Tax Appeal pool members must be selected by Oct. 15th each year. An advertisement was place for the citizen pool members. The only applications received were from the 3 incumbent members. As you recall the County Assessor selects two individuals from the pool each year to hear the appeals. NOTE: Commissioner Benton currently serves as the governing body representative on the BOPTA and during the January 2020 Commissioner Committee assignments was again appointed to serve in that capacity.

QUESTION: Approve appointing Tanner Hall, Ginnie Mooney and Rita Ketler as citizens reps for Hood River County's Board of Property Tax Appeals (BOPTA) pool and reconfirm Commissioner Benton as the Governing Body rep for the upcoming BOPTA cycle.

2. In 2018 the Commissioner approved/signed a LOS for DOOT/Region 1 and their efforts to secure funding to complete the Historic Columbia River Highway project. We have received a request for another LOS as ODOT continues to find funding for the project by submitting an application to the Office of Federal Lands Highway.

QUESTION: Authorize Chair Oates to sign a LOS for the USDA Forest Service, CRGNSA and ODOT to the Office of Federal Lands Highway to secure funding for construction for the remaining segment of the Historic Columbia River Hwy State Trail.

Thank you,
Heidi

Heidi DeHart
Executive/Human Resource Assistant
Hood River County
601 State Street
Hood River OR 97031
Ph 541-387-6826
Fax 541-386-9392



Hood River – White Salmon

BRIDGE REPLACEMENT PROJECT

October 5, 2020

Jeff Hecksel, County Administrator
HOOD RIVER COUNTY
601 State St.
Hood River, OR 97031

RE: BI-STATE WORKING GROUP (BSWG) MEMO OF UNDERSTANDING (MOU) APPROVAL

Jeff,

The BSWG met October 2nd to review the third draft of the MOU formalizing the relationship between the six local governments in the Mid-Columbia Gorge Region to replace the Hood River-White Salmon Bridge. At this time, all six members have agreed to bring the document to their respective boards for approval.

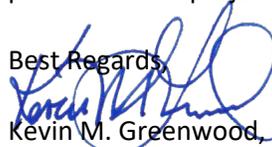
Realizing that each Agency formats resolutions differently, the BSWG recommended including references to the following sections:

- That the Agency supports the continued efforts of Klickitat County, Hood River County, the Cities of White Salmon, Bingen and Hood River, and the Port of Hood River to develop a replacement to the existing Hood River-White Salmon Bridge;
- Endorses the roles, responsibilities, and work plan to develop the replacement bridge outlined in the attached MOU;
- Appoint a member and an alternate to serve as a member on the BSWG; and
- Authorize a signatory to execute the MOU.

A final copy of the MOU is attached along with this letter that can be included as an exhibit to the resolution. Our hope is to have the resolutions adopted by all six Agencies by the end of November.

If you have any questions, please don't hesitate to contact me at (541) 961-9517 or at kgreenwood@portofhoodriver.com. I am also available to attend a meeting or otherwise present on the project's progress.

Best Regards,


Kevin M. Greenwood, Project Director
PORT OF HOOD RIVER

Enclosure: Memo of Understanding
cc: Rich McBride, County Commissioner

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE OREGON AND WASHINGTON PARTNERS REGARDING
THE DEVELOPMENT OF THE HOOD-RIVER WHITE SALMON INTERSTATE REPLACEMENT BRIDGE**

This MEMORANDUM OF UNDERSTANDING (“MOU”) is hereby made and entered into, by and between, the City of Bingen, City of White Salmon, and Klickitat County (the “Washington Partners”), and the City of Hood River, Hood River County, and Port of Hood River (the “Oregon Partners”). While nonbinding, this MOU establishes the methods by which the partnering agencies will, as the Bi-State Working Group (BSWG), cooperatively oversee, manage, and conduct project development for the Hood-River White Salmon Interstate Replacement Bridge (the “Replacement Bridge”).

RECITALS

1. The existing Hood River-White Salmon Interstate Bridge is obsolete and will not meet the long-term needs of the travel market it serves. Steps must be taken now to fund, design, and procure a Replacement Bridge to avoid an expensive rehabilitation of the existing bridge beginning in FY 2026.
2. In February 2008 the Partners adopted a memorandum of understanding to work cooperatively to seek funding for Final Environmental Impact Statement for the Replacement Bridge. In November 2011 the Partners adopted a memorandum of understanding selecting the preferred type, size, and location of the replacement bridge and agreeing to continue to work cooperatively for the Replacement Bridge.
3. The Port of Hood River, funded by an ODOT grant, is preparing a Supplementary (SDEIS) and Final (FEIS) Environmental Impact Statement of the Replacement Bridge to satisfy NEPA requirements. The Port established the Bi-State Working Group (BSWG), consisting of the Oregon and Washington Partners, to facilitate information exchange and coordination regarding the NEPA activities.
4. The BSWG identified two major requirements for advancing the Replacement Bridge project:
 - a. Governance: A bi-state governance structure, which includes representatives of the Oregon and Washington Partners, must be established to oversee the Replacement Bridge Project. The bi-state structure will be implemented in two phases. A legislatively-enacted bi-state bridge authority will best serve the long-term governance requirements of the Replacement Bridge. Between now and the start of the bi-state bridge authority, BSWG will guide the development of the Replacement Bridge.
 - b. Grant Funding: While toll revenue bonds are anticipated to pay for most of the cost to construct the Replacement Bridge, federal and/or state grant funding is required to complete project design and development and pay a portion of bridge construction. Acquiring these grant funds requires a coordinated effort by BSWG.
5. This MOU sets forth the role, responsibilities, and work plan of the, BSWG, agreed to by the Oregon and Washington Partners, to design, develop, implement a governance structure, and seek funding for the Replacement Bridge.

UNDERSTANDING

1. Composition of BSWG

- 1.1. Klickitat and Hood River Counties, the Cities of Bingen, Hood River, and White Salmon, and the Port of Hood River (POHR) will each appoint one member of its governing body to the BSWG, and one member of its governing body as an alternate.
- 1.2. Each of these appointments will be made in the manner and for the term determined by the appointing body.
- 1.3. Each jurisdiction will promptly designate a new member, or alternate, to fill any vacancy that arises.

2. Purpose and Authority of BSWG

- 2.1. BSWG will be responsible for:
 - Guiding project development activities and resolving issues by consensus
 - Overseeing Phase 2 and, until the Bi-State Authority is operational, Phase 3 work.
 - Providing for interagency coordination on all project issues
 - Facilitating the implementation of the Bi-State Authority
 - Seeking the funding necessary to design, develop, and construct the Replacement Bridge.
- 2.2. The governing bodies of the jurisdictions will be responsible for approving or rejecting the budgets, work plans, or other actions required of their organization by the consensus direction set by BSWG.

3. Public Engagement

- 3.1. BSWG is responsible for undertaking an open and equitable public engagement process for the Replacement Bridge.
- 3.2. BSWG will issue periodic newsletters and maintain a website to keep the public updated on project activities.
- 3.3. Meetings of BSWG will follow the applicable public meeting and records laws of Oregon and Washington.
- 3.4. BSWG will ensure there are meaningful opportunities for public input at key decision points during project development.

4. Project Development Work Plan

- 4.1. BSWG will cooperatively take the actions needed to develop a Replacement Bridge that is construction-ready no later than FY2026.
- 4.2. Subject to funding availability, the Phase 2 work (between January 2021 and June 2023) is anticipated to include the following:

- a. Completing up to 15% engineering design (including geotechnical analyses)
 - b. Level 2 traffic and toll revenue study
 - c. Preliminary financial analyses
 - d. Preparing and securing Bi-State Authority legislation
 - e. Preliminary assessment of Public-Private Partnerships (P3) opportunities (If P3 is selected as the preferred project delivery method, some work activities in Phase 2 and 3 will change)
 - f. Securing grant funding for Phase 3 of project design and development
- 4.3. Subject to funding availability, the Phase 3 work (between July 2023 and June 2025) is anticipated to include the following:
- a. Completing at least 60% engineering design
 - b. Investment grade traffic and toll revenue study
 - c. Preparation of Plan of Finance for lenders, granting authorities, and rating agencies
 - d. Further P3 consideration or procurement, as may be appropriate
 - e. Implementation of the Bi-State Authority
 - f. Securing grants and credit ratings and making loan applications for design and construction.
- 4.4. The work activities included in Phase 2 and 3 will be adjusted as may be necessary to be affordable with available funding.

5. Management of Project Development

- 5.1. All project development work will be undertaken by a Lead Agency agreed to by BSWG. POHR will be the lead agency for Phase 2 work. The Lead Agency for Phase 3 depends on future circumstances. If the Bi-State Authority is operational before the start of Phase 3, it will be the Lead Agency. Otherwise BSWG will agree on a Phase 3 Lead Agency.
- 5.2. The Lead Agency will, within the available budget:
- a. Retain a Project Director to oversee required day-to-day technical and administrative work
 - b. Procure and manage the consulting teams required by the work plan
 - c. Staff BSWG meetings
 - d. Ensure that BSWG is provided technical reports and presentations required by BSWG.
 - e. Coordinate the legislative program described in Section 9
 - f. In the name of BSWG, undertake the necessary public engagement and stakeholder coordination, as directed by BSWG
- 5.3. The member jurisdictions shall coordinate with the Project Director with respect to any work activities regarding the Replacement Bridge they undertake.

6. Funding of Work Activities

- 6.1. BSWG is responsible for securing the grant funding required to complete project development and to construct the Replacement Bridge.
- 6.2. BSWG will seek funding contributions for from Oregon and Washington agencies/jurisdictions with the intent of securing equitable contributions from Oregon and Washington agencies/jurisdictions during project design, development, and construction.

- 6.3. Bi-state funding will be pooled so that project development work can be prioritized, procured, and managed by the Lead Agency to implement the work plan agreed to by BSWG.
- 6.4. Funding will be provided to the Lead Agency through interlocal/governmental agreements; granting agency will oversee the work to ensure it complies with the terms and conditions of the granting agency.

7. Long-Term Governance

- 7.1. BSWG will seek to establish an independent Bi-State Authority for the long-term governance of the development, financing, construction, and operations of the Replacement Bridge.
- 7.2. BSWG will prepare and propose bi-state legislation establishing the Bi-State Authority during the 2022 or 2023 legislative sessions; BSWG intends to have the Bi-State Authority operational no later than FY2024.
- 7.3. Prior to proposing legislation establishing the Bi-State Authority to the Oregon and Washington legislatures, BSWG will seek supporting resolutions from the governing bodies represented on BSWG.
- 7.4. If the Bi-State Authority is not approved by the Oregon and Washington legislatures, BSWG will continue in its role as described in this MOU.

8. Public-Private Partnership (P3)

- 8.1. BSWG will continue to examine the P3 option, including soliciting industry opinion regarding the potential P3 market for the Replacement Bridge during Phase 2 of project development. If P3 is determined to be the preferred project delivery method, the work plan for Phases 2 and 3 would be adjusted accordingly.
- 8.2. P3 authority will be proposed for the Bi-State Authority similar to that of POHR.
- 8.3. If (a) the Bi-State Authority is not approved or sufficient grant funding is not secured for Phase 3 work and (b) BSWG concludes that a P3 project may be practical, BSWG will consider recommending to POHR that, in cooperation with BSWG, it undertake the project as a P3 under its existing authority.

9. Legislative Strategy

- 9.1. The members of BSWG will be mutually responsible for seeking bi-state legislative approvals of the governance and funding proposals prepared by BSWG.
- 9.2. The Project Director will be responsible for coordinating the efforts of BSWG with regard to seeking legislation.
- 9.3. During Phase 2, POHR will provide a lead government affairs consultant for the Oregon and Washington legislative sessions. The BSWG members will facilitate the assistance of government affairs staff/consultant retained by their jurisdiction to assist the lead government affairs consultants.

9.4. BSWG intends to undertake the following legislative efforts (in each state):

- a. 2021 Session: Seek legislation requiring BSWG to study and prepare legislation establishing a Bi-State Authority to govern the design, development, and operations of the Replacement Bridge and to report its findings to applicable legislative committees in each state prior to the 2022 legislative sessions. Seek a \$5 million grant from each of Oregon and Washington to fund Phase 2 project development and engineering activities
- b. 2022 Session: Seek approval of legislation creating the Bi-State Authority.
- c. 2023 Session: If not enacted in the 2022 Session, seek approval of legislation creating the Bi-State Authority. Seek grant contributions from each of Oregon and Washington to fund Phase 3 project development and engineering activities and, if appropriate, construction of the Replacement Bridge.
- d. 2025 Session: If not approved earlier, seek contributions from Oregon and Washington to fund the construction of the Replacement Bridge.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the last date below.

Mayor Betty Barnes, City of Bingen

Date: _____

Mayor Kate McBride, City of Hood River

Date: _____

Mayor Marla Keethler, City of White Salmon

Date: _____

Chairman Mike Oates, Hood River County

Date: _____

Chairman Jim Sizemore, Klickitat County

Date: _____

President John Everitt, Port of Hood River

Date: _____

From: [Jeff Hecksel](#)
To: [Mike Oates](#)
Cc: [Heidi DeHart](#)
Subject: FW: Resignation..Hood River County Planning Commission
Date: Tuesday, September 22, 2020 3:41:40 PM

FYI.....

From: Bob Schuppe [mailto:schu@gorge.net]
Sent: Tuesday, September 22, 2020 3:40 PM
To: Jeff Hecksel <jeff.hecksel@co.hood-river.or.us>; Eric Walker <eric.walker@co.hood-river.or.us>
Subject: Resignation..Hood River County Planning Commission

Good Afternoon Jeff:

With sincere regret, I have to offer my resignation to my appointment to the Hood River County Planning Commission. The reasons are purely personal in that, with my wife's and my age plus health problems and the ongoing threat of Covid, I no longer feel that I can attend public gatherings of any type.

Thank you for the opportunity to serve the County. It has been a true and deep pleasure

Bob Schuppe



This email has been checked for viruses by AVG antivirus software.

www.avg.com

RECEIVED
OCT 13 2020
BY:

P. O. Box 408
Odell, OR 97044
October 10, 2020

Eric Walker
Dir. Community development
601 State Street
Hood River, Oregon 97031

Dear Eric,

This letter is to express my intention to resign from the Planning Commission effective January 1, 2021.

If the vacancy created on the planning commission is difficult to fill and results in any difficulty in the functioning of the Planning Commission, I would be open to continuing in my position for a limited amount of time.

Sincerely,


Peter Frothingham



WASTE CONNECTIONS
Connect with the Future®

Hood River County
601 State Street
Hood River, Or. 97031

October 12, 2020

To: Jeff Hecksel, County Administrator

Dear Mr. Hecksel:

Hood River Garbage would like to respectfully request a rate adjustment averaging approximately 1.45% to help offset rising operational costs and tip fees. We request this adjustment to be effective January 1, 2021. Some examples of these increases include, but are not limited to, health care, truck and equipment repair, fuel, container expense.

We use The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C) to benchmark our changes in operational costs. The most recent July to July comparison increased 1.71% and we believe this is a good indicator of our overall experience. The Wasco County Landfill will be increasing both its gate rate and the pass-through Household Hazardous Waste tax by 1.45% effective January 1, 2021. We have incorporated these increases into the attached proposed rate schedule.

Individual rates change by different percentages based upon the disposal weight component of each rate.

We would like to be scheduled on the Commissions agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide the County of Hood River with high quality solid waste service.

Sincerely,

Jim Winterbottom
District Manager



Waste Connections of Oregon, Inc.
dba Hood River Garbage
Proposed Hood River County UGA & Rural Rates
Effective January 1, 2021

SERVICE	CURRENT RATE	1.45%		TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
RESIDENTIAL - UGA					
32 GALLON CAN					
Weekly					
- Curbside	\$21.09	\$0.05	\$0.25	\$0.31	\$21.40
- Carry out	\$28.21	\$0.05	\$0.36	\$0.41	\$28.62
* Each addl 25 ft	\$3.55	\$0.00	\$0.05	\$0.05	\$3.60
EOW					
- Curbside	\$16.62	\$0.03	\$0.21	\$0.24	\$16.86
- Carry out	\$21.99	\$0.03	\$0.29	\$0.32	\$22.31
* Each addl 25 ft	\$2.70	\$0.00	\$0.04	\$0.04	\$2.74
Monthly					
- Curbside	\$11.49	\$0.01	\$0.15	\$0.17	\$11.65
- Carry out	\$14.69	\$0.01	\$0.20	\$0.21	\$14.91
* Each addl 25 ft	\$1.61	\$0.00	\$0.02	\$0.02	\$1.64
MINI 20 GALLON CAN					
Weekly					
- Curbside	\$16.56	\$0.03	\$0.21	\$0.24	\$16.80
- Carry out	\$21.90	\$0.03	\$0.29	\$0.32	\$22.22
* Each addl 25 ft	\$3.55	\$0.00	\$0.05	\$0.05	\$3.60
EOW					
- Curbside	\$13.92	\$0.02	\$0.19	\$0.20	\$14.12
- Carry out	\$17.84	\$0.02	\$0.24	\$0.26	\$18.09
* Each addl 25 ft	\$2.70	\$0.00	\$0.04	\$0.04	\$2.74
SPECIAL CHARGES					
- Overweight/full	\$4.91	\$0.01	\$0.07	\$0.07	\$4.98
- Extra bag/box	\$4.91	\$0.01	\$0.07	\$0.07	\$4.98
- Washer/dryer/stove	\$14.68	\$0.00	\$0.21	\$0.21	\$14.90
- Water heater	\$16.25	\$0.00	\$0.24	\$0.24	\$16.49
- Sofa/chair	\$13.27	\$0.00	\$0.19	\$0.19	\$13.46
- Mattress	\$12.02	\$0.00	\$0.17	\$0.17	\$12.19
- Return trip	\$11.44	\$0.00	\$0.17	\$0.17	\$11.61
- Recycle bin replacement	\$23.37	\$0.00	\$0.34	\$0.34	\$23.71
- Account set up fee	\$6.62	\$0.00	\$0.10	\$0.10	\$6.72
- NSF	\$34.85	\$0.00	\$0.51	\$0.51	\$35.36
- Delinquent fee	\$15.20	\$0.00	\$0.22	\$0.22	\$15.42

Waste Connections of Oregon, Inc.
dba Hood River Garbage
Proposed Hood River County UGA & Rural Rates
Effective January 1, 2021

SERVICE	CURRENT RATE	1.45%		TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
RESIDENTIAL - RURAL					
32 GALLON CAN					
Weekly					
- Curbside	\$20.30	\$0.05	\$0.24	\$0.29	\$20.59
- Carry out	\$27.44	\$0.05	\$0.35	\$0.40	\$27.84
* Each addl 25 ft	\$3.55	\$0.00	\$0.05	\$0.05	\$3.60
EOW					
- Curbside	\$15.83	\$0.03	\$0.20	\$0.23	\$16.06
- Carry out	\$21.20	\$0.03	\$0.28	\$0.31	\$21.50
* Each addl 25 ft	\$2.85	\$0.00	\$0.04	\$0.04	\$2.89
Monthly					
- Curbside	\$9.91	\$0.01	\$0.13	\$0.14	\$10.05
- Carry out	\$13.14	\$0.01	\$0.18	\$0.19	\$13.33
* Each addl 25 ft	\$1.67	\$0.00	\$0.02	\$0.02	\$1.69
MINI 20 GALLON CAN					
Weekly					
- Curbside	\$15.75	\$0.03	\$0.20	\$0.23	\$15.98
- Carry out	\$21.12	\$0.03	\$0.28	\$0.31	\$21.42
* Each addl 25 ft	\$3.55	\$0.00	\$0.05	\$0.05	\$3.60
EOW					
- Curbside	\$13.11	\$0.02	\$0.17	\$0.19	\$13.31
- Carry out	\$17.07	\$0.02	\$0.23	\$0.25	\$17.32
* Each addl 25 ft	\$2.85	\$0.00	\$0.04	\$0.04	\$2.89
SPECIAL CHARGES					
- Overweight/full	\$4.91	\$0.01	\$0.07	\$0.07	\$4.98
- Extra bag/box	\$4.91	\$0.01	\$0.07	\$0.07	\$4.98
- Washer/dryer/stove	\$14.68	\$0.00	\$0.21	\$0.21	\$14.90
- Water heater	\$16.25	\$0.00	\$0.24	\$0.24	\$16.49
- Sofa/chair	\$13.27	\$0.00	\$0.19	\$0.19	\$13.46
- Mattress	\$12.02	\$0.00	\$0.17	\$0.17	\$12.19
- Return trip	\$11.44	\$0.00	\$0.17	\$0.17	\$11.61
- Recycle bin replacement	\$23.37	\$0.00	\$0.34	\$0.34	\$23.71
- Account set up fee	\$6.62	\$0.00	\$0.10	\$0.10	\$6.72
- NSF	\$34.73	\$0.00	\$0.50	\$0.50	\$35.23
- Delinquent fee	\$15.20	\$0.00	\$0.22	\$0.22	\$15.42

Waste Connections of Oregon, Inc.
dba Hood River Garbage
Proposed Hood River County UGA & Rural Rates
Effective January 1, 2021

SERVICE	CURRENT RATE	1.45%		TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
COMMERCIAL					
32 GALLON CAN					
Weekly					
- Curbside	\$18.87	\$0.05	\$0.22	\$0.27	\$19.14
- Carry out	\$26.03	\$0.05	\$0.33	\$0.38	\$26.41
* Each addl 25 ft	\$4.37	\$0.00	\$0.06	\$0.06	\$4.43
EOW					
- Curbside	\$13.99	\$0.03	\$0.17	\$0.20	\$14.19
- Carry out	\$18.96	\$0.03	\$0.24	\$0.27	\$19.24
* Each addl 25 ft	\$3.12	\$0.00	\$0.05	\$0.05	\$3.16
Monthly					
- Curbside	\$8.29	\$0.01	\$0.11	\$0.12	\$8.41
- Carry out	\$11.52	\$0.01	\$0.15	\$0.17	\$11.69
* Each addl 25 ft	\$1.85	\$0.00	\$0.03	\$0.03	\$1.87
SPECIAL CHARGES					
- Overweight/full	\$4.91	\$0.01	\$0.07	\$0.07	\$4.98
- Extra bag/box	\$4.91	\$0.01	\$0.07	\$0.07	\$4.98
- Washer/dryer/stove	\$14.00	\$0.00	\$0.20	\$0.20	\$14.20
- Water heater	\$16.25	\$0.00	\$0.24	\$0.24	\$16.49
- Sofa/chair	\$13.27	\$0.00	\$0.19	\$0.19	\$13.46
- Mattress	\$12.02	\$0.00	\$0.17	\$0.17	\$12.19
- White goods	\$14.04	\$0.00	\$0.20	\$0.20	\$14.25
- Return trip	\$11.44	\$0.00	\$0.17	\$0.17	\$11.61
- Lock charge	\$4.14	\$0.00	\$0.06	\$0.06	\$4.20
- Access charge	\$4.14	\$0.00	\$0.06	\$0.06	\$4.20
- Recycle bin replacement	\$23.37	\$0.00	\$0.34	\$0.34	\$23.71
- Account set up fee	\$6.62	\$0.00	\$0.10	\$0.10	\$6.72
- NSF	\$34.73	\$0.00	\$0.50	\$0.50	\$35.23
- Delinquent fee	\$15.20	\$0.00	\$0.22	\$0.22	\$15.42
- Mileage 15 mi RT from LF	\$3.63	\$0.00	\$0.05	\$0.05	\$3.68
1 1/2 Yd Containers					
- Delivery	\$33.77	\$0.00	\$0.49	\$0.49	\$34.26
- EOW	\$74.21	\$0.18	\$0.89	\$1.08	\$75.28
- 1XPW	\$132.67	\$0.36	\$1.56	\$1.92	\$134.59
- 2XPW	\$224.53	\$0.72	\$2.53	\$3.25	\$227.78
- 3XPW	\$312.66	\$1.09	\$3.44	\$4.53	\$317.19
- 4XPW	\$397.11	\$1.45	\$4.30	\$5.75	\$402.87
- 5XPW	\$475.86	\$1.81	\$5.08	\$6.89	\$482.75
- 6XPW	\$554.60	\$2.17	\$5.86	\$8.03	\$562.64

Waste Connections of Oregon, Inc.
dba Hood River Garbage
Proposed Hood River County UGA & Rural Rates
Effective January 1, 2021

SERVICE	CURRENT RATE	1.45%		TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
2 Yd Containers					
- Delivery	\$33.77	\$0.00	\$0.49	\$0.49	\$34.26
- EOW	\$96.00	\$0.24	\$1.15	\$1.39	\$97.39
- 1XPW	\$262.15	\$0.48	\$3.32	\$3.80	\$265.95
- 2XPW	\$442.60	\$0.97	\$5.45	\$6.42	\$449.02
- 3XPW	\$615.66	\$1.45	\$7.48	\$8.92	\$624.58
- 4XPW	\$781.43	\$1.93	\$9.39	\$11.33	\$792.76
- 5XPW	\$935.65	\$2.42	\$11.15	\$13.56	\$949.22
- 6XPW	\$680.43	\$2.90	\$6.96	\$9.86	\$690.29
3 Yd Containers					
- Delivery	\$33.77	\$0.00	\$0.49	\$0.49	\$34.26
- EOW	\$141.75	\$0.36	\$1.69	\$2.05	\$143.80
- 1XPW	\$241.98	\$0.72	\$2.78	\$3.51	\$245.48
- 2XPW	\$406.74	\$1.45	\$4.44	\$5.89	\$412.64
- 3XPW	\$569.21	\$2.17	\$6.07	\$8.25	\$577.46
- 4XPW	\$738.98	\$2.90	\$7.81	\$10.71	\$749.68
- 5XPW	\$870.14	\$3.62	\$8.98	\$12.60	\$882.75
- 6XPW	\$1,015.74	\$4.35	\$10.36	\$14.71	\$1,030.45
SPECIAL CHARGES					
- One time del/PU	\$33.77	\$0.00	\$0.49	\$0.49	\$34.26
- Return trip	\$11.44	\$0.00	\$0.17	\$0.17	\$11.61
- Access charge	\$11.44	\$0.00	\$0.17	\$0.17	\$11.61
- Roll out over 15 ft	\$4.14	\$0.00	\$0.06	\$0.06	\$4.20
- Roll out over 20 ft	\$6.63	\$0.00	\$0.10	\$0.10	\$6.73
- Off day PU	\$11.44	\$0.00	\$0.17	\$0.17	\$11.61
- Mileage (over 15 mi RT)	\$3.57	\$0.00	\$0.05	\$0.05	\$3.62
- Rent-a-Bin (1.5 yards)	\$72.61	\$0.08	\$0.97	\$1.05	\$73.66
- Rent-a-Bin (2.0 yards)	\$95.81	\$0.11	\$1.28	\$1.39	\$97.20
- On call container (1.5 yards)	\$36.05	\$0.08	\$0.44	\$0.52	\$36.58
- On call container (2.0 yards)	\$47.49	\$0.11	\$0.58	\$0.69	\$48.17
- On call container (3.0 yards)	\$72.02	\$0.11	\$0.93	\$1.04	\$73.06
DROP BOXES					
- Placement/per trip	\$77.96	\$0.00	\$1.13	\$1.13	\$79.09
- Moving fee (per trip)	\$77.96	\$0.00	\$1.13	\$1.13	\$79.09
- Drop box swap	\$136.82	\$0.00	\$1.99	\$1.99	\$138.81
- Compact box swap	\$166.39	\$0.00	\$2.41	\$2.41	\$168.80
- Excess chg/ton over 5 tons	\$53.89	\$0.72	\$0.06	\$0.78	\$54.67
- Daily demurrage (over 96 hours)	\$5.95	\$0.00	\$0.09	\$0.09	\$6.03
- Month max demurrage	\$152.14	\$0.00	\$2.21	\$2.21	\$154.35
- Special DB (per day)	\$5.63	\$0.00	\$0.08	\$0.08	\$5.71
* Lid/screen, winch					
- Special DB (per month max)	\$168.67	\$0.00	\$2.45	\$2.45	\$171.12

Waste Connections of Oregon, Inc.
dba Hood River Garbage
Proposed Hood River County UGA & Rural Rates
Effective January 1, 2021

SERVICE	CURRENT RATE	1.45%		TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
- Waiting time (per min)	\$1.96	\$0.00	\$0.03	\$0.03	\$1.99
- Mileage (over 15 mi RT)	\$3.63	\$0.00	\$0.05	\$0.05	\$3.68
- Overweight charge	\$44.48	\$0.00	\$0.65	\$0.65	\$45.13
TS tip fee per yard (loose)	\$18.38	\$0.10	\$0.16	\$0.27	\$18.64
TS tip fee per yard (compacted)	\$26.93	\$0.28	\$0.11	\$0.39	\$27.32
MISC EQUIP RENTAL PER HOUR					
- Rear loader	\$148.59	\$0.00	\$2.16	\$2.16	\$150.75
- Roll off	\$131.12	\$0.00	\$1.90	\$1.90	\$133.02
- Extra labor	\$34.28	\$0.00	\$0.50	\$0.50	\$34.77
- Extra labor OT	\$51.39	\$0.00	\$0.75	\$0.75	\$52.14
TRANSFER STATION					
Household Garbage:					
- One can/bag	\$8.76	\$0.01	\$0.11	\$0.13	\$8.88
- One yard (loose)	\$18.42	\$0.10	\$0.16	\$0.27	\$18.69
* Each additional yard	\$18.42	\$0.10	\$0.16	\$0.27	\$18.69
- One yard (compacted)	\$27.44	\$0.28	\$0.11	\$0.40	\$27.83
* Each additional yard	\$27.44	\$0.28	\$0.11	\$0.40	\$27.83
Bulk Items:					
- Mattress/box springs	\$10.42	\$0.03	\$0.12	\$0.15	\$10.57
- Recliner/large chairs	\$10.42	\$0.03	\$0.12	\$0.15	\$10.57
- Couches/furniture/TV	\$10.42	\$0.03	\$0.12	\$0.15	\$10.57
Appliances:					
- Washer/dryer/stove	\$16.01	\$0.09	\$0.14	\$0.23	\$16.24
- Water heater	\$16.30	\$0.05	\$0.18	\$0.24	\$16.53
- Frig/freezer/air conditioner	\$37.21	\$0.07	\$0.47	\$0.54	\$37.75
Tires (per tire with 5 max):					
- Auto/light off rim	\$3.15	\$0.00	\$0.05	\$0.05	\$3.20
- Auto/light on rim - no longer accepted					
- Heavy truck off rim	\$9.98	\$0.00	\$0.14	\$0.14	\$10.13
- Heavy truck on rim - no longer accepted					
Yard Debris:					
- One Yard	\$14.05	\$0.10	\$0.10	\$0.20	\$14.26
- Each additional yard	\$14.05	\$0.10	\$0.10	\$0.20	\$14.26
Other:					
- Sharps Container	\$6.08	\$0.00	\$0.09	\$0.09	\$6.17
- Aggregate/Concrete Ton	\$46.12	\$0.72	-\$0.06	\$0.66	\$46.78

HOOD RIVER COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST FORM

DATE: 09/29/20 **DEPARTMENT:** Public Works **NAME:** Mikel Diwan

SUBJECT: Surplus Property

AUTHORITY: *ORS:* _____ *OAR:* _____

COUNTY ORD.: HRC Administrative Code Section 2C.2.d

BACKGROUND/SUMMARY OF SUBJECT:

Public Works requests the following equipment be declared surplus and approved to be sold at auction. The items have exceeded their useful life for Hood River County and are not expected to be desired by another agency. Replacement equipment has been funded in the FY21 budget.

- EQ# 00204 2001 Blazer S-10 4x4; Plate: E218111; Est. Value: \$1,500
- EQ# 00208 1999 Chevy Lumina; Plate: E210773; Est. Value: \$1,500
- EQ# 00251 1999 Ford Ranger 4x4; Plate: E215596; Est. Value: \$2,500
- EQ# 00141 2007 Dodge Ram 4x4; Plate: E239954; Est. Value: \$3,500
- EQ# 00358 2014 John Deere X300 mower; VIN: 1MOX300CTEM297432; Est. Value: \$500
- EQ# 00360 2015 Cub Cadet LX46 mower; VIN: 13WFA1CT010; Est. Value: \$500
- EQ# 00354 2010 Yamaha Golf Cart; VIN: N/A; Est. Value: \$250
- EQ# 00357 2010 Yamaha Golf Cart; VIN: N/A; Est. Value: \$250

ATTACHMENTS: None 0

FISCAL IMPACT:

None.

ACKNOWLEDGEMENT BY AFFECTED PARTIES:

COUNTY COUNSEL *FINANCE* *OTHER AGENCIES* *ADMIN*
HR DEPT *APPROPRIATE COUNTY COMMITTEE* *OTHER*

RECOMMENDATION OF THE DEPARTMENT:

Declare the HRC Public Works Equipment listed as surplus and approve to be sold at auction.

ADMINISTRATION RECOMMENDATION:

- Approve the following items as surplus and authorize they be sold at auction:
- EQ# 00204 2001 Blazer S-10 4x4; Plate: E218111; Est. Value: \$1,500
 - EQ# 00208 1999 Chevy Lumina; Plate: E210773; Est. Value: \$1,500
 - EQ# 00251 1999 Ford Ranger 4x4; Plate: E215596; Est. Value: \$2,500
 - EQ# 00141 2007 Dodge Ram 4x4; Plate: E239954; Est. Value: \$3,500
 - EQ# 00358 2014 John Deere X300 mower; VIN: 1MOX300CTEM297432; Est. Value: \$500
 - EQ# 00360 2015 Cub Cadet LX46 mower; VIN: 13WFA1CT010; Est. Value: \$500
 - EQ# 00354 2010 Yamaha Golf Cart; VIN: N/A; Est. Value: \$250
 - EQ# 00357 2010 Yamaha Golf Cart; VIN: N/A; Est. Value: \$250

FOLLOW UP: ORD/RESO/AGMT/ORDER, ETC: ORIGINALS TO R&A
 COPIES TO: PW

NEW BUSINESS

HOOD RIVER COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST FORM

DATE: October 9, 2020 **DEPARTMENT:** Planning **NAME:** Keith Cleveland

SUBJECT: Request for 1) a first reading of a proposed ordinance for a Comprehensive Plan and Zone Change to convert the zoning of a parcel from Exclusive Farm Use (EFU) – Non High Value Farmland to Forest (F-1), and 2) to set a date for a second reading and hearing.

AUTHORITY: *ORS:* _____ *OAR:* _____

COUNTY ORD.: HRCZO Article 72

BACKGROUND/SUMMARY OF SUBJECT:

Trent Weseman, Trout Creek Land Management, LLC, made application for a Comprehensive Plan and Zone Change to convert the zoning of his ~46-acre parcel from Exclusive Farm Use (EFU) – Non High Value Farmland to Forest (F-1).

The referenced application was considered by the Board during a public hearing held on September 21, 2020. As part of this hearing, the application was approved subject to the signing of an ordinance that will finalize the decision.

FISCAL IMPACT- *Budget Line Item:* _____ *Acct Bal \$* _____

Est. Hrs. Spent to Date: _____ *Est. Completion Date:* _____

Comments:

Fiscal impacts associated with this application are limited to staff time.

ACKNOWLEDGEMENT BY AFFECTED PARTIES:

COUNTY COUNSEL *FINANCE* *OTHER AGENCIES* *ADMIN*

HR DEPT *APPROPRIATE COUNTY COMMITTEE* *OTHER*

RECOMMENDATION OF THE DEPARTMENT:

Staff recommends that the Board of Commissioners conduct a first reading of the proposed ordinance on October 19, 2020.

ADMINISTRATION RECOMMENDATION:

- 1) Make a motion to conduct the 1st reading of a Comprehensive Plan and Zone Change to 1N 9E 25 Tax Lot 2501 from EFU (non-high value farmland) to F-1 Ordinance by title only; and
- 2) Accept the 1st reading of the Ordinance by title only.

TITLE OF ORDINANCE: Comprehensive Plan and Zone Change: Convert EFU (Non-High Value Farmland) to F-1 For 1N 9E 25 Tax Lot 5201.

NOTE: the 2nd reading will be conducted November 2, 2020, the public hearing was conducted 9/21/2020.

FOLLOW UP: ORD/RESO/AGMT/ORDER, ETC: ORIGINALS TO R&A
 COPIES TO: County Planning

Exhibit 1

Board of County Commissioners Hearing

Comprehensive Plan and Zone Change

September 21, 2020

(File #19-0279: Trent Weseman, Trout Creek Land Management, LLC)

Contents:

- Planning Commission Recommendation, Dated August 17, 2020
- Staff Report, Dated August 5, 2020

Before the County Planning Commission
for Hood River County

In the Matter of an Application from Trent Weseman, Trout)
Creek Land Management, LLC, for a Comprehensive Plan and) **RECOMMENDATION**
Zone Change. [File #19-0279])

A public hearing was held before the Hood River County Planning Commission on August 12, 2020 at 5:30 p.m. in the County Board of Commissioners' Conference Room (1st floor), 601 State Street, Hood River, Oregon, to consider an application filed by Trent Weseman, Trout Creek Land Management, LLC, for a Comprehensive Plan and Zone Change to convert the designation of his property located at 1N 9E (25) Tax Lot 5201 from Farm to Forest and to change its zoning from Exclusive Farm Use (EFU) – Non High Value Farmland to Forest (F-1).

Due notice was given of the public hearing before the Planning Commission. A quorum was present. The qualifications of the members of the Planning Commission were determined and all five commissioners present participated in the hearing. The Chair of the Planning Commission, who presided at the hearing, then described the rules and procedure of the hearing.

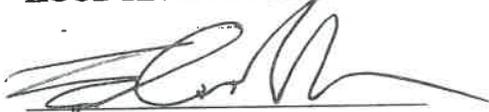
The Planning Commission was first provided a staff summary and then received testimony from the applicant's attorney and then from the applicant during the time reserved for questions from the Planning Commission. No other party testified.

Based upon the record before it, the staff report, and testimony received, and being fully advised in the premises, the Planning Commission unanimously accepted the Findings of Fact, Conclusions of Law, and Recommendation provided as part of the staff report, dated August 5, 2020, which is attached hereto as Exhibit A and incorporated herein by this reference.

Based upon the accepted Findings of Fact and Conclusions of Law, it is **HEREBY RECOMMENDED** to the Hood River County Board of Commissioners that the above-mentioned Comprehensive Plan and Zone Change application of Trent Weseman, Trout Creek Land Management, LLC, be approved.

DATED THIS 17th DAY OF August, 2020.

HOOD RIVER COUNTY PLANNING COMMISSION



Erick von Lubken, Chair

Approved as to Form:



Spencer Parsons, County Counsel

Exhibit A

Staff Report Dated August 5, 2020



Hood River County Community Development
Planning, Building Codes, Code Compliance, Economic Development & GIS
601 State Street, Hood River, OR 97031

ERIC WALKER, DIRECTOR
(541) 387-6840 • plan.dept@co.hood-river.or.us

August 5, 2020

FILE COPY

To: Hood River County Planning Commission

From: Keith Cleveland, Pr. Planner

CC: Trent Weseman, Trout Creek Land Management, LLC, Applicant/Owner (*US Mail*)
Gil Sharp, Applicant's Attorney (*US Mail*)

Cheryl Moore, Middle Fork Irrigation District (*via email*)
Kristin Dodd, Oregon Department of Forestry (*via email*)
Chris Harrell, County Public Works Department (*via email*)

Attachments: "A" – Submitted Application and Associated Material
"B" – Written Comments Received in Response to the Notice of the Application
"C" – Miscellaneous Information

RE: Comprehensive Plan and Zone Change #19-0279; 1N 9E (25), Tax Lot 5201

I. Background:

- A. **Request:** Trent Weseman, Trout Creek Land Management, LLC, has made application for a Comprehensive Plan and Zone Change to convert the zoning of his ~42 acre parcel from Exclusive Farm Use (EFU) – Non High Value Farmland to Forest (F-1).
- B. **Location:** The subject parcel is located south and west of Berry Drive, approximately 0.5 mile from its intersection with Trout Creek Ridge Road; 1N ~~10E~~^{9E} (25) Tax Lot 5201. (See *Vicinity Map*, pg. C-1, Attachment "C").
- C. **Zoning:** The parcel is zoned Exclusive Farm Use (EFU) – Non-High Value Farmland, Floodplain (FP), and Stream Protection Overlay (SPO).
- D. **Legal Parcel:** The subject parcel was lawfully established by deed prior to the effective date of the County Subdivision Ordinance on January 1, 1976. The property boundary was later modified by a property line adjustment in 2017 (Planning File #16-0178).
- E. **Soils:** According to information obtained from the USDA Web Soil Survey¹ (*hereinafter referred to as the "Soil Survey"*), the following approximate soil percentages are represented on the subject parcel:

¹ <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

- 44% #31F – Xerumbrepts, very steep; 40% to 70% slopes; agricultural capability Class VII; forest cubic foot site class rating of 120 – Douglas Fir.
- 30% #30A – Xerofluvents, nearly level; 0 to 3% slopes; agricultural capability Class VII; no cubic foot site class rating available.
- 26% #17B – Parkdale loam; 0 to 8% slopes; agricultural capability Class II; forest cubic foot site class rating of 130 – Douglas Fir.

F. Onsite Land Use: According to County records the subject parcel is currently assessed for forest use and is vacant.

G. Prior Land Use Actions:

- Non-Ministerial Property Line Adjustment, PLA #16-0178

H. Summary of Comments: As of writing this report, comments were received from following parties, which are included as Attachment “B.”

- Cheryl Moore, Middle Fork Irrigation District
- Kristin Dodd, Oregon Department of Forestry
- Chris Harrell, County Public Works Department
- Anonymous Comments

II. Findings of Fact and Conclusions of Law: (Review criteria are noted in *italics*.)

1. *Hood River County’s Policy Document: Approval of a Comprehensive Plan and Zone Change requires consideration of the goals and policies, which are based on the Statewide Planning Goals, affecting land use in Hood River County. The following information addresses these adopted public policies:*

A. Goal 1 – Citizen Involvement:

Hood River County’s acknowledged application process, which requires public hearings and notice to surrounding property owners and affected agencies, is consistent with Goal 1. Specifically, Department of Land Conservation and Development (DLCD) was notified of the proposed amendment per ORS 197.610; affected state and local government agencies and property owners with 750 feet of the subject parcel were notified per Article 60 of the Hood River County Zoning Ordinance; and notice of the hearing before the Planning Commission was published in the Hood River News on June 10, 2020. In addition, prior to a final local land use decision being made, a public hearing before the Hood River County Board of Commissioners will be held. By complying with the County’s acknowledged application review process, Goal 1 is being met.

B. Goal 2 – Land Use Planning:

The County’s Comprehensive Plan is acknowledged in compliance with Statewide Planning Goal 2. Goal 2 requires local governments to establish a land use planning process and policy framework as a basis for all land use decisions. The procedures adopted by the Board of Commissioners in the acknowledged Hood River County Comprehensive Plan and Zoning

Ordinance are being followed in review of this application. The application, required notices, findings, and quasi-judicial public hearings all combine to meet the requirements of Goal 2.

C. Goal 3 – Agricultural Lands:

Goal 3 requires that agricultural lands be “preserved and maintained for agricultural use.” [Policy 1] Staff finds that approving this application will not conflict with this policy since farm use remains an allowable use in the Forest (F-1) zone. As explained below, although a portion the parcel contains soils that are suitable for farm use, the majority of the property is not suitable farmland and should be considered forest land.

Agricultural lands are defined under Goal 3 [Strategy 3] as “land of predominately Class I-IV soils as identified in the Soil Survey of Hood River County.” According to the Soil Survey (details noted above in section I.E) approximately 26% percent of the parcel is composed of Class II soils, which, as noted, qualify as agricultural lands. The remaining ~74 percent of the parcel is composed of Class VII soils, which are considered non-agricultural (see *USDA Soil Map*, pg. C-5, Attachment “C”). Based on this information, staff finds that the majority of the parcel does not meet the soil criteria for “agricultural lands.”

Land used for forest purposes is compatible with Goal 3 [Policy 2] which states that “Forest land and open space are consistent with agricultural land uses.” Therefore, changing the zoning of the property from EFU to F-1 will not conflict with adjacent farm zoned land nearby.

Approximately half (~20 acres) of the property is too steep to practically farm with slopes of 40% to 70%². It is also important to note that, according to the Middle Fork Irrigation District, no water rights are available for the subject parcel, making it prohibitive to practically support the growing of crops or the grazing of cattle.

As of writing this report, no comments of concern were raised by any owners of adjacent farm zoned land indicating that the proposed zone change would adversely impact them from continuing to use their property for farm use³.

Based on the above information, staff finds that the applicant’s request for a Comprehensive Plan and Zone Change from EFU (*Non-High Value Farmland*) to F-1 is consistent with the requirements of Goal 3.

D. Goal 4 – Forest Lands

Goal 4 [Policy 1] requires that forest land be conserved for forest use. Although the subject parcel is currently zoned as farmland, there is no current or historic farm use on the property. The parcel is primarily forested and is designated by the County Assessor’s Office as forest land. According to the applicant, he has continued to manage the property, purchased by him in 2018 from Weyerhaeuser, as commercial forest. In 2018 a thinning operation was conducted on approximately 20 acres of the property with merchantable timber delivered to local mills.

² According to the County WebMap

³ An anonymous letter was submitted to Planning signed as “Concerned Valley Farmers”; however, because there was no name or address on the letter or envelope, staff has no way of knowing who submitted the comments, where their property is in relation to the subject parcel, or if their property is currently being farmed. These comments have been included in Attachment “B.”

Forest lands are defined under Goal 4 [*Policy 3*] as “lands composed of existing and potential forest lands suitable for commercial forest uses; lands needed for air, soil, and watershed protection, wildlife and fisheries habitat and recreation;...lands which provide buffers, or are necessary to allow other lands to be used for forestry.” As previously stated, the subject parcel has historically been in forest use, and the soils, while predominantly Class VII which are considered non-agricultural land, will generally support the production of timber⁴ (as per available Soil Survey data). The Middle Fork of the Hood River is the western boundary of the subject parcel and qualifies the parcel as “needed for...wildlife and fisheries habitat and recreation.”

As noted above, and in Goal 4 [*Policy 4*], the purpose of the F-1 zone is to provide a buffer between Primary Forest (F-2) and other uses. Lands directly south of the subject parcel exhibit this pattern; there is approximately 1.5 miles of F-1 zoned land serving as a buffer between the F-2 lands to the west and the EFU zoned lands in farm and residential uses to the east (see *Extended Area Current Zoning Map*, pg. C-4, Attachment “C”). Approval of this request would extend that buffer by ~3,000 feet.

Goal 4 [*Policy 1*] requires that forest land be conserved for forest use. Staff finds that approving this application will not conflict with this policy since the growing and harvesting of timber is the primary use on the subject property.

As of writing this report, no comments of concern were raised by any owners of adjacent forest or farm zoned land indicating that the proposed zone change would adversely impact them from continuing to use their property for forest or farm use.

In response to the notice of this application, **Kristin Dodd, Unit Forester, ODF**, provided comments in favor of the proposed zone change to F-1:

“ODF does not have any issues or concerns with what is proposed. Based on the site and land use, the F-1 zoning makes sense [*emphasis added*]. ODF currently has the parcel classified as Timber under our Forestland Classification for wildland fire protection.”

Although the subject parcel is currently zoned as farmland, and therefore qualified to be designated as such, its characteristics most closely fit the F-1 zone as it is described in the County Plan. In accordance with OAR 660-033-030(4), no exception is required when land meets the definition requirements of both agricultural and forest land as long as factors used to select an appropriate designation are identified.

Based on the above information, the applicant’s request is found to be consistent with Goal 4 policies concerning the preservation of forestland.

E. Goal 5 – Open Space, Scenic & Historic Resources, and Natural Resources

The only known Goal 5 resource on or near the subject property is the Middle Fork of the Hood River, which flows in a south to north direction along the western border of the property.

The act of changing the zoning of the property from EFU to F-1 will have no direct effect on Goal 5 resources. Agencies including the Oregon Department of Fish and Wildlife and the Oregon Department of Forestry were sent notice of this application and did not provide any

⁴ A portion of the parcel contains Xerofluents, which have no commercial timber production rating.

comments of concern. In fact, as noted above, ODF provided comments in support of the proposed zone change. Based on the above information, the applicant's request is found to be consistent with Goal 5 policies.

F. Goal 6 – Air, Water, and Land Resource Quality

Goal 6 seeks to maintain and improve the quality of the air, water, and land resources of the state. This Goal is administered locally through adopted Comprehensive Plan goals, policies, strategies, and land use/development standards. Because both the EFU and F-1 zones allow for farm and forest uses, the proposed comprehensive plan and zone change request will not have a direct affect on air, water, and land resources.

G. Goal 7 – Areas Subject to Natural Disasters and Hazards

The subject parcel is zoned Floodplain (FP); however, the area included in the 100-year floodplain is limited to the land generally adjacent to the river. While there is a potential for flooding within this area, the proposed comprehensive plan and zone change will have no direct affect on this natural hazard.

H. Goal 8 – Recreational Needs

The site is not identified as existing or potential recreational land or open space, and development of the property will have no affect on any existing or planned recreational sites on adjacent land. As a result, there are no Goal 8 resources to be considered as part of this request.

I. Goal 9 – Economic Development

Goal 9 seeks to provide opportunities throughout the State for a variety of economic enhancement activities. This is accomplished through the development of inventories, planning for an adequate supply of suitable commercial and industrial development sites, and other preparatory measures to proactively foster economic development.

Goal 9 [*Goal 1*] requires that the County “maintain and provide for a stable and healthy agricultural and forest product-based economy. Heavy industry shall be discouraged. Tourist, commercial, or light or medium industrial growth shall only be encouraged to the extent that it does not significantly alter the rural character, or the existing agriculture and forestry base of the economy in those areas designated as resource land.”

As previously stated, the applicant currently uses the property for forest production and no commercial or industrial uses are being proposed at this time.

Based on the above information, the applicant's request is found to be consistent with Goal 9 policies.

J. Goal 10 – Housing

The request does not involve residential zoned property and, therefore, no Goal 10 resources will be impacted.

K. Goal 11 – Public Facilities and Services

No residential, commercial, or industrial uses are being requested by the applicant; therefore, no Goal 11 resources will be impacted.

L. Goal 12 – Transportation

Goal 12 implements the County Transportation System Plan, the Oregon Transportation Planning Rule, and other local, state, and federal transportation facility plans. Converting the zoning of property from one resource protection zone to another will have no appreciable effect on existing or proposed transportation facilities given the rural level of development allowed in these zones; therefore, no Goal 12 resources will be impacted.

M. Goal 13 – Energy Conservation

Converting the zoning of existing land from EFU to F-1 will not have a direct or appreciable effect on energy conservation measures identified under Goal 13.

N. Goal 14 – Urbanization

Goal 14 specifically applies to issues dealing with the transition from rural to urban land use and promoting appropriate development within designated urban areas. The subject parcel is not within an urban area and, therefore, converting the designation of land from farm to forest use will not impact Goal 14 policies.

2. Hood River County Zoning Ordinance – Article 60 (Administrative Procedures): A Comprehensive Plan Amendment and Zoning Change are subject to the provision of Article 60 of the County Zoning Ordinance, including Section 60.10 – Burden of Proof.

A Section 60.10 – The Burden of Proof: The burden of proof is placed on the applicant seeking an action pursuant to the provisions of this ordinance. Unless otherwise provided for in this article, such burden shall be to approve the following:

(a) Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.

The public's interest is manifested in the Comprehensive Plan. It is in the public's interest to approve zone changes that meet the goals, policies, strategies, and standards of the Comprehensive Plan. As indicated under Goals 3 and 4 of the County Policy Document, forest and farm uses are compatible. While currently zoned EFU, the subject property is both currently being used, and has historically been used, for timber production.

Given the location, historical and current use, lack of water rights, and soil makeup of the property, staff finds that approving the applicant's plan and zone change request will not depart from the present land use pattern area.

(b) The proposed action is in compliance with the Comprehensive Plan.

As determined earlier in this report, the proposal is in compliance with applicable Comprehensive Plan provisions.

(c) *The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:*

(i) *The characteristics of the various areas of the County.*

The proposal to change the zoning of the subject parcel from EFU to F-1 is consistent with the existing land use pattern of the area, which includes a mixture of farm, forest, and some rural residential uses. Given the parcel's current and historical use as forestland, its soil makeup, and its location adjacent to other designated forestland to the west and south, staff finds that approving this application will not result in changing the character of the area, but will simply designate the property more appropriately and better reflect its current and historical use.

(ii) *The suitability of the subject area for the type of development in question.*

As previously stated, no development is being requested on the parcel by the applicant, only a change in zoning from EFU to F-1 to reflect its current and historical use. If the zone change is approved, any future applications for development will be reviewed by the standards of the F-1 zone at that time.

(iii) *Trends in land development.*

No development is being requested by the applicant.

(iv) *Density of development.*

Approving the proposed zone change will not, by itself, affect the density of development since it is merely changing the current designation of the property.

(v) *Property values.*

There is no evidence to show that the proposed zone change would have any impact on the values of adjacent property.

Furthermore, as part of this application, adjacent property owners were provided notification of the request. As of writing this report no adjacent landowners have submitted comments or concerns regarding the proposal, including concerns that changing the zoning of the property from EFU to F-1 would impact value of their property⁵.

(vi) *The needs of economic enterprises in the future development of the County.*

Because farm and forest uses are allowed in both EFU and F-1 zones, changing the zoning of the property from EFU to F-1 will have no direct impact on the economy of the County.

⁵ An anonymous letter was submitted to Planning signed as "Concerned Valley Farmers"; however, because there was no name or address on the letter or envelope, staff has no way of knowing who submitted the comments, where their property is in relation to the subject parcel, or if their property is currently being farmed. These comments have been included in Attachment "B."

(vii) *Access.*

The subject parcel has direct access to Berry Drive. As explained earlier, the proposed request will not adversely impact the safe and convenient use of nearby transportation facilities.

(viii) *Natural resources.*

As explained above, the Middle Fork of the Hood River flows along the west property boundary. No direct impact to this natural feature will occur as a result of the proposed zone change.

(ix) *Public need for healthful, safe, and aesthetic surroundings.*

No direct impacts are expected as a result of the proposed zone change.

(d) *Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider.*

The subject parcel has historically been used for forest purposes. As previously stated, the subject parcel meets the qualifications of forest land. As a result, staff finds that converting the zoning of the property to F-1 is appropriate and will be consistent with the existing land use pattern of the area, which includes both farm and forest uses. As a result, staff recommends that the proposed zone change be approved.

3. Statewide Planning Goals:

The Land Conservation and Development Commission (LCDC) acknowledged the County's Comprehensive Plan in 1984 and, by doing so, accepted it in compliance with applicable Statewide Planning Goals. The County's Policy Document, which is an integral part of the Comprehensive Plan, embodies the Statewide Planning Goal as it apply in Hood River County. As a result, consideration of the Statewide Planning Goals was addressed under Subsection II(1)(A-N) above.

4. Oregon Administrative Rules/Oregon Revised Statutes:

A. *OAR 660-006-0015(1) states that "lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone which conserves forest lands consistent with OAR chapter 660, division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247 (1991 Edition), the land is zoned with an Exclusive Farm Use Zone pursuant to ORS Chapter 215 provided the zone qualifies for special assessment under ORS 308.370, or is an "abandoned mill site" zoned for industrial use as provided for by Or Laws 2003, Ch 688, Section 3."*

Approval of this application will result in the subject parcel being designated as forest land; no exception is required.

B. *OAR 660-006-0015(2) states that "when lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation."*

As provided in the above OAR provisions, the conversion of land from farm to forest use does not require taking a Goal 2 exception to Goal 3 (*Farmland*). As noted previously, the characteristics and use of the subject parcel are consistent with the forest zone designation, therefore, approving this application is appropriate. The main factors relied upon in coming to this conclusion include the location, historical and current use, lack of water rights, and soil makeup of the property.

5. Response to Written Comments Received:

Section 72.30(B)(3) of the County Zoning Ordinance requires consideration of appropriate comments received as part of an administrative application. As of writing this report, four written comments, included as Attachment "B" were received regarding the proposed application:

- **Cheryl Moore, Middle Fork Irrigation District**, commented; "*Middle Fork Irrigation District has no issues with this.*"
- **Kristin Dodd, Oregon Department of Forestry**: (*See section II.1.D above*)
- **Chris Harrell, County Public Works Department**: "*no comments*"
- **Anonymous Comments**: (*See Footnote #3 on page 3*)

III. Recommendation: Based upon the above Findings of Fact and Conclusions of Law, it is recommended that the request by Trent Weseman, Trout Creek Land Management, for a Comprehensive Plan and Zone Change to convert the designation of the subject parcel from Farm to Forest and to change its zoning from EFU (*Non-High Value Farmland*) to F-1 be approved.

Attachment A

Submitted Application and Associated Material

ADMINISTRATIVE LAND USE APPLICATION

HOOD RIVER COUNTY COMMUNITY DEVELOPMENT

601 State Street
Hood River, OR 97031
JOHN ROBERTS, DIRECTOR
PHONE 541-387-6840
FAX 541-387-6873
plan.dept@co.hood-river.or.us



PLANNING	
File No.:	415-19-000279-PLNG
Date received:	11-27-19
Date issued:	
Application Review Fee \$	4120.00

TYPE OF LAND USE PERMIT:

Dwellings:

- Farm Operator Dwelling
 Income Acreage
- Relative Farm Dwelling
- Accessory Farm Dwelling
- Farm Lot of Record
- Forest Template Dwelling
- Forest Large Tract Dwelling
- Forest Lot of Record

Conditional Use:

- Non- Farm Dwelling
- Dependent Relative Dwelling
- Home Occupation
- Bed and Breakfast

- Plan and Zone Change CPA/2C
- Planned Unit Development
- Zone Boundary Adjustment
- Comprehensive Plan Amendment

Other:

- Variance
- Subdivision

SITE INFORMATION:

Township: 1N	Range: 9E	Section:	Tax Lot: 5201	Parcel size: 41 ac.	Zoning: EFU
Site Address:			City: Parkdale		

Description of Proposed Development or Use: Change plan and zone from Exclusive Farm Use (EFU) to Forest Zone (F-1).

APPLICATION CHECKLIST:

Unless otherwise noted, the following information is required as part of a complete application:

Completed application form	Project description
Applicant's & ALL property owners' signatures	Applicable criteria form / questionnaire
Site Plan - per attached example	Supporting documents (farm income, etc.)
Filing fee	

Only applications with the required information can be processed. Obtain a copy of the criteria and the questionnaire for your application type. The pertinent Hood River County Zoning Ordinance sections may be obtained from Hood River County Community Development or on-line through the county website at www.co.hood-river.or.us
Pursuant to Oregon Revised Statutes Chapter 215, Section 427, this department has 30 days to review the application for completeness and notify the applicant of any deficiencies.

SIGNATURES: All Owners must sign (Corporate or LLC owned parcels require authorized signatures)

Owner Name: Trout Creek Land Management, LLC	Owner Name: _____
Signature req'd:	Signature req'd: _____
Mailing Address: 5974 Berry Road	Mailing Address: _____
City: Parkdale State: OR Zip: 97041	City: _____ State: _____ Zip: _____
Phone: 541-806-6081 E-mail: _____	Phone: _____ E-mail: _____
Applicant if other than owner: _____	By signing, I acknowledge that the information provided in this application is accurate to the best of my knowledge. Signature of the property owner(s) indicates that the property owners(s) is/are aware that an application is being made on the subject property. Signature of the property owner(s) also authorizes the County planning staff reasonable access to the site in order to evaluate the application.
Signature req'd: _____	
Mailing Address: _____	
City: _____ State: _____ Zip: _____	
Phone: _____ E-mail: _____	

APPLICATION NARRATIVE

Trout Creek Land Management Company, LLC, is applying to change the plan and zone designation for a 41 acre triangular shaped parcel on Trout Creek Ridge from Exclusive Farm Use (EFU) to Forest Zone (F-1). The parcel is located on the Middle Fork Hood River at the western end of Berry Drive. Berry Drive is the northern boundary of the parcel. The Middle Fork Hood River is the western boundary of the parcel. Its eastern boundary is bordered by several 5 and 10 acre parcels fronting on Sperry Drive. All but one of these adjoining parcels have residential dwellings and it would be most accurate to describe the properties to the east and north as rural residential in usage even though zoned EFU on the zoning map.

The subject parcel is undeveloped and is not currently nor has it been in farm use. It is primarily forested as is the parcel to the north. See Aerial Photo from Hood River Webmap (Exhibit 1). Irrigation water is not available to the property See Email from Irrigation District (Exhibit 2) and it has no water rights. Any well to be situated on the property would be required to be located at least 1320 feet from the river. None of the property is outside of this distance from the river. The majority of the property is too steep to farm with the steep slope dropping westward from all but the northeast 5 acres of the parcel. See Site Plan (Exhibit 3).

The property is within the Parkdale Rural Fire Protection District. No public sewer is available and no septic systems are located on the property. Soil classifications include 17C - Parkdale Loam 8-12% slopes (Class III); 17B - Parkdale Loam 0-8% slopes (Class II); 30A-Xerofluvents (Class VII); and 31F - Xerumbrepts, very steep (Class VII). It is difficult to assign exact percentages from the SCS Soil Survey Map but from the applicant's experience on the property only the northeast corner of the parcel would be suitable for farming. Applicant believes that the majority of the soils on the property fall in the Class VII classifications.

The applicant acquired the property from the Weyerhaeuser Company in 2018. The property had been managed as forest land by Weyerhaeuser in conjunction with larger holdings lying to the west of Middle Fork Hood River. Applicant has continued to manage the property as commercial forest. In 2018 a thinning operation was conducted on approximately 20 acres of the property with logs delivered to local mills. However, for Weyerhaeuser, it was not feasible to manage this small parcel lying alone on the east side of the river. To the south and on the west side of the Middle Fork Hood River is land zoned Forest Zone F-1. Directly west and across the river the land is zoned F-2. See Zoning Map (Exhibit 4).

///

Burden of Proof Criteria

A. Granting the request is in the public's interest; the greater the departure from present land use patterns, the greater burden on the applicant.

The change requested would not change present land use patterns. Zoning the subject property to F-1 would be consistent with the present area land use pattern, because it would make the property's zoning consistent with other similarly situated and zoned properties to the south and west. Moreover, this parcel has been managed for years in conjunction with a commercial forest operation; albeit on a lesser scale given its disconnection with the commercially managed land that is across the river. The parcel would remain in a resource zone.

B. The public's interest is best carried out by granting the petition for the proposed action, and that interest is best served by granting the petition at this time.

Again, the change requested would bring the zoning in line with the historical management of this parcel as a secondary forest parcel not really suitable for agricultural use.

C. The proposed action is in compliance with the Comprehensive Plan.

Hood River County Zoning Ordinance, Goal 4, states that forest lands are to be conserved for forest management consistent with sound management of soil, air, water and fish and wildlife habitat, as well as to provide for recreation and agriculture. The most beneficial use for the majority of this parcel is as a riparian buffer along the Middle Fork Hood River to promote soil, air, water and fish and wildlife habitat along the river corridor. This is consistent with Policy B(3) and (4) in the ordinance. The F-1 zone would serve as a buffer between the EFU land to the east and the more intensively managed F-2 forest lands to the west.

In the Hood River County Comprehensive Plan text, lands designated Forest (F-1) include "... (5) areas considered to be 'transitional' or buffers between farm and rural residential areas in the Valley and commercial timber lands at higher elevations; ... (8) in general, these areas are not owned by major commercial timber operators who are in the exclusive business of growing commercial timber; however, they might be considered adequate for small woodlot operations." This parcel fits these criteria. Because it is not a parcel suitable for farming due to the lack of irrigation water and steepness, applying the F-1 zone to the subject property better complies with the County's Plan than does its current EFU designation.

Access to public roads is available via Berry Drive.

The change would leave the parcel in a resource zone, one more suited for its characteristics. Hood River County Zoning Ordinance, Goal 3, provides that forest land and open space are consistent with agricultural land uses. No orchard land is impacted nor does the

change result in the conversion of any land in existing agricultural uses to other or conflicting uses. No High Value Farmland is involved in this proposal.

While technically, the parcel could meet either Goal 3 or Goal 4 requirements, applying the designation characteristics in the County's plan, it best fits under the Forest (F-1) designation. No exception is required when land may meet the definition requirements of both agricultural and forest land as long as factors used to select an appropriate designation are identified. OAR 660-033-030. The two resource designations are relatively interchangeable for land use purposes.

D. The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:

1. The characteristics of the various areas of the County.

This area of the county has commercial forest land management, some agricultural use, primarily hay or small market crops, and rural residential development. The Berry Road/Sperry Road area contains numerous relatively small parcels in rural residential uses.

2. The suitability of the subject area for the type of development in question.

No development is proposed.

3. Trends in land development.

No development is proposed. To the extent there is a trend in this area it is toward rural residential use.

4. Density of Development.

No development is proposed. The parcel will remain in a resource zone.

5. Property Values.

This application should have no affect on property values.

6. The needs of economic enterprises in the future development of the County.

No development is proposed.

///

7. Access.

There is access to this property from Berry Drive. It is not located such that it provides access to other parcels.

8. Natural resources.

An F-1 forest zone along the river corridor promotes the riparian resources of the river better than either an EFU or F-2 designation. Resources on the subject parcel will not be adversely affected by the proposed change.

9. Public need for healthful, safe and aesthetic surroundings and conditions.

No changes in the current condition of the property are proposed.

E. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider.

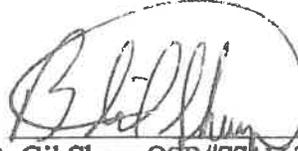
No mistakes in planning or zoning are claimed. No significant changes in the neighborhood are noted, other than the fact that Weyerhaeuser found this parcel to be unsuitable for that company's large scale commercial forest operations and, as a result, sold it to the present owner.

COMPLIANCE WITH STATEWIDE GOALS

The Hood River County Comprehensive Plan has been acknowledged for many years. Because this proposal complies with that plan, it also complies with the statewide land use goals even though the plan designation for a specific parcel is being changed. As pointed out above the agricultural and forest resource designations are relatively interchangeable. Property that complies with Goal 3 also complies with Goal 4 and vice versa. Accordingly, changing the plan and zone from a Goal 3 complying plan designation and zone to a Goal 4 complying plan designation and zone such as the F-1 zone does not trigger a need for a goal exception. While this parcel could as a technical matter be designated in either a farm or forest resource zone, its characteristics most closely fit the Forest (F-1) zone as it is described in the County Plan. This is especially the case given its small size and proximity to the river. The F-1 zone contemplates buffering from the river and transitional management, such that together with other characteristics listed in the plan, the property best fits the plan's description of the F-1 zone.

There are no inventoried Goal 5 resources on the subject property and, therefore, Goal 5 does not apply.

The proposed plan amendment and zone change from one acknowledged County resource zone to another acknowledged county resource zone has no "significant affect" on any transportation system per the terms of OAR 660-012-060. The uses allowed in the F-1 zone and the EFU zone are similar and no higher traffic generator is allowed in the F-1 zone that is not also allowed in the EFU zone.



B. Gil Sharp OSB#774163
Attorney for Applicant
205 3rd St.
Hood River, Oregon 97031
541-386-1311
Gil@hoodriverlaw.com

A-7

Hood River
Webmap

TCLM Timber Map



THIS MAP IS NOT TO BE USED FOR NAVIGATION
 This map is a user generated static output from an Internet mapping site and is for
 reference only. Data layers that appear on this map may or may not be accurate,
 current, or otherwise reliable.

© 1984 Web_Mercator_Auxiliary_Sphere
 © Latitude Geographics Group Ltd.

1:8,883

1,480.5 Feet

1480.5

0



Exhibit 1 Page 1 of 1

----- Forwarded Message -----

From: Cheryl Moore <mfid@mfidp.com>
To: "tdweseman@yahoo.com" <tdweseman@yahoo.com>
Sent: Monday, June 3, 2019, 8:12:27 AM PDT
Subject: RE: Irrigation Water

Hi Trent,

Tax lot 01N09E05201 was not developed before HB3111 back in 1980. All of the water rights that MFID has in their name are all appropriated to specific land within the District Boundaries. There are no instream water rights available through the Oregon Water Resource Department to increase irrigated land within our District. I hope this helps.

Cheryl

-----Original Message-----

From: tdweseman@yahoo.com <tdweseman@yahoo.com>
Sent: Friday, May 31, 2019 9:16 AM
To: Cheryl Moore <mfid@mfidp.com>
Cc: Gil Sharp <gil@hoodriverlaw.com>; Kevin McNerney <kjmcnernev@hoodriverelectric.net>
Subject: Irrigation Water

Hi Cheryl,

I am researching the listed property and would like a better understanding if this property could receive Middle Fork Irrigation water for farm use. Can you please reply with and answer and short description of why or why not it could be eligible?

The tax lot is 01N09E05201. I have also attached a map with a blue dot at property center and script noting ownership.

Thank you,

Trent

A-10



1,480.5
0
1,480.5 Feet

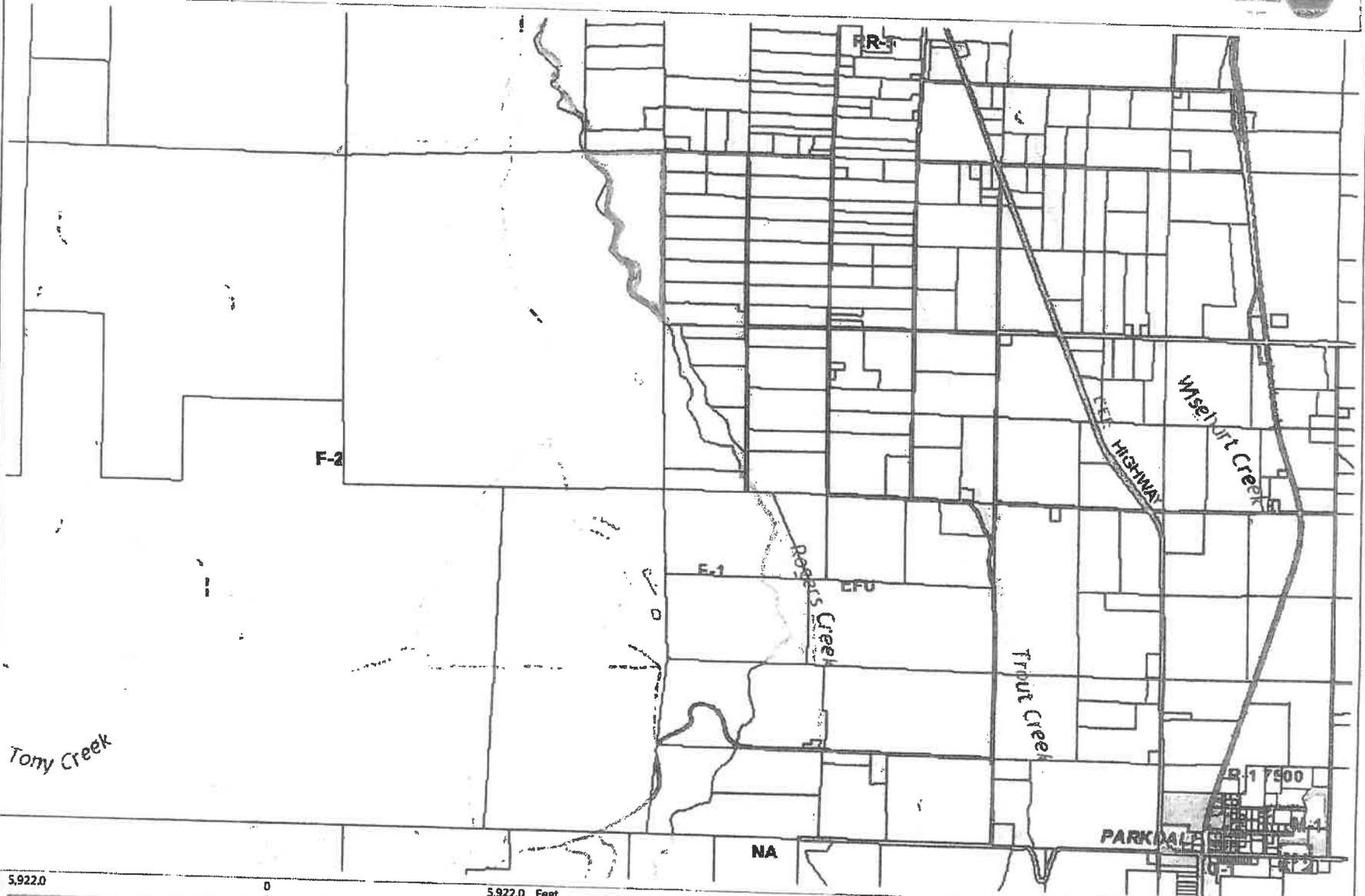
1 : 8,883

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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



TCLM Zoning Map



5,922.0 0 5,922.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1: 35,532

This map is a user generated static output from an Internet mapping site and is for 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



A-11

Attachment B

Written Comments Received

Keith Cleveland

From: Cheryl Moore <mfid@mfidp.com>
Sent: Thursday, June 4, 2020 10:46 AM
To: Keith Cleveland
Subject: RE: Notice 19-0279

Middle Fork Irrigation District has no issues with this.

Thank you,

Cheryl

From: Keith Cleveland <keith.cleveland@co.hood-river.or.us>
Sent: Thursday, June 04, 2020 7:58 AM
To: Mike Matthews <mike.matthews@co.hood-river.or.us>; LUPermits <LUPermits@co.hood-river.or.us>; Fred Schatz <fred@cswdhr.com>; Cheryl Moore <mfid@mfidp.com>; Doug Thiesies <doug.thiesies@co.hood-river.or.us>; scott.edelman@state.or.us; Robert.L.WOOD@wr.d.state.or.us; Rod.A.French@coho2.dfw.state.or.us; DODD Kristin * ODF <Kristin.DODD@oregon.gov>; Scott Franke <frankelaw@gorge.net>; Mike Doke <cgfg2@hrecn.net>; Brian Beebe <brian.beebe@co.hood-river.or.us>; Duane Ely <duane.ely@co.hood-river.or.us>
Subject: Notice 19-0279

Good morning;

Please find the attached notice.

Thanks

Keith Cleveland, Sr. Planner
Community Development
Hood River County
601 State Street
Hood River, OR 97031
541-387-6840



Keith Cleveland

From: DODD Kristin * ODF <Kristin.DODD@oregon.gov>
Sent: Thursday, June 4, 2020 3:40 PM
To: Keith Cleveland
Subject: RE: Notice 19-0279

Hi Keith,

In reviewing the application, ODF does not have any issues or concerns with what is proposed. Based on the site and land use, the F-1 zoning makes sense. ODF currently has the parcel classified as Timber for under our Forestland Classification for wildland fire protection.

Kristin Dodd
Unit Forester
The Dalles Unit – Central Oregon District
Oregon Department of Forestry
Office: 541-296-4626
Cell: 541-233-3285
www.odfcentraloregon.com

From: Keith Cleveland [mailto:keith.cleveland@co.hood-river.or.us]
Sent: Thursday, June 04, 2020 7:58 AM
To: Mike Matthews <mike.matthews@co.hood-river.or.us>; LUPermits <LUPermits@co.hood-river.or.us>; Fred Schatz <fred@cswdhr.com>; Cheryl Moore <mfid@mfidp.com>; Doug Thiesies <doug.thiesies@co.hood-river.or.us>; EDELMAN Scott <scott.edelman@state.or.us>; Robert.L.WOOD@ wrd.state.or.us; Rod.A.French@coho2.dfw.state.or.us; DODD Kristin * ODF <Kristin.DODD@oregon.gov>; Scott Franke <frankelaw@gorge.net>; Mike Doke <cgfg2@hrecn.net>; BEEBE Brian <brian.beebe@co.hood-river.or.us>; ELY Duane <duane.ely@co.hood-river.or.us>
Subject: Notice 19-0279

Good morning;

Please find the attached notice.

Thanks

Keith Cleveland, Sr. Planner
Community Development
Hood River County
601 State Street
Hood River, OR 97031
541-387-6840



Keith Cleveland

From: Chris Harrell
Sent: Monday, June 8, 2020 8:25 AM
To: Keith Cleveland
Cc: LUPermits
Subject: RE: Notice 19-0279

Hi Keith,
Public Works would like to offer the following comment for the Comp Plan - Zone Change #19-0279;

"HRCPW have no comments for the Comp Plan - Zone Change #19-0279."

Please let me know if you have any questions or concerns.

Thanks,

Chris Harrell
Engineering Manager
(541) 387-7101
chris.harrell@co.hood-river.or.us

Hood River County Public Works
918 18th Street
Hood River, OR 97031



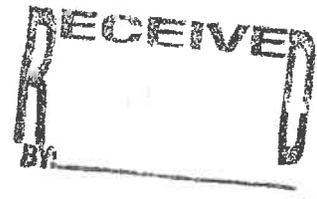
From: Keith Cleveland
Sent: Thursday, June 4, 2020 7:58 AM
To: Mike Matthews; LUPermits; Fred Schatz; Cheryl Moore; Doug Thiesies; scott.edelman@state.or.us; Robert.L.WOOD@wrld.state.or.us; Rod.A.French@coho2.dfw.state.or.us; DODD Kristin * ODF; Scott Franke; Mike Doke; Brian Beebe; Duane Ely
Subject: Notice 19-0279

Good morning;

Please find the attached notice.

Thanks

Keith Cleveland, Sr. Planner
Community Development
Hood River County
601 State Street
Hood River, OR 97031
541-387-6840



Dear Sir/Madame

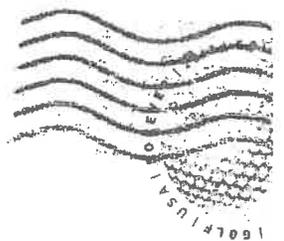
It has recently come to our attention that more EFU zoned acreage is in danger of being needlessly lost in the Valley by conversion of EFU acreage immediately west of existing farms on Sperry Road in Parkdale. This is a huge parcel previously owned by Weyerhaeuser which is mostly wetland and steep slopes. However, significant acreage in the parcel has the same soils and topography as the actively farmed orchards and fields immediately adjacent to the east.

It would seem reasonable, following an actual survey, to keep the farmable land in EFU and allow some more appropriate zoning for the rest. Sometime in the future adjacent farms may have an interest in adding this land to their own acreage.

Sincerely,

Concerned Valley Farmers

PORTLAND OR 972
27 JUN 2020 PM 2 L



Planning Director
County Business Administration Bldg.
601 State Street
Hood River, OR 97031



97031-189999



Attachment C

Miscellaneous Information

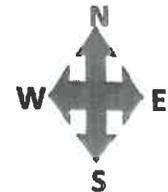


Vicinity Map

01N09E05201



Show search results for 01N09...



101

1100

3601

3700

3701

4300

4400

4500

4600

4700

4701

4800

4900

3400

3401

3300

402

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3301

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2800

900

3901

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1101

1102

4001

1100

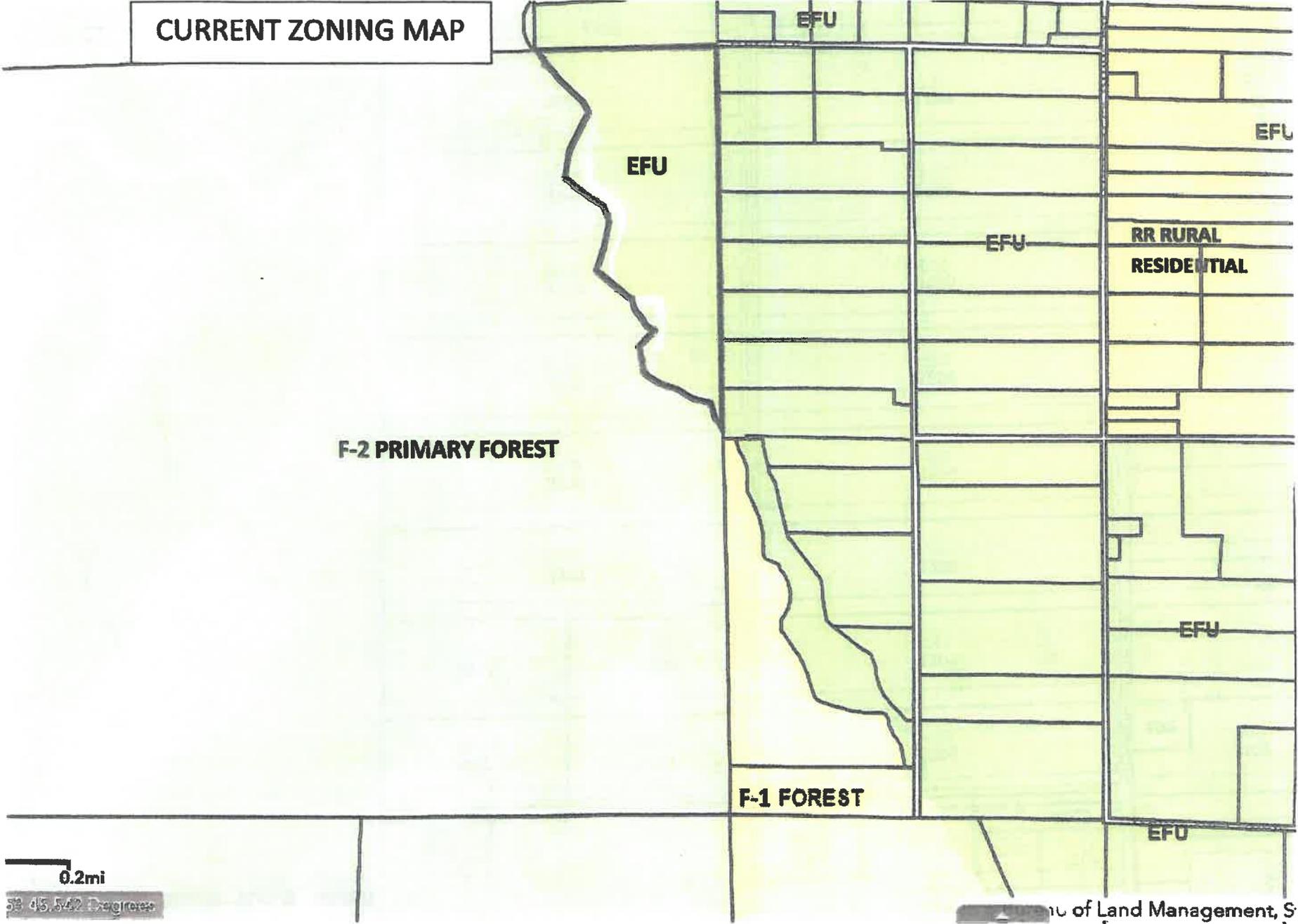
600ft

Sperry Rd

Sperry Rd

C-1

CURRENT ZONING MAP

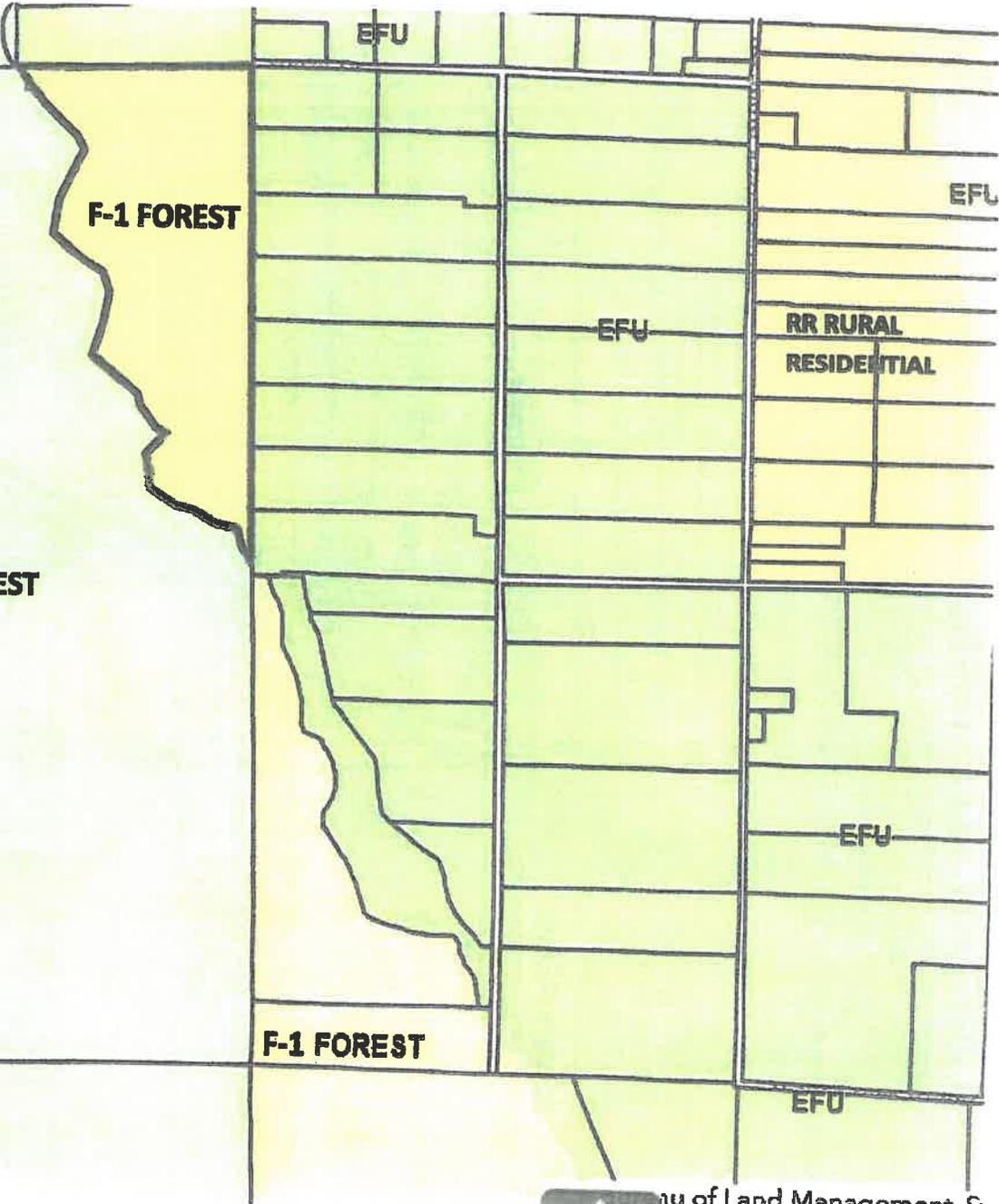


58 45 542 Progress

Department of Land Management, S

G-2

PROPOSED ZONING MAP



F-2 PRIMARY FOREST

F-1 FOREST

EFU

EFU

**RR RURAL
RESIDENTIAL**

EFU

EFU

F-1 FOREST

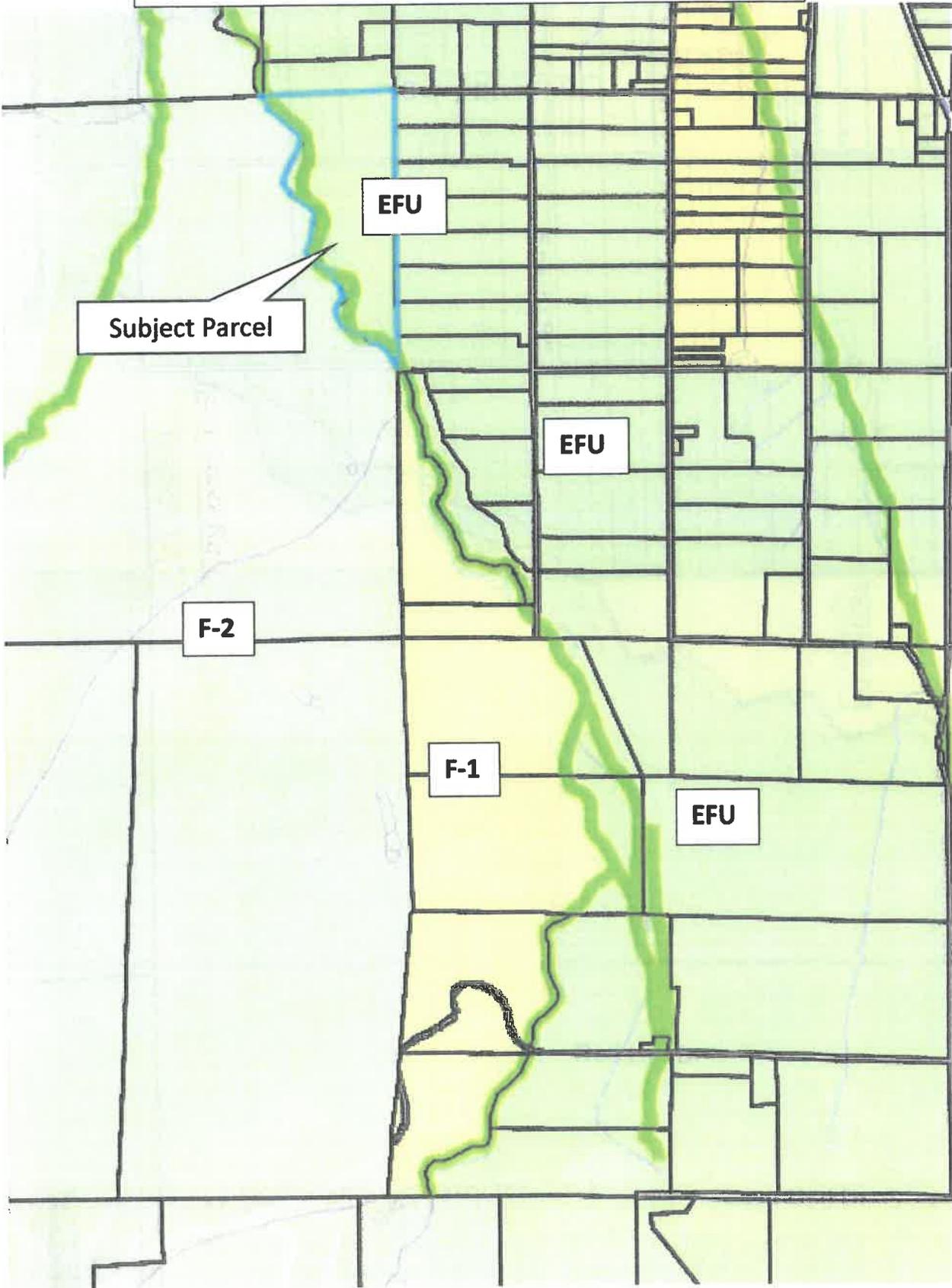
EFU

0.2mi
25 15 5 42 Progress

Department of Land Management, S

0-3

EXTENDED AREA CURRENT ZONING MAP



USDA Soil Map

Search

Map Unit Legend

Hood River County Area, Oregon (OR629)

Hood River County Area, Oregon (OR629)

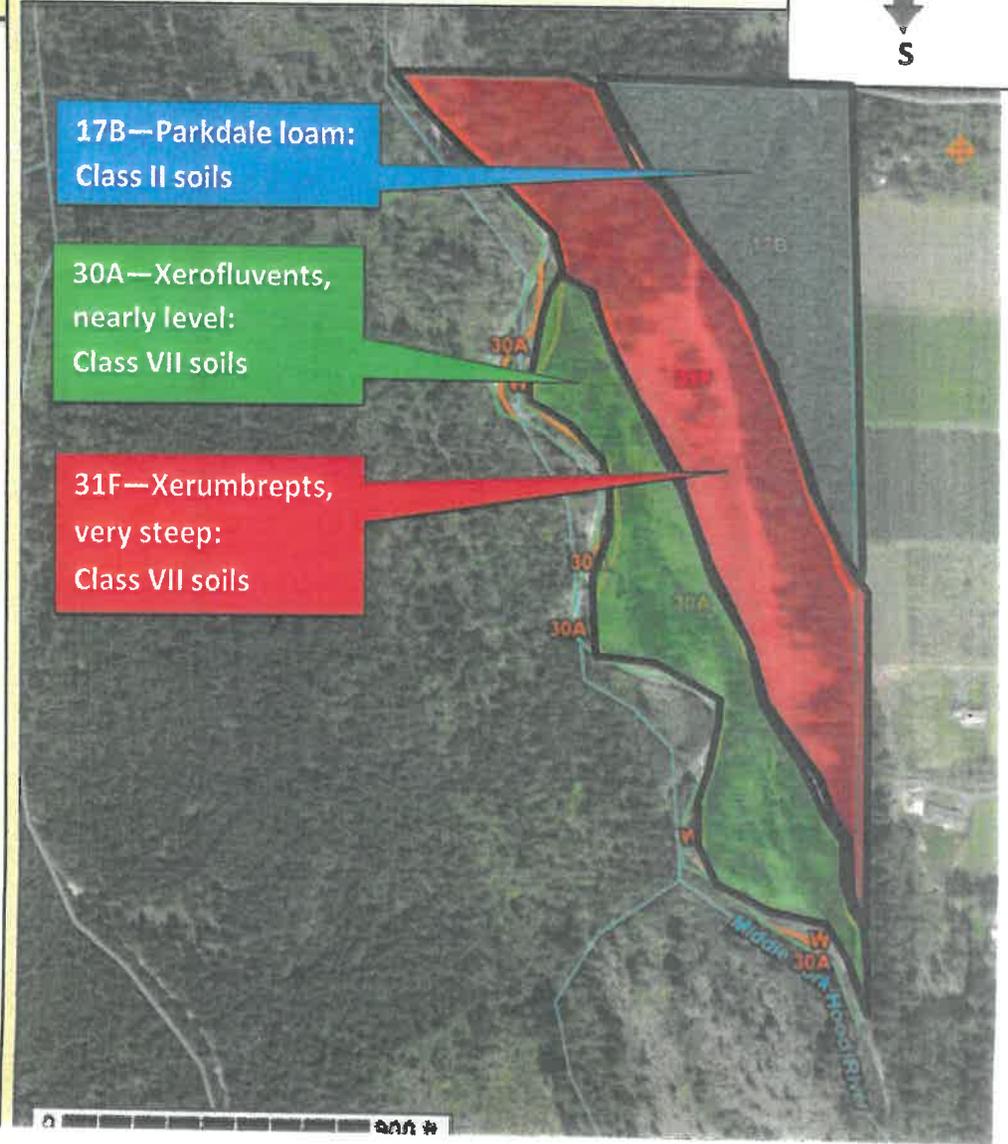
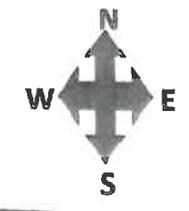
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
17B	Parkdale loam, 0 to 8 percent slopes	11.7	26%
30A	Xerofluvents, nearly level	13.2	30%
31F	Xerumbrepts, very steep	19.3	44%
Totals for Area of Interest		44.2	100.0%

CLASS VII SOILS: ~74%

CLASS II SOILS: ~26%

Approximate acreage only for USDA map soil survey purposes.

Legend



C-6

Keith Cleveland

From: DLCD Plan Amendments <plan.amendments@state.or.us>
Sent: Thursday, June 4, 2020 2:05 PM
To: Keith Cleveland
Subject: Confirmation of PAPA Online submittal to DLCD

Hood River County

Your notice of a revised proposal for a change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: 415-19-0279

DLCD File #: 001-20

Original Proposal Received: 6/4/2020

Date of Revision: 6/4/2020

First Evidentiary Hearing: 8/12/2020

Final Hearing Date: 9/21/2020

Submitted by: kcleveland

If you have any questions about this notice, please reply or send an email to plan.amendments@state.or.us.

FILED FOR RECORD AT THE
REQUEST OF AND RETURN TO:
Stewart Title Guaranty Company
Attn: Vicki Coats
1420 Fifth Avenue, Suite 440
Seattle, WA 98101
File No. T2017-1003

HOOD RIVER COUNTY, OR **2018-00011**
D-WD
Stn=98 JENNAC **01/02/2018 12:54:09 PM**
\$25.00 \$11.00 \$10.00 \$24.00 \$20.00 **\$90.00**
I certify that this instrument was received and recorded
in the records of said county.
Brian D. Beebe, Director of Records and
Assessment and Ex-Officio Recorder.

AMERITITLE 210000AM

SEND TAX STATEMENTS TO:
Trout Creek Land Management, LLC
5974 Berry Road
Parkdale, OR 97041

GRANTOR: WEYERHAEUSER NR COMPANY, a Washington corporation
GRANTEE: TROUT CREEK LAND MANAGEMENT, LLC,
an Oregon limited liability company

COUNTY: HOOD RIVER

ASSESSOR MAP NO's: 1N-9E-5200, 1N-9E-24-100, 1N-10E-30-4100, 1N-10E-30-4300.

Stewart Title Guaranty Co.

Consideration: \$280,000.00

17000001334 ✓

Ameritite 210000AM SPECIAL WARRANTY DEED

WEYERHAEUSER NR COMPANY, a Washington corporation, whose address is 220 Occidental Avenue South, Seattle, Washington 98104 ("Grantor") for valuable consideration, receipt of which is hereby acknowledged, does hereby convey and specially warrant to TROUT CREEK LAND MANAGEMENT, LLC, whose address is 5974 Berry Road, Parkdale, Oregon 97041 ("Grantee"), the real property described on Exhibit "A" attached hereto and incorporated herein by this reference ("Property"), free of encumbrances created or suffered by the grantor except as specifically set forth on Exhibit "B" attached hereto and incorporated herein by this reference.

RESERVING UNTO GRANTOR, for itself and its successors and assigns an undivided one-half interest in oil, gas, and other liquid or gaseous hydrocarbons including, without limitation, coal seam gas; geothermal resources including, without limitation, geothermal steam and heat; aggregate resources including, without limitation, sand, gravel, granite, basalt, limestone and dolomitic limestone; base and precious metals; industrial minerals including, without limitation, silica, diatomaceous earth and heavy minerals (such as ilmenite, rutile and zircon); ores; coal; lignite; ornamental stone and minerals of any and every nature, kind, or description whatsoever now or hereafter susceptible to commercial exploitation, sand and gravel excluded (collectively "Mineral Resources"), in or upon the Property. This mineral reservation creates a passive interest in favor

of Grantor and does not entitle Grantor, or require Grantee to produce any such material, and is without right of entry.

Grantee acknowledges that the Property conveyed herein is adjacent or near to Grantor's timberlands and may be subject to conditions resulting from Grantor's commercial forestry operations on said lands. Such operations include management and harvesting of timber, disposal of slash (including, without limitation, slash burning and other controlled burning), reforestation, application of chemicals, road construction and maintenance, transportation of forest products, and other accepted and customary forest management activities conducted in accordance with federal and state laws. Said forest management activities ordinarily and necessarily produce noise, dust, smoke, appearance and other conditions which may conflict with Grantee's use of the Property. Grantee, its heirs, successors and assigns hereby waive all common-law rights to object to normal, necessary and non-negligent forest management activities legally conducted on Grantor's property. Grantee, its heirs, successors and assigns will not object to the application of chemicals, including, without limitation, pesticides and herbicides, on Grantor's property. It is intended and agreed by the parties that this covenant shall be a part of the Deed, described herein, and of the public record and forever remain a covenant with the Property or hereafter adjacently acquired property by Grantee, and any party acquiring an interest in said property shall be bound by the terms of the covenant.

The true consideration for this conveyance is \$280,000.00

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

Effective the 28th day of December, 2017.

EXHIBIT "A" to the Deed

Legal Description of the Property

That portion of the Northeast quarter of Section 24, Township 1 North, Range 9 East of the Willamette Meridian, County of Hood River and State of Oregon, lying East of the Middle Fork of Hood River.

That portion of the West half of the Southeast quarter of Section 24, Township 1 North, Range 9 East of the Willamette Meridian, County of Hood River and State of Oregon, lying East of the Middle Fork of Hood River.

That portion of the Northeast quarter of Section 25, Township 1 North, Range 9 East of the Willamette Meridian, County of Hood River and State of Oregon, lying East of the Middle Fork of Hood River.

That portion of Lots 97, 98, 99, 100, 101 and 102, ADDITION OF 1920, TO WOODWORTH ACRES, lying East of the Middle Fork of Hood River and West of the apex of the bluff. ALSO, that portion of Lot 103, ADDITION OF 1920 TO WOODWORTH ACRES, lying East of the center of the Middle Fork of Hood River, in Section 30, Township 1 North, Range 10 East of the Willamette Meridian, County of Hood River and State of Oregon

IN 9E (25)
T. 1. S. 201

Exhibit "B" to the Deed

Permitted Encumbrances

- (a) liens for taxes, assessments and other governmental charges which are not yet due and payable as of the Closing;
- (b) all land use (including environmental and wetlands), building and zoning laws, regulations, codes and ordinances affecting the Property;
- (c) any rights of the United States of America, the State in which the Property is located or others in the use and continuous flow of any brooks, streams or other natural water courses or water bodies within, crossing or abutting the Property, including, without limitation, riparian rights and navigational servitudes;
- (d) title to that portion of the Property, if any, lying below the mean high water mark of abutting tidal waters, navigable rivers and/or great ponds;
- (e) all easements, rights-of-way, water rights, licenses and other such similar encumbrances apparent or of record;
- (f) all existing public and private roads and streets and all railroad and utility lines, pipelines, service lines and facilities;
- (g) all encroachments, overlaps, boundary line disputes, shortages in area, parties in possession, cemeteries and burial grounds and other matters not of record which would be disclosed by an accurate survey or inspection of the Property;
- (h) prior reservations or conveyances of mineral rights or mineral leases of every kind and character;
- (i) any loss or claim due to lack of access to any portion of the Property; and subject further to;
- (j) Rights of the public and governmental bodies in and to that portion of said premises now or at any time lying below the high-water line of Middle Fork of Hood River, including any ownership rights which may be claimed by the State of Oregon as to any portion now or at any time lying below the ordinary high-water line. Such rights and easements for navigation and fishing as may exist over that portion of the property now or at any time lying beneath the waters of Middle Fork of Hood River. All matters arising from any shifting in the course of Middle Fork of Hood River including but not limited to accretion, reliction and avulsion.

From: [Mckenzie Farrell](#)
To: [Heidi DeHart](#)
Cc: [Mel Ocampo](#); [Ivania Revuelta](#); [Gina Nikke](#)
Subject: Re: Hood River County RE: FW: Special Assessment , AOC
Date: Thursday, October 15, 2020 5:43:46 PM
Attachments: [AOC Board of Directors-2018 Fiscal Action Timeline.pdf](#)

Heidi, attached is the memo and supporting materials drafted by our previous Chief Operations Officer regarding the membership dues special assessment invoice. Since this time frame the recommendations and monitoring schedule has been updated on an ongoing basis and reviewed by the AOC budget and finance committee quarterly. The latest version of recommendations and monitoring schedule can be provided if needed. However, my assumption is that content on the history of the special dues assessment is of most interest at this time.

In summary, below is what I believe might be most helpful to you as you prepare materials for your meeting on Monday:

Following discovery in February 2018 of a discrepancy in the anticipated County Road Program fund balance, the staff, AOC Executive Committee, and AOC Board of Directors took immediate action to investigate. In addition to issuing a Request for Proposal for a financial consulting firm to conduct a thorough independent financial review the AOC Board of Directors adopted a series of fiscal action plans designed to institute organization wide cost control measures and lay the foundation for a year of intense fiscal review with the support of Moss Adams - the selected fiscal consulting firm. As part of this process Moss Adams determined that the AOC General Fund owed the AOC Road Fund \$913,921.37. On September 10, 2018 the AOC Board of Directors directed staff to use the General Fund membership dues assessment formula to present the County Road Program repayment special assessment during AOC District meetings. The membership engaged in robust discussions during the Board of Directors retreat in August and District Meetings in September regarding the repayment of funds. Based on the member feedback received, on October 8th, 2018 the AOC Board of Directors approved using the AOC membership dues formula to establish a one-time County Road Program repayment special assessment for repayment of the County Roads Program (CRP) loan -- with the implied flexibility allowing counties to decide on how they would like to repay. The total loan repayment amount was \$913,921.37 with an assumed interest rate of 2 percent. This number comprises the \$796,000 identified by Moss Adams and an estimated overpayment of \$117,921.37 in the 2018 fiscal year. Following this action by the AOC Board of Directors all 36 counties were invoiced for their share of the membership dues special assessment. To date, 35 of the 36 counties have agreed to pay their membership dues special assessment in full or by payment plan. A total of \$771,908.01 has been collected to date, with \$129,905.71 outstanding. The Hood River County membership dues special assessment is \$9,573.16.

Is there a way for our Executive Director, Gina Nikkel, to attend the meeting virtually to answer any questions should they come up?

--
Mckenzie Farrell
Operations Director
Association of Oregon Counties
a: 1201 Court St., Suite 300, Salem, OR 97301
o: 503.585.8351 d: 503.400.3237 m: 503.400.1322
e: mfarrell@oregoncounties.org
w: www.oregoncounties.org

On Thu, Oct 15, 2020 at 11:57 AM Mckenzie Farrell <mfarrell@oregoncounties.org> wrote:
Heidi, happy to help. I will get back to you shortly.

--
Mckenzie Farrell
Operations Director
Association of Oregon Counties
a: 1201 Court St., Suite 300, Salem, OR 97301
o: 503.585.8351 d: 503.400.3237 m: 503.400.1322
e: mfarrell@oregoncounties.org
w: www.oregoncounties.org

On Thu, Oct 15, 2020 at 11:32 AM Heidi DeHart <heidi.dehart@co.hood-river.or.us> wrote:

McKenzie

I am looking for information on the special assessment that Ms Nikkel mentioned to Chair Oates a few weeks ago asking if the HRC Commissioners would reconsider paying the assessment, I believe the amount is \$9,573.16. The Commissioners are meeting on Monday and this issue is on the agenda and it would be helpful to have information on what this assessment is for. Is this the annual dues or something else?

Meeting information will be sent to the Commissioner tomorrow by noon and it would be great to have info to provide to them, can you help me?

Thank you,

Heidi

Heidi DeHart

Executive/HR Assistant

Hood River County

601 State Street

MEMO



Association of
Oregon Counties

DATE: NOVEMBER 1, 2018

TO: OREGON COUNTIES - JUDGES, CHAIRS, AND COMMISSIONERS

FROM: ROBB E. VAN CLEAVE, CHIEF OPERATIONS OFFICER

SUBJECT: AOC BOARD OF DIRECTORS/2018 FISCAL ACTION TIMELINE

BACKGROUND:

Following discovery in February 2018 of a discrepancy in the anticipated County Road Program fund balance, the staff, AOC Executive Committee and AOC Board of Directors took immediate action to investigate. In addition to issuing an immediate Request for Proposal for a financial consulting firm to conduct a thorough independent financial review the AOC Board of Directors adopted a series of fiscal action plans designed to institute organization wide cost control measures and lay the foundation for a year of intense fiscal review. AOC's staff worked diligently with the AOC Executive Committee and AOC Board of Directors to implement these directives with the goal of ensuring the long-term financial viability of the Association while maintaining value-added services to members.

On March 30, 2018 the AOC Board of Directors enlisted the services of financial consulting firm Moss Adams to evaluate the Association's financial health by performing the following tasks: Task #1- Transfer activity between AOC and the County Roads Program for fiscal years 2012, 2013, 2014, 2015, 2016, 2017; Task #2 - Assist with the completion of the software conversion from Sage to QuickBooks and provide training to AOC staff; Task #3 - verify the financial position of the organization, evaluate the current budget and provide recommendations to improve the structure, process for compiling, and user friendliness of the budget; Task #4 - Evaluate AOC's current internal control structure and provide recommendations to improve AOC's ability to prevent or detect errors or fraud. Moss Adams concluded their work and released their final report on August 10, 2018. On August 13, 2018 the AOC Board of Directors accepted the report and directed staff to begin implementing the 35 recommendations outlined in the final report.

To assist staff with implementation of the Moss Adams recommendations and provide ongoing fiscal guidance and oversight, President Pope announced creation of a new Finance & Audit Committee. The new committee will continue the audit work required by the by-laws and add the following financial oversight duties: monitor adherence to the adopted budget; set long-range financial goals; present financial goals and proposals to the board of directors for approval; ensure useful and readable financial reports; create, approve, update and monitor internal controls and financial policies to ensure the assets of the organization are protected; review investment guidelines and manage risk.

At AOC's request Moss Adams created a tracking checklist that will be utilized to track progress on the implementation of the Moss Adams recommendations outlined in this document. AOC will expand this tracking checklist to include all the AOC Board of Director directives referenced throughout this memo. This tracking checklist will allow staff to track, monitor and report implementation progress on a regular basis throughout 2019 to the AOC Finance and Audit Committee and the AOC Board of Directors.

For purposes of this memo we have noted the current status for each directive and/or recommendation listed in this memo. In addition to the recommendations and new fiscal controls identified in the Moss Adams report AOC staff has developed new comprehensive fiscal policies (attached) for presentation to the AOC Board of Directors on January 14, 2019. These policies were developed in partnership with Moss Adams and various county administrators throughout Oregon.

Following is a timeline of actions taken throughout 2018 by AOC staff, AOC Executive Committee and the AOC Board of Directors to review the Associations' finances, properly manage the resources of AOC and to ensure the long-term financial viability of the Association.

FEBRUARY 2018

On February 12, 2018 the AOC Board of Directors authorized the AOC Executive Committee to hire a financial consulting firm to:

- Review all AOC accounts, identify any issues, and make recommendations.
- Complete the fiscal software conversion from SAGE to QuickBooks.
- Conduct a systemic review of the AOC financial system, identify any issues, and make recommendations.
- Review all AOC fiscal controls, identify any issues, and make recommendations.

In addition to authorizing engaging the services of a consultant, the AOC Board of Directors directed staff to implement the following internal actions related to fiscal operations:

- Provide AOC Treasurer monthly access to all staff credit card statements (ongoing).
- Provide AOC Treasurer bi-monthly copies of monthly check register (ongoing).
- Chief Operations Officer will provide AOC Treasurer weekly fiscal updates by email or phone (revised/completed).
- Establish bi-monthly in-person meeting with AOC Treasurer (revised/completed).
- Provide monthly written documentation of LGIP/CRP account, LGIP/AOC account, CIS Trust Account or internal fund activity and balances to Chief Operations Officer, Executive Director and AOC Treasurer (*Status: Chief Operations Officer currently authorizes. Formal process to be completed by end of 1st quarter FY2019*).
- Document in writing all fund transfers into, out of, or between LGIP/CRP account, LGIP/AOC account, or CIS Trust account. All actions will be reviewed by the Chief Operations Officer and approved by Executive Director. Copy of form will be provided to AOC Treasurer in bi-monthly review file Treasurer (*Status: Chief Operations Officer currently authorizes. Formal process to be completed by end of 1st quarter FY2019*).
- All monthly fund account statements will be reviewed and initialed by Chief Operations Officer. Copies will be sent to Executive Director, AOC Treasurer and County Roads Program Director (completed).

MARCH 2018

On March 12, 2018 the AOC Board of Directors approved the following internal fiscal actions:

Grants #1: Delay or deny new grants until grant management systems are in place (in process).

Grants #2: Develop and implement a grant management process (w/outside firm) (in process).

Grants#3: Develop and implement financial tools necessary to manage grants (in process).

Staffing: Freeze all (non-grant funded, non-CRP) hiring and temporarily freeze current vacancies (completed).

Internal Fund/LGIP Activity: All internal fund, LGIP AOC and CIS Trust transfers are documented and reviewed/approved by the Chief Operations Officer with copies sent to the AOC Treasurer (completed).

Purchases #1: All purchases will be reviewed and approved in advance by the Chief Operations Officer (completed).

Purchases #2: Develop and implement Procurement policy (estimated completion July 2019).

Credit Cards: All credit card statements will be reviewed and signed by the Chief Operations Officer, Executive Director and AOC Treasurer (completed).

Compensation #1: All staff compensation requests (increases, bonuses, etc.) will be reviewed by Chief Operations Officer with recommendations to Executive Director (completed).

Compensation #2: Develop compensation policy and procedure (estimated completion April 2019).

Travel/Travel Expenses #1: All requests for out of state travel will be reviewed by the Chief Operations Officer with recommendations to the Executive Director (completed).

Travel/Travel Expenses #2: All staff travel/travel expenses (mileage, meals, lodging, airfare, etc.) for 2017 will be reviewed and analyzed (estimated completion April 2019).

Travel/Travel Expenses #3: Review policies for potential revision (estimated completion July 2019).

On March 30, 2018 issued a notice of Intent to Award a contract to Moss Adams for financial services.

On March 30, 2018 the AOC Board of Directors notified the professional financial services firm Moss Adams that they had been selected to conduct a review of AOC finances. The project scope of work was as follows:

Task 1: Obtain and evaluate transfer activity between AOC and the County Roads Program (CRP), specifically related to transactions with the CRP's LGIP investment account for the period from 2012

through 2017. Analyze the interfund transactions for compliance with statutory and compliance requirements, consistency and appropriateness.

Task 2: Assist with the completion of the software conversion from Sage to QuickBooks and provide training to AOC staff to ensure effective and efficient processing of accounting transactions in QuickBooks. As part of an approved change order, AOC has also requested that we extend our procedures for this task through June 30, 2018.

Task 3: In connection with the work completed in tasks 1 and 2 above, verify the financial position of the organization as of January 1, 2018. In addition, evaluate the current budget and provide recommendations to improve the structure, process for compiling, and user friendliness of the budget. As part of an approved change order, AOC has also requested that we assist with creating a new budget structure incorporating our recommendations.

Task 4: Evaluate AOC's current internal control structure and provide recommendations to improve AOC's ability to prevent or detect errors or fraud. Create flow charts to visually document an improved control structure based on the recommendations.

APRIL 2018

On April 9th, 2018 the AOC Board of Directors approved the following internal fiscal actions:

Scholarships/Donations: Stop all scholarship and donation expenditures (completed).

July 2018

On July 9, 2018 the AOC Board of Directors approved the following internal fiscal actions:

Moss Adams Change Order #1: Change order to Moss Adams contract extending fiscal review time frame from December 31, 2017 through June 30, 2018.

Moss Adams Change Order #2: Change order to Moss Adams contract to develop new budget document for current (FY18) fiscal year.

Staff/Board Member Meals: Any staff and/or board member meal for 1 person exceeding \$50 or meal for 2 or more staff/board member exceeding \$100 must be documented and receive written approval prior to meal (completed).

Staff/Board Member Travel: Any travel exceeding 250 miles and/or requiring overnight stay must be documented and receive written approval prior to travel (completed).

Staff/Board Member Event: Any staff and/or board event (excluding Annual Conference) costing more than \$250 must be documented and receive written approval prior to event (completed).

The Board of Directors authorized the AOC Executive Committee to accept, reject or revise additional staff recommendations at an upcoming meeting scheduled for July 20, 2018.

On July 20, 2018 the AOC Executive Committee took the following actions involving the recommendations presented at the July 9 AOC Board of Directors meeting:

Forensic Audit: Directed staff to seek an estimate from Moss Adams to conduct a forensic audit of accounts payable and payroll activities for fiscal year's 2014, 2015, 2016, 2017 (completed).

Employee Voluntary Early Retirement Option: Immediately implement Employee Voluntary Early Retirement option (in progress).

LPSSCC Grant: Directed staff to review impacts to general fund and update fiscal report (completed).

County Solutions: Approved restructuring plan presented by Greg Wolf, County Solutions Director (attached).

Operations Department Staff Restructure: Approved ongoing review of administrative staffing (ongoing).

Contracted Services #1: Directed staff to work with specific contract service providers to control costs for remainder of FY2018 (completed).

Contracted Services #2: Directed staff to begin the process of reviewing and revising all contracted services agreements (ongoing).

Grant Funds: Addressed in County Solutions restructure.

Services: Effective immediately, no new agreements to provide fiscal, staff or administrative services to any affiliate, organization or state agency until all safeguards, policies, systems, expertise and staff capacity are in place (completed).

AUGUST 2018

On August 13, 2018 the AOC Board of Directors accepted the Moss Adams report including all recommendations (attached) and internal controls (attached) and directed staff to implement all recommendations and internal controls.

Moss Adams has created a recommendations implementation tracking form. The checklist (attached) is currently being populated with the relevant status information and will be forwarded once it is complete. Following are the Moss Adams recommendations listed by Task#/Recommendation#/Status:

Task #1/Recommendation #1: Establish an interfund loan payable from the General Fund to the Road Fund in the amount of the current balance of transfers not yet reimbursed. The balance was \$780,000 of principal plus accrued interest of approximately \$16,000 as of December 31, 2017 (*Status: in progress*).

Task #1/Recommendation #2: Establish an approval process in advance of future transfers between funds. Authorization of transfers should initially be incorporated into the annual budget process where the purpose for the transfer would be included in the budget document and approved through the budgeting process. AOC should then establish a policy to dictate when additional Board approval, or manager approval, is necessary prior to actual cash transfers if those transfers were not contemplated and approved in the initial budget (*Status: in progress*).

Task #1/Recommendation #3: Implement policies and controls requiring the monthly review of expenditures reported in the Road Fund for compliance with statutory requirements. For example, the CRP Manager, or other designated AOC staff member, could review the expenses charged to the Road Fund on a monthly basis and compare them to the approved budget. This review should include a review of the personnel cost allocation to the Roads fund to ensure the allocations are appropriate and being applied correctly to the Roads fund. In addition, we recommend that a process be implemented to ensure proper documentation of which invoices and costs are chargeable to the Road Fund at the time the invoices are approved for payment. This will help to ensure that only approved Roads Fund invoices are charged to the Roads fund (*Status: completed by end of 1st quarter FY 2019*).

Task #1/Recommendation #4: To assist with ensuring any transfers out are utilized appropriately and in line with the statutory requirements of the CRP, we recommend that AOC pays all CRP expenditures out of its general checking account with a monthly transfer out of the CRP LGIP account to reimburse the general checking account. It will be important for AOC to establish procedures to compare the total CRP expenditures for the month to the actual transfer to ensure the amounts are equal (*Status: in progress*).

Task #2: Assist with the completion of the software conversion from Sage to QuickBooks and provide training to AOC staff to ensure effective and efficient processing of accounting transactions in QuickBooks. As part of an approved change order, AOC has also requested that we extend our procedures for this task through June 30, 2018 (*Status: completed*).

Task #3/Recommendation #1: To assist with reducing the complexity of the resulting budget structure and financial reporting, we recommend that AOC reduce the number of funds to just two funds, a general fund and the CRP fund. Alternatively, we recommend reducing the number of funds outside of the General Fund to only those activities that are funded with resources that contain third party restrictions on their use and when significant unspent resources are likely to remain at any year-end, and/or to those situations' management believes a separate fund is necessary to manage the underlying activities. This will require AOC Board action to approve the elimination of any fund and the transfer of any remaining fund balances for those funds to the general fund. We believe it is appropriate to take this action to help management and the Board to see a more condensed and simplified overall picture of the financial position and activity of AOC, and to limit the complexity and number of funds to only those that are prudent from a management standpoint (*Status: completed*).

Task #3/Recommendation #2: During our evaluation, we noted that AOC often struggles to efficiently investigate and explain variances from budget using the current budget and accounting structure. We recommend establishing a new budget and accounting structure to assist with tracking various expenditures by "department" or "cost center". This will allow AOC to budget and track expenses by

various cost centers, which will improve AOC's ability to identify the source of potential budget overruns and drill down to the source (*Status: completed*).

Task #3/Recommendation #3: A key control in monitoring the ability of an organization to meet its financial objectives during the year is a routine budget to actual assessment. Historically, AOC has utilized multiple spreadsheets in this process and has not been able to run reports directly out of its accounting software to complete this process. We recommend that AOC utilize QuickBooks to import the approved budget and routinely process and monitor budget to actual reports. This will ensure that both the budget and actual accounting records are pulling directly from AOC's financial software package, thus eliminating the need for multiple spreadsheets that had been utilized previously. This method will also improve controls as there will be less likelihood that the information will be manipulated, as was the risk historically with exporting information to excel and changing the format of the data to present budget to actual reports. These budget to actual reports should be shared with each manager assigned to the various departments or activities so that they can properly monitor how the department is doing against the budget. Those managers should then be required to present to the Executive Director and the Board monthly and alert those parties of any anticipated over-expenditures against the approved budget (*Status: completed by end of 1st quarter FY 2019*).

Task #3/Recommendation #4: We noted that AOC is currently functioning without an employee with a traditional accounting or bookkeeping background, which has made it difficult for the organization to identify and explain budget issues, properly and timely account for its financial transactions, and ensure an adequate control structure to protect the organization's resources. We recommend that AOC hire an accounting professional to assist with internal controls, day to day accounting activities, and oversight of the budgeting and accounting function (*Status: included in proposed FY2019 Budget*).

Task #3/Recommendation #5: For interfund transfers, we recommend improving controls by requiring a documented approval process to evidence the authorization to transfer amounts between funds. This approval should be performed by someone other than the individual initiating and recording the transfer in the accounting software (*Status: completed by end of 1st quarter FY 2019*).

Task #4/Payroll #1 (Payroll Status Changes): We recommend that someone other than the Fiscal Services Clerk (FSC) be responsible for reviewing the accuracy of the new hire information or other payroll status changes the FSC enters into the Payroll Master File and Evolution HCM (*Status: in progress*).

Task #4/Payroll #2 (Gross Pay): Management should consider reviewing the payroll report prepared and processed by the FSC for each payroll period prior to submission to the Wells Fargo Payroll module. This review should be documented in writing and maintained on file (*Status: completed*).

Task #4/Payroll #3 (Segregation of Duties): We noted that currently one person is responsible for preparing payroll inputs, preparing the payroll journals into QuickBooks, finalizing each payroll, and submitting the bank transfer. We recommend that these functions be segregated amongst multiple employees to decrease the likelihood of errors or fraud. At a minimum, an employee outside of the payroll function should be responsible for reviewing the final payroll register and approving the transfer of funds to the bank (*Status: Chief Operations Officer approves payroll. Completion by end of 1st quarter FY 2019*).

Task #4/Payroll #4 (Outside Payroll Service): Currently, payroll is prepared internally by the FSC using the payroll master file. We recommend that an outside payroll service be considered so that the administrative time, which includes preparing the payroll and filing the quarterly and year end reports, could be reduced in this area. This would also help reduce the risk of errors in processing payroll and improve overall controls (*Status: completed by end of 1st quarter FY 2019*).

Task #4/Payroll #5 (Payroll Bank Account): We recommend utilizing a separate bank account for payroll transactions and that the account be maintained on an 'imprest' basis, which would require AOC to maintain a specific, reconciled balance at all times (\$1,000 for example). In this case, transfers into the bank account would always be the exact amount needed for all payroll related costs, including net pay, payroll taxes and benefit payments. This would help AOC in segregating payroll costs from the main AOC checking account and to improve the efficiency with reconciling payroll transactions (*Status: completed by end of 1st quarter FY 2019*).

Task #4/Revenue #1 (Billings): We recommend that copies of the approved invoices to be sent to members be retained on file to substantiate the mailing of the invoice, the amount, and the date the invoice was mailed. Currently, we were unable to locate evidence of when invoices were sent, who they were sent to, and the amount of the invoices (*Status: completed by end of 1st quarter FY 2019*).

Task #4/Revenue #2 (Bank Reconciliations): We recommend that all of the bank accounts be reconciled to the general ledger monthly within QuickBooks and that all reconciling items be investigated and documented timely. We also recommend that a member of management review the bank reconciliations and document approval by initialing the printed reconciliation (*Status: completed*).

Task #4/Revenue #3 (Billing Reconciliation): Controls should be established to require a reconciliation of the separately maintained membership data to the dues income amounts recorded in the accounting system. This reconciliation process would help to ensure that all membership dues receipts are accounted for and appropriately classified, as well as establish an additional internal control over cash receipts and revenue recognition (*Status: completed*).

Task #4/Revenue #4 (Accounts Receivable): We noted that the accounts receivable subsidiary ledger is not routinely updated and reconciled to the general ledger. This practice serves as a check on the accuracy of the record-keeping process and maintains the accounts receivable on a more timely and accurate basis. This will ensure that billings and customer payments are being recorded correctly and posted to the correct customer or member account. In addition, this allows AOC to identify old and outstanding balances so that collection efforts can be undertaken timely. The detailed listing of accounts receivable should be reconciled to the general ledger at the end of each month and any deposits recorded in the bank account should be reconciled to the credit entries in the accounts receivable account. Any differences should be investigated and resolved in a timely manner (*Status: completed*).

Task #4/Expenditures #1 (Credit Card Charges): During our review of credit card charges, we often noted that the documentation present did not adequately support the allocation of the charge to the appropriate activity. We recommend that appropriate support and approval for the allocation of the charge be required and maintained for all disbursements, including credit card and travel charges. This is particularly important when restricted resources are involved, such as grant funds, where proper

supporting documentation is necessary to ensure the expenditures were allowable and properly allocable to the grant (*Status: completed*).

Task #4/Expenditures #2 (Invoicing of Goods and Services): We recommend establishing procedures to attach a payment request form to an invoice and stamping the invoice "paid". This is an important control to ensure invoices are paid timely, but not paid multiple times. Furthermore, we noted that checks were often backdated. Proper cutoff is critical in financial reporting and any process that holds the books open, closes them in advance, or inappropriately dates the transaction will yield inaccurate results. We recommend that all check disbursements be dated in sequence using the date the check is actually produced (*Status: completed*).

Task #4/Expenditures #3 (ACH Payments): We noted that AOC uses the bill payment feature of its bank's online banking system and currently, the FSC has access to process such payments online. We did not identify any controls in place to limit to whom or how much can be disbursed using electronic payments. It was also noted that online payments did not have the appropriate authorization or payment documentation. We recommend that controls be implemented to ensure that any electronic payments require two separate individuals to be involved; one to initiate the payment and prepare the supporting documentation, and a second to approve and release the electronic payment (*Status: completed by end of 1st quarter FY 2019*).

Task #4/Expenditures #4 (Accounts Payable): We noted that the AP subledger was not actively utilized nor reconciled to the general ledger. We recommend that all bills be entered into the payables module initially, and then all payments be debited against the invoice they are paying. This will ensure that accounts payable and any related payments against those payables are applied appropriately to ensure the payables list is updated and accurate. If differences are identified, they should be investigated and resolved in a timely manner. We also recommend that AOC implement accounting policies and procedures to ensure proper cutoff of expenses each month, which will improve the accuracy and comparability of accounting records (*Status: completed*).

Task #4/Expenditures #5 (Segregation of Duties): Due to the limited number of personnel at AOC, many critical duties are concentrated with one or two employees. Currently, a single employee is responsible for preparing checks, accessing online bank accounts to make electronic payments, reconciling bank accounts, processing payroll, and maintaining the general ledger. We recommend that controls be improved by ensuring different employees be responsible for authorizing transactions, handling cash receipts & cash disbursements, and maintaining the books of original entry (*Status: completed by end of 1st quarter FY 2019*).

Task #4/Expenditures #6 (Purchasing Approvals): To assist with proper control and compliance with state purchasing laws and regulations, we recommend that AOC document clear policies on the level of approval needed before a purchase is made and approved for payment. This policy should dictate when expenditures are approved through the budgeting process, when expenditures require formal bids or quotes, the dollar threshold management has to authorize purchases and payments, and the dollar threshold that would require Board approval for the purchase. AOC could consider documenting these approvals through a purchase requisition or the purchase order process (*Status: January 2019*).

Task #4/Capital Assets #1 (Capitalization Policy): We noted that AOC has no formal capitalization policy for property and equipment purchases. This creates inconsistency between when certain capital assets are appropriately capitalized and depreciated and when they are expensed in the period of purchase. We recommend that a written policy requiring all assets costing more than an established amount and with useful lives greater than one year be capitalized and depreciated. In addition, any vouchers prepared to document certain approvals and other information on invoices should clearly state if any purchase is a capital asset, which should increase the accuracy of AOC's capital asset record keeping (*Status: completed by end of 1st quarter FY 2019*).

Task #4/Capital Assets #2 (Depreciation Records): We recommend as part of the annual financial close and reporting cycle that capital asset and depreciation records be updated and reviewed by someone other than the person responsible for maintaining those records. Those records should also be reconciled back to the full accrual annual financial statements (*Status: completed by end of 1st quarter FY 2019*).

Task #4/Capital Assets #3 (Physical Inventory of Capital Assets): To assist with the accuracy of the capital asset records, we recommend a periodic physical inventory of capital assets on record be performed (*Status: completed*).

Task #4/Capital Assets #4 (Disposal of Capital Assets): We recommend that AOC establish procedures for the authorization of capital asset retirements, whether by sale or otherwise, and the procedures for communicating those retirements to the personnel responsible for updating the capital asset and accounting records (*Status: completed by end of 2nd quarter FY2019*).

Task #4/Financial Close #1 (Integrate QuickBooks and Bank Records): Currently, the FSC manually prepares entries from large amounts of source information extracted from the bank statements. This is a time-consuming and manual approach that opens the organization to the risk of errors. By utilizing the functionality of QuickBooks to integrate the bank account, AOC could electronically import the transactions into the accounting software, thus increasing the efficiency and accuracy of entering the transactions each month. This would help limit the manual use of general journal entries, which should be limited to non-routine transactions and other adjustments needed to update the accounting records (*Status: completed*).

Task #4/Financial Close #2 (Monthly Closing Procedures): We noted that there was no systematic method of ensuring that timely and complete monthly closing procedures take place. This lack of control has led to a continuing and growing backlog of transactions and journal entries that have not been posted in QuickBooks, which greatly reduces the value and accuracy of the reports coming out of the accounting system. This can allow for significant errors and potentially fraud to exist and continue without notice. We recommend that a routine checklist of closing procedures be established and followed on a monthly basis, with a clear understanding of who is responsible for completing each step and who is responsible for reviewing the documentation. These steps should also be formally documented in writing and that documentation should be maintained on file to evidence that the procedures were completed timely (*Status: completed*).

Task #4/Financial Close #3 (Journal Entries): We noted that journal entries often did not have supporting documentation or evidence of the approval of those transactions. We recommend that management categorize journal entries into two categories, recurring and nonrecurring.

Authorization for recurring journal entries could be established once at the beginning of the year, while nonrecurring journal entries should always be supported by proper documentation and approval (*Status: completed by end of 1st quarter FY2019*).

Task #4/Financial Close #4 (Internal Control Documentation): We have assisted AOC with developing flowcharts to document what their control environment should look like after incorporating our recommendations. As technology, processes, personnel and other influences can alter controls in the future, we recommend that AOC obtain a tool like Microsoft Visio to assist with updating the flowcharts in the future as changes to controls and processes are necessary (*Status: completed by end of 1st quarter FY2019*).

Task #4/Financial Close #5 (Drafting Statements for External Financial Reporting): As part of the year end external financial reporting process, we recommend that AOC establish clear expectations on who is responsible for drafting the GAAP-based financial report, who is responsible for preparing any accruals or reclassifications, and who is ultimately responsible for the content in the report. AOC may decide that utilizing an outside firm to complete the drafting process is preferred, however, clear expectations should be set to ensure that responsibilities are communicated to each party involved (*Status: completed by end of 1st quarter FY2019*).

Task# 4/Fund Balance #1 (Minimum Fund Balance Policies): To adopt best practices and improve the solvency of AOC, we recommend establishing certain minimum fund balances for each fund. This would help to ensure AOC always has sufficient cash flow to pay its obligations and to weather unforeseen expenditures, without the need to borrow from other funds or a financial institution. The minimum could be expressed in terms of a percentage of annual expenditures and approved by management and the Board (*Status: January 2019*).

Task #4/Fund Balance #2 (Fund Balance and Net Position Classifications): We noted that no policy currently exists in writing to state who can create committed or assigned fund balances in the general fund and who is responsible for reporting those restrictions correctly in the annual external financial report. We recommend that such a policy be established to determine how such commitments and assignments are created, who can approve those categories, and who is responsible for ensuring those restrictions are properly reflected by level in the external financial statements (*Status: January 2019*).

SEPTEMBER 2018

On September 10, 2018 the AOC Board of Directors approved the following:

Moss Adams Change Order #3: Approved Moss Adams proposal to conduct a 5-year forensic audit of accounts payable and payroll activities for fiscal year's 2014, 2015, 2016, 2017.

On September 10, 2018 the AOC Board of Directors directed staff to use the membership dues assessment formula to present County Road Program repayment special assessment during AOC District meetings.

OCTOBER 2018

On October 8th, 2018 the AOC Board of Directors approved using the AOC membership dues formula to establish a one-time County Road Program repayment special assessment for repayment of the County Roads Program (CRP) loan with the implied flexibility allowing counties to decide on how they would like to repay.

On October 8, 2018 the AOC Board of Directors was advised by the AOC President that he would be creating a new Finance & Audit Committee.

Purpose of Committee: The Finance and Audit Committee (the “Committee”) will be a committee of the Association established to support the Association’s Board of Directors (the “Board”) in fulfilling its responsibility to oversee the Association’s financial strategy and performance. The primary role of the Committee is to provide support and oversight of the adopted budget, long range financial planning, financial reporting, monitoring of internal controls/accountability and the annual audit.

Committee Membership: The chair of the Committee is the Association’s Treasurer. In addition to the chair, the Committee is composed of up to seven members, including the Budget Committee Chair; Immediate Past President and an OACES member recommended by the OACES Board of Directors. Committee membership is appointed by the Association’s President. Committee members serve one-year terms beginning January 1st and ending December 31st of that same year or until the new Committee is appointed by the Association’s President. Vice Chair will serve in the absence of the Chair and will be filled by the Budget Committee Chair as needed.

Committee Meetings: The Committee will meet at least quarterly or as often as a majority of its members deems necessary or appropriate, either in person, telephonically or electronically.

Finance Responsibilities:

Budgeting and Financial Planning: Monitor adherence to the adopted budget; Establish long-range financial goals along with funding strategies to achieve them: Present all financial goals and proposals to the AOC Board of Directors for approval. These goals might include, for example, the creation of a working capital or cash reserve fund and the creation of a fund for maintaining or replacing equipment. If the organization has a strategic plan, the finance committee will work with the staff to determine the financial implications of the plan and will plot them into a multi-year organizational budget that will financially support the implementation of the strategies.

Financial Reporting: Insure useful and readable report formats; Work with staff to develop a list of desired reports noting the level of detail, frequency, deadlines, and recipients of these reports; Work with staff to understand the implications of the reports;

Internal Controls and Accountability Policies: Confirm appropriate internal control procedures for all financial transactions are documented and followed by staff; assist in determining and updating bank account signatories as well as overseeing all legal and governmental filing deadlines are met; create, approve, and update (as necessary) internal controls and policies that help ensure the assets of the organization are protected; ensure approved financial policies and procedures are being followed.

Investment: If the Association has excess operating cash, the Finance and Audit Committee, with the Executive Director and Chief Operating Officer recommendations, may consider guidelines for putting the excess cash in low-risk, short-term vehicles.

Risk Management: Ensure compliance and/or developing other necessary policies to protect the Association and manage its' exposure to risk. These include establishing policies surrounding: Long-term contracts or leases; Loans or lines of credit; Record retention.

Audit Responsibilities:

Oversee RFQ process and recommend audit firm to Board of Directors; Recommend retention or termination of audit firm; Review the term of the auditor firm with the intent to rotate every five years. Oversee the performance of the audit firm; Confer with the auditor to ensure the affairs of the organization are in order; Review and recommend approval of the annual audit report to the whole board; Oversee the organization's accountability documentation; Review adoptions and implementation of internal controls through the audit process; Monitor the organization's response to potentially illegal or unethical practices within the organization, including but not limited to fraudulent accounting; Develop and oversee the organization's document retention and destruction policy; Review the management recommendation letter from the auditor and ensure follow up on any issues mentioned; Review the Associations' external audit reports in accordance with performance and strategic objectives including any relevant portions of the "management letter" and other communications from the auditor; Review should include discussion with management of significant issues regarding accounting principles, practices and judgments, including any matters required to be communicated to the Committee by the audit firm; As necessary, ensure that Committee members receive an orientation to the Association's financial statements, the application of generally accepted accounting principles to those statements, and other financial governance issues; Present the audit report to the full board of directors (if the auditor does not do this).

On October 22, 2018 the AOC Budget Committee approved the proposed AOC FY2019 budget with funding for a new Senior Accountant position (attached).

NOVEMBER 2018

On November 2, 2018 the AOC Board of Directors approved a motion to present the proposed FY2019 budget to the general membership for adoption at the November 15, 2019 Annual Business Meeting.

Future Milestones:

November 15, 2018: The AOC general membership will vote on the proposed FY2019 budget.

Association of Oregon Counties Draft Fiscal Policies (11/02/2018)

STATEMENT OF POLICY

The purpose of these policies is to provide guidance in the prudent management of the financial affairs of the Association of Oregon Counties (Association) to meet the goal of maintaining financial stability.

The Association has an important responsibility to its' members to carefully account for public funds, manage finances wisely, manage growth, and plan adequate funding of services desired by the members.

To insure the Association is capable of adequately funding and providing services needed by the membership on a sustainable basis the following financial policies are designed to establish guidelines for the fiscal stability of the Association. The scope of these policies generally spans, among other issues, budget, budget preparation, revenue, expenditure, reserves, funds, interfund loans, investments, chart of accounts.

APPLICABILITY

This policy applies to all financial operations of the Association of Oregon Counties and all other entities governed by the AOC Board of Directors.

ADMINISTRATION AUTHORITY

The Chief Operations Officer, in consultation with the Executive Director, is delegated the authority to develop and maintain Administrative Procedures and to implement adopted policies of the Board, in the areas of financial and budget management and administration, and the authority to approve cash accounts and funds.

Financial Reporting Policy: The Association's accounting systems and financial reports will be in conformance with all state and federal laws, generally accepted accounting principles (GAAP) and standards of the Governmental Accounting Standards Board (GASB). The Association will strive to observe best practices and recommended policies of the Government Finance Officers Association (GFOA). An annual audit will be performed by an independent public accounting firm, licensed as a municipal auditor, with an audit opinion to be included with the Association's published Annual Financial Report. The financial report should be in conformity with GAAP, demonstrate compliance with finance related legal and contractual provisions, thoroughly disclose sufficient detail and minimize ambiguities and potentials for misleading inference. Financial systems will maintain internal controls to monitor revenues, expenditures, and program performance on an ongoing basis.

Cash Management: The Chief Operations Officer, in consultation with the Executive Director, is authorized to establish all bank accounts, determine and authorize signatories to those bank accounts, and to manage all banking and investment related services for the Association. Banks shall be on the approved banking institution list maintained by the Oregon State Treasurer.

Credit Cards: The Chief Operations Officer, in consultation with the Executive Director, is authorized to set up credit cards, and establish limits, for Association staff as requested.

COMPLIANCE

Failure to comply with any provisions of these policies may lead to discipline up to and including termination.

BUDGET

The Association's annual budget is a planning, operations, financial, and communication tool that provides an estimate of expenditures (expenditures/requirements) for a given fiscal year as well as the means for financing the estimated expenditures (revenues/resources).

The budget provides a clear statement of Association priorities as established annually by the Board of Directors.

The budget is a measure of the performance of Association departments.

Department heads will be held accountable for performance within the context of their budget.

Departments shall plan annual budgets for each fiscal year which accurately reflect the service priorities and needs of the members as directed by the Board of Directors.

When revenues are not received as planned, the corresponding expenditures shall not be made. It is the responsibility of the department head to ensure that the necessary reduction in expenditures occurs.

The Association's adopted annual budget is the sole authorization for expenditures. It will include amounts at the individual account level, as determined by management, within the Expenditure object classifications of personnel services and material and services within each department within each fund, and capital outlay, debt service, transfers, and special payments within each fund. The annual budget represents the authorization for expenditures at the department total level within each fund, as well as separate totals for capital outlay, debt service, transfers, and special payments at the fund level. Revenue will be estimated by type such as beginning balance; fees, license, permits and other service charges; federal, state & all other grants, gifts, allocations & donations; Revenue from Debt; Interfund Transfers; and other classifications as deemed appropriate by management. Any alteration of the budget requires prior approval of the Board.

Fiscal Year. The fiscal year for the Association shall be from January 1 through December 31 of each calendar year. The fiscal year is hereby established as the accounting and budget year.

Balanced Budget: The Association's accounting and budgeting systems are organized and operated on a fund basis. The budget for each fund is balanced, meaning total resources, consisting of beginning net working capital, current year revenues and transfers-in, are equal to total requirements and transfers out, contingencies, unappropriated ending fund balances, and reserves for future expenditures. The annual budget will be structurally balanced throughout the fiscal year with recurring expenditures at or below the level of recurring revenues.

If structural imbalance occurs in any Fund, a plan will be developed and implemented to restore structural balance. When revenues are not received as planned, the corresponding expenditures shall not be made. It is the responsibility of the department head to ensure that the necessary reduction in expenditures occurs.

Fund Balance. For external financial reporting, the fund balance represents the difference between the Association's assets minus its liabilities at the end of the fiscal year (December 31). The fund balance at the end of the fiscal year is also the beginning fund balance for the following fiscal year.

The budget will provide for an appropriate balance between operating and equipment/capital portions of the budget to ensure that equipment and facility maintenance and replacement are adequately funded and are appropriate when compared to service levels.

The Association will manage its separate funds in a manner that insures that one fund does not improperly subsidize another fund.

Beginning Fund Balance. Beginning fund balances are budgeted as available resources every fiscal year.

Fund Balance Classifications: To enhance the usefulness and consistency of fund balance information, the following terms will be used to classify fund balances:

Restricted. Includes constrained amounts whose restrictions are externally imposed by creditors, grantors, contributors, or laws/regulations.

Committed. Includes constrained amounts that can be used only for specific purposes imposed by the AOC Board of Directors. Commitments can only be reversed by taking the same action employed to commit the amounts (e.g., board resolution). The difference between Restricted and Committed is that committed resources can be redeployed for other purposes with appropriate due process.

Assigned. Includes amounts constrained by the intent that they be used for specific purposes. Intent can be expressed by either the AOC Board of Directors, AOC committees or officials the Board of Directors has delegated authority to. By default, assignments include resources that are reported in governmental funds other than the General Fund that are not otherwise restricted or committed. Assignments can be communicated through the budget message in the annually adopted budget document for the General Fund, and by virtue of resources budgeted in the other governmental funds that are not otherwise restricted or committed.

Unassigned. Defined as the residual fund balance that is not non-spendable, restricted, committed, or assigned.

Basis of Accounting and Budgeting. For activities related to budgeting, the Association uses the modified accrual basis of accounting. Under this type of accounting, revenues are recognized when they become measurable and available. "Measurable" means that the amount of the transaction can be determined, and "available" means collection within the current period or soon enough thereafter to be used to pay liabilities of the current period. Expenditures will be recognized when incurred and when payment is expected to be made from available resources at year-end. Debt service will be recognized when principal and interest payments are due and payable.

Budget Committee. The Budget Committee is established by the Bylaws and is comprised of the AOC District Chairs.

Amending the Adopted Budget. All requests for budget amendments after adoption will be submitted to the Chief Operations Officer for review and analysis. The Chief Operations Officer shall prepare and forward a recommendation to the Executive Director.

All recommendations for the adjustment n} must be clearly stated and must include a statement as to why funds are available for transfer and why funds are needed in another Object Classification. All requests shall be timely to allow adequate evaluation, investigation, and approval.

The Executive Director will consider and act on all budget transfer requests in a timely manner. In making a recommendation, the Executive Director will consider the request from the standpoint of the departmental operation and work program, and the effect of the request on present and future budget planning.

The Executive Director can approve any individual line-item budgetary changes within departments as well as within each fund, as well as by 'capital outlay, debt service, transfers, special payments – within each fund.

Supplemental Budget: The Association may amend its annual budget from time to time through a supplemental budget process. This is a budget that is prepared during the fiscal year that increases the adopted budget. Supplemental budgets are used to create new appropriations so that a department can spend new or increased resources. It can also be used to create a new appropriation category within a fund or even create a new fund. Supplemental budgets can be used under the following circumstances:

An occurrence or situation has arisen which was not ascertained at the time the budget was prepared.

A pressing necessity which was not foreseen at the time the budget was prepared creates a need.

An unexpected source of funds is now available from another entity.

When proposed increases to appropriations within any fund are greater than 10% of total appropriations for that fund, the budget committee will be convened to review the proposed changes with management prior to presentation to the Board for approval.

The Adopted Budget. Final adoption of the budget by the Board of Directors shall constitute the official appropriation for the budget year. All expenses of the Association shall be made in accordance with the adopted annual budget, unless amended as outlined below.

The adopted budget shall:

Present accurate information on Association funds and departments.

Be balanced between revenues and expenditures.

Be published no later than January 1st following adoption by the Board of Directors.

Meet all regulatory and statutory requirements.

BUDGET PREPARATION

The Chief Operations Officer, in consultation with the Executive Director, will serve as the Budget Officer and is responsible for preparing the annual budget document as well as attending to all budget matters that arise throughout the fiscal year.

It is the Executive Director's responsibility to submit a balanced budget to the Budget Committee and Board of Directors.

Long-range financial plans, including financial forecasts of revenues and expenditure estimates will be completed for all operating funds to ensure financial and service stability.

Budget Calendar

January 1: Beginning of the fiscal year;

July: Budget Committee policy/planning meeting for following fiscal year.

August - September: Departments submit requested budgets;

October: Budget Committee reviews and recommends budget;

November: General membership adopt budget for new fiscal year (January 1).

Budget Message. The Chief Operations Officer, in consultation with the Executive Director, shall prepare and submit a Budget Message for every annual budget which outlines the proposed financial policies for the next fiscal year as well as providing a complete statement regarding the financial condition of the Association.

The Chief Operations Officer shall assure that the following are prepared and submitted for the annual budget:

An estimate of all revenue from member dues and other sources.

A detailed comparison of costs and expenditures for the current and proposed budget year.

A description of all outstanding indebtedness of the Association.

Performance measures/goals for each departmental.

REVENUE

Revenue: Revenue estimates will be established each year in a realistic and prudent manner using objective and analytical approaches. Revenue forecasts will assess the full spectrum of resources that can be allocated for member services. To the greater extent possible, the Associations' revenue system will be diversified as protection from short-run fluctuations in any one revenue source.

Revenue Management: The Association will not respond to long term revenue shortfalls with deficit funding or borrowing to support ongoing operations. Once working capital balances have reached minimum policy levels, expenses will be reduced to conform to long term revenue forecasts and/or revenue increases will be considered.

Administrative (In-Direct) Fees: All revenues including charges for service to affiliates, outside entities or grants will be reviewed annually and set by the Board of Directors upon recommendation from management. The Association will annually review all fees in conjunction with the budget process. All fees and rates will be memorialized in a Board Resolution.

User charges and fees will be established based at a level related to the full cost including indirect costs, operations and maintenance, overhead, and charges for the use of capital facilities.

Factors for fee or charge adjustments may also include the impact of inflation, other cost increases, actual direct and indirect cost of providing the services, and statutory limits. Generally, fees will be set to fully recover costs of operation, including depreciation of equipment, direct and indirect costs.

Use of One-Time Revenues: One-time revenues or resources shall not be used to fund ongoing operations, unless in the context of a multi-year financial plan to balance expenditures and reserves. One-time revenues should not support ongoing personnel and operating costs. Use of one-time revenues is appropriate for non-recurring capital outlay, debt retirement, contribution to capital reserves, and other non-recurring expenses if specifically approved by the Board of Directors through the budget process.

Use of Unpredictable Revenues: Revenues of a limited or undefined term will generally be used for capital projects or one-time operating expenditures to ensure that no ongoing service programs are lost when such revenues are reduced or discontinued.

Grants: Grants are generally contributions from one government to another, usually for a specific purpose. Grants will be recorded in the General Fund.

Grants sometimes come with matching fund requirements so it is important that matching requirements be well understood before grants are accepted by the Association to ensure that services being provided through grant funding are sustainable. It is also essential any staff hired to carry out grant funded services are hired subject to the amount and continuation of the grant funding.

New Projects, Member Services or Grants: Prior to initiation of new projects, member services or grants financial impact analyses will be completed and considered. The analysis will identify the short term and long-range effects of new initiation on the Association, including any commitment for additional resources. Board of Directors approval is required before proceeding with new projects, member services or grants.

EXPENDITURE

Expenditures: Expenditures include (not all inclusive) wages, taxes, benefits, utilities, office supplies, equipment purchases, contracts for service, transfers out to other funds, and debt payments.

Expenditure Accountability: Department expenditures may not exceed appropriations allocated to the department, Program, or Cost Center for an object classification.

The Association will maintain an accounting system which provides internal budgetary controls. The budget documents shall be presented in a format that provides for logical comparison with prior fiscal periods whenever possible. Reports comparing actual revenues and expenditures to budget for the Association's major operating funds by Department and object classification shall be prepared monthly which will be distributed to the Board of Directors, Executive Director, Department Heads/Directors, Finance and Audit Committee and any interested parties.

Contracting for services provided by outside agencies or vendors will be considered when contracting out is both cost effective and consistent with employee policies.

Intergovernmental agreements to provide, receive, or cooperate in the provision of service delivery will be encouraged wherever services can be more effectively provided on a collective basis.

Cash will not be transferred from one fund to another fund except for those approved during the annual budget process or in a supplemental budget transfer appropriation.

Grants: All grant, contract, and other service generated revenues (e.g. fees, reimbursements) are considered fully expended prior to expending other Association funds unless otherwise directed by specific grant or contract requirements.

Any services or programs that are largely or wholly supported by time-limited grant or contract funds will be considered to automatically sunset at the expiration of the grantor contract.

Administrative (In-Direct) Cost Recovery: The Association will recover the allowable indirect cost allocation from all grants, contracts and intergovernmental agreements. Exceptions will be made only upon Board of Director approval. Indirect cost revenues are to be received into the General Fund to pay for the cost of services provided. [Note: AOC will develop a formal written indirect cost allocation methodology].

Debt Capacity, Issuance and Management: The Association will not use long-term debt to fund current operations, to balance the budget, or to fund projects that can be funded from current resources. The Association may use short-term debt or inter-fund loans as permitted by law to cover temporary cash flow needs resulting from a delay in grant proceeds or other revenues. All long-term debt will be authorized by resolution of the AOC Board of Directors.

No debt will be issued for which the Association is not confident that a sufficient specifically identified revenue source is available for repayment. The Chief Operations Officer shall prepare an analysis of the source of repayment prior to issuance of any debt.

The Chief Operations Officer is responsible to structure all debt issuances and oversees the on-going management of all Association debt including lease purchase agreements, equipment financing agreements and any other contractual arrangements that obligate the Association to make future principal and interest payments.

RESERVES:

Operating Funds: In order to maintain a prudent level of financial resources to protect against the need to reduce service levels or raise membership dues due to temporary revenue shortfalls or unforeseeable one-time expenditures, the Association will establish and maintain certain working capital balances.

General Fund Reserve. AOC will establish and strive to maintain a liquid cash balance at a minimum 25% (3 months) of anticipated operating expenditures, to ensure adequate cash flow and protection of service levels to the members in the event of unforeseen events, revenue volatility, or economic downturns. This reserve is in addition to contingency amounts. The Association will develop a plan to build the General Fund Reserve in future years to a maximum of 50% (6 months) of anticipated operating expenditures.

The General Fund Reserves will be available for appropriation to reduce the impact of revenue fluctuations and drops in revenue growth due to economic downturns when continuation of existing service levels to the members are threatened. Board of Director approval is required before expending General Fund Reserves.

Replacement of General Fund Reserves. In the event the total reserve falls below the 25% minimum amount, a written replenishment plan (including timeline) will immediately be developed by the Chief Operations Officer. Implementation of the plan will begin as soon as feasible, preferably within the fiscal year following use, with full replenishment occurring within five fiscal years.

Additional Reserves. In the event the total reserve exceeds 50% of operating revenues, the Chief Operations Officer, in consultation with the Executive Director, will provide recommendations to the Board on use of excess reserve amounts. If a recommendation for expenditure is presented, priority will be given to one-time expenditures that result in future operating cost reductions or prepayment of debt obligations.

Other Dedicated Funds. For all dedicated Funds, reserve levels will be established specific to the funding source, service type and assets owned. The recommended level will be verified and reviewed for adequacy through the annual budget process.

General Fund Contingency. A General Fund Contingency account equal to 1.5% of annual General Fund operating expenditures will be maintained annually in the Operations Department budget. The contingency funds will be available for non-recurring unanticipated expenditures and/or to set aside funds to cover known contingencies with unknown costs. Board of Director approval is required before expending General Fund Contingency funds.

Capital Reserves. AOC will utilize a reserve fund dedicated to the replacement of its major capital assets to be funded at the discretion of the Board. An annual calculation will be made by management on the annual funding level and current reserve balance necessary to be deemed 'fully funded'. Actual funding of the capital reserve will be at the discretion of the Board and only after the other reserve programs are fully funded.

INTERFUND LOAN:

Interfund loans are a tool employed by the Association when experiencing short-term, transitory cash imbalances created in the conduct of activities approved by the Board of Directors.

Interfund Loan Restrictions. Interfund loans shall not be made from funds otherwise restricted by law, bond covenants, grantor requirements, Board order or ordinance for specific uses, unless the purpose of the loan is an allowed use under those restrictions or the restricting entity approves the loan transaction.

Interfund loans are not to be used to fund on-going operating activities other than those approved by the Board of Directors in a formal budget action.

Interfund loans are not to be used to balance the on-going operating budget of the borrowing fund due to a shortage of spending authorization.

Interfund loans will be granted only after it has been demonstrated that reasonable consideration was given to other potential resources available to the fund and when the loan is required to meet a pressing need or to take advantage of a special opportunity.

For budgetary purposes, interfund loans made to General Fund shall not obligate unrestricted General Fund general revenue sources for future loan repayments beyond the current fiscal year.

Interfund loans may be made only if there is a likely expectation that the fund receiving the loan will have the ability to repay it. In other cases, the use of an interfund transfer should be considered for appropriateness.

Consideration shall be given to the adequacy of resources in the lending fund, and in no case shall an interfund loan be made when the consequence of that loan would be to deter or otherwise interfere with any function or project for which the fund was established.

Interfund loans may be repaid in advance without any additional accrual of interest (if applicable) or any other penalties.

Interfund Loan Request. Interfund loan requests must be reviewed and approved by the Finance and Audit Committee prior to taking a request for authorization to the Board of Directors.

Interfund Loan Approval. Interfund loans must be authorized by an order of the Board of Directors, which shall state the fund from which the loan is to be made, the fund to which the loan is to be made, the purpose for which the loan is made and the principal amount of the loan, along with a schedule for repayment of principal and interest, or a statement that interest is not applicable to the loan.

Interfund Loan Type. Interfund loans are to be characterized as either “operating” or “capital” and shall meet the following additional requirements, consistent with their character.

Operating Interfund Loan. An operating interfund loan is made for the purpose of paying operating expenses. An operating interfund loan:

Shall be budgeted and repaid no later than the end of the fiscal year subsequent to the period in which the loan was made;

If not repaid in the same fiscal year in which it is made, the full repayment of the loan shall be appropriated as a budget requirement in the subsequent fiscal year; and is required to be assessed interest, unless otherwise stated in the adopting order.

If interest is assessed, the rate of interest will be equivalent to the actual earnings rate in the Local Government Investment Pool plus 1%, unless otherwise stated in the adopting order.

If interest is assessed, such interest will be computed as simple interest on the outstanding balance from the date of the loan to the date of repayment or partial repayment, unless otherwise stated in the adopting order. Calculations shall be made on a per diem basis when there are fluctuations in the rate at the Local Government Investment Pool.

Capital Interfund Loan. A capital loan fund is defined as a loan made for the purpose of financing the design, acquisition, construction, installation, or improvement of real or personal property and not for the purpose of paying operating expenses.

A capital interfund loan:

Shall not exceed 120 months in duration;

Shall set forth in the adopting order a schedule under which the principal amount of the loan, together with the interest rate are to be budgeted and repaid to the lending fund;

Shall be assessed interest at a rate that is equivalent to the actual earnings rate in the Local Government Investment Pool plus 1%, unless otherwise stated in the adopting order; and

Shall accrue interest computed as simple interest on the outstanding balance from the date of the loan to the date of repayment or partial repayment, unless otherwise stated in the adopting order. Per diem interest calculations will be made when there are changes to the rate at the Local Government Investment Pool

INVESTMENT

Investment practices shall be in accord with all applicable state and federal statutes and regulations. Investments shall be made in accordance with such statutes and regulations, including but not limited to Oregon law governing local government financial administration and depositories of public funds and securities, as applicable.

Local Government Investment Pool. Association funds shall be placed in the Local Government Investment Pool upon the authorization of the Chief Operations Officer.

All investments shall be placed to ensure a competitive rate of return and be consistent with considerations of safety, liquidity and yield.

INTERNAL CONTROLS

Overview.

Association management shall demonstrate commitment to strong internal controls through its leadership, communications, personnel practices, ethics, and daily actions.

Association management shall be responsible for providing employees with the information and training necessary to ensure compliance with internal controls.

The establishment and monitoring of internal control shall be an on-going process.

Internal controls may be preventive, detective, or corrective.

The strength of controls placed in operation shall be based on management's policy to tolerate, monitor, or avoid recognized risks. [Note: AOC will develop a formal written risk tolerance policy].

Internal controls shall be designed to provide reasonable, but not necessarily absolute, assurance that:

Association goals and objectives are met;

Financial reporting is reliable;

Assets are safeguarded;

Transactions are accurately and properly recorded and executed in accordance with management authorization;

Errors and irregularities are prevented to the greatest extent possible; and

Errors and irregularities that do occur are detected, reported, and corrected in a timely manner.

Internal controls shall rely on the compliance of individual Association employees; however, such reliance shall recognize the risk created by:

Management override,
Collusion by two or more individuals,
Improper maintenance of adequate segregation of duties and functions,
Negligence in updating controls as processes or objectives change,
Laxity in providing adequate training as needed and on a continuing basis, or
Failure to detect mistakes made in the course of ordinary business.

Monitoring.

The Chief Operations Officer, in consultation with the Executive Director, shall be responsible for establishing and maintaining internal controls and for developing policies and procedures to implement such controls.

The Chief Operations Officer, in consultation with the Finance and Audit Committee, shall be responsible for evaluating internal controls on a regular basis and modifying them as appropriate and as needed. Internal controls will be documented in either or both written or graphical form with use of flowcharts. The documentation will be revised periodically but no less frequently than annually as changes are made.

The Chief Operations Officer will periodically monitor internal controls to assess compliance with the minimum standards of this rule.

The Chief Operations Officer will report all instances of non-compliance quarterly to the Finance and Audit Committee.

As instances of non-compliance are identified, the Chief Operations Officer will be required to develop and implement a corrective action.

Definitions.

“Internal Control” means a process designed to minimize risk by providing reasonable assurance of accurate and reliable financial reporting, compliance with applicable laws and regulations, safeguarding of assets, effective and efficient operations, and accomplishment of management’s goals and objectives.

“Control environment” means an organization’s culture or tone with regard to internal control and represents the foundation for other internal control components.

“Risk assessment” means evaluation of factors both inside and outside an organization that may expose an organization to risks that may prevent it from accomplishing management’s goals or objectives.

“Control activities” are written policies and procedures and other directives and practices that communicate management direction to minimize risk.

CHART OF ACCOUNTS

Definitions: The definitions below are presented in logical rather than alphabetical order.

“Chart of Accounts” means a standardized system of classifying financial information to fulfill the need for uniform, consistent terminology and classifications to be used for budgeting, accounting, and reporting the Association’s financial activities.

“Fund number” refers to the numerical digit sequence assigned to a fiscal and accounting entity as authorized by the Board of Director’s.

“Programs” refer to systematically-assigned numeric indicators that allow categorization and collection of business transactions and other events on the Association’s financial records. Individually, the accounts represent the various aspects or attributes of the Association’s financial system. Collectively the accounts, along with the transactions and balances, comprise a ledger or general ledger. Examples of accounts are cash, accounts payable, property tax revenues, and office supplies expense.

“Cost center” (or alternatively “center code,” “account-center,” or “revenue center”) refers to a numerical digit sequence that delineates an organizational unit within the Association and represents the lowest level used for capturing financial information in the general ledger. Such a digit sequence may be set forth as a separate code, a combination of account and cost center codes, or a sequence within an account number.

The Operations Department shall be responsible for establishing and maintaining a single, Association wide Chart of Accounts.

The Operations Department shall be responsible for insuring that the Chart of Accounts appropriately provides for accurate and consistent recording of accounting transactions in accordance with Generally Accepted Accounting Principles and that it adequately supports uniformity in reporting financial information.

The Operations Department shall be responsible for establishing and maintaining a uniform and consistent process for adding, deleting, and modifying the chart of accounts and the financial reporting structure.

The Operations Department shall be responsible for developing policy regarding when to add or delete Funds, Departments, Programs, Cost Centers and Line Items.

The Operations Department shall be responsible developing the internal financial reporting structure.

The Operations Department shall be responsible for developing policy regarding when to add or delete Funds, Departments, Programs, Cost Centers and Line Items.

The Operations Department shall publish the Chart of Accounts including definitions, guidelines, and procedures for its appropriate use and shall make such publication readily available to all users of the financial system. Any changes to these definitions, guidelines, and procedures must be approved by the Finance and Audit Committee.

Each department shall be responsible for assuring the proper application of accounts and related codes in accordance with its internal financial reporting structure and in accordance with the published definitions, guidelines, and procedures established by the Operations Department.

The Operations Department, together with the departments, shall strive to use the minimum number of accounts and related codes.

The Operations Department shall be responsible for annually purging account numbers and related codes that have remained inactive for a specified period of time.

DRAFT

COUNTY SOLUTIONS RESTRUCTURING PLAN

County Solutions has become a self-funded operation and raised over 500,000 over the past two and half years but to ensure that is self-sustaining going forward the following restructuring plan is instituted. AOC currently does not have the capacity to manage grants. A restructuring of fiscal support will address that problem. The following outlines the understanding and plan for County Solutions for 2018 and 2019 and beyond.

1. County Solutions will not rely on the general fund for its operation in any way.
2. County Solutions will work with willing counties and partner organizations to receive all new grants that require fiscal reporting and then contract with County Solutions to deliver collaborative services under those grants.
3. County Solutions will contract for fiscal services and grant management support, when requested by AOC, on an interim basis for all existing grants or grants that have already been applied for that require fiscal reporting.
4. County Solutions will pay for all administrative support from internal staff or contract with external sources out of its own funds.
5. If surplus funds are earned by County Solutions, they will be used to establish a reserve fund for the program. Additional funds beyond those needed for the fund will be contributed to AOC.
6. Over the next two years County Solutions will increase its overhead rate from 10% to 15%
7. The County Solutions Director will voluntarily reduce working hours and time invested if and as needed to ensure that the program does not draw on general funds or cause any cash flow issues for AOC.