

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance Ratifying an )  
Intergovernmental Agreement Expanding )  
the Membership of the Yamhill Communi- )       ORDINANCE 672  
cations Agency and specifying Member's )  
Rights and Obligations upon Dissolution )  
effective September 13, 1999.            )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on June 10, 1999, commissioners Robert Johnstone, Thomas E.E. Bunn and Ted Lopuszynski being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

A. Yamhill County is a member of the original Yamhill Communications Agency ("YCOM"), an intergovernmental entity created under ORS Chapter 190. YCOM members have agreed that additional agencies should become part of YCOM, and that the intergovernmental agreement should otherwise be amended to specify a member's rights and obligations on dissolution of YCOM. Since YCOM's creation, ORS Chapter 190 has been amended by the addition of ORS 190.085 in 1991. ORS 190.085 provides as follows:

"190.085(1) Prior to the effective date of an intergovernmental agreement creating an intergovernmental entity, each of the parties to the intergovernmental agreement shall enact an ordinance ratifying the creation of the intergovernmental entity. An ordinance enacted under this subsection shall:

- (a) Declare that it is the intent of the governing body enacting the ordinance to create an intergovernmental entity by intergovernmental agreement;
- (b) Specify the effective date of the intergovernmental agreement;
- (c) Set forth the public purposes for which the intergovernmental entity is created; and
- (d) Describe the powers, duties and functions of the intergovernmental entity."

B. Subsection (2) of ORS 190.085 requires certain items related to the intergovernmental agreement ratified under ORS 190.085(1) to be filed with the secretary of state within 30 days of the creation of the intergovernmental entity. These items include the intergovernmental

agreement, the ordinance ratifying the intergovernmental agreement and a statement containing the name of the intergovernmental entity created, the parties to the agreement, the purpose of the agreement and the effective date of the agreement.

C. This ordinance is intended to ratify the YCOM agreement attached as Exhibit "A" to this ordinance as required by ORS 190.085. NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

**Section 1. Purpose.**

The purpose of this ordinance is to comply with ORS 190.085, 1997 replacement part.

**Section 2. Intent.**

It is the intent of the Board as governing body of Yamhill County to modify the membership and organizational structure of the Yamhill Communications Agency ("YCOM") as originally created by intergovernmental agreement dated January 1, 1988 and amended July 1, 1991. To do so, the Board hereby adopts the Yamhill Communications Agency Agreement attached and incorporated into this ordinance as Exhibit "A."

**Section 3. Effective date of new YCOM agreement.**

The new YCOM agreement attached as Exhibit "A" shall become effective on July 1, 1999 or, if a court determines the agreement is not effective until the effective date of this ordinance, then September 13, 1999.

**Section 4. Public purpose.**

The public purpose of YCOM is to provide public safety emergency communications.

**Section 5. Powers, duties and functions of YCOM.**

In providing public safety communications, YCOM provides dispatching, relaying or transferring of calls made in the named jurisdictions and other jurisdictions in an emergency the maintains agency owned equipment and telephone lines connected to the 9-1-1 center. Subject to limitations contained in local, state or federal law and in the YCOM agreement attached as Exhibit "A," YCOM shall have all powers, duties and functions necessary to achieve the public purpose of providing public safety emergency communications.

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Section 6. Severability.

All sections, subsections and paragraphs of this ordinance are severable. If any section, subsection or paragraph is ruled invalid for any reason by the court of last resort, the other portions of this ordinance shall be unaffected.

Section 7. Effective date.

The first reading of this ordinance was made May 27, 1999. The second reading was made June 10, 1999. In accordance with ORS 203.045(9), this ordinance shall become effective September 13, 1999.

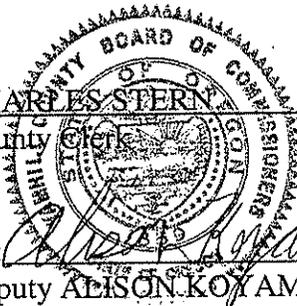
AYES: Commissioners Johnstone and Lopuszynski.

NAYS: Commissioner Bunn.

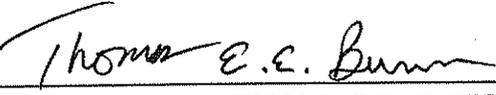
DONE at McMinnville, Oregon on June 10, 1999.

ATTEST

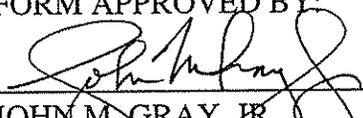
YAMHILL COUNTY BOARD OF COMMISSIONERS

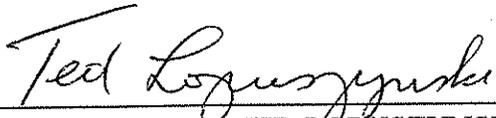

  
 CHARLES STERN
   
 County Clerk
   
 By: 
  
 Deputy ALISON KOYAMA


  
 Chairman ROBERT JOHNSTONE


  
 Commissioner THOMAS E. E. BUNN

FORM APPROVED BY:


  
 JOHN M. GRAY, JR.
   
 Yamhill County Counsel


  
 Commissioner TED LOPUSZYNSKI

admin\whiteclordiga.wpd

Accepted by Yamhill County
   
 Board of Commissioners on
   
6-10-99 by Board Order
   
 # 99-392

*Yamhill*  
*Communications*  
*Agency*  
*Agreement*

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**ARTICLE I.**

**Organization and Name**

There is hereby established an intergovernmental agency to be known as the Yamhill Communication Agency, hereinafter referred to as YCOM, which shall be governed by a Policy Board consisting of member agencies as enumerated in Article II.

This agency shall have responsibility and authority in the area of public safety communications and the functions incidental thereto for the purpose of communicating, dispatching, relaying or transferring calls made in the named member jurisdictions, and shall be responsible for the maintenance of any agency owned equipment and leased telephone lines directly connected to the 9-1-1 center. The Policy Board, Executive Board, and a Communication's Director shall exercise supervision and management of this agency.

**ARTICLE II.**

**Membership of the Agency**

The Yamhill Communications Agency (YCOM) shall consist of governmental bodies receiving 9-1-1 funds from the State of Oregon that enter into this intergovernmental agreement. The governing body of each shall select a representative and one or more alternates who shall serve in the absence of the primary representative.

The following governmental entities are eligible to join YCOM as voting members provided; (1) their respective jurisdictions receive 9-1-1 Public Safety Answering Point (PSAP) dispatch services from YCOM, and (2) the entity participates in a proportional share of the operating costs of YCOM, the respective amounts to be determined by YCOM's Policy Board. These entities include but are not limited to:

City of Amity	Yamhill County
City of Carlton	Amity Fire District
City of Dayton	Carlton Fire District
City of Lafayette	Dayton Fire District
City of McMinnville	McMinnville Fire District
City of Sheridan	Sheridan Fire District
City of Willamina	Willamina Fire District
City of Yamhill	Yamhill Fire District

**Voting Authority**

All voting members shall have full voting powers over budget, public policy, and administrative areas affecting the agency. It is acknowledged the Yamhill County and the City of McMinnville shall each possess veto powers in the areas of budget and finance for the reason that they are responsible for the payment of all costs in excess of those paid in accordance with Article VIII.

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**Board Responsibilities**

The Policy Board shall be responsible for:

1. Appointing and terminating the employment of the YCOM Director;
2. Supervision of the YCOM Director;
3. Reviewing and approving the annual budget and the determination of the projected costs to each participating governmental unit (see Article II and Article III);
4. Establishing the level of compensation for the communications employees consistent with the collective bargaining agreement;
5. Entering into contracts with any person, firm or corporation, or any agency of government, as necessary, to acquire goods or services for the operation of the communications agency subject to Article II and Article VIII;
6. Contracting with the appropriate local governments for use of space for its operation, and for staff and auxiliary services, including, but not limited to, records, payroll, accounting, purchasing, and data processing subject to Article II and Article VIII;
7. The Policy Board may delegate administrative functions to the Director as it deems appropriate;
8. The Policy Board shall meet periodically, and at least semiannually, and shall establish a regular meeting date. The Policy Board from time to time may also conduct special meetings upon the request of the chair or any representative of the board member entities, upon such notice as is provided under the requirements of Oregon Revised Statutes, Chapter 192.
  - a) Minutes of all meetings shall be recorded and maintained;
  - b) Meetings shall be governed by Robert's revised Rules of Order except as otherwise provided;
  - c) A quorum shall be defined as six members in attendance at a meeting.
9. The Policy Board may create an Executive Committee consisting of representatives from Yamhill County, City of McMinnville, and two other member agencies elected by the full Policy Board who shall act on behalf of the Board in carrying out adopted policies or acting on approved budgetary items. Creation of the Executive Committee shall occur at a regular semiannual meeting after written notice of the intent to create the committee has been given to the member agencies.

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Associate Members

Upon approval of the Policy Board, a Non-voting, associate membership may be extended to any political subdivision within the boundaries of Yamhill or Polk Counties. Non-voting members may participate in discussion of any non-financial item of business. Nonvoting members may not serve on the YCOM budget or executive committee.

**Article III.**

Officers

The Policy Board shall elect from its own membership a chairperson and vice-chairperson. The Chairperson shall preside over the meetings of the Policy Board and shall see that orders and Resolutions of the Policy Board are carried into effect. The Vice-Chairperson shall act as Chairperson in the absence of the Chair.

**Article IV.**

Quality & Assurance

The Policy Board shall appoint a Quality And Assurance Committee to examine complaints and concerns of the users within YCOM. This committee shall, upon receiving a complaint from a user organization, investigate the complaint. After completion of their investigation they shall report their findings and recommendations to the Policy Board.

**Article V.**

Director

1. There shall be a Director of the agency appointed by the Policy Board from a list containing a minimum of (3) three names and not more than (5) five names. The Director shall be selected upon basis of the qualifications as established by the Policy Board.
2. The Director shall be the administrative head of the communication agency and shall be responsible for the operation and management of the agency.
3. The Director shall act as executive staff person for the Executive Board and attend all meetings of the Executive Board and the Policy Board. The Director shall be responsible for preparation of the annual budget and present it to the Budget Committee. The Director shall have the authority to hire and fire all personnel subject to policies or contracts approved by the Policy Board.
4. The Director shall prepare, revise, and modify operational and administrative policies subject to the approval of the Policy Board prior to implementation.

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5. The Director shall establish policies for expenditures of budget items for the agency and establish controls to ensure accountability of all funds received and expended.

**ARTICLE VI.**

**Personnel Administration**

The Director shall be responsible for the establishment of personnel administration and policies (within the scope allowed by the Collective Bargaining Agreement), recruitment and hiring practices, personnel files, employee performance appraisals, training, and career development procedures for the agency. All policies and practices shall be in accordance with state and federal laws, the Equal Employment Opportunity Act, the Fair Labor Standards Act, and any other conditions established by the Board so long as they are in compliance with the law.

**ARTICLE VII.**

**Budget**

The annual operating budget shall be developed by the Director, in accordance with Oregon Revised Statutes, Chapter 190. The budget shall be prepared in a timely manner such that member jurisdictions may have adequate notice to include sufficient amounts in their proposed operating budgets to cover YCOM costs.

Funding shall be obtained from each participating member, other than Associate Members, through periodic requests from the Director. The amount shall be billed out not later than the 31st day of the month preceding the requested payment.

**ARTICLE VIII.**

**Funding**

Funding shall be based upon a cost-sharing formula as determined by the Policy Board.

**ARTICLE IX.**

**Insurance**

YCOM shall purchase liability insurance in an amount equal to the limits set in the Oregon Tort Claims Act to protect its board members, employees, and member agencies.

**ARTICLE X.**

**Review/Evaluation**

This agreement will be reviewed annually by the Policy Board to evaluate the efficiency

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of the present organizational structure. Adjustments or modifications may be made to the power or authorities of the Director and the Executive Board by a two-thirds vote of the Policy Board, provided that no powers are deleted from or added to the present agreement.

**ARTICLE XI.**

**Amendments**

This agreement may be amended only by a two-thirds vote of the parties' signatory hereto.

**ARTICLE XII.**

**Admission of New Party**

Additional public entities may be added to this agreement upon such terms and conditions as agreed upon by the Policy Board. The admission of additional parties shall be by written addendum to this agreement, signed by the Chair of the Policy Board and the new member.

**ARTICLE XIII.**

**Non-members Contracting for Dispatching Services**

The YCOM Policy Board may enter into contracts with non-member agencies (police, fire, or emergency medical services) as are in the best interests of the citizens of Yamhill County.

**ARTICLE XIV**

**Termination**

Any party may terminate membership without cause by giving written notice to all other parties not less than 6 months prior to the end of the fiscal year, such termination to become effective at midnight of the last calendar day of the fiscal year in which such notice is given.

**ARTICLE XV.**

**Automatic Extension**

This agreement shall be automatically extended from year to year on the same terms and conditions unless it is terminated by mutual agreement of the parties.

**ARTICLE XVI.**

**Effective Date of Agreement**

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This agreement shall amend the Intergovernmental Agreement Creating the Yamhill Communications Agency which became effective on January 1, 1988 and July 1, 1991. Upon approval, these amendments shall become effective July 1, 1999.

**ARTICLE XVII.**

**Facilities**

The City of McMinnville will provide facilities to house the dispatch center and staff offices until such time as the Agency has sufficient funds to construct its own building.

**ARTICLE XVIII.**

**Validity of Agreement**

If any part, paragraph, article, or provision of the agreement is adjudged to be invalid by any court of competent jurisdiction, such adjudication shall not affect the validity of any remaining article, part, or provision of this agreement.

**ARTICLE XIX**

**Dissolution of Agency**

If the Yamhill Communications Agency should dissolve, the dissolution shall not impair the rights of any bondholder or other creditor of the Agency. Any such rights may be enforced against the City of McMinnville, Yamhill County and any other member of the Agency which receives distribution of all or part of the remaining assets of the dissolved Agency. Distribution of remaining assets of the dissolved Agency shall be made as follows:

1. Funds on hand shall be distributed to each participating member in a pro rata share of the member's contribution to the overall budget of the agency since the creation of the agency.
2. All property of the agency not otherwise specified in this Article shall go to the successor agency, if there is one.
3. Property owned by a participating member which was loaned to shall be returned to that member.
4. If there is no successor agency, all property owned by the agency at the formation of the original ORS Chapter 190 agreement, and all property that has since been obtained with proceeds of a County levy, shall return to the ownership of the County or otherwise become the property of the County.
5. If a YCOM facility is built on City of McMinnville property, Yamhill County will either (a) enter into a lease agreement with the City of McMinnville for occupying that land or (b) remove the building from city property.
6. If there is any remaining property on dissolution not described above, that property will be liquidated and the proceeds shall be paid to the agencies who are members

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at the time of dissolution on a pro rata basis according the member's contribution to the overall budget of the agency since the creation of the agency.

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