

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 a)
Restated Intergovernmental Agreement)
governing the Yamhill Communications)
Agency; Removing Veto Authority of the) ORDINANCE 685
City of McMinnville and Yamhill County;)
Modifying YCOM Funding Language;)
effective August 31, 2000.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on August 31, 2000, commissioners Ted Lopuszynski, Thomas E.E. Bunn and Robert Johnstone 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.
- B. By Ordinance 672, effective September 13, 1999, the Board ratified a new YCOM intergovernmental agreement adding additional agencies as YCOM members and making other changes to YCOM operation.
- C. ORS 190.085 provides as follows:

"109.085(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 new YCOM intergovernmental agreement attached as Exhibit "A" to this ordinance as required by ORS 190.085.

D. The first reading of this ordinance was held August 24, 2000. The second reading was held August 31, 2000. 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, 1999 replacement part.

Section 2. Intent.

It is the intent of the Board as governing body of Yamhill County to ratify the a new intergovernmental agreement governing the Yamhill Communications Agency ("YCOM") in order to eliminate budget and finance "veto authority" of Yamhill County and the City of McMinnville and to make other changes regarding funding for YCOM. The new intergovernmental agreement, attached and incorporated into this ordinance as Exhibit "A," replaces a former agreement ratified by the Board in Ordinance 672 effective September 13, 1999. The Board hereby adopts the Yamhill Communications Agency Agreement set forth in Exhibit "A."

Section 3. Effective date of new YCOM agreement.

The new YCOM agreement attached as Exhibit "A" shall become effective when all YCOM member agencies have adopted appropriate municipal legislation to ratify Exhibit "A."

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.

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 of ordinance; emergency clause.

The first reading of this ordinance was made August 24, 2000. The second reading of this ordinance was made August 31, 2000. To carry out the intent of this ordinance an emergency is hereby declared to exist. In accordance with ORS 203.045(4), (5) and (9), this ordinance shall take effect on August 31, 2000.

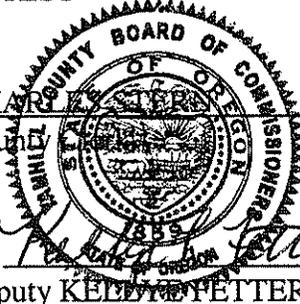
AYES: Commissioners Lopuszynski, Bunn and Johnstone.

DONE at McMinnville, Oregon on August 31, 2000.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHAIRMAN
County



Ted Lopuszynski
Chairman TED LOPUSZYNSKI

By: Kelly M. Petters
Deputy KELLY M. PETERS

Thomas E. E. Bunn
Commissioner THOMAS E. E. BUNN

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR
Yamhill County Counsel

Robert Johnstone
Commissioner ROBERT JOHNSTONE

admin\whitec\ordiga2.wpd

*Yamhill
Communications
Agency
Agreement*

*Ratified by Yamhill County
Board of Commissioners on
August 24, 2000 by Ordinance 685.*

Ex "A" - 1/12

Agreement
Yamhill Communications Agency

TABLE OF CONTENTS

Article I	Organization and Name	3
Article II	Membership of the Agency Voting Authority Board Responsibilities Associate Members	3
Article III	Officers	5
Article IV	Quality & Assurance	5
Article V	Director	5
Article VI	Personnel Administration	6
Article VII	Budget	6
Article VIII	Funding	6
Article IX	Insurance	6
Article X	Review/Evaluation	7
Article XI	Amendments	7
Article XII	Admission of New Party	7
Article XIII	Non-members Contracting for Dispatching Services	7
Article XIV	Termination	7
Article XV	Automatic Extension	7
Article XVI	Effective Date of Agreement	8
Article XVII	Facilities	8
Article XVIII	Validity of Agreement	8
Article XIX	Dissolution	8
Addendum A		10

Agreement
Yamhill Communications Agency

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.

Agreement
Yamhill Communications Agency

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.

Agreement
Yamhill Communications Agency

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.
5. The Director shall establish policies for expenditures of budget items for the agency and establish

Agreement

Yamhill Communications Agency

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.

Please refer to Addendum A: The attached addendum can be amended by a 2/3 vote of the Policy Board.

YCOM shall make every effort to establish a 401 district before the budget year 2003 – 2004. In the event that it is not established, the funding formula addendum A shall be subject to automatic re-negotiation.

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.

Agreement
Yamhill Communications Agency

ARTICLE X.

Review/Evaluation

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

Agreement
Yamhill Communications Agency

Effective Date of Agreement

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, 2000.

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 or 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.

Agreement

Yamhill Communications Agency

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 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.

Agreement
Yamhill Communications Agency

ADDENDUM A

Funding

Funding shall be based upon a cost-sharing formula as follows:

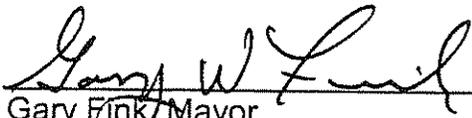
- 1) The amount of dues to be paid by each member agency shall be the amount needed to fund the operations and necessary capital purchases of YCOM after all other resources due to YCOM have been determined and deducted from the total amount of money required to operate and maintain the Agency. The amount needed shall be determined by the YCOM Budget Committee and Policy Board according to applicable Oregon Budget Law.
- 2) Dues shall be allocated to each member jurisdiction of the basis of assessed value. Yamhill County's assessed value shall be determined on the basis of territory outside the corporate limits of a city. For entities providing both police and fire services, 100% of assessed value shall be used for purposes of calculation. Where an entity provides only police services or only fire services or only fire and EMS services, 50% of the assessed value shall be used in the calculation. The assessed value shall be as determined by the Yamhill County Assessor. The most recent figures available from the Assessor shall be the basis of the calculation. The calculation shall be made in the following manner:
 - a) The assessed value for each district shall be factored according to the public safety services provided. For districts providing only police, fire or fire and EMS services, the assessed value shall be multiplied by .5. Where a district provides police, and fire or fire and EMS service, a factor of 1.0 shall be attached to that district.
 - b) The factored assessed values of all YCOM member districts shall be added together. The percent of the assessed value that each district represents shall be computed by dividing the factored assessed value of each district by the sum of the factored assessed values of all member districts.
 - c) The contribution of each entity shall be calculated by multiplying the total amount of dues required (as calculated in 1 above) times the percent of the total that the district represents (as calculated in 2b) to determine the annual contribution.
- 3) Fire District Calculation – The dues structure for County Fire Districts shall be phased in. For the Fiscal Year 2000-2001, no fire district shall pay more than the increase in assessed value from 1998 to 1999, minus 3% times the district's permanent tax rate. The balance of the dues attributable to fire districts shall be paid by Yamhill County.
- 4) For fiscal years after 2000-2001, district shall contribute the amount of the previous year's dues plus the increase in assessed value from the previous fiscal year to the current fiscal year minus 3%, times the district's permanent tax rate.

Agreement
Yamhill Communications Agency

- 5) When the assessed value of the fire district has increased to the point that the amount produced by the calculations in subsections 3 and 4 above equal or exceed the amount of dues allocated on the calculation produced in subsection 2 above, the district shall pay the amount produced by the calculation specified in subsection 2.
- 6) The cities of Carlton and Lafayette provide fire services directly to their citizens. These cities shall be entitled to the to the same treatment with respect to dues as the fire districts (as specified in items 3 through 5 above) for the portion of their YCOM Dues related to the provision of fire service. The calculation for these two cities shall be made by the person designated as financial officer for YCOM.

Agreement
Yamhill Communications Agency

We the undersigned agree to the above agreement of the Yamhill Communications Agency.



Gary Fink, Mayor
City of Amity

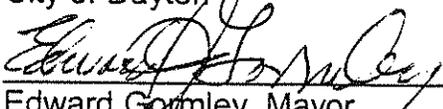


Steve Sampson, Mayor
City of Carlton

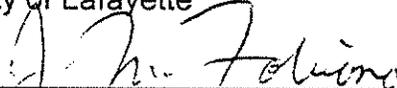


Georgia Jo Windish, Mayor
City of Dayton

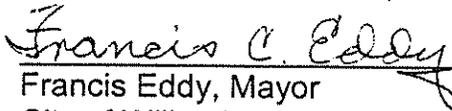
Jacquelyn Carpenter, Acting Mayor
City of Lafayette



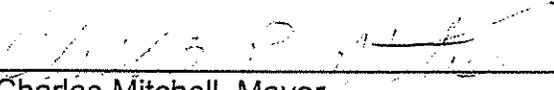
Edward Gormley, Mayor
City of McMinnville



Joe Fabiano, Mayor
City of Sheridan



Francis Eddy, Mayor
City of Willamina

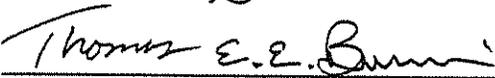


Charles Mitchell, Mayor
City of Yamhill



Robert Johnstone
Yamhill County Commissioner

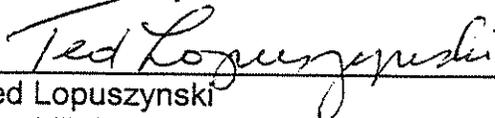
Mike Vario, Board Chair
Amity Rural Fire Protection District



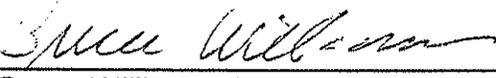
Tom Bunn
Yamhill County Commissioner



Gary Maxwell, Board Chair
Dayton Rural Fire Protection District

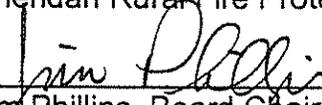


Ted Lopuszynski
Yamhill County Commissioner



Bruce Williams, Board Chair
Sheridan Rural Fire Protection District

Larry Pekkola Jr, Board Chair
Carlton Rural Fire Protection District



Jim Phillips, Board Chair
Yamhill Rural Fire Protection District

Ray Fields, Board Chair
McMinnville Rural Fire Protection District



Rick Mishler, Board Chair
Willamina Rural Fire Protection District