

MID-COLUMBIA COUNCIL OF GOVERNMENTS

**Board of Directors Meeting Minutes**

**Tuesday, March 3, 2015 10:00 a.m. to 11:00 a.m.**

Board Room, 1113 Kelly Avenue, The Dalles, Oregon

2015 Board of Directors:

Gilliam County: Denise Ball, Steve Shaffer, \*Mike Weimer  
Hood River County: \*Maui Meyer, Les Perkins, Mark Zanmiller.  
Sherman County: Tom McCoy, \*Michael Smith  
Wasco County: Russ Brown, Scott Hege, \*Rod Runyon  
Wheeler County: Lynn Morley, \*Chris Perry  
(\*denotes Executive Committee Members)

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**I. Call to Order**

**A. Roll Call and Introductions**

The meeting was called to order by Michael Smith, Chair.

**Present:** Russ Brown, Tom McCoy, Maui Meyer, Lynn Morley, Rod Runyon, Steve Shaffer, Michael Smith and Mike Weimar.

**Absent:** Denise Ball, Scott Hege, Les Perkins, Chris Perry and Mark Zanmiller.

**Staff:** John Arens, Executive Director; Cecilia Lamas-Guiney, Executive Assistant; Marvin Pohl, Deputy Director & AAA Director; Sarah Brumbaugh, Fiscal Director; Larry Titus, Network Administrator; Dan Schwanz, Transportation Director; Brent Olson, Transportation Operations Director; Lynda Dallman, Human Resources; Holli Francis, WIA Director; Stephanie Ziegler, MCBCS Director; Robert (Bob) Futter, MCBCS Building Official.

**Guests:** Barbara Briggs, Briggs Business Consulting (via phone); Rodger Nichols, Haystack Broadcasting; Paul Zastrow; Bill Lennox; Tom Peachery, Neita Cecil, The Dalles Chronicle; Tyler Stone, Wasco County Administrative Officer; Ron Hageman, Hageman Builders.

**B. Approval of January 27, 2015 Board Meeting Minutes.**

Steve Shaffer moved, seconded by Maui Meyer, to approve the minutes as presented. The motion carried unanimously.

**AYES: Brown, McCoy, Meyer, Morley, Runyon, Shaffer, Smith, Weimar (8)**

**NAYS: None (0)**

## **II. Open Agenda**

John Arens presents two items for agenda addition: a letter from State Building Codes in regard to Mid-Columbia Building Codes Services (MCBCS) and the Executive Directors (ED's) Compensation Package.

Michael Smith will add the MCBCS letter under Report topic "B"; and the ED's Compensation afterwards. There were no other public comments.

## **III. Reports/Communications**

### **A. Transportation Connect Oregon IV Match**

John Arens reads memo. The match is part of the funding used to build the transit center. Arens states he's bringing this forward to keep the Board informed about what's been going on; the project is still moving forward. MCCOG is not coming to the Board for any additional resources at this time.

Tom McCoy asks about flex-funds. Arens explains that Flex started out as Federal highway dollar funds. This gave MCCOG the ability to purchase the land and some preliminary plans. This has been some of the complication through this whole project; going into year four with federal highway dollars it's a very different process that ODOT uses to manage and govern those dollars to make sure they are compliant. Currently ODOT is in final phase of transitioning all these monies to transportation fund, which is a more useable resource. It's all working out, just taking longer.

Mike Weimar asks about the \$187,000. Arens responds; ODOT thought the \$187,000 was going to be MCCOG's match that MCCOG was going to use local dollars to put into, which was a misunderstanding.

Michael Smith asks if they are able to right size this project in order to make this work. Arens responds yes.

Weimar confirms that they understood this project would be done in phases. They have what they need to get it going.

Smith asks if there are any questions or anything to add.

Dan Schwanz responds that he's glad our understanding is the same as ODOT's at this point. Discussion moves to next topic.

### **B. Mid-Columbia Building Codes Services (MCBCS) Topic**

Michael Smith presents topic to Board and guests; provides background information on matter. Explains that this topic was introduced at the last Executive Session (Committee) meeting (February 20, 2015) and is about Wasco County putting together a working group (an advisory committee) to investigate whether or not MCBCS is being run properly through MCCOG; whether they are servicing the area properly. States this is being discussed because, as a Board, they were unaware and surprised they were not informed prior to the decision to form the working group. Nothing was resolved at that meeting (Executive Committee), so would like to address item with Board.

Steve Shaffer clarifies that it wasn't an Executive Session, it was an Executive Committee meeting.

Smith agrees; clarifies that it was an Executive Committee meeting, not Executive Session. Smith continues discussion, mentioning that they just wanted to get it on record that this was happening, that they were unaware that there was a continuing concern. Discussed the fact that they hadn't had any continuing complaints, had implemented a customer survey, and hadn't gotten much response.

Stephanie Ziegler from MCBCS mentions a general contractor, Steve Kelsey, had provided her with a letter to present to the Board and guests. Letter is addressed to Wasco County Commission. Letter mentioned some questions and concerns about possible transfer of Building Codes to Wasco from MCCOG.

Smith mentions that during the last Executive Committee meeting they had discussed the rights of each county and their choices in that regard, but wanted to discuss as a group so they may be part of the solution. Asked Rod Runyon if he would like to speak to this, as Commissioner Hege is out of town.

Runyon says this is a simple advisory committee, based on ongoing complaints from an individual about MCBCS service. Commissioner Hege has been lead on this, has spent countless hours on this and spoken with a number of contractors who have voiced similar things to him. After more than a year dealing with this, their Administrative Officer (AO) suggested the formation of an advisory committee to address this. To him, this is all it is. At this point, it's to discuss the issues in Wasco County relating to Building Codes.

States that Wasco County's AO called John (Arens) notifying him of their intent. Arens chose not to give Tyler Stone a heads up (when Arens visited Wasco Commission), but came and read a letter to the Commission without consulting with the Board or his Wasco County representatives. It's become a big deal, he doesn't see it that way. As far as MCCOG trying to put together a committee of contractors over a year ago, they were totally unsuccessful and he doesn't know why. In a week, Wasco's AO was able to form one, which was held yesterday with local contractors. What they want to do is get this off the table so they're not dealing with it at every Wasco County Commission meeting. Says they've (Wasco County) encouraged Mr. Lease to go to the other commissions on numerous occasions. Scott (Hege) has had individual communications with other commissioners; it's not like this is a secret. It's time to get it moving on. States that he's not involved in the meetings that are proposed with these contractors or developers, he is going to stay out of that. It's not Wayne Lease's meeting; he has gave instructions that Wayne not be on the committee.

Smith responds he had spoken to Scott (Hege) about this but had no clue it was continuing.

Provides summary of discussion held at past Executive Committee meeting (Feb. 20, 2015). Summary from Runyon: they need to get this off the table. Runyon states that he is disappointed Mr. Lease still hasn't went to other commissions with these concerns.

Smith had no clue that he was continuing; they (MCCOG Board) thought they had answered all his (Lease's) questions. He (Lease) had numerous questions and they had answered them all. Turned out he (Lease) was very inaccurate in his assessment.

Runyon replies that they've kept no secrets, he's been out there and in public meetings continuously; MCCOGs name is mentioned in those minutes more than once.

Smith states that the Board felt that, because Wasco County is a member of this board, they would know this is occurring so they could be part of the solution.

Runyon says he didn't know he was here to debate. He's more interested in finding more about why the organization is "in the hole" and the moves being made to fix some of those things.

Maui Meyer responds that it's not always a question of expense when the organization is "in the hole." It's the reason why MCCOG exists; to deliver services that no one county can do by themselves.

Runyon responds. Mentions that this is strictly an advisory committee; they have no voting power or anything else, just a gathering of information. Asks Tyler Stone if he would like to add anything.

Tyler Stone replies no, that he thinks Runyon has covered everything. Says that this has been an ongoing thing. He hoped this would've been addressed on the MCCOG side, but it hasn't been--at least from the

communication he's been given. Stone responds that he had hoped MCCOG would embrace this process. There are issues with Building Codes from what he's heard through their commissioners and contractors that need to be resolved. This is an opportunity to gain that feedback and information and maybe, build something that is more efficient and effective for this region.

Smith responds that he disagrees or has a different opinion, because the Board hasn't been given the ability to communicate on this, they've been unaware of it. They thought those were answered, and there's been nothing that tells them there's been ongoing issues.

Smith acknowledges Marvin Pohl as having a question.

Marvin Pohl addresses the Board and guests to speak his opinion on the matter. His recommendation is that Wasco County give up this investigation, instigated by one person, and that they work with this Board to have a committee together to investigate the so-called complaints.

Smith asks the Board how they address this matter.

Runyon replies, as mentioned in Pohl's statement, the investigation with AAA is an example of how an investigation worked out well. He doesn't even know who are members of this committee, but disagrees with any statements that members were specifically sought out.

Pohl responds to what Runyon spoke of. Says that the advisory committee members should be part of this Board so people can know who they are. Suggests to invite those individuals providing complaints to the MCCOG Board in an effort to address those issues directly. Requests that, similar to AAA investigation, this MCBCS issue be brought to the table.

Smith asks about contractors involved.

Runyon replies that he doesn't know as they got together for the first time just yesterday. This whole thing is not what (Wasco County) were about. He's hoping they will get some good information as to what's affecting Wasco County.

Russ Brown states that he's curious to know what criteria brought this committee together. He thinks it could be a good thing depending on the criteria. As long as there's communication going on, he thinks advisory groups are a good thing.

Smith replies that every county has a right to do this; the hook was—as it was with the original AAA investigation—they didn't know until it was too late and they could've been part of the solution.

Bob Futter addresses board. Speaks on MCBCS' efforts to create an advisory committee. In 2007, MCBCS sent out requests to every contractor for participation in an advisory committee; they received zero responses. When the question came up about a year, year and a half ago, they went through the process again. They sent requests via e-mail and letters to every contractor they dealt with. They received one response. It's not that they haven't made an effort to form an advisory committee, they've just got no response what so ever from the people that actually deal with Building Codes.

Meyer states that someone's not telling the truth here.

Futter states that Mr. Lease is an example; he doesn't know the last time Wayne took out a permit, it's been years since Wayne has done any work with Building Codes.

Mr. Lennox speaks on matter. When a citizen comes to a governmental body to complain, they listen to their concerns. Sometimes their concerns are genuine and have merit, and sometimes they don't. He believes in this case, Mr. Lease came to the MCCOG Board and presented his concerns, the Board took a look at them, including Wasco County, and hopefully during that time his questions were answered legitimately and appropriately. Thinks what happened was that when Mr. Lease continued to go to Wasco County, his word became very credible in their minds to the point where they felt like the

answers weren't being made. At that point he thinks Wasco County should have come back to the Board and with their concerns and those concerns should've been addressed through MCCOGs Board as you would with any problem that comes up in the region.

Runyon states that he disagrees with the statement of trying to create disharmony. Thinks that there are issues that do need to be addressed; and that's what this committee hopes to resolve. His goal is to answer questions within Wasco County. There is no agenda other than addressing these questions. Once answered, that's the end of it. States that committee just got together yesterday. Asks Tyler Stone for input.

Mike Weimar asks Runyon if he feels he has a responsibility, as a member of this Board, to bring these topics to the (MCCOG) table.

Runyon replies that Stone shared this information with John Arens, but that he really doesn't know.

Stone addresses Board about advisory committee. Says that contractors, other than Mr. Lease, don't want to bring these issues to MCCOG for fear of reprisal.

Meyer asks why they wouldn't want to bring issues forward so they can be resolved. Meyer is questioning if that fear is even out there.

Stone responds that maybe we should listen to that concern and embrace it. Meyer asks in terms of what.

Stone replies because if that fear is out there then you truly have a problem.

Meyer responds that he's questioning whether that fear is actually out there, or is that a convenient excuse not to convene.

Ron Hageman asks to speak. Hageman addresses Board. Has nothing but high praise for MCBCS. States that he can't recall any negative instances when MCBCS hasn't performed. Mentions years ago when The Dalles tried to run their own building dept. and it didn't work very well for everyone involved. States that he or his contractors haven't submitted any surveys to provide feedback because it was working great, so why complain. If there are going to be any changes made, they'd like to be involved.

Steve Shaffer asks Stone to complete what he was saying.

Stone continues his response. Provides example of a brainstorming exercise they (advisory committee) did yesterday. Agrees with Hageman on clients of MCBCS being pleased with MCBCS staff. Presents positive feedback from clients about MCBCS (filing for permit fees is working; how permits are issued; office staff works well together, coordination with multiple inspections; Building Officials offering help when asked; solution oriented; communication after permits are in hand occurs; all good things). Presents issues not working (accountability, transparency, lack of cohesion between agencies, existing administration seems to be struggling; complicated permit process with too many steps for most people to understand; lack of transparency, communication, and education...message sent by Building Codes in this community is not pro-business and development).

Says he's not involved with Building Codes, he's facilitating the meeting to gain some insight. If the approach is to ignore those concerns, then Board is making a mistake. It's not just Wayne Lease out there. Stone specifically asked Lease to not be on the committee because he thinks he (Lease) is too personally invested in this. Says that he (Lease) agreed. Says there was no criteria for committee members other than including people from each sector; an electrician, plumber, State Building Codes, Gary Hage, Erik Kerr, asked Rich Mason, Michael Grime, someone from State Planning.

Meyer states it sounds like a good group, but items sound a bit benign. He doesn't think those issues are going to help them operate any less in the red.

Stone disagrees.

Meyer acknowledges that Bob Futter has contacted Board and updated them about these issues; cross-training and technology. Knows they are working on those.

Smith states that this is a good stopping point. This is the problem; they are not communicating with each other. There's an advisory board made without knowing about it. Contractors upset because MCBCS doesn't know what's going on. If the Board would have been involved in this and been part of the process, they would be glad to do it. A review is always a good idea. But not having the chance to be part of the review creates the kind of turmoil that this is here.

Stone asks Smith about the formation of an advisory group; Commissioner Hege told Stone he has been trying to get MCCOG to form an advisory committee for a quite some time and potentially it may have even been voted down.

Multiple Board members respond that they do not recall any voting down. Meyer states that he doesn't recall the voting down of an advisory group. Smith agrees that he doesn't recall that either, Weimar agrees.

Smith says they have had discussions about an advisory committee and what they have done to form one. Says they have not voted down an advisory committee; have been looking for avenues for getting input.

Smith asks what the status of this is; can MCCOG be part of this so they can have the ability to answer some of the questions and have a greater opportunity to address these things?

Stone states that, for clarity, he is just facilitating this group. Mentions that he has specifically asked that question at the advisory committee; who are they missing for this committee. Question was asked if MCCOG should be involved and there was concern that if MCCOG was at the table, there would be a sense of defending their positions. States he will revisit this again with the group.

Smith states that he hopes they do. The duty of every Board member here is to make what we do better, not to defend old practices.

Meyer responds that he completely defends the right of Wasco County to do this. Perhaps the messaging got off track. But at the end of the day, the intent is for all involved parties to help each other out.

Stone says to look at it from a different perspective; maybe they are helping everyone out by doing this. If other counties would like to get involved, it's welcomed. Wasco County isn't out doing this to slap MCCOG down or other partner counties. They are doing this because they have an issue in the community surrounding building codes. The solution is to understand what those problems are and work toward fixing those.

Meyer asks Stone if he would at least understand that the Board feels a bit overlooked in this matter as the governing body of MCBCS. Notes that there is some interesting information mentioned by the committee, but there's this feeling amongst Board members, and in the general public, that this is Wasco looking for a way out of the BCS. Says he doesn't think Wasco County would be able to replicate it (MCBCS) at the end of the day for lower cost than it is operating currently.

Runyon responds that wasn't his goal. Mentions again that Stone had contacted John Arens about these issues. That Arens, rather than giving Stone a heads up—or Wasco Commissioners--showed up to read a letter into the record (at Wasco County). This is now a huge deal, which Wasco County didn't intend. This began as a simple request, an idea, so Wasco County had given their AO the authorization to do some research.

Smith mentions that Arens did contact him, the Board Chair, prior to presenting the letter. Smith said he agreed with Arens presenting the letter to Wasco County Commission to represent MCCOG; to involve MCCOG in some way with this process because this was after the decision was made (to form an

advisory committee). Arens presented Wasco County with the letter after--not during, or even before the decision to form a committee was made. They (Board) all have an interest in making this better.

Runyon asks the Board if they don't see Arens actions as the same thing (not bringing information to the table prior to acting).

Smith, Meyer, Weimar and other Board members respond no, that they do not think it's the same.

Smith says MCCOG Board is trying to be part of the conversation; not informing after. If MCCOG would've made a decision without Wasco County and then told them after it would be the same thing.

Runyon replies that they haven't made any decisions about any course of action or tearing anything apart or anything else. Feel they've had enough questions brought to them, some specifically that have been brought to MCCOGs Board table which were disregarded.

Smith states that they (MCCOG) never "tossed out" Mr. Leases questions; all of those had been addressed. They did not allow him to ask the same questions over and over, constantly. On record, MCCOG Board did not, under any circumstance, toss Mr. Lease out.

Runyon says if there are projects they (Wasco County) are involved in that are costing the agency, then they have to reevaluate that; maybe it goes back to the State? Right now they are just gathering information. If we (counties) are losing money on a particular program, that's something they have to discuss here.

Meyer states that's what the Board does; take on programs that they can't afford because they can only afford to do them regionally.

Runyon agrees that MCCOG does serve that purpose. But if MCCOG can't do it, can't break even, maybe they have to examine that.

Smith states, to wrap this up, MCCOG Board would love to be involved in this. Smith asks the Board if there is a consensus to ask Wasco County to be involved in a supportive way on this.

Stone replies that it's not Wasco County they should ask, it's the contractors.

Shaffer speaks; addresses Stone. Says his only problem with this is that Wasco County is the facilitator. Asks that contractors bring these issues to MCCOG Board, that this be what Wasco County recommend the contractors do.

McCoy states that Board has asked for these issues to come forward. They could have created a MCCOG sub-committee.

Shaffer states that he thinks that is what Contractors want to avoid; there may be fear of loss of freedom to initiate their concerns.

Stone replies that the opportunity was there over the last year and a half, but didn't materialize. As a result, it landed at Wasco's door. The contractors are very vocal and want to see improvements.

Pohl speaks. Thinks when it came to Wasco County, the response should have been to work with this Board to find a solution.

Smith tries to bring topic around. Asks for the end result; whether Wasco County invites MCCOG or not.

Stone says the full intent is to gather information and that they will bring that forward.

Runyon states that he isn't aware of any Commissioners being involved in advisory committee of Wasco County.

Smith states it sounds like Advisory Committees are not public. Are meetings publicly noticed?

Stone states that there was public notice.

Russ Brown speaks. Understands that contractors would feel more comfortable not “airing their dirty laundry” initially with MCCOG. Thinks MCCOG should be directly involved as they will ultimately be the solution.

Bod Futter speaks. He has worked with Building Codes staff for a long time, since long before 2007. Addresses concerns of contractors being afraid of retaliation by MCCOG. Says this is hearsay; not because of MCBCS staff.

Stone replies that he is not saying there is or isn't (retaliation).

Smith asks that, moving forward, MCCOG would like to be involved.

Smith asks for anything further on topic; hears none. Discussion moves to next topic.

### **C. Letter from State Building Codes Division to MCBCS**

Smith asks Arens to present his letter.

Arens addresses Board. Reads letter he received from State Building Codes Division, dated March 2, 2015, in regard to a complaint received (in 2014) and potential investigation of MCBCS. Arens provides history of the process between State Building Codes and MCBCS in regard to this issue.

In summary, the State responded they do not have adequate staff resources to evaluate these loans or further this investigation. The division expects MCCOG will follow State law and appropriate general accounting principles when repaying these loans to MCBCS. Arens provides information on the loans discussed. In conclusion, after having reviewed all documents and information, the State is closing the investigation; the division will continue to provide oversight for Building inspection programs.

Arens will prepare a response to State explaining they did not take one of the proposed loans, and recommends they (MCBCS) contract with Friend & Reagan, for audit purposes, to ensure their finances are in place in regard to the loans. Will have Friend & Reagan confirm to State that all things are in place for clarification.

### **D. Executive Directors Compensation Package**

Arens presents his compensation topic to Board. States that he has returned his company vehicle in an effort to reduce operational costs.

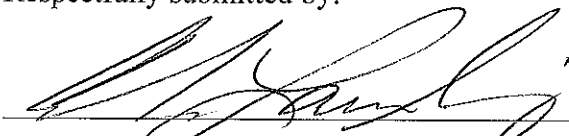
Smith mentioned this was discussed at the Executive Committee but wanted to make sure the full Board was aware.

Smith asks for any other items for the good of the order.

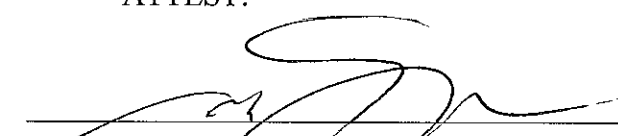
### **V. Adjourn**

There being no further business to come before the MCCOG Board of Directors, the meeting was adjourned at 11:25 a.m.

Respectfully submitted by:

  
Cecilia Lamas-Guiney, Executive Assistant

ATTEST:

  
MCCOG Board Chair