



# AGENDA

**Thursday, March 1, 2012 - 10:00 AM**

**Board of County Commissioners Business Meeting**

Beginning Board Order No. 2012-17

**I. CALL TO ORDER**

- Roll Call
- Pledge of Allegiance
- Approval of Order of Agenda

**II. DISCUSSION ITEMS** *(The following items will be individually presented by County staff or other appropriate individuals. Citizens who want to comment on a discussion item may do so when called on by the Chair.)*

**~NO DISCUSSION ITEMS SCHEDULED**

**III. CITIZEN COMMUNICATION** *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the hearing. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

**IV. CONSENT AGENDA** *(The following items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Study Session. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

**A. Health, Housing & Human Services**

1. Approval of a Personal Services Agreement to Provide Physicians on a Locum Tenens Basis with Kelly Services - BH
2. Board Order No. \_\_\_\_\_ Approval of the Mental Health Director's Designee to Authorize a Custody Hold Under ORS 426.233 - BH

**B. Department of Transportation & Development**

1. Approval of Revised Bylaws for the Clackamas County Planning Commission

**C. Department of Communications (C-Com)**

1. Acceptance of the State Homeland Security Program Grant Award for the Purchase of Back-up Dispatch Radios and a Mobile Fire Repeater

**D. Department of Employee Services**

5. 1. Approval of the Administrative Services Agreement with Oregon Dental Service (ODS), Effective January 1, 2012

**E. Elected Officials**

6. 1. Approval of Previous Business Meeting Minutes – BCC

**V. COMMISSIONERS COMMUNICATION**

**NOTE: Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove by the following Saturday. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.**

<http://www.clackamas.us/bcc/business/>

COPY

March 1, 2012

Board of Commissioners  
Clackamas County

Members of the Board:

**Approval of a Personal Services Agreement to Provide Physicians on a  
Locum Tenens Basis with Kelly Services**

The Clackamas County Community Health Division (CCCHD) of the Health, Housing and Human Services Department (H3S) requests the approval of a Personal Services Agreement with Kelly Services for temporary staffing services for the Primary Care Program.

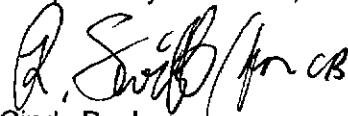
CCCHD requires the services of this contracted staffing agency to fill vacancies for the physicians that provide services at the County's primary care clinics.

This agreement has no maximum value and will be funded by Primary Care Program, with Patient Fees. No County General Funds will be used. County Counsel has reviewed and approved this agreement on January 24, 2012. It is effective upon signature and has no expiration date. This contract will auto re-new annually unless terminated by either party.

**Recommendation**

We recommend approval of this agreement and that Cindy Becker be authorized to sign on behalf of the Board of County Commissioners.

Respectfully submitted,



Cindy Becker  
Director

For information on this issue or copies of attachments,  
please contact Emily M. Zwetzig/H3S Office of Business Services at (503)742-5318.

*Healthy Families. Strong Communities.*

# FRAME AGREEMENT

**THIS FRAME AGREEMENT**, dated January, 2012 is between "**Clackamas County**", and 2051 Kaen Road, Oregon City, OR 97045, ("**Customer**") and Kelly Services, Inc. ("**Kelly**"), a Delaware corporation, 999 West Big Beaver Road, Troy, MI 48084. This Agreement is effective as of the date first signed by Customer.

1. **SERVICES.** Customer retains Kelly to act as an intermediary and broker between Customer and Locum Tenens Physicians (the "LT Physician") for possible opportunities and engagements according to the Customer's specific physician service requests, to coordinate the financial arrangements between the parties under the terms and conditions of this Agreement and in accordance with one or more Statements of Work incorporated in this Agreement (collectively, the "Services"), and to act as Customer's limited agent with respect to billing and payment matters.
2. **INVOICING AND PAYMENT TERMS.**
  - (A) Each Statement of Work will list the fees and expenses upon which Kelly will invoice Customer.
  - (B) Kelly will invoice Customer weekly for its Services.
  - (C) Customer will pay Kelly for the Services upon receipt of the invoice.
3. **INSURANCE.**
  - (A) Kelly will maintain during the term of this Agreement following types and limits of insurance on its own operations and Kelly employees:
    - (1) Workers' compensation in amounts no less than required by applicable law
    - (2) Employer's liability with a limit of \$1,000,000
    - (3) Commercial automobile liability with a \$1,000,000 combined single limit on vehicles owned, leased, or rented by Kelly
    - (4) Commercial General Liability, including personal injury, contractual liability, and property damage, with a \$1,000,000 combined single limit per occurrence
    - (5) Professional Liability/E&O with a limit of \$1,000,000 per claim
    - (6) Commercial blanket bond with limits of \$3,000,000 per occurrence
  - (B) Kelly will provide Customer with certificates of insurance, upon request.
4. **TERM.**
  - (A) This Agreement may be terminated by either Kelly or Customer with 30 days written notice.
  - (B) Termination of this Agreement for any reason will end the provision of Services by Kelly, but does not relieve Customer of any payment or other obligations for Services rendered prior to termination.
5. **CONFIDENTIAL & PROPRIETARY INFORMATION**
  - (A) **Non-Disclosure.** Customer and Kelly agree:
    - (1) All work provided pursuant to this Agreement, any documents or materials related to the Services, and any information, work-in-progress, trade secrets or other confidential information as defined

below, constitutes confidential and proprietary information belonging to Kelly or the Customer, respectively;

- (2) Customer and Kelly will not, either during the rendering of Services or at any time thereafter, use, copy or disclose to any person, firm or corporation any "Confidential Information" (as defined below) belonging to the other and obtained by either party (including but not limited to their respective employees, agents and/or independent contractors) in connection with the performance of the Services, unless such use, copying or disclosure has been authorized in advance in writing by an authorized representative of a party.
- (3) Upon termination or expiration of this Agreement for any reason, or at any time at the request of Kelly or Customer, all Confidential Information will be immediately returned to the other party.
- (4) Unless specifically required by law to the contrary, if Customer or Kelly is required to release any of the Confidential Information under the compulsion of valid and enforceable legal process, either party will provide immediate written notice to the other and allow the other party ten (10) days to object to such disclosure prior to making any such disclosure. Upon any termination of this Agreement or by request, all of the Confidential Information will be returned.

**(B) Confidential Information Defined.**

- (1) "Confidential Information" means any information (without regard to the medium on which such information may be recorded, whether written, visual, audio, graphic, computerized or otherwise) concerning or relating to the property, trade secrets, patents or applications, inventions, business, sales, marketing, accounting or financial affairs of Customer or Kelly.
- (2) To the extent any such information is only disclosed orally to Kelly, Customer must confirm in writing within a reasonable period following disclosure that such information is confidential and a detailed listing of the information classified as confidential. Confidential Information will not include: (a) information known at the time of disclosure, from a source other than the other party; (b) information generally available now or in the future in the public domain in substantially the same format as disclosed; (c) information developed independently of any disclosure of Confidential Information; or (d) information made available by a third party without violating the obligations of the party disclosing the Confidential Information.

**(C) Kelly Proprietary Information.** Customer agrees that any patents, patent applications, copyrighted materials, designs, trade secrets, processes, concepts, inventions, systems, software source codes and improvements thereto are proprietary to Kelly (collectively, the "Kelly Proprietary Information") and are and shall continue to be the exclusive property of Kelly during and after the termination of this Agreement.

**6. RECORD KEEPING; RIGHT OF AUDIT.**

- (A) For three years following termination of this Agreement, Kelly will maintain complete and accurate records of all expenses incurred in the performance of this Agreement. Kelly will maintain such records in accordance with generally accepted accounting principles.
- (B) Upon reasonable advance written notice, Customer may audit such expense records during the term of this Agreement and for three years thereafter.
- (C) Audits not directly related to the requirements of a governmental agency will be limited to one audit per twelve-month period and will be limited to the records of the current calendar year and the prior calendar year only.

**7. NON-SOLICITATION; LIQUIDATED DAMAGES.** Kelly incurs a substantial expense to maintain its network of LT Physicians. Therefore, if the Customer hires, retains, or contracts with a LT Physician in the Kelly network in any capacity (including through the use of a third party) either during the engagement or within

six (6) months after the end of the engagement without Kelly's written approval, the Customer will pay Kelly a liquidated damages in the amounts set forth in the Attachment B, attached pricing exhibit.

#### 8. MISCELLANEOUS PROVISIONS

- (A) **Status of Worker** . . Kelly does not make any recommendations, representations, or warranties as to whether a particular Locum Tenens Physician is considered an independent contractor under federal or state law, rules, regulations, or guidelines.
- (B) **Force Majeure**. Neither party will be responsible for failure or delay under this Agreement because of force majeure events or other causes beyond its control.
- (C) **Waiver**. A party's waiver of enforcement of any term or condition of this Agreement will be effective only if in writing. A party's specific waiver will not constitute a waiver by that party of any earlier, concurrent, or later breach or default.
- (D) **Severability**. If any part of this Agreement is held indefinite, invalid, or otherwise unenforceable, the rest of the Agreement will continue in full force.
- (E) **Assignment**. Neither party may, directly or indirectly, in whole or in part, by operation of law or otherwise, assign or transfer this Agreement or delegate any of its obligations under this Agreement without the other party's written consent.
- (F) **Survival**. The following sections will survive the termination or expiration of this Agreement: Section 3 ("Insurance"); Section 6 ("Confidential & Proprietary Information"); Section 7 ("Record Keeping; Right of Audit"); Section 8 ("Non-Solicitation; Liquidated Damages"), and Section 9 ("Miscellaneous Provisions").
- (G) **Notices**.
  - (1) Notices provided for by this Agreement may be delivered in person, via a reputable express carrier, or by registered or certified mail (postage pre-paid) to a party's address listed below.
  - (2) Notice sent by U.S. mail is deemed delivered three days after deposit with the U.S. Postal Service.
  - (3) Notice sent by a reputable express carrier is deemed received on the day receipt is acknowledged by a party or agent.
  - (4) Either party may change its address listed below by giving written notice to the other party.
- (H) **Entire Agreement; Modification**.
  - (1) This Agreement (including Statements of Work and any other attachments, exhibits, or schedules) contains the entire agreement between the parties on the subject of LT Physician independent contractor services, and replaces and supersedes all prior or contemporaneous verbal or written agreements, promises and representations concerning the provision of Services.
  - (2) This Agreement may not be modified except in a writing specifically stating that it modifies this Agreement and is signed by an authorized representative from each party.

(3) In the event of any conflict between the terms of this Agreement and any forms used by the parties (e.g., purchase order, invoice recitals), the terms of this Agreement will control.

(I) **Governing Law.** The laws of the State of Delaware will govern this Agreement, without regard to conflict of law principles.

**Clackamas County**  
**Address for Notices:**  
**2051 Kaen Road**  
**Clackamas, OR 97045**  
**Attn: Clackamas County**

**KELLY SERVICES, INC.**  
**Address for Notices:**  
**999 W. Big Beaver Road**  
**Troy, MI 48084**  
**Attn: General Counsel**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

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March 1, 2012

Board of County Commissioners  
Clackamas County

Members of the Board:

**Board Order # \_\_\_\_\_ Approval of Mental Health Director's Designee  
to Authorize a Custody Hold Under ORS 426.233**

The Behavioral Health Division of the Health, Housing & Human Services Department requests the approval of the Designation of Emily Schmidt, MA and Amber Hambrick, MA by the Clackamas County Behavioral Health Director as additional staff authorized under ORS 426.233 (copy attached) to direct a peace officer to take a person into custody and remove the person to a hospital or non-hospital facility approved by the Oregon Mental Health and Developmental Disability Services Division.

**Recommendation**

Staff recommends the Board approve the attached Board Order of Emily Schmidt, MA and Amber Hambrick, MA as additional Clackamas County Behavioral Health Division staff authorized to direct a peace officer to take a person into custody under ORS 426.233.

Respectfully submitted,



Cindy Becker  
Director

For more information on this issue or copies of attachments,  
Please contact Teri Beemer, at 503 655-8356

*Healthy Families. Strong Communities.*

2051 Kaen Road #239, Oregon City, OR 97045 • Phone: 503-650-5697 • Fax: 503-655-8677 • www.clackamas.us



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of the Designation of Emily Schmidt, MA and Amber Hambrick, MA, as Mental Health Director Designees to Direct Peace Officer Custody Holds



ORDER NO.

This matter coming on at this time to be heard, and it appearing to this Board that Cindy Becker, Director of Health, Housing & Human Services Department, has recommended to this Board the approval of Emily Schmidt, MA, and Amber Hambrick, MA, as additional designees of the Behavioral Health Division Director, authorized under ORS 426.233 to direct a peace officer to take a person into custody and remove the person to a hospital or non-hospital facility approved by the Oregon Mental Health and Developmental Disability Services Division, and

This Board finds that it would be in the best interest of Clackamas County to approve said designation,

IT IS THEREFORE HEREBY ORDERED that Clackamas County approve the designation of Emily Schmidt, MA and Amber Schmidt, MA as additional Clackamas County Behavioral Health Division staff authorized to direct a peace officer to take a person into custody under ORS 426.233.

ADOPTED this 1st day of March, 2012.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

**426.233 Authority of community mental health program director and of other persons; costs of transportation.**

(1)(a) A community mental health program director operating under ORS 430.610 to 430.695 or a designee thereof, under authorization of a county governing body, may take one of the actions listed in paragraph (b) of this subsection when the community mental health program director or designee has probable cause to believe a person:

(A) Is dangerous to self or to any other person and is in need of immediate care, custody or treatment for mental illness; or

(B)(i) Is a mentally ill person placed on conditional release under ORS 426.125, outpatient commitment under ORS 426.127 or trial visit under ORS 426.273; and

(ii) Is dangerous to self or to any other person or is unable to provide for basic personal needs and is not receiving the care that is necessary for health and safety and is in need of immediate care, custody or treatment for mental illness.

(b) The community mental health program director or designee under the circumstances set out in paragraph (a) of this subsection may:

(A) Notify a peace officer to take the person into custody and direct the officer to remove the person to a hospital or nonhospital facility approved by the Oregon Health Authority;

(B) Authorize involuntary admission of, or, if already admitted, cause to be involuntarily retained in a nonhospital facility approved by the authority, a person approved for care or treatment at a nonhospital facility by a physician under ORS 426.232;

(C) Notify a person authorized under subsection (3) of this section to take the person into custody and direct the authorized person to remove the person in custody to a hospital or nonhospital facility approved by the authority;

(D) Direct a person authorized under subsection (3) of this section to transport a person in custody from a hospital or a nonhospital facility approved by the authority to another hospital or nonhospital facility approved by the authority as provided under ORS 426.235; or

(E) Direct a person authorized under subsection (3) of this section to transport a person in custody from a facility approved by the authority to another facility approved by the authority as provided under ORS 426.060.

(2) A designee under subsection (1) of this section must be recommended by the community mental health program director, meet the standards established by rule of the authority and be approved by the county governing body before assuming the authority permitted under subsection (1) of this section.

(3) The county governing body may, upon recommendation by the community mental health program director, authorize any person to provide custody and secure transportation services for a person in custody under ORS 426.228. In authorizing a person under this subsection, the county governing body shall grant the person the authority to do the following:

(a) Accept custody from a peace officer of a person in custody under ORS 426.228;

(b) Take custody of a person upon notification by the community mental health program director under the provisions of this section;

(c) Remove a person in custody to an approved hospital or nonhospital facility as directed by the community mental health program director;

(d) Transfer a person in custody to another person authorized under this subsection or a peace officer;

(e) Transfer a person in custody from a hospital or nonhospital facility to another hospital facility or nonhospital facility when directed to do so by the community mental health program director; and

(f) Retain a person in custody at the approved hospital or nonhospital facility until a physician makes a determination under ORS 426.232.

(4) A person authorized under subsection (3) of this section must be recommended by the community mental health program director, meet the standards established by rule of the authority and be approved by the governing body before assuming the authority granted under this section.

(5) The costs of transporting a person as authorized under ORS 426.060, 426.228 or 426.235 by a person authorized under subsection (3) of this section shall be the responsibility of the county whose peace officer or community mental health program director directs the authorized person to take custody of a person and to transport the person to a facility approved by the authority, but the county shall not be responsible for costs that exceed the amount provided by the state for that transportation. A person authorized to act under subsection (3) of this section shall charge the cost of emergency medical transportation to, and collect that cost from, the person, third party payers or otherwise legally responsible persons or agencies in the same manner that costs for the transportation of other persons are charged and collected. [1993 c.484 §5; 1997 c.531 §5; 2009 c.595 §405]

Please Note:  
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Bylaws is blank.



3  
**Planning & Zoning**  
Development Services Building  
150 Beavercreek Road | Oregon City, OR | 97045  
Phone: (503) 742-4500 | Fax: (503) 742-4550  
E-mail: [zoninginfo@co.clackamas.or.us](mailto:zoninginfo@co.clackamas.or.us)  
Web: <http://www.clackamas.us/transportation/planning/>

March 1, 2012

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval of Revised Bylaws for the Clackamas County Planning Commission**

The Planning Commission bylaws were last amended in 2006. The primary intent of this latest update is to improve the clarity and completeness of the document. In addition, a more restrictive attendance policy is proposed, due to the negative effect of chronic absenteeism on Planning Commission operations. As drafted, if any member is absent without reasonable cause from six meetings within one calendar year or three consecutive meetings, that position would be declared vacant upon majority vote of the Planning Commission. The Board of County Commissioners would then fill the vacancy according to the usual appointment process.

The revised bylaws were presented to the Board during a study session on December 6, 2011, during which the Board expressed support for the proposal. Only minor edits have been made since then. The revised bylaws were adopted unanimously by the Planning Commission on February 13, 2012. If approved by the Board, the revised bylaws will take effect on March 1, 2012.

County Counsel has reviewed and approved the revised bylaws.

**RECOMMENDATION:**

Staff respectfully recommends the Board approve the attached Clackamas County Planning Commission Bylaws and Operating Procedures. Your favorable consideration is requested.

Sincerely,

A handwritten signature in black ink that reads "Mike McCallister".

Michael McCallister  
Planning Director

For information on this issue or copies of attachments,  
please contact Jennifer Hughes @ 503 742 4518

**IN THE MATTER OF ADOPTING A SET OF BYLAWS AND OPERATING  
PROCEDURES  
FOR THE CLACKAMAS COUNTY PLANNING COMMISSION**

The Clackamas County Planning Commission hereby adopts the following Bylaws and Operating Procedures for the purposes of transacting business and guiding the Planning Commission in its operation.

**CLACKAMAS COUNTY PLANNING COMMISSION BYLAWS AND OPERATING  
PROCEDURES**

ARTICLE I

GENERAL

Section 1. EXPLANATION

- A. A nine-member Planning Commission (Commission) has been established by Clackamas County pursuant to the authority of Oregon Revised Statutes 215.020 and 215.030.
- B. The adoption of these Bylaws and Operating Procedures replaces and repeals the Bylaws and Procedures adopted by the Planning Commission on April 24, 2006.

ARTICLE II

RESPONSIBILITIES OF THE COMMISSION

Section 1. RESPONSIBILITIES

- A. The Commission shall carry out duties assigned to it by the Board of County Commissioners (BCC) relating to development, updating and general maintenance of the Clackamas County Comprehensive Plan (Plan) and Zoning and Development Ordinance (ZDO).
- B. The Commission shall hold public hearings and take action, as prescribed by state and county laws, on matters that are within the Commission's purview.

- C. As established by the ZDO, the Commission shall hear the following quasi-judicial applications: Plan amendments, applications filed concurrently with an application for a Plan amendment on the same property, and appeals of Planning Director Interpretations of the Plan.
  - 1. On Plan amendments and applications filed concurrently with Plan amendments, the Commission's decision shall be forwarded as a recommendation to the BCC.
  - 2. On appeals of Planning Director Interpretations of the Plan, the Commission shall make a decision, which shall be final unless appealed to the BCC.
- D. As established by the ZDO, the Commission shall hear legislative amendments to the ZDO and the zoning maps. The Commission's decision shall be forwarded as a recommendation to the BCC.
- E. As established by the Plan, the Commission shall hear legislative map and text amendments to the Plan. Oregon Revised Statutes 215.060 requires action on the Plan to be approved by a majority of the members of the governing body; therefore, the Commission's decision shall be forwarded as a recommendation to the BCC.
- F. The Commission may make recommendations to the BCC or the Planning Director, regarding legislative amendments to the Plan and ZDO, or as established by the Plan and the ZDO, may initiate such amendments by resolution of a majority of the whole Commission.
- G. The Commission may make recommendations to the Planning Director, regarding the operations of the Planning and Zoning Division.
- H. The Commission shall adopt and periodically review and amend Bylaws and Operating Procedures for the operation of the Commission's business.

## ARTICLE III

### OFFICERS

#### Section 1. OFFICERS

The officers of the Commission shall be a Chair and Vice Chair.

#### Section 2. ELECTION

- A. The Chair and Vice Chair shall be elected at the first meeting in May for a term of one calendar year and shall serve until their successors are elected.
- B. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.
- C. Election of officers shall be by majority vote of the quorum in attendance.
- D. If the office of Chair becomes vacant, the Vice Chair shall serve as Chair for the remainder of the unexpired term. If the office of Vice Chair becomes vacant, the Commission shall elect a successor from its membership to serve the remainder of the unexpired term.
- E. The Chair shall not serve as Chair for more than two consecutive full terms.
- F. Members of the Commission holding office at the time of adoption of these Bylaws and Operating Procedures shall continue to hold office for the term for which they were elected and until their successors are elected.
- G. The member holding the position of Chair or Vice Chair may be removed from office by majority vote of the whole Commission.

#### Section 3. CHAIR

- A. The Chair shall have the duty and power to:

1. Preside over all deliberations and meetings of the Commission;
2. Preserve order and decorum at Commission meetings and decide questions of order, subject to action by a majority vote of the quorum in attendance;
3. Appoint members of special committees;
4. Call special meetings of the Commission;
5. Inform the Planning Director on policy matters that have been formulated by the Commission;
6. Work with the Planning Director in formulating matters for the Commission's consideration.

Section 4. VICE CHAIR

In the absence of the Chair, the Vice Chair shall act as Chair. In the absence of the Chair and the Vice Chair, a temporary Chair shall be elected.

ARTICLE IV

RESPONSIBILITIES OF THE PLANNING DIRECTOR

Section 1. RESPONSIBILITIES

- A. The Planning Director shall:
1. Prepare the agenda and minutes for all Commission meetings;
  2. Give all notices required by law;
  3. Inform the Commission of correspondence relating to Commission business and conduct all correspondence of the Commission;
  4. Attend all meetings and hearings of the Commission;
  5. On all public hearing matters, present a staff report that includes background material and recommended action;



6. Compile and maintain all required records.

Section 2. ALTERNATE DESIGNEES

The Planning Director may designate other county staff to fulfill those responsibilities of the Planning Director established by these Bylaws and Operating Procedures.

ARTICLE V

MEETINGS

Section 1. REGULAR MEETINGS

Regular meetings of the Commission shall be held on the second and fourth Monday of each month, except on an official county holiday, beginning at 6:30 p.m., or such other time as may be designated by the Planning Director in order to accommodate public hearing items. Any meeting may be cancelled by the Chair or Planning Director. Notice of cancellations shall be given in person or by telephone, email or mail to all members of the Commission and the Planning Director not less than 48 hours in advance thereof. In case of an emergency, a meeting may be cancelled upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to notify all members of the Commission.

Section 2. SPECIAL MEETINGS

Special meetings may be called by the Chair or Planning Director. Notice of all special meetings shall be given in person or by telephone, email or mail to all members of the Commission and the Planning Director not less than 48 hours in advance thereof. In case of an emergency, a special meeting may be held upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to notify all members of the Commission.

Section 3. OPEN MEETINGS

Commission meetings are subject to the Oregon Public Meetings Law, Oregon Revised Statutes 192.610 et seq. All Commission meetings shall be open to the public, except that the Commission may hold executive sessions, from which the public may be excluded, in such manner and for such purposes as may be authorized by law.

Section 4. AGENDA: ORDER OF BUSINESS

- A. The order of business at all meetings shall be determined by the agenda, which shall be composed generally of the following items:
  - 1. Call to order;
  - 2. Old business—continuances;
  - 3. New business—public hearing items;
  - 4. New business—work sessions;
  - 5. Minutes of previous meetings;
  - 6. Miscellaneous business;
  - 7. Planning Director Communications;
  - 8. Adjournment.
- B. Any item may be taken out of order by direction of the Chair.
- C. The Commission may take a short recess at the end of an item on the agenda, or at other times at the discretion of the Chair.
- D. Actions of the Commission are not limited to the prepared agenda.
- E. Commission meetings will end no later than 10:00 p.m., unless by majority vote of the quorum in attendance, the meeting is extended.

Section 5. QUASI-JUDICIAL PUBLIC HEARING PROCEDURE

- A. The length of time given those individuals wishing to testify on a public hearing item should be indicated by the Chair at the beginning of the hearing.
- B. Questions may be asked by a Commission member at any point in the testimony. Questions shall be directed through the Chair, if the Chair so requires.
- C. Public hearings shall be conducted in the following manner, as closely as possible:
  - 1. The hearing is opened;

2. The Chair makes an introductory presentation regarding the nature of the proposal and the process for conducting the hearing;
3. The Planning Director makes a presentation, including background and recommendation;
4. Correspondence turned in at the meeting and concerning the public hearing item may be read into the record by the Planning Director, if requested by the Chair, and shall be made part of the written record by the Planning Director;
5. As a supplement to the Planning Director's presentation, technical information may be provided by other government officials;
6. The applicant, or representative, presents his/her case;
7. Representatives of recognized Community Planning Organizations, Hamlets or Villages may testify;
8. Persons in favor of the item may testify;
9. Persons in opposition to the item may testify;
10. Any other persons may testify;
11. The applicant may offer rebuttal, which shall be limited to arguments addressing evidence already in the record and shall not include the presentation of new evidence;
12. The Planning Director may offer surrebuttal, which shall be limited to arguments addressing evidence already in the record and shall not include the presentation of new evidence;
13. Upon completion of the testimony, the hearing shall be closed to further testimony;
14. The Commission shall take the item up for discussion and action. The Planning Director may continue to respond to questions from the Commission and participate in the discussion.

Section 6. LEGISLATIVE PUBLIC HEARING PROCEDURE

- A. The length of time given those individuals wishing to testify on a public hearing item should be indicated by the Chair at the beginning of the hearing.
- B. Questions may be asked by a Commission member at any point in the testimony. Questions shall be directed through the Chair, if the Chair so requires.
- C. Public hearings shall be conducted in the following manner, as closely as possible:
  - 1. The hearing is opened;
  - 2. The Chair makes an introductory presentation regarding the nature of the proposal and the process for conducting the hearing;
  - 3. The Planning Director makes a presentation, including background and recommendation;
  - 4. Correspondence turned in at the meeting and concerning the public hearing item may be read into the record by the Planning Director, if requested by the Chair, and shall be made part of the written record by the Planning Director;
  - 5. As a supplement to the Planning Director's presentation, technical information may be provided by other government officials;
  - 6. Representatives of recognized Community Planning Organizations, Hamlets or Villages may testify;
  - 7. Any other persons may testify;
  - 8. Upon completion of the testimony, the hearing shall be closed to further testimony;
  - 9. The Commission shall take the item up for discussion and action. The Planning Director may continue to respond to questions from the Commission and participate in the discussion.

Section 7. ATTENDANCE

If a member of the Commission is unable to attend a meeting, he or she is expected to notify the Chair or Planning Director. Continuity is necessary for effective operation of the Commission. Therefore, if—without reasonable cause—any member is absent from six meetings within one calendar year or three consecutive meetings, then upon majority vote of the whole Commission, that position shall be declared vacant. The Commission shall forward their action to the Board of County Commissioners (BCC), who shall fill the vacant position.

Section 8. QUORUM

For public hearings and any item requiring a Commission vote, attendance of at least five Commission members shall be necessary for a quorum. No action shall be taken in the absence of a quorum except to adjourn the meeting and to continue public hearings to a time and place certain. Work sessions may be held in the absence of a quorum.

Section 9. VOTING

- A. The Chair may entertain but shall not make or second motions.
- B. Except as provided by state or county law or these Bylaws and Operating Procedures, each member of the Commission is entitled to vote on all matters, at all meetings of the Commission.
- C. A minimum of five affirmative votes shall be necessary for the Commission to take action on quasi-judicial or legislative applications. Unless otherwise specified herein, a majority of the quorum in attendance is necessary to determine any other question before the Commission.
- D. When a matter is called for a vote, the Chair shall, before a vote is taken, restate the motion or ask another member or the Planning Director to restate the motion. The Chair shall announce the decision of the Commission after such a vote.
- E. Voting shall be by voice vote, or by show of hands or roll call vote at the request of any member. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.
- F. Voting "in absentia" or by proxy is not permitted.

- G. A motion to reconsider can be made only at the same meeting the vote to be reconsidered was taken. Further, a motion to reconsider may only be made by a member who voted on the prevailing side of the issue.
- H. For quasi-judicial applications where the Commission makes a recommendation to the BCC, the Commission may recommend approval, approval with conditions or denial of the application.
- I. For legislative amendments to the Plan, the ZDO or the zoning maps, the Commission may recommend that the BCC adopt or not adopt the proposed amendments. The Commission also may recommend adoption of a modified version of the proposed amendments.

Section 10. CONTINUANCES; REMANDS

- A. Any item before the Commission may be continued to a subsequent meeting upon majority vote of the members present.
- B. A motion to continue an item shall specify the date to which the item is continued, or the event upon which the continuance is based and the occurrence of which will cause the item to be brought before the Commission for further action.
- C. A list of continued items, showing the date from which an item was continued, as well as either the date to which an item is continued, or the event upon which the continuance is based and the occurrence of which will cause the item to be brought before the Commission for further action, shall be kept by the Planning Director and made available on request to the public.
- D. Unless otherwise provided by the BCC upon remand, any item remanded by the BCC for reconsideration by the Commission shall be treated as a new item and proceedings shall be provided for as if the matter were initially before the Commission.

- E. A member absent during the presentation of any evidence or arguments in a hearing may participate in the deliberations or final determination regarding the matter of the hearing. However, to the extent practicable, the member shall make a good faith effort to familiarize himself or herself with such evidence or arguments, to ensure that his or her participation is based on a fair and informed assessment.

Section 11. RULES OF PROCEDURE

All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised."

Section 12. MINUTES

- A. The Planning Director shall be present at each meeting and shall cause the proceedings of all public hearings to be electronically recorded. Said recordings shall be kept in the offices of the Planning and Zoning Division and shall be retained for a minimum of one year. A full transcript is not required, but written minutes giving a true reflection of the matters discussed at the meeting and the view of the participants shall be prepared and maintained by the Planning Director for all open meetings.
- B. Minutes shall be available to the public, upon request, within a reasonable time after a meeting. Minutes shall be provided to the BCC as part of the record for quasi-judicial and legislative public hearings and may be provided as part of BCC study session materials. If the minutes are not approved by the Commission, draft minutes, if available, may be provided. Where feasible within the context of the BCC meeting schedule or BCC requests for copies of minutes, the Planning Director will circulate draft minutes in person or by email or mail to all members of the Commission for review and comment not less than 48 hours in advance of providing draft minutes to the BCC. Minutes shall include the following:
  - 1. Members present;
  - 2. Motions, proposals, measures proposed and their disposition;

3. Results of all votes, including the vote of each member by name if not unanimous;
  4. Substance of any discussion of any matter.
- C. Commissioners are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. A vote in favor of adopting minutes does not signify agreement or disagreement with the Commission's actions memorialized in the minutes.
- D. Any Commissioner not present at a meeting must abstain from voting on approval of the minutes of that meeting.

## ARTICLE VI

### SPECIAL COMMITTEES

#### Section 1. APPOINTMENT

- A. The Chair may appoint special committees to perform certain functions or to investigate particular matters.
- B. Special committees shall have their duties and responsibilities outlined by the Chair.
- C. Special committees shall serve at the discretion of the Commission.

## ARTICLE VII

### PUBLICATION AND AMENDMENT OF BYLAWS AND OPERATING PROCEDURES

#### Section 1. PUBLICATION AND DISTRIBUTION

A copy of these approved Bylaws and Operating Procedures shall be:

- A. Placed on record with the Planning Director;
- B. Available at each Commission meeting;
- C. Distributed to each member of the Commission at the beginning of their term; and
- D. Available to the public upon request.



Section 2. AMENDMENT AND SUSPENSION

- A. These approved Bylaws and Operating Procedures may be amended by approval of a majority of the members of the whole Commission at a regular meeting.
- B. Any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of the quorum in attendance.

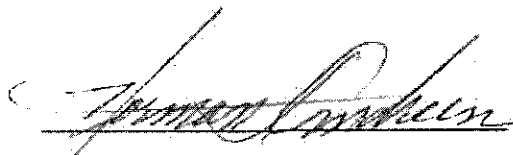
ARTICLE VIII

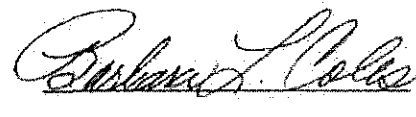
EFFECTIVE DATE

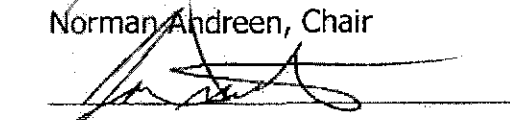
These Bylaws and Operating Procedures shall take effect on March 1, 2012.

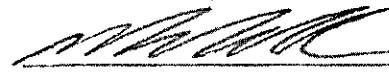
Adopted by majority vote of the whole Planning Commission of Clackamas County, Oregon, at its regular meeting of February 13, 2012, and signed by the members in authentication of its adoption this Monday day of 2-13-12, 2012.

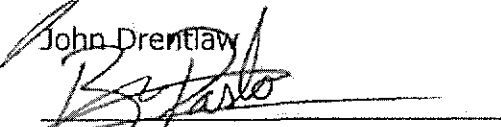
CLACKAMAS COUNTY PLANNING COMMISSION

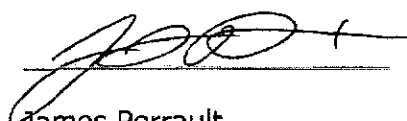
  
Norman Andreen, Chair


  
Barbara Coles, Vice Chair

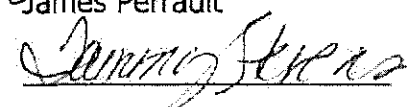
  
John Drentlaw

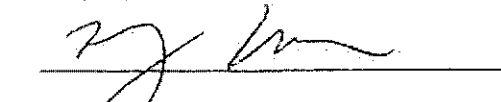
  
Mark Meek

  
Brian Pasko

  
James Perrault

  
Thomas Peterson

  
Tammy Stevens

  
Michael Wagner



4

**Bob Cozzie**  
Director

**DEPARTMENT OF COMMUNICATIONS**

**COMMUNICATIONS AND EMERGENCY OPERATIONS CENTER**  
2200 KAEN ROAD | OREGON CITY, OR 97045

March 1, 2012

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approving State Homeland Security Grant for the Interoperable Communications for Back-up Dispatch Radios and Mobile Fire Repeater**

Public Safety Agencies in Clackamas County along with Clackamas County Communications (C-COM) applied for a State Homeland Security Program (SHSP) grant to purchase back-up radios for the Emergency Communications Dispatch Center and for a mobile repeater for fire agencies. The grant proceeds will be utilized as follows:

\$80,000 Dual band back-up radios for CCOM dispatch consoles with associated cabling and antenna's.

\$20,000 Back-up portable dual band radios for the CCOM evacuation kit.

\$20,000 Mobile repeater for improved Fire agency radio coverage.

The back-up radios for the consoles are used in case of a console failure, so that communications could continue with field units. The back-up portables would be utilized in the event of a C-COM facility evacuation so C-COM personnel could still communicate with field units while in transit to our back-up center. The mobile repeaters would be used to enhance communications in areas where there is limited radio coverage with the current C-COM radio system , for example in wildfire situations in remote areas.

The grant covers all associated costs of the purchase and installation of the above listed equipment. Total grant amount is \$120,000. Ongoing costs would be absorbed via C-COM user fees and via the Clackamas 800 Radio Group (C-800); no County General Fund dollars are requested.

**RECOMMENDATION:**

Staff respectfully requests approval of the attached Oregon Military Department, Office of Emergency Management State Homeland Security Grant Program - CFDA #97.073 (Grant # 11-212).

Sincerely,

Robert Cozzie  
C-COM Director

For information on this issue or copies of attachments  
Please contact Mark Spross at 503-655-8882



Nancy Drury  
Director

**DEPARTMENT OF EMPLOYEE SERVICES**

**PUBLIC SERVICES BUILDING**  
2051 KAEN ROAD | OREGON CITY, OR 97045

March 1, 2012

Board of Commissioners  
Clackamas County

Members of the Board

**APPROVAL OF THE  
ADMINISTRATIVE SERVICES AGREEMENT WITH  
OREGON DENTAL SERVICE (ODS)  
EFFECTIVE JANUARY 1, 2012**

The attached Administrative Services Agreement between Clackamas County and Oregon Dental Services (ODS) provides formal approval of the agreement negotiated with ODS for administration of the County's self-insured dental plan for the 2012 plan year.

For 2012, the administration fee increased from \$5.79 per employee per month to \$5.91 per employee per month. The original renewal rate was approved at \$5.91 per employee per month.

The renewal premium was reviewed and approved by the Board of County Commissioners at their October 4, 2011 Study Session. The administration fee is included in the premiums that are paid into the self-insurance fund from the operating budgets of County departments and by outside agencies contracting with the County to provide benefits administration.

The Administrative Services Agreement has been reviewed and approved by County Counsel.

**RECOMMENDATION:**

Approve the Administrative Services Agreement with Oregon Dental Service for the 2012 plan year.

Original documentation is too large to copy, please see original contract.

Sincerely,

Carolyn Williams  
Benefits Manager

For information on this issue or copies of attachments please contact Carolyn Williams at (503) 742-5470.

**ENDORSEMENT NO. 9**

**POLICY NO. 10000174**

**CLACKAMAS COUNTY**

AGREEMENT dated January 1, 2005 between **OREGON DENTAL SERVICE** and **CLACKAMAS COUNTY** is hereby amended effective January 1, 2012 as follows:

1. Section 1: **CONTRACT TERM AND RENEWAL**, paragraph A shall be amended and shall read as follows:
  - A. This Agreement shall be effective commencing January 1, 2012 and shall continue through December 31, 2012 as set forth in Section 8: Termination. Following the initial term, this Agreement shall be renewable through the written consent of both parties, subject to modification or revision of the terms contained herein.
  
2. The administrative charge in Section 5: **FEEES AND PREMIUMS**, paragraph A shall be changed as follows:
  - i. \$5.91 per employee per month for plan year beginning January 1, 2012.
  - ii. \$6.02 per employee per month for plan year beginning January 1, 2013.
  
3. The Benefits Plan Description shall be deleted and shall be replaced with the attached.

Except as specifically provided herein, the terms, conditions, and provisions of said Policy shall be unchanged by this Endorsement.

DATED this 20th day of December 2011

**OREGON DENTAL SERVICE**

**CLACKAMAS COUNTY**

By:

*Tracie Murphy*

\_\_\_\_\_  
Tracie Murphy

Senior Vice-President

\_\_\_\_\_  
(Recording Secretary)

By: \_\_\_\_\_

(Authorized Signature) Chair

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

6

# BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

A complete video copy and packet including staff reports, of this meeting can be viewed at <http://www.clackamas.us/bcc/business/>

**Thursday, February 2, 2012 – 10:00 AM**

**Public Services Building - 2051 Kaen Road, Oregon City, OR 97045**

**PRESENT: Commissioner Charlotte Lehan  
Commissioner Jim Bernard  
Commissioner Ann Lininger  
Commissioner Paul Savas  
Commissioner Jamie Damon**

*~Pledge of Allegiance~*

## **I. DISCUSSION ITEMS**

*~NO DISCUSSION ITEMS SCHEDULED*

## **II. CITIZEN COMMUNICATION**

1. Kevin Johnson, Gladstone - spoke regarding Gladstone Library – he submitted a public records request and asked the fee be waived.
2. Maryanna Moore, Gladstone – requested annual audits from the Library District. Steve Wheeler will respond to these library questions and requests.
3. John Ludlow, Wilsonville – Candidate for Clackamas County Chair.
4. Fred Nelligan, Milwaukie – spoke in support of Milwaukie light rail.
5. Sandra Cosgrove, Milwaukie – concerned about the mobile home park she lives in will close due to urban renewal.

Commissioner Bernard stated there is on urban renewal changes happening in that area, he would like to meet with Ms. Cosgrove and the other tenants at the mobile home park.

6. Les Poole, Milwaukie – spoke against Milwaukie light rail.
7. Yvonne Lazarus, Milwaukie – right to vote on light rail.
8. Mack Woods, Canby – freedom of speech.
9. Sylvia Kraljev, Canby – citation on her 2<sup>nd</sup> home.

Steve Wheeler said staff is looking into this issue.

Commissioner Lininger was excused to attend another meeting.

## **III. CONSENT AGENDA**

Item A. 3 has been removed from the agenda for further staff review and item A.1 moved to discussion. Chair Lehan asked Steve Wheeler to read the Consent Agenda by title.

### **MOTION:**

Commissioner Savas: I move we approve the Consent Agenda as amended.

Commissioner Damon: Second.

Chair Lehan – all those in favor:

Commissioner Damon: Aye.

Commissioner Savas: Aye.

Commissioner Lininger: Aye.

Chair Lehan: Aye.

Chair Lehan – all those opposed: - The Ayes have it and the motion is approved.

**MOTION:**

Commissioner Bernard: I move we move consent item A.1. to discussion.

Commissioner Damon: Second.

Chair Lehan – all those in favor:

Commissioner Damon: Aye.

Commissioner Savas: Aye.

Commissioner Lininger: Aye.

Chair Lehan: Aye.

Chair Lehan – all those opposed: - The Ayes have it and the motion is approved.

**A. Health, Housing & Human Services**

1. Approval of an Amendment to the Agreement with American Medical Response Northwest, Inc. for a Mileage Rate Increase - CH

Cindy Becker and Richard Swift, Health, Housing and Human Services presented the staff report.

*~Board Discussion~*

**MOTION:**

Commissioner Bernard: I move we approve the Amendment to the agreement to American Medical Response Northwest, Inc. for a mileage rate increase.

Commissioner Damon: Second.

*~Board Discussion~*

Chair Lehan – all those in favor:

Commissioner Damon: Aye.

Commissioner Savas: Aye.

Commissioner Lininger: Aye.

Chair Lehan: Aye.

Chair Lehan – all those opposed: - The Ayes have it and the motion is approved.

2. Approval of a Personal Services Agreement to Provide Physicians on a Locum Tenens Basis with Martin Fletcher Locums – CH
3. **REMOVED** - Approval of a Personal Services Agreement to Provide Physicians on a Locum Tenens Basis with Kelly Services – CH
4. Approval of a Professional, Technical, and Consultant Service Contract with Community Counseling Solutions, Inc. to Provide Warm Line Services - BH

**B. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC

**IV. WATER ENVIRONMENT SERVICES**

1. Approval to Accept Private Property Donation and Transfer of Ownership to Clackamas County Service District No. 1
2. Approval of a Joint Funding Agreement between Clackamas County Service District No. 1, Surface Water Management Agency of Clackamas County and the US Geological Survey for the Stream Flow Measuring Work

3. Approval of a Joint Funding Agreement between the Surface Water Management Agency of Clackamas County and the US Geological Survey for Tualatin River Monitoring

**V. COMMISSIONERS COMMUNICATION**

**MEETING ADJOURNED – 11:33 AM**

**NOTE: Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove by the following Saturday. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.**

<http://www.clackamas.us/bcc/business/>