



June 24, 2021

Board of County Commissioners
Clackamas County

Members of the Board:

Second Reading of County Parks Fine and County Code Changes

Purpose/Outcome	<i>Reading of ordinance on June 10th (first reading) and 24th (second reading) to affirm of fine and adoption of County Code changes relating to County Parks.</i>
Dollar Amount and Fiscal Impact	<i>No fiscal impact.</i>
Funding Source	<i>N/A</i>
Duration	<i>N/A</i>
Previous Board Action/Review	<i>Discussed at Issues on 2/9/21: Changes approved at 3/23/2021 Policy Session Additional language added to County Code revision per discussion by the Board of County Commissioners at first reading on 6/10/2021.</i>
Strategic Plan Alignment	<p><i>1. How does this item align with your department's Strategic Business Plan goals?</i></p> <p>Reading this ordinance to adopt this fine and implementing these Code Changes aligns with the BCS strategic result of maintaining clean, safe, healthy parks by providing a mechanism to fine park customers who engage in prohibited behavior, ultimately discouraging the behavior, and providing clarity in park rules and processes.</p> <p><i>2. How does this item align with the County's Performance Clackamas goals?</i></p> <p>Reading this ordinance to adopt this fine and implementing these Code Changes aligns with the Performance Clackamas strategic priority of Honoring our Natural Resources by providing ways to encourage clean, safe and healthy parks and natural resources, and with Building Public Trust through Good Government by clarifying issues in County Code for efficient and accountable management of Parks.</p>

Counsel Review	4/19/2021 AM
Procurement Review	<i>This are policy changes and fine clarification, therefore not subject to procurement review.</i>
Contact Person	Tom Riggs, Parks and Forestry Manager, 503-781-3137, triggs@clackamas.us
Contract No.	N/A

BACKGROUND:

At the 2/9/21 Administrator’s Issues session, BCS – County Parks requested the Board assign a \$115 fine for violations of 6.06.050.L.4, believing it had been overlooked in the updating and adoption of fines in 2020 as there was an omission on the fine spreadsheet. The Board had questions regarding how the rule would be applied and enforced, especially in regard to parks that didn’t provide restroom facilities, and asked staff to come back to a Policy session to discuss the issue.

In preparing for the Policy session, staff discovered that the 6/6/19 Ordinance enacting 050.L.4 already listed a \$150 fine amount, but also found that the current posted County Code Appendix B: Fines lists a \$115 fine, which is consistent with staff recommendation. Finding the existing fine published changed our request from an approval of a fine amount to an affirmation of the existing \$115 fine amount.

BCS – County Parks staff brought information and recommendations to a Policy Session on 3/23/21, including clarification about the fine amount issue, and language about other proposed County Code changes related to Parks. The Board approved all requested changes. County Counsel prepared an ordinance to enact those changes.

RECOMMENDATION:

Staff Recommends the second reading of the Ordinance at the June 24th, 2021 BCC Business Meeting for final adoption of approved changes.

ATTACHMENTS:

Ch. 6.06 park rules exclusion enabling ordinance 4.19.21

Respectfully Submitted,



Sarah Eckman
Interim Director
Business & Community Services

ORDINANCE NO. ____-2021

**An Ordinance Amending
Clackamas County Code Chapter 6.06, Park Rules**

WHEREAS, Clackamas County would like to amend the park rules to make several housekeeping corrections and to clarify the park's exclusion policy; and

WHEREAS, the Board would like to clarify that the \$150 fine for public urination and defecation referred to in Ord. 03-2019 has *not* been adopted;

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 6.06, Park Rules, of the Clackamas County Code is hereby amended as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

Section 2: The fine for public urination and defecation shall remain \$115 as currently indicated in Appendix B, rather than the \$150 fine referenced in Ord. 03-2019.

ADOPTED this _____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Chapter 6.06

6.06 PARK RULES

6.06.010 Policy and Purpose

The purpose of this chapter is to protect County parks, forest and recreational areas, protect the health, safety and welfare of the public using such areas, and insure the best use of and benefits from such areas. The numbering system for this chapter is necessarily *unique* because of the requirements of the County and State criminal justice systems.

[Codified by Ord. 05-2000, 7/13/00; renumbered from 6.06.02 by Ord. 04-2013, 8/22/13]

6.06.020 Definitions

- A. APPROVED CAMPING SHELTER means ground tents, vehicle tents, motorhomes, travel trailers, vans and camper units designed specifically for overnight, outdoor camping, such as Class A, B or C vehicles, towables, and truck campers.
- B. BOARD means the Board of County Commissioners of Clackamas County.
- C. DIVISION means the Clackamas County Parks Division of the Business and Community Services Department and its employees.
- D. ANIMAL, as per ORS 167.310, means any non-human mammal, bird, reptile, amphibian or fish. LIVESTOCK, as per ORS 609.125 means any ratites (large flightless birds), psittacines (parrot & macaw type birds), horses, mules, jackasses, cattle, lamas, alpacas, sheep, goats, swine, domesticated fowl and any fur bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches.
- E. PARK AREA means any County park, forest or recreational area under the jurisdiction of the board, but not any residence located thereon.
- F. PARK EMPLOYEE means a County employee, caretaker, host, or agent.
- G. ~~PARKS DIRECTOR AND/OR THEIR DESIGNEE~~ PARKS MANAGER means the person designated by the Board or the Department of Business and Community Services to administer the County's programs and policies for County parks, forests, and recreation areas.
- H. PEACE OFFICER means a Sheriff, deputy sheriff, constable, marshal, municipal police officer, Oregon State Police officer, and such other persons as may be designated by law.
- I. PROHIBITED ARTICLES means fireworks, weapons, glass, and alcoholic beverages under this Chapter.
- J. RESERVATION includes, but is not limited to, calling, booking online or by email, in advance to obtain a campsite or day-use area.
- K. Other terms shall be defined as set forth in the Oregon Vehicle Code, ORS Chapter 801, unless specifically provided otherwise in this Chapter.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07; Renumbered from 6.06.03 and amended by Ord 04-2013, 8/22/13; Amended by Ord. 01-2016, 3/24/16; Amended by Ord. 07-2018, 6/28/18]

6.06.030 Opening, Closing, Entry Into Parks

- A. The Division is hereby authorized to close to the public any County Park area or portion thereof, restrict the times when any County park area shall be open to such use, and limit or prohibit a recreation use whenever such action is necessary to protect the health or safety of the public, or the safety of the park area or its facilities. Cause for park area closure or limitation, or prohibition, on park area or recreational use includes, but is not limited to: Fire hazard, dangerous weather, water conditions, sanitary protection of the watershed, park area construction or repairs, conservation of fish and wildlife, excessive traffic; unsafe or overcrowded shoreline, ramp, parking or road conditions; the prevention of damage to the park or any of its facilities; or any dangerous, unsafe or unhealthful conditions.
- B. Any County employee designated by the Director of Business and Community Services Department or any peace officer may request, as a condition of the license or permit to enter the County's park areas, that persons entering or about to enter allow inspections of all backpacks, briefcases, suitcases, athletic bags, packages, duffle bags, coolers, ice chests, picnic baskets, and other containers capable of concealing prohibited articles:
1. Inspections under this section may occur anywhere on park property. Persons possessing containers subject to inspection shall be informed that they are free to decline the inspection and then must immediately leave the park area.
 2. If a person already inside the park area possesses a prohibited article, that person shall be considered to have violated the license to enter and use the park area. The person's license is automatically revoked and the person shall be requested to leave immediately.
 3. Any person in violation of park rules is subject to citation and immediate trespass.
- C. The County shall display signs at entrances to the park area that generally identify prohibited articles and provide notification of the request for inspection. The signs shall generally describe prohibited articles, explain the potential request for inspection and the right-to-decline options. Similar explanations may be printed on parking receipts and where available may be displayed at ticket windows on County property where parking passes or admissions are regularly sold.
- D. Fees Required.
1. No person shall enter or use any County park area or any of its facilities without first paying the required fee, if any, unless such entry or use is otherwise authorized by a valid existing permit in the name of said person.
 2. Any permit for entry or receipt for the use of any County park shall be displayed in a way that makes it easily visible from outside the vehicle. Failure to display a permit or receipt in a visible manner is a violation of this section requiring payment.
 3. For all misplaced or stolen parking permits, there shall be a nominal fee for replacement.
- ~~Any permit for entry or receipt for the use of any County park shall be displayed in a way that makes it easily visible from outside the vehicle. Failure to display a permit or receipt in a visible manner is a violation of this section requiring payment.~~
- E. Any County employee designated by the Director of Business and Community Services Department or any peace officer may revoke any permit that has been issued erroneously or where there is reasonable cause to believe the permit holder or any person in his or her custody, control, or family, has violated any of the provisions of these rules or any State, County or federal law. Any person whose permit has been revoked and all other persons in his or her custody, control, and family shall immediately leave the park area.
- F. Any person who violates any of these Park Rules, or who violates any state statute (including the vehicle chapter), County ordinance or code while in a County park, may be ordered to leave the park area.

- G. No person who has been ordered to leave a County Park area shall remain therein or return thereto.
- H. The Division may refuse to admit into a park area any person who has been previously ordered to leave a County park.
- I. The daily opening and closing times for each Clackamas County Park, including but not limited to Barlow Wayside, Barton, Boones Ferry Marina, Boring Station, Carver, Eagle Fern, Feyrer, Hebb, Knights Bridge, Madrone Wall, Metzler, Ed Latourette, Feldheimer , Wagon Wheel, and Wilhoit Springs, shall be established by the ~~Parks Director~~ Parks Manager and/or their designee and posted at the entrance to the park.
- J. Except for authorized overnight camping in accordance with these rules, no person, other than peace officers or authorized County personnel or agents, shall enter or remain in any park area after the daily closing time and before the daily opening time, without prior written authorization.
- K. User fees for campsites are due and shall be paid prior to each day's use. The fee covers use of facilities and services until the vacating time of 1:00 p.m. the following day.
- L. The person registering for the campsite is responsible for all persons using the campsite adhering to all park area rules, but this shall not provide a defense to any person who actually causes, or participates in causing, a violation of said rules.
- M. Campers must maintain campsites in a clean, sanitary, and safe manner.
- N. Unless otherwise posted at the entrance to the park campground, campsites may be occupied only as assigned by a reservation or at the campground registration area.
- O. No more than two (2) vehicles are allowed in a single campsite. The first vehicle is included in the campsite fee. All excess vehicles will be charged an additional fee and may need to be parked in designated overflow parking.
- P. In order to avoid unnecessary congestion of campground roadways and overloading of campground water and sanitation facilities, a park employee may prohibit entry of non-camper vehicles into the campground area. The park employee may issue temporary entry permits to non-camper vehicles when, in their opinion, such entry will not unnecessarily disrupt the operation, safety, and sanitation facilities of the campground.
- Q. Campsites may be accommodated with any approved camping shelter except those areas that have specific designated usage, i.e., RV only, tent only.
- R. Individual campsites are designed to serve one family unit. The following capacities shall apply:
1. Not more than two (2) tents OR one (1) recreation vehicle and one (1) tent per campsite, except where otherwise designated.
 2. A maximum occupancy of 8 persons per site.
 3. No person under the age of 18 shall camp overnight unless accompanied by an adult.
 4. ADA accessible campsites are designed for campers with mobility challenges. Campers with DMV placards or license plates are given priority in these sites. Unless otherwise noted below persons registering for, or occupying, accessible campsite(s) must clearly display an appropriate placard or plate during their stay.
Note: Large group reservations of all campsites in a campground loop or park are exempt from this rule.
- S. Parks with accessible campsites for Persons with Disabilities shall:

1. Hold all reserved site(s) for the date(s) of reservation unless notified by the Parks Office to release the site;
2. Hold unreserved accessible sites site(s) for qualified drop-in campers until 7:00 p.m. daily;
3. Release unreserved accessible site(s) for first come, first served use after 7:00 p.m. for one (1) night only stay if no qualified users have registered.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07; Renumbered from 6.06.03 and amended by Ord. 04-2013, 8/22/13; Amended by Ord. 05-2015, 5/14/15; Amended by Ord. 01-2016, 3/24/16; Amended by Ord. 07-2018, 6/28/18]

6.06.040 Reservations And Check In/Out Times

- A. All persons making reservations must be 18 years of age or older.
- B. Online reservations for camp sites, sheltered and non-sheltered picnic areas must be made a minimum of 3 days in advance. Payment for reservations of picnic areas and campsites are due in full at the time of booking unless booking ten (10) or more campsites.
 1. Reservations for ten (10) or more campsites must be made through the Parks Administration Office and requires a deposit of the reservation fee and first night's rental fee due at the time of booking the reservation. The remaining balance is due thirty (30) days after making the reservation. The Parks Division reserves the right to cancel a reservation of ten (10) or more campsites, without notification, if the final payment has not been paid as per policy.
 2. No group may book more than thirty (30) campsites for the same date(s) in any one park on Memorial Day weekend or from July 1 through Labor Day weekend.
- C. Cancellations and refunds:
 1. For campsites (full hook-up, partial hook-up, primitive) and bunkhouse:
 - a. If cancellation is made four (4) or more days in advance of the arrival date, a refund will be issued by the Parks Division less the reservation fee and a cancellation fee.
 - b. If cancellation is made within three (3) days of the arrival date, a partial refund will be issued by the Parks Division less the reservation fee, a cancellation fee and the first night's camping fee.
 2. For sheltered and non-sheltered picnic areas:
 - a. If cancellation is made fifteen (15) days or more in advance of the reserved use date, a refund will be issued less the reservation fee and a cancellation fee.
 - b. If cancellation is made within fourteen (14) days of the reserved use date, no refunds will be issued..
 3. Reservation and transaction fees are non-refundable.
 4. If days are removed from the front of a reservation, resulting in the new arrival date being more than one year from when the original reservation was made, the County reserves the right to cancel the entire reservation and retain the reservation fee and first night's camping fee.

- D. Changes to overnight camping reservations and day use reservations, such as a reduction in the number of campsites, or a change in the location or date, can be made at any time, except as noted in subsection (C)(4), but a change fee is required and will be charged at the time of the change request.
- E. Check-in time for all overnight camping sites is established at 3:00 p.m. and check-out time is established at 1:00 p.m. the following day. Campsites not vacated by 1:00 p.m. shall be subject to charge of fees for an additional night, if the campsite is available and not reserved for that time period.
- F. If a campsite has been reserved for use by another party for that night, and the campsite has not been vacated by the non-reserved party by check-out time:
 - 1. The non-reserved party shall vacate the site immediately or be subject to eviction;
 - 2. The non-reserved party shall be subject to exclusion from Clackamas County parks pursuant to this chapter;
 - 3. Any vehicle occupying the campsite after check-out time other than a vehicle of the reserved party is parked in violation of this chapter, and may be immediately towed away without prior notice at the owner's expense under the provisions of the Clackamas County Vehicle Parking and Towing Chapter; and
 - 4. Park employees may remove any personal property remaining on the campsite other than property of the reserved party.
- G. Individual campers or small groups reserving ADA accessible sites must provide documentation upon making the reservation or the reservation may be forfeited. *Note: Large group reservations of all campsites in a campground loop or park are excluded from this rule.*

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07; Renumbered from 6.06.14; amended by Ord. 04-2013, 8/22/13; amended by Ord. 02-2014, 5/22/14; Amended by Ord. 01-2016, 3/24/16; Amended by Ord. 04-2017, 5/4/17; Amended by Ord. 07-2018, 6/28/18]

6.06.050 Violations

- A. No person shall park a vehicle on any Clackamas County park property before the posted opening time or after the posted closing time. Vehicles parked in violation of this section shall be towed or booted in accordance with the Clackamas County Parking and Towing Chapter.
- B. No person shall expose his or her genitalia or breasts, or be completely nude (full nudity) while in a public place or place visible from a public place, if the public place is open or available to persons of the opposite sex or children.
- C. No person shall, while in, or in view of, a public place, perform an act of sexual intercourse or an act of oral or anal sexual intercourse; or an act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person, as defined in ORS 163.465.
- D. No person shall have in his or her possession any glass beverage container without first obtaining a permit from the County Parks Department. Permits will be issued upon payment for use of designated campsites and group picnic areas. Permits for possession of glass beverage containers will not be issued for day-use areas.
- E. Fires

1. Fires in park areas shall be confined to:
 - a. Fire rings, fire pits, or fireplaces provided for such purposes;
 - b. Portable stoves in established campsites and picnic areas where fires are permitted.
2. No person shall leave any fire unattended, and every fire user shall extinguish the fire before leaving the park area.
3. No person shall build, light or maintain any fire so as to constitute a hazard to any pile of wood, grass, tree, underbrush, or other flammable material.
4. No person shall move a park fire ring, fire pit, or fireplace from its designed location in any day use area or campground.

F. Fireworks and Weapons

1. No person shall hunt, pursue, trap, kill, injure, or molest any bird or animal in any park area.
2. No person shall discharge in any park area any firearm, pellet gun, bow and arrow, slingshot, paintball gun, or other weapon capable of injuring any person, bird, or animal.
3. No person shall possess in any park area any: loaded firearm, loaded pellet gun; paintball gun; bow and arrow; slingshot; other weapon capable of injuring any person, bird or animal; provided however that the prohibition of loaded firearms does not apply to or affect:
 - a. a law enforcement officer or authorized agent in the performance of official duty,
 - b. a member of the military in the performance of official duty,
 - c. a person licensed to carry a concealed handgun, or
 - d. a person authorized to possess a loaded firearm while in a public building under ORS 166.370.
4. No person shall possess or use fireworks or other explosives in any park area, except as designated, without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.

G. Alcoholic Beverages

1. No person shall possess alcoholic beverages in any general day use area in any county park. Permits may be issued for designated reservable group picnic areas when requested and approved and upon payment for the group picnic area. Permits for the possession of alcoholic beverages in reserved campsites are not required. Violations shall be treated as a rule violation, and any person authorized to enforce park rules is authorized to confiscate and destroy any alcohol and its container.

H. Park Property & Property Destruction

1. No person shall mutilate, deface, damage, or remove any table, bench, building, sign, marker, monument, fence, barrier, fountain, faucet, traffic recorder, or other structure or facility of any kind in any park area.
2. No person shall dig up, deface, or remove any dirt, stones, rock or other substance whatever, make any excavation, quarry any stone, lay or set off any blast, roll any stones or other objects, or cause or assist in doing any of said things, in any park area.

3. No person shall erect temporary signs, markers, or inscriptions of any type in any park area, without permission from the ~~Parks Director~~ Parks Manager and/or their designee.
4. No person shall set up or use a public address system in any park area without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
5. No person shall wash any clothing or other materials, or clean any fish, in a lake, stream, river, or pond, in any park area.
6. No person shall use abusive or threatening language or gestures, create any public disturbances, or engage in riotous behavior, in any park area.
7. No person shall operate or use any noise-producing machine, vehicle, device, or instrument in any park area in a manner that is disturbing to other park area visitors.
8. No person shall operate any remote control device in any park area (i.e., drones, airplanes, cars, etc.).
9. No person shall pick, cut, mutilate, or remove any flowers, shrubs, foliage, trees, or plant life or products of any type in any park area.

I. Concessions and Solicitations

1. No person shall operate a concession, either fixed or mobile, in any park area without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
2. No person shall solicit, sell or offer for sale, peddle, hawk, or vend any goods, wares, merchandise, food, liquids, or services in any park area without the written permission of the ~~Parks Director~~ Parks Manager and/or their designee.
3. No person shall advertise any goods or services in any park area without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
4. No person shall distribute any circulars, notices, leaflets, pamphlets, or written or printed material of any kind in any park area by leaving or placing the material on a person's vehicle or property without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee

J. Animals

1. No person shall ride, drive, lead, or keep livestock or animals, other than cats and dogs, in any park area not designated for their use (e.g., equestrian trails/facilities) without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
2. No dog or cat shall be brought into or kept in a park area unless confined or controlled on a maximum 6-foot long leash. A Park Employee may undertake, or require the person keeping the animal to take any measures, including removal of the animal from the park area, deemed necessary to prevent interference by the animal with the safety, comfort, and wellbeing of park area users, and the appearance or sanitary condition of the park area. No animals, other than service dogs for the disabled, shall be allowed in any park area building.
3. No person shall allow any animal in his or her custody or control to annoy, molest, attack, or injure any person or animal in the park area.
4. No person shall tie up any animal in his or her custody or control and leave such animal unattended.
5. All animal fecal matter shall be put in a bag or container and left in a designated waste receptacle.
6. No person shall have or allow more than two (2) domestic pets or other animals in any campsite.

K. Motor Vehicles

1. No person shall operate any vehicle in any park area in violation of the Oregon State Vehicle Code, County ordinance, code or other laws.
2. No person shall operate any motor vehicle in any park area at a speed in excess of 10 miles per hour, unless otherwise designated. In addition, no person shall operate any motor vehicle in any park area at a speed greater than is reasonable and prudent, having due regard to all of the following:
 - a. The traffic;
 - b. The surface and width of the highway;
 - c. The hazard at intersections;
 - d. Weather;
 - e. Visibility; and
 - f. Any other conditions then existing.
3. No person shall park a vehicle:
 - a. In violation of any “No Parking” signs or markings authorized by the ~~Parks Director~~ Parks Manager and/or their designee;
 - b. In any location within a park, other than officially designated parking lots and parking spaces;
 - c. On grass, dirt, or landscaped areas that have not been designated for parking;
 - d. Beyond the edges of curbing or parking lots; or
 - e. In any designated staging area or timed parking area for longer than the maximum time limit stated on the posted sign.
4. No vehicle shall be parked in an emergency access area or travel lane of any park. Any vehicle parked in an emergency access area or travel lane of any park will be towed under the provisions of the Clackamas County Parking and Towing Chapter.
5. No person shall operate a motor vehicle on any park trail, or on any area within a park, which is not paved or graveled unless specifically marked as an area for motor vehicles.
6. No person shall operate any Off Highway Vehicle (OHV), All Terrain Vehicle (ATV) or any other vehicle not legal for street riding in any park area not designated for their use without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.

L. Waste Disposal

1. All bottles, cans, ashes, waste, paper, garbage, sewage, and other rubbish or refuse shall be left only in receptacles designated for that purpose.
2. No person shall bring into a park area any trash, refuse, garbage, litter, waste material, or vehicles for the purpose of disposing them there.
3. No person shall use kitchen or toilet facilities in a camping vehicle in the park unless the person makes provision for holding sewage and other waste materials in watertight and sanitary containers. Such containers shall not be emptied in the park except at an officially designated dump station.
4. No person shall urinate or defecate in public in any park area where restroom facilities are provided.

M. Camping Rules

1. No person may camp overnight in a park area other than in an officially designated and numbered overnight camping space.
2. No person may camp in any one park area for more than fourteen (14) days in one eighteen (18) day period of time. No person may camp for more than twenty-eight (28) days total in the County Parks system as a whole, in any one camping season from May 1 to November 30, without the written permission from the ~~Parks Director~~ Parks Manager and/or their designee.
3. Persons who share a campsite will be considered to be of the same camping party, and stay limit for all party members shall be calculated from the first party member's arrival.
4. Campers are required to maintain reasonable quiet between the hours of 10:00 p.m. and 7:00 a.m. and to respect the rights of other campers to peace and quiet during these hours.
5. No person shall camp overnight without an approved camping shelter.
6. No person shall wash a vehicle or trailer in any campsite.
7. No swimming pools of any size shall be filled with water in the campground without the written permission of the ~~Parks Director~~ Parks Manager and/or their designee.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 06-2007, 6/28/07; Amended by Ord. 04-2013, 8/22/13; Amended by Ord. 04-2017, 5/4/17; Amended by Ord. 07-2018, 6/28/18]

6.06.060 Enforcement and Penalties

- A. Any County employee or agent designated by the Director of the Business and Community Services Department, and any peace officer may enforce these park rules, order any person violating these rules to leave the park areas, and issue citations for violations of these rules, except that only a person expressly authorized under the Clackamas County Parking and Towing Chapter may enforce the towing or booting provision of that chapter. Caretakers and Camp hosts who are appointed by the County may notify persons of the requirements of these rules, seek voluntary compliance, and order any person violating the rules to leave the park areas.
- B. Violation of any of the foregoing rules is subject to citation and punishable by a fine as set forth below.
- C. Form of citation:
 1. Description of the specific violation alleged;
 2. The date, time, and location of its occurrence;
 3. The maximum amount of the fine for the violation alleged;
 4. A statement that the fine must be paid or a hearing requested within 20 days, and that upon failure to do so within 20 days opportunity for a hearing is forfeited and the fine doubles;
 5. A form for either admitting the violation alleged and paying the fine, or denying the violation alleged, paying the equivalent bail, and requesting a hearing;
 6. The address to which the form should be sent;
 7. The telephone number of the person or facility which may be contacted for information;
 8. The name and address of the violator, or in the case of a parking violation where the operator of the vehicle is not present, the license plate and vehicle number of the vehicle (if visible); and
- D. Upon receiving a citation under this chapter, the cited person may:

1. Within 20 days, deliver to the Sheriff's Office the form provided with the citation, admitting the violation(s), forfeiting and paying the amount of the fine(s) indicated on the citation by credit card; forfeiture may be made by mail but must be actually received by the Sheriff within 20 days from the date of the citation; or
2. Within 20 days, deliver to the Sheriff's Office the form provided with the citation, denying all or part of the violation(s), and posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation; response may be made by mail, but must be actually received by the Sheriff within 20 days from the date of the citation.

Upon receipt of a denial, the Sheriff's Office shall inform the Hearings Officer. The Hearings Officer shall set a hearing within 30 days of the Sheriff's Office receipt of the denial and bail, and shall mail notice to the cited person and the issuer of the citation of the hearing date, time and place within 15 days of the Sheriff's Office receipt of the denial of bail.

3. Failure to perform any part of either subsection 1 or 2, including failure to respond within 20 days, shall be presumed an admission of the violation(s) cited, and the fine(s) shall be doubled.

E. Hearing Process.

The hearing shall afford a reasonable opportunity for the person(s) requesting it to present evidence that the citation was invalid or unjustified.

1. The Hearings Officer may administer oaths and take the testimony of witnesses. The Hearings Officer may issue subpoenas in accordance with Oregon Rules of Civil Procedure 55, provided that subpoena requests be received in writing no later than 5 days before the scheduled hearing. If the person charged with the violation(s) requests a subpoena, the person shall pay a deposit for each witness in an amount set by resolution of the Board of County Commissioners. Witnesses appearing by subpoena shall be allowed the same fees and mileage as allowed in civil cases in circuit court, to be paid by the person requesting the subpoena.
2. A person who receives a citation may be represented by an attorney or other person at any hearing, provided that in the case of representation by an attorney, the person gives written notice to the Hearings Officer two days prior to the hearing so that the County may, at its discretion, arrange for representation by an attorney on its behalf.
3. If the Hearings Officer, after due consideration, determines that the violation(s) alleged has been established, then the Hearings Officer shall issue a decision that the citation is valid and make brief findings of fact, and shall order the person cited to pay the appropriate fine to the County general fund. The decision and order may be oral and issued at the conclusion of the hearing, but in all cases must be recorded in the record of the hearing. The Hearings Officer will also determine the amount of witness fees to be paid out of any deposit, or refunded.
4. The decision of the Hearings Officer is final.

[Codified by Ord. 05-2000, 7/13/00; Renumbered from 6.06.15 and amended by Ord. 04-2013, 8/22/13; amended by Ord. 02-2014, 5/22/14; Amended by Ord. 04-2017, 5/4/17; Amended by Ord. 07-2018, 6/28/18]

6.06.04.01[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 03-2010, 2/25/10; Repealed by Ord. 04-2013, 8/22/13]

6.06.07.01[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Amended by Ord. 03-2010, 2/25/10; Repealed by Ord. 04-2013, 8/22/13]

06.06.07.02 [Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03; Deleted by Ord. 03-2010, 2/25/10]

6.06.070 Vehicle Towed

A vehicle registered to a person who has failed to respond or pay fines as required by this chapter to three or more vehicle parking citations, may be towed from any park area or booted, without prior notice, in accordance with the Clackamas County Parking and Towing Chapter, and held until the amounts owing have been paid.

[Codified by Ord. 05-2000, 7/13/00; Renumbered from 6.06.11 by Ord. 04-2013, 8/22/13]

6.06.080 Fines

All fines shall be set by ordinance of the Board of County Commissioners.

[Added by Ord. 5-2003, 3-13-03; Renumbered from 6.06.17 and amended by Ord. 04-2013, 8/22/13]

6.06.090 Exclusions

Any peace officer or agent providing security services on behalf of County Parks, may issue a written exclusion notice to any person violating County Park rules within Chapter 6.06, or who violates any state statute (including the vehicle chapter), County ordinance, or code while in a County park.

A. An exclusion may be issued for up to one (1) year per violation.

B. A peace officer or agent providing security services on behalf of County Parks will provide a person who is excluded from a County park an exclusion notice. The exclusion notice shall specify the basis for the exclusion, which County parks the person is excluded from, the period of the exclusion, the time the exclusion is to commence, and a statement of the person's right to appeal the exclusion to the County Administrator.

C. The individual who is excluded for a period exceeding thirty (30) days shall have the right to appeal the exclusion. An appeal must be filed, in writing, with the County Administrator within five (5) calendar days of the exclusion notice's issuance. The notice of appeal shall state the following:

1. The appellant's name;
2. The appellant's address and a telephone number where they can be reached;
3. A concise statement as to why the exclusion was in error; and
4. Attach a copy of the exclusion notice.

D. A person appealing an exclusion may request a hearing. The County Administrator may hold a hearing on the exclusion if there are any disputed issues of fact. If permitted, a hearing on the appeal shall be held no more than thirty (30) calendar days after the filing of the appeal, except in the event the County Administrator determines otherwise. The hearing shall afford a reasonable opportunity for the person requesting it to present and rebut evidence that the exclusion is invalid or unjustified.

E. The County shall have the burden to show by a preponderance of evidence that the exclusion is based on conduct prohibited under Chapter 6.06.

F. Copies of any and all County documents used by the County at the hearing shall be made available to the person appealing the exclusion upon written request.

G. The exclusion shall remain in effect during the pendency of the appeal.

H. The County Administrator will issue a final, written decision on an exclusion appeal.



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

June 24, 2021

Board of County Commissioners
Clackamas County

Members of the Board:

A Board Order Approving
Solid Waste Management Fee Increases

Purpose/Outcomes	A Board Order approving Solid Waste Management fee adjustments for collection service
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	Subject to Annual Review
Previous Board Action/Review	Policy Session: June 15, 2021
Strategic Plan Alignment	Ensuring community members have access to safe, convenient garbage and recycling services aligns with several Performance Clackamas strategic priorities and policy perspectives: recycling programs help to honor and protect our natural resources; garbage service supports healthy communities and public trust; the gradual improvement of recycling and composting programs supports the perspective on carbon neutrality. Further, the annual review process provides assurance that customers are provided fair value for the services they receive.
Procurement Review	<ol style="list-style-type: none"> 1. Was the item processed through Procurement? No 2. If no, provide brief explanation: This action is not a contract or purchase.
Counsel Review	Reviewed and approved by County Counsel on June 16, 2021
Contact Person	Rick Winterhalter, Sr. Sustainability Analyst DTD Sustainability & Solid Waste 503-742-4466

EXECUTIVE SUMMARY:

On June 15, 2021, a Board policy session presented the findings of the County's annual solid waste fee review, and the unanimous fee increase recommendation from the Solid Waste Commission. This staff report provides a general summary of the policy session and associated staff report.

Overview

The Sustainability & Solid Waste Program, which is part of the Department of Transportation and Development (DTD), is responsible for managing the County's Integrated Solid Waste Collection System. This work includes an annual review of the production records of the nine franchised garbage and recycling collection companies.

The purpose of the review is to ensure that solid waste collection services are provided to residents and businesses safely, cost-effectively, efficiently, and in a manner that supports the benefits of recovering materials from the system. The review is used to establish the fees charged for the variety of services the County requires our franchised collectors to offer, and to ensure a fair return to the collectors. A contracted certified public accountant assists in this review process by reviewing franchisee financial records, creating summaries, and providing analysis.

Historically, the County has recognized the administrative and strategic value of an annual review, coupled with annual adjustments as necessary to keep fees and real costs aligned. These adjustments may come in the form of fee increases, adding additional collection services, or a combination of these options. This review model prevents large and unexpected increases for customers that can result from less frequent reviews. The Solid Waste Commission last recommended increasing fees in 2020, and the Board adopted and made effective these new fees on July 1, 2020.

Background

When looking at the annual review, some context is helpful when reviewing the results.

Service Zones

The County is divided into four service zones:

- 1) Urban Zone (defined as the area within the Metro Urban Growth Boundary established prior to March 2003),
- 2) Rural Zone,
- 3) Distant Rural Zone, and;
- 4) Mountain Zone.

These zones are differentiated by geography, the services offered (for example, curbside yard debris service is not included outside the Urban zone), and the distances traveled by the franchisees between the customers they serve and the disposal sites.

Operating Margin

The County's practice, consistent with other communities in Oregon, is to set fees at a level that targets a 10% operating margin, with an acceptable range of 8-12%. This approach has been used since the mid-1980s when the County established uniform fees. (Previously the County approved different fees per collector.) The concept of using a range for an acceptable operating margin to inform the direction of the Annual Review was suggested by third-party CPAs. The variance in reported expenses and revenues year over year are better suited to review within the context of a range.

Our franchised collectors cover certain costs from their margin, per guidelines reviewed by our third-party CPA. The collectors use their margin to cover:

- Income taxes;
- Reserves to run operations and pay for capital purchases; and
- Provide a return to ownership.

During the annual fee review, the County reviews the total costs and revenues across our fee zones—which we call the ‘composite’. Comparing the revenues to the costs, one of the following courses of action is typically called for:

- 1) If revenues and costs place the operating margin **within** the acceptable range, and there are **no** known cost increases ahead, the current fees would be deemed appropriate, unless the Board seeks to approve a minor decrease or increase to get closer to the target margin.
- 2) If revenues and costs place the operating margin **within** the acceptable range, **and** there **are** known unavoidable cost increases ahead, our review process will indicate a fee increase to keep the system within the range and avoid larger increases later. **(Note: this is the situation for this year’s fee review for the Urban and Rural zones.)**
- 3) If revenues and costs place the operating margin **above** the acceptable range, and there are **no** known cost increases ahead that will bring revenues down into the range, then the review process will indicate that the Board pursue a decrease in fees, provide additional services for customers, or some combination of these.
- 4) If revenues and costs place the operating margin below the range, consideration is given to providing additional revenue, above the known and measurable costs, in a proposed increase to bring the estimated margin within the range. **(Note: this is the situation for this year’s fee review for the Distant Rural zone.)**

Effects of the Covid-19: Global Pandemic

In response to the viral pandemic, on March 23, 2020, Governor Kate Brown issued executive order 20-12. The order required all non-essential businesses to close and citizens to shelter in place. Declared as an essential service, solid waste collection in the County continued normal collection schedules. The only temporary suspension in service was the collection of bulky waste, which requires more than one person to collect.

Underscored by a Board of Commissioners emergency declaration, the franchised collectors joined PGE, Northwest Natural, and water/sewer service providers in a policy to continue service to those businesses and residences unable to pay their bill due to circumstances caused by the pandemic. As a result, the franchisees had higher than normal accounts with unpaid balances through part of 2020. In February 2021, the Board discontinued this provision of the County’s COVID-19 emergency declaration, allowing the franchisees to begin collecting on the unpaid balances. The recommended fee increases do not include any elements specifically intended to recover revenues lost from the COVID-19 pandemic.

Anecdotally, and not surprisingly, the shelter-in-place policy increased the amount of garbage and recycling coming from residences. Our collection companies also noticed that some residential customers shifted to larger garbage carts. The commercial sector saw a minor decline in services and revenue.

Some franchisees were able to secure US Small Business Administrative Paycheck Protection Program loans. The loans were used to keep employees, primarily drivers, on the payroll in

order to avoid layoffs and the associated challenges of hiring and training new drivers. At the end of this year's review, the PPP loans had not been forgiven and therefore are not accounted for as revenue.

Annual Fee Review and Proposed Fee Increases

During the annual review process, franchisees submit detailed reports which are reviewed by staff and the contracted CPA. As questions arise, they are submitted to the franchisees for clarification. Site visits are conducted, as needed, to confirm the validity and accuracy of reported costs. County staff adjust or exclude reported costs as necessary to ensure the costs included in our review are appropriate.

As part of the review, we evaluate costs and test the impact of known costs and potential fee increases or decreases on the operating margins for each service zone, and for the system as a whole. For further details on the history of solid waste fees, refer to Attachments 3 and 4.

Our review of the allowable costs and revenues for 2020 showed that the margins for the Urban and Rural zones fell within the acceptable range at 10% and 9.1% respectively. The Distant Rural zone fell below the lower limit of the range at 5.6%. Across the analysis of all fee zones combined (which we term the 'composite') the revenues allowed a system-wide margin of 9.1%, as illustrated in *Attachment 1 (see the 2020 Adjusted table)*.

Looking at 2021, our system is incurring known and measurable increases in costs, described below. In order to maintain an operating margin within the acceptable range, our fee review recommends proposed fee increases, also described below, including the projected operating margin associated with the proposed increases.

Proposed Fee Increase

As part of the Annual Review, fee increases are recommended, as necessary, to maintain alignment with costs of the services and to meet the target margin. For the 2021 Review, proposed increases to fees are based on known and measurable cost increases in all zones, with an additional amount in the Distant Rural zones because the operating margin in that zone has fallen below the accepted range.

The three known and measurable cost increases of providing garbage and recycling services are:

1. Labor cost increases (wages, medical, pension, etc.) of 2.4%,
2. An increase to the Metro tip fee on disposed waste that will increase effective July 1, 2021, and represents a 17.1% increase to disposal costs; and
3. An increase to fuel costs of 25.7%.

If the Board approves a fee adjustment effective July 1, 2021 to account for these combined known and measurable increases, this action will result in:

- A \$1.35-\$2.00¹ per-month increase to a customer at the service level of weekly collection of a 35-gallon cart (which is the most common service level);
- \$1.36-\$1.76 per yard for commercial container service;
- \$4.50 to the drop box collection fee; and
- a projected system-wide composite operating margin of 9.26%.

¹ The difference in the proposed rate increases reflects that rates are different per service zone.

RECOMMENDATION:

Staff respectfully recommends the Board of County Commissioners approve the attached board order adopting the Solid Waste Management Fee Schedule as recommended by the Solid Waste Commission and as identified on Exhibit A.

Sincerely,

A handwritten signature in black ink, appearing to read "Eben Polk". The signature is written in a cursive style with a large initial "E".

Eben Polk
Sustainability & Solid Waste Supervisor
Attachments

For information on this issue or the attachments, please contact Rick Winterhalter at 503-742-4466 or rickw@clackamas.us.

Attachment 2 (Proposed Fee Changes 2021) details the current and proposed fees for garbage and recycling service across all zones, types of service, and service levels.

As an illustrative example, the tables below detail proposed fee changes for the most common types of residential, commercial and drop-box service. For the 35-gallon residential garbage service, this includes a table showing the current and proposed fees, a table detailing how each area of cost increases (e.g. labor, fuel, disposal) are contributing to the total proposed increase, and historical rates for this service back to 2014.

Example of Proposed Residential Fees and History – Tables 1-3

Table 1. Current and proposed fees – Residential 35-gallon cart collected weekly

Service Zone	Current Monthly Rate	Proposed Monthly Rate	\$ Change	% Change
Urban	\$33.70	\$35.05	\$1.35	4.0%
Rural	30.75	32.25	1.50	4.9%
Distant Rural	35.65	37.65	2.00	5.6%
Mountain	36.90	38.85	2.00	5.4%

Note: See Attachment 2 for all other service levels.

Table 2. Components of the proposed fee increase across zones for a residential 35-gallon cart collected weekly.

This table illustrates how labor, fuel, and disposal cost increases each contribute to the proposed fee increase.

Fee Component	Urban	Rural	Distant Rural/ Mountain
Labor	\$0.17	\$0.16	\$0.23
Fuel	\$0.09	\$0.21	\$0.29
Tip (Disposal) Fee	\$0.91	\$0.91	\$0.91
Revenue Shortfall			\$0.28
10% Margin & 5% Franchise Fee	\$0.21	\$0.23	\$0.30
Proposed Increase	\$1.35	\$1.50	\$2.00

Table 3. Recent history of monthly rates for a residential 35-gallon cart collected weekly

Service Zone	2014	2015	2016	2017	2018	2019	2020
Urban	\$28.90	\$29.95	\$30.05	\$30.05	\$32.55	\$33.15	\$33.70
Rural	25.60	26.25	26.35	26.35	29.35	30.20	30.75
Distant Rural	30.60	31.25	31.35	31.35	34.35	35.10	35.65
Mountain	31.85	32.50	32.60	32.60	35.60	36.35	36.90

Example of Proposed Commercial Fees – Tables 4-6

For commercial customers the tables below illustrate the current and proposed fees for the typical service of a 4-yard container, collected twice weekly, and for a drop box.

Table 4. Current and proposed fees – Commercial 4 yard container service, collected twice a week

Service Zone	Current Monthly Rate- 4 yd container 2x/week	Proposed Increase Per Cubic Yard	Proposed Monthly Rate: 4 yd container 2x/week	\$ Change per month	% Change
Urban	\$604.13	\$1.36	\$651.24	\$47.11	7.8%
Rural	756.23	1.50	808.19	51.96	6.9%
Distant Rural /Mountain	812.54	1.76	873.51	60.97	7.5%

Table 5. Components of the proposed fee increase across zones for 1 cubic yard of commercial service.

This table illustrates how labor, fuel, and disposal cost increases each contribute to the proposed fee increase.

Fee Components 1 Cubic Yard:	Urban	Rural	Distant Rural
Labor	\$0.06	\$0.10	\$0.12
Fuel	\$0.04	\$0.13	\$0.14
Tip (Disposal) Fee	\$1.05	\$1.05	\$1.24
Margin (10%) & Franchise Fee (5%)	\$0.20	\$0.22	\$0.26
Proposed Increase	\$1.36	\$1.50	\$1.76

Table 6. Proposed Fees - Drop Boxes

Open Box Size	Current Fee	Proposed Fee	\$ Change	% Change
10 and 20 cu. yard	\$155.00	\$159.50	\$4.50	2.9%
30 cu. yard	165.00	\$169.50	\$4.50	2.7%
40 cu. yard	175.00	\$179.50	\$4.50	2.6%

Note: The fees adopted by the Board for drop box service do not include the cost of disposal at a landfill or transfer station. The franchisees pass that cost through to the customer separately. (See Exhibit A for complete Proposed Fee Schedule)

Fee Zone Summaries

2020 Adjusted

	Urban Total	Rural Total	Distant Rural Total	Total County
Collection & Service Revenues	24,078,058	12,439,732	6,059,306	42,577,096
Direct Costs of Operations	18,390,220 % of revenue	9,619,298 % of revenue	4,782,141 % of revenue	32,791,660 % of revenue
Disposal Expense	8,234,715 34%	3,912,754 31%	1,422,239 23%	13,569,708 32%
Labor Expense	4,985,192 21%	2,936,859 24%	1,803,761 30%	9,725,812 23%
Truck Expense	2,444,263 10%	1,579,078 13%	883,550 15%	4,906,890 12%
Equipment Expense	1,367,242 6%	435,293 3%	172,661 3%	1,975,196 5%
Franchise Fees	1,049,937 4%	525,042 4%	281,293 5%	1,856,271 4%
Other Direct Expense	308,872 1%	230,273 2%	218,637 4%	757,782 2%
Indirect Costs of Operations	3,299,699	1,715,225	945,592	5,960,516
Management Expense	840,953 3%	429,658 3%	192,784 3%	1,463,395 3%
Administrative Expense	919,199 4%	565,038 5%	399,202 7%	1,883,439 4%
Other Overhead Expenses	1,539,547 6%	720,529 6%	353,606 6%	2,613,682 6%
Total Cost	21,689,919	11,334,523	5,727,733	38,752,176
Less Unallowable Costs	19,408	21,510	10,145	51,063
Allowable Costs	21,670,511	11,313,013	5,717,588	38,701,113
Franchise Income	2,407,547	1,126,719	341,718	3,875,984
Return on revenues	10.00%	9.06%	5.64%	9.10%

2021 Estimated Results

	Urban Total	Rural Total	Distant Rural Total	Total County
Collection & Service Revenues	24,472,856	12,630,147	6,119,761	43,222,764
Rate Increase	503,164	253,673	198,929	955,767
Direct Costs of Operations	19,189,708	10,075,125	4,914,814	34,179,647
Disposal Expense	8,815,303	4,198,264	1,485,268	14,498,835
Labor Expense	5,079,443	2,994,155	1,838,359	9,911,957
Truck Expense	2,497,393	1,651,278	927,087	5,075,757
Equipment Expense	1,367,242	435,293	172,661	1,975,196
Franchise Fees	1,121,455	565,864	272,802	1,960,121
Other Direct Expense	308,872	230,273	218,637	757,782
Indirect Costs of Operations	3,310,543	1,722,857	949,974	5,983,375
Management Expense	845,402	432,424	193,871	1,471,696
Administrative Expense	925,594	569,905	402,497	1,897,996
Other Overhead Expenses	1,539,547	720,529	353,606	2,613,682
Total Cost	22,500,251	11,797,983	5,864,788	40,163,022
Less Unallowable Costs	44,950	21,510	10,145	76,605
Allowable Costs	22,455,301	11,776,473	5,854,643	40,086,417
Franchise Income	2,520,719	1,107,348	464,047	4,092,114
Return on revenues	10.09%	8.59%	7.34%	9.26%

Proposed Fee Changes 2021

Urban			Adjustment	
Current Fee	Service Level	Proposed	\$	%
\$ 29.70	20 gal Singlefamily	\$ 30.60	0.90	3.0%
\$ 33.70	32 gal	\$ 35.05	1.35	4.0%
\$ 43.40	60 gal	\$ 45.55	2.15	5.0%
\$ 50.55	90 gal	\$ 53.50	2.95	5.8%
\$ 15.45	On Call	\$ 16.30	0.85	5.5%
\$ 16.20	Monthly	\$ 17.05	0.85	5.2%
\$ 25.20	20 gal Multifamily	\$ 26.10	0.90	3.6%
\$ 29.20	32 gal	\$ 30.55	1.35	4.6%
\$ 29.75	35 gal Commercial	\$ 31.10	1.35	4.5%
\$ 41.35	60 gal	\$ 43.50	2.15	5.2%
\$ 44.40	90 gal	\$ 47.35	2.95	6.6%
\$ 7.45	Recycling Only	\$ 7.75	0.30	4.0%
\$ 6.05	YD Subscription	\$ 6.30	0.25	4.1%
\$ 4.50	YD 2nd Cart	\$ 4.70	0.20	4.4%
Urban				
Current Fee	Service Level	Proposed	Adjustment	%
\$ 104.35	1 yard weekly	\$ 110.24	5.89	5.6%
\$ 176.07	2 yard weekly	\$ 187.85	11.78	6.7%
\$ 344.40	2 yard 2x weekly	\$ 367.96	23.56	6.8%
\$ 604.13	4 yard 2x weekly	\$ 651.24	47.11	7.8%

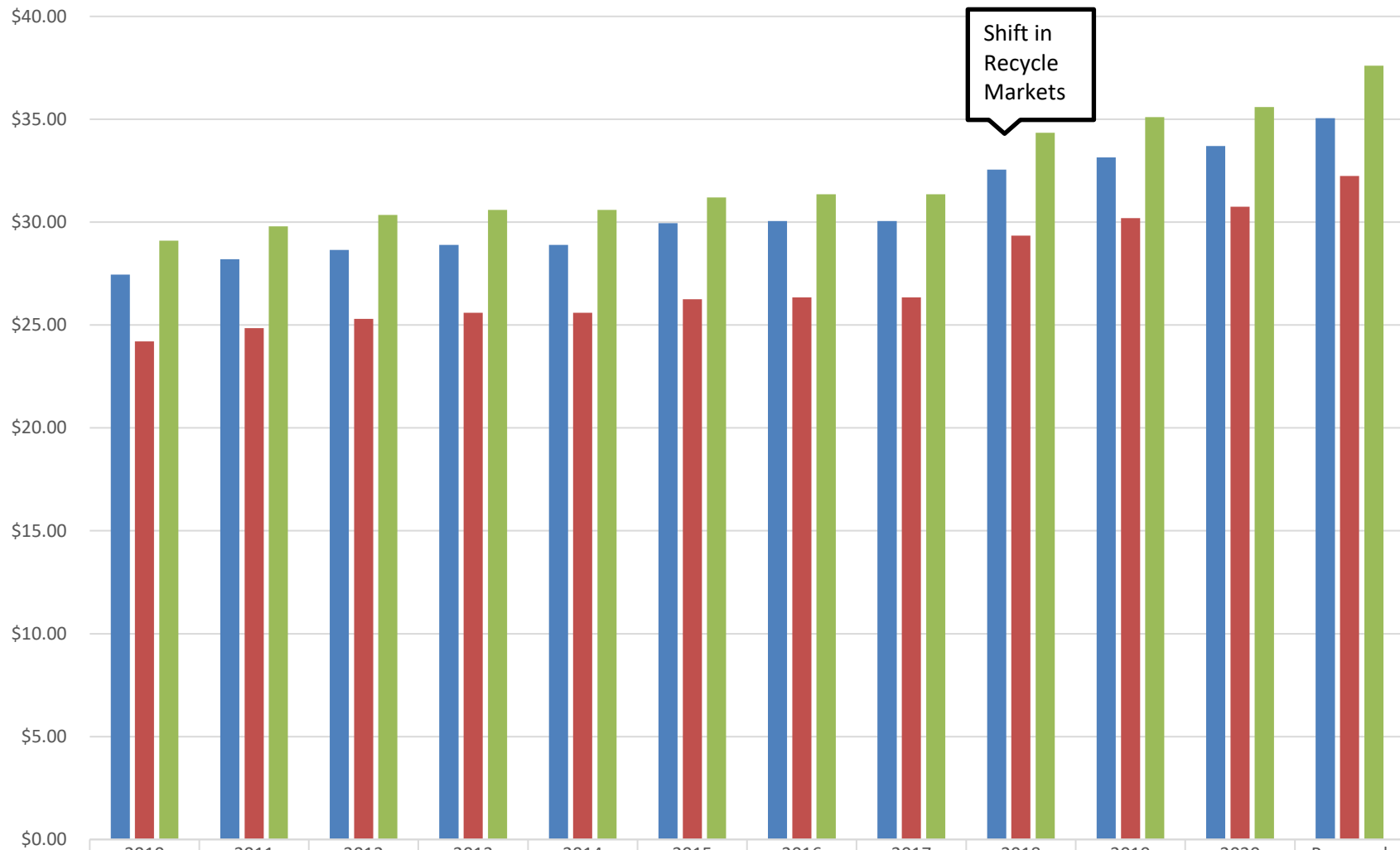
Rural			Adjustment	
Current Fee	Service Level	Proposed	\$	%
\$ 26.80	20 gal Singlefamily	\$ 27.80	1.00	3.7%
\$ 30.75	32 gal	\$ 32.25	1.50	4.9%
\$ 42.55	60 gal	\$ 44.80	2.25	5.3%
\$ 48.45	90 gal	\$ 51.55	3.10	6.4%
\$ 15.90	On Call	\$ 16.85	0.95	6.0%
\$ 16.70	Monthly	\$ 17.65	0.95	5.7%
\$ 25.20	20 gal Multifamily	\$ 26.20	1.00	4.0%
\$ 29.10	32 gal	\$ 30.65	1.55	5.3%
\$ 30.75	35 gal Commercial	\$ 32.25	1.50	4.9%
\$ 42.55	60 gal	\$ 44.80	2.25	5.3%
\$ 48.45	90 gal	\$ 51.55	3.10	6.4%
\$ 10.30	Recycling Only	\$ 10.55	0.25	2.4%
Rural				
Current Fee	Service Level	Proposed	\$	%
\$ 120.57	1 yard weekly	\$ 127.07	6.50	5.4%
\$ 211.16	2 yard weekly	\$ 224.15	12.99	6.2%
\$ 409.47	2 yard 2x weekly	\$ 435.45	25.98	6.3%
\$ 756.23	4 yard 2x weekly	\$ 808.19	51.96	6.9%

Proposed Fee Changes 2021

Distant Rural			Adjustment	
Current Fee	Service Level	Proposed	\$	%
\$ 31.35	20 gal Singlefamily	\$ 32.85	1.50	4.8%
\$ 35.60	32 gal	\$ 37.60	2.00	5.6%
\$ 46.20	60 gal	\$ 48.95	2.75	6.0%
\$ 52.10	90 gal	\$ 55.70	3.60	6.9%
\$ 16.25	On Call	\$ 17.40	1.15	7.1%
\$ 18.35	Monthly	\$ 19.50	1.15	6.3%
\$ 29.75	20 gal Multifamily	\$ 31.25	1.50	5.0%
\$ 34.00	32 gal	\$ 36.00	2.00	5.9%
\$ 35.60	35 gal Commercial	\$ 37.60	2.00	5.6%
\$ 46.20	60 gal	\$ 48.95	2.75	6.0%
\$ 52.10	90 gal	\$ 55.70	3.60	6.9%
\$ 10.25	Recycling Only	\$ 10.55	0.30	2.9%
Distant Rural			Adjustment	
Current Fee	Service Level	Proposed	\$	%
\$ 134.83	1 yard weekly	\$ 142.45	7.62	5.7%
\$ 231.43	2 yard weekly	\$ 246.67	15.24	6.6%
\$ 441.75	2 yard 2x weekly	\$ 472.23	30.48	6.9%
\$ 812.54	4 yard 2x weekly	\$ 873.51	60.97	7.5%

Mountain			Adjustment	
Current Fee	Service Level	Proposed	\$	%
\$ 32.60	20 gal Singlefamily	\$ 34.10	1.50	4.6%
\$ 36.85	32 gal	\$ 38.85	2.00	5.4%
\$ 16.55	On Call	\$ 17.70	1.15	6.9%
\$ 18.65	Monthly	\$ 19.80	1.15	6.2%
\$ 31.00	20 gal Multifamily	\$ 32.50	1.50	4.8%
\$ 35.25	32 gal	\$ 37.25	2.00	5.7%
\$ 36.85	35 gal Commercial	\$ 38.85	2.00	5.4%
\$ 10.25	Recycling Only	\$ 10.55	0.30	2.9%
Mountain			Adjustment	
Current Rate	Service Level	Proposed	\$	%
\$ 153.88	1 yard weekly	\$ 161.50	7.62	5.0%
\$ 269.53	2 yard weekly	\$ 284.77	15.24	5.7%
\$ 517.96	2 yard 2x weekly	\$ 548.44	30.48	5.9%
\$ 964.96	4 yard 2x weekly	\$ 1,025.93	60.97	6.3%

35 gallon cart fees by zone



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Proposed
Urban	\$27.45	\$28.20	\$28.65	\$28.90	\$28.90	\$29.95	\$30.05	\$30.05	\$32.55	\$33.15	\$33.70	\$35.05
Rural	24.20	24.85	25.30	25.60	25.60	26.25	26.35	26.35	29.35	30.2	30.75	32.25
Distant Rural	29.10	29.80	30.35	30.60	30.60	31.20	31.35	31.35	34.35	35.10	35.60	37.60

Urban Rural Distant Rural

**Solid Waste Collection
Supporting Documents**

July 1, 2021

Solid Waste Collection Fee Adjustment

- ORS 459A.085(3) allows the Counties and Cities to “...*displace competition with a system of regulated [integrated solid waste] collection service by issuing franchises which may be exclusive if service areas are allocated.*”
- The State also provides to Cities and Counties the authority to assess fees that are adequate to provide necessary collection service and allow the recovery of the costs necessary to provide the opportunity to recycle.
- The Sustainability and Solid Waste program in the Department of Transportation and Development (DTD) is responsible for managing the County’s Integrated Solid Waste Collection System.
- One condition of maintaining a County franchise in good standing is:
On an annual basis submit production, sale and purchase records, which include income and expense statements, labor hours, truck hours, customer and receptacle counts, tonnage reports, and which may include, at the County’s option, financial statements and tax returns, for 12 month periods, beginning January 1 and ending December 31 of the previous year, for purposes of Solid Waste Management Fee review...(Clackamas County Solid Waste and Recycling Collection Services Administrative Regulations for Franchisee & Customer; Adopted 10/10/1994, Last amended 11/5/2009)
- The County currently franchises 9 companies to collect solid waste. Of the 9 companies three are publicly traded corporations and six are locally owned Subchapter C corporations. Some of the franchises consolidate their annual reports, resulting in fewer reports than franchisees.
- The County has a contract with Bell & Associates, Inc. a consulting firm specializing in solid waste financial analysis, to perform an analysis of the data submitted.
- The information submitted by the individual franchises is consolidated to create a composite ‘franchisee’. Costs are adjusted to eliminate those allowed for tax purposes but not allowed for determining collection fees. This composite is used to analyze the financial health of the entire system.
- The County determines the systems’ health based on return on revenues. The county’s policy is to measure the health of the solid waste collection system within a range of 8-12% return on revenues. When the system falls within this range typically consideration is given to contractual labor increases and increases in disposal costs. Special circumstances, such as the addition of new programs or anticipated increases in expenses outside the control of the companies, may cause exceptions.

History of Fee Adjustments (copied from previous reports)

July 1, 2020

- Due to Covid, only known and measurable expenses and costs were considered, with the suggested adjustments provided to simply keep fees and real costs aligned. A thorough review, including site visits, was not performed. The summaries from this year are based only on reported numbers.

The three expenses that are known and measurable are:

- The Oregon Corporate Activity Tax (CAT), which went into effect on January 1, 2020, is imposed on companies who are doing business within the State. The tax is applied to Oregon taxable commercial activity, which is considered the total amount a business realized from transactions and activity in Oregon. The CAT is computed as \$250 plus 0.57% of a company's Oregon commercial activity of more than \$1 million. The composite tax rate for waste and recycling services within Clackamas County is calculated at 0.50% of revenue.
- Labor expense increases (wages, medical, pension, etc.) of 2.5%, and
- Metro Excise Tax increase of \$0.90 per ton of disposed waste is effective July 1, 2020, and represents a 0.46% increase to disposal expense, adding approximately \$0.05 to the monthly rate for a 35 gallon cart. (Attachment 2).

Residential 35 gallon cart	Current Monthly Rate	Proposed Monthly Rate	\$ Change	% Change
Urban	\$33.15	\$33.70	\$0.55	1.6%
Rural	30.20	30.75	\$0.55	1.8%
Distant Rural	35.10	35.65	\$0.55	1.5%
Mountain Zone	36.35	36.90	\$0.55	1.5%

Fee Zone	Proposed increase Per Cubic Yard	Current fee: 4 yd container 2x/week	Proposed fee: 4 yd container 2x/week	\$ Change	% Change
Urban	\$0.30	\$593.74	\$604.13	\$10.39	1.7%
Rural/Distant Rural /Mountain	\$0.35	\$800.42	\$812.54	\$12.12	1.5%

Open Box	Current	July 1, 2020	\$Change	% Change
10 and 20 cu.yd	\$150.00	\$155.00	\$5.00	3.2%
30 cu.yd	\$160.00	\$165.00	\$5.00	3.0%
40 cu.yd	\$170.00	\$175.00	\$5.00	2.9%

July 1, 2019

- The Metro Council has adopted an increase to the cost of yard debris disposal of \$6.38 per ton effective July 1, 2019. The cost to dispose garbage is not increasing.
- The cost of disposing yard debris is projected to increase by 6.7%.
- Additionally, labor, health benefits and the slight increase in yard debris disposal is considered in the proposed increase. Using the most common service level, the 32-gallon can/cart collected weekly, as an example the fee would increase from \$32.55 to \$33.15 per month (a \$0.60 increase) in the Urban fee zone. Residential customers in the Rural fee zone would see an increase of \$0.85 per month. The proposed increase for the Distant Rural and Mountain zones is \$0.75. All other classes of service follow similar proposed increases, relative to the 35 gallon cart.

Residential 35 gallon cart	Current	Proposed	Change	
Urban	\$32.55	\$33.15	\$0.60	1.8%
Rural	\$29.35	30.20	\$0.85	2.9%
Distant Rural	\$34.35	35.10	\$0.75	2.2%
Mountain Zone	\$35.60	36.35	\$0.75	2.1%

Recent History of Monthly 32-Gallon Cart / Can Fees							
	2013	2014	2015	2016	2017	2018	Proposed
Urban	\$28.90	\$28.90	\$29.95	\$30.05	\$30.05	\$32.55	\$33.15
Rural	25.60	25.60	26.25	26.35	26.35	\$29.35	30.20
Distant Rural	30.60	30.60	31.25	31.35	31.35	\$34.35	35.10
Mountain	31.85	31.85	32.50	32.6	32.6	\$35.60	36.35

- Increase for commercial container service reflecting the adjustments to labor, disposal and processing costs as mentioned above and a revenue adjustment to bring them into the range.

Commercial Container Fee Monthly Increase	
Fee Zone	Per Cubic Yard
Urban	\$0.20
Rural/Distant Rural/Mountain	\$0.50

- The returns in drop box service are below the targeted range. This is placing downward pressure on the composite returns. The Commission recommended an increase in general drop box service fees in 2017. Proposed increases to drop box services for 2019:

Open Box	Current	Proposed	Change
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10 and 20 cu.yd	\$125.00	\$150.00	<i>20.0%</i>	<i>\$25.00</i>
30 cu.yd	\$145.00	\$160.00	<i>10.3%</i>	<i>\$15.00</i>
40 cu.yd	\$165.00	\$170.00	<i>3.0%</i>	<i>\$ 5.00</i>

May 1, 2018

- Note the 2 month early effective date.
- The County's collection system (and others across the state) has been impacted by an increase in the cost to process recyclables. Costs to process recyclables have increased 300-500% above the cost reflected in our current fees, and are expected to remain at this level for the time being.
- Analysis focused primarily on what was needed to capture the increasing processing costs in the future and a slight look back to the beginning of 2018.
- While the full annual review is not complete, we have reviewed the impact of increased processing costs, and known contractual increases in labor and disposal for the coming year. The Metro Council had their first hearing on March 15th of a recommended 2.6% increase in the cost of disposal (\$2.50 per ton) effective July 1, 2018. Labor costs are expected to rise by 4%.
- Reflecting known costs would result in an estimated increase of approximately \$2.50 to the monthly fee for a residential 35 gallon cart in the urban fee zone (from \$30.05/month), and \$1.50 per yard for urban commercial customers with container service (see Container Service table below). The rural zones would increase \$3.00 for a residential 35 gallon cart and container service would increase by \$2.00. All other fees would increase similarly.

July 1, 2017

- The Metro Council has adopted a small decrease to the cost of disposal of \$1.30 per ton effective July 1, 2017.
- No change to cart and container fees is proposed for 2017. This year's analysis recognizes a slight decrease in cost of garbage disposal in the coming year. Other expenses will increase in the coming year but our past increases and efficiencies gained by the franchisees have allowed the system to finally move into the middle of the targeted range of returns.
- The returns in drop box service are driving overall returns below the targeted range for the composite. The last increase in general drop box service fees was adopted by the Board in 2013. Specifically, the last fee adjustment was approved in 2013 for the standard roll off service-both open box and compactors. In 2015 a separate fee was approved for lidded boxes. Staff recommends an increase to the drop box collection fees for drop box and compactor collection services. The following table illustrates the proposed increase to drop box services for 2017.

Open Box	Current	Proposed	Change	
10 and 20 yd	\$119.00	\$125.00	<i>5.0%</i>	<i>\$ 6.00</i>
30 yd	\$136.00	\$145.00	<i>6.6%</i>	<i>\$ 9.00</i>
40 yd	\$153.00	\$165.00	<i>7.8%</i>	<i>\$ 12.00</i>

Lidded/Specialized 10/20 yard	\$135.00	\$150.00	11.1%	\$ 15.00
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Compactor	Current	Proposed	Change	
<25 yards	\$135.00	\$150.00	11.1%	\$ 15.00
25-34 yards	\$169.00	\$189.00	11.8%	\$ 20.00
>34 yards	\$196.00	\$218.00	11.2%	\$ 22.00

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- Drop Box Collection from Industrial sites with Special Wastes required to be delivered to an appropriately permitted out of the region landfill

	Current	Proposed	Change	
10/20 Yards	\$119.00	\$161.00	40.3%	\$42.00
30 Yards	\$136.00	\$178.00	37.5%	\$42.00

- Food Scrap collection included in commercial container service under current fees without an additional increase.
- The fee increases presented are proposed to take effect on July 1, 2017.

July 1, 2016

- Metro Council has approved an increase in the disposal fee by \$1.27 per ton effective July 1, 2016; increasing the tip fee to \$96.25. The current transaction fee, for customers with accounts (franchisees), is decreasing from \$3.00 to \$2.00. For analytical purposes when calculating disposal it is assumed each transaction is a five (5) ton load; therefore an additional \$0.40 (to account for the transaction fee at the transfer station) is added to the disposal fee to arrive at an effective disposal fee of \$ 96.65 beginning July 1, 2016. This increase has been factored into the projections calculated in the financial review.
- This year's analysis recognizes a slight increase in cost of garbage disposal, and known increases in contractual labor. While other upward pressures on expenses exist, past increases have allowed the system to finally move into the middle of the targeted range of returns. The minimal increase is being proposed to keep the composite within the range. Disposal and labor represent almost 50% of the costs to provide service and staff believes it is important to stay current with providing revenues necessary to cover expenses.
- The fee adjustment presented is proposed to take effect on July 1, 2016. Staff is proposing an increase for the most common service level, the 32 gallon can/cart collected weekly, of \$0.10 per month across all fee zones. This represents an incremental adjustment of about 0.3%.. All other classes of service follow similar adjustments for disposal. (*See Fee Background attachment for history*)
- The following tables illustrate staff's current proposed fee adjustments necessary in each zone to continue the provision of solid waste collection services the public has come to

expect. The 32-35 gallon can/cart is the predominant service level. (See attachment *Composite Summaries for proposed changes to other service levels.*)

32/35 gallon can/ cart	Current	Proposed	Change
Urban	\$29.95	\$30.05	\$0.10
Rural	\$26.25	\$26.35	\$0.10
Distant Rural	\$31.25	\$31.35	\$0.10
Mountain Zone	\$32.50	\$32.60	\$0.10

- Staff is proposing an increase for container service based on cubic yard serviced. This reflects the adjustments to labor, disposal and processing costs as mentioned above.

Fee Zone	Adjustment Per Cubic Yard
Urban	\$0.09
Rural	\$0.09
Distant Rural/Mountain	\$0.09

- In 2013 the Solid Waste Commission approved bringing the commercial cart fees in the Rural, Distant Rural to parity with the residential cart fees. This was accomplished through incremental adjustments resulting with the 35 and 60 gallon commercial cart fees the same as residential services. An administrative oversight resulted in the 90 gallon commercial cart service not reaching parity this year. Bringing this service to parity with residential service will require an increase, in addition to the proposed disposal increase, of \$3.05 and \$3.40 for the Rural and Distant Rural zones respectively. This adjustment affects approximately 400 commercial customers. Staff recommends making the adjustment this year.

32/35 gallon can/ cart	Current	Proposed	Change
Rural	\$39.85	\$43.15	\$3.30
Distant Rural	\$43.40	\$47.05	\$3.65

July 1, 2015

- Metro Council has approved an increase in the disposal fee by \$1.65 per ton on July 1, 2015; increasing the tip fee to \$94.98. The ‘transaction fee’ of \$3.00 for customers with accounts (franchisees) is to remain the same. For analytical purposes when calculating disposal it is assumed each transaction is a five (5) ton load; therefore an additional \$0.60 (to account for the transaction fee at the transfer station) is added to the disposal fee to arrive at an effective disposal fee of \$ 95.58 beginning July 1, 2015. This increase has been factored into the projections calculated in the financial review.
- A 30% increase in the cost of disposing yard debris has been factored into the projections.
- The cost to remove contaminants from recyclables has been on the rise in recent years while commodity prices respond to global market conditions. In quarter four of 2014 was the first period where there was not a positive return when delivering materials to the processor. Over the past few years the fee adjustments have calculated a decrease in the returns from recyclables. Because of recent issues at ports and lower markets for some materials, there has been zero revenue and a \$25.00 processing fee calculated for delivering recyclables to the processor.
- General inflation has not been applied.
- There has been an increase in the demand for lidded drop boxes by businesses employing best management practices for storm water management. Lids add equipment cost currently not included in the drop box fee structure. Boxes with lids or other specialty boxes require a round trip return to the business of origin. The drop box fee structure for compactors includes this in the fee structure, the open box fees do not. Therefore a monthly fee has been added to address the purchase and maintenance cost for the lid. The collection fee for small compactors will be applied to the lidded and specialized boxes.

Open Drop Box-All Zones	Current	Proposed	Change
Lidded/Specialized box	\$119.00	\$135.00	<i>\$16.00</i>
Monthly Fee for Lid	\$0.00	\$20.00	<i>\$20.00</i>

- After reviewing the production records submitted by the franchisees, and making agreed upon adjustments and applying known increases for the processing of yard debris and recyclables and the disposal of garbage, it has been determined that collection fee adjustments will need to be made in each of the collection zones for the coming year.
- The following tables illustrate staff’s current proposed fee adjustments necessary in each zone to continue the provision of solid waste collection services the public has come to expect. The 32-35 gallon can/cart is the predominant service level. (See attachments for proposed changes to other service levels.)

32/35 gallon can/ cart	Current	Proposed	Change
Urban	\$28.90	\$29.95	\$1.05
Rural	\$25.60	\$26.25	\$0.65
Distant Rural	\$30.60	\$31.25	\$0.65
Mountain Zone	\$31.85	\$32.50	\$0.65

- Staff is proposing an increase for container service based on cubic yard serviced. This reflects the adjustments to fuel and disposal costs as mentioned above.

Fee Zone	Adjustment Per Cubic Yard
Urban	\$0.47
Rural	\$0.47
Distant Rural/Mountain	\$0.47

July 1, 2014

No Fee adjustment was made in 2014.

- Metro Council approved a decrease in the disposal fee by \$1.00 per ton on July 1, 2014; lowering the tip fee to \$93.33. The ‘transaction fee’ of \$3.00 for customers with accounts (franchisees) is to remain the same. For analytical purposes when calculating disposal it is assumed each transaction is a five (5) ton load; therefore an additional \$0.60 (to account for the transaction fee at the transfer station) is added to the disposal fee to arrive at an effective disposal fee of \$93.93 beginning July 1, 2014. This increase has been factored into the projections calculated in the financial review.
- A 25% increase in the cost of disposing yard debris has been factored into the projections.
- Other notable expenses are rising, but at a lower percentage in the recent past. Driver wages are increasing by 1.24% and health insurance for all employees was held flat this year.
- Last year fuel was projected to decrease by 1.21%. This year the projected adjustment is set at -1.76%.
- General inflation is anticipated to be 2.12%.

September 1, 2013

- Metro Council has approved an increase in the disposal fee by \$0.49 per ton on September 1, 2013; raising the tip fee to \$94.33. The ‘transaction fee’ of \$3.00 for customers with accounts (franchisees) is to remain the same. For analytical purposes when calculating disposal it is assumed each transaction is a five (5) ton load; therefore

an additional \$0.60 (to account for the transaction fee at the transfer station) is added to the disposal fee to arrive at an effective disposal fee of \$94.93 beginning September 1, 2013. This increase has been factored into the projections calculated in the financial review.

- A 0% increase in the cost of disposing yard debris has been factored into the projections.
- Other notable expenses are rising, but at a lower percentage in the recent past. Driver wages are increasing by 2.0% and health insurance for all employees was held flat this year.
- Last year fuel was projected to increase by 4.99%. This year the projected adjustment is set at -1.21%.
- Other costs have not been projected to increase.
- The following tables illustrate staff's current proposed fee adjustments necessary in each zone to continue the provision of solid waste collection services the public has come to expect. The 32-35 gallon can/cart is the predominant service level. (See attachments for proposed changes to other service levels.)

32/35 gallon can/ cart	Current	Proposed	Change
Urban	\$28.65	\$28.90	\$0.25
Rural	\$25.30	\$25.60	\$0.30
Distant Rural	\$30.35	\$30.60	\$0.25
Mountain Zone	\$31.60	\$31.85	\$0.25

- Staff is proposing an increase for container service based on cubic yard serviced. This reflects the adjustments to fuel, labor and disposal costs as mentioned above.

Fee Zone	Adjustment Per Cubic Yard
Urban	\$0.95
Rural	\$1.04
Distant Rural/Mountain	\$1.04

- In addition to the adjustment presented above, an additional adjustment to commercial carts is recommended. A historical differential has existed between the carts collected from residential and commercial customers, with commercial customers having a lower fee, except in the Rural zone. In the Urban area this differential can be attributed to the collection of yard debris from residential customers. However, in the rural, distant rural and mountain zones yard service is not offered in these zones. Staff is proposing this differential be equalized over the next three years.

32/35 gallon can/ cart	Current	Proposed	Change
Rural	\$25.35	\$25.60	\$0.25
Distant Rural	\$28.90	\$29.65	\$0.75

Mountain Zone	\$30.15	\$30.90	\$0.75
60 gallon cart	Current	Proposed	Change
Rural	\$35.80	\$36.30	\$0.50
Distant Rural	\$38.05	\$39.30	\$1.25
Mountain Zone	\$39.30	\$40.25	\$1.05

90 gallon cart	Current	Proposed	Change
Rural	\$38.40	\$38.90	\$0.50
Distant Rural	\$40.65	\$41.70	\$1.05
Mountain Zone	\$41.90	\$42.95	\$1.05

- Staff is recommending a slight adjustment in the hauling fees associated with open drop box service and for small compactors. Currently the composite earnings for the drop box falls below the acceptable range and has for several years. The system has seen an increase in use of lidded boxes as businesses attempt to avoid illegal dumping in their open drop boxes and adhere to storm water best management practices. The cost of new equipment along with the associated increases in labor expenses warrants this slight adjustment. The last increase on the haul portion of drop box fees was done in 2011.

Open Drop Box-All Zones	Current	Proposed	Change
10/20 Cubic Yards	\$113.00	\$119.00	\$6.00
30 Cubic Yards	\$130.00	\$136.00	\$6.00
40 Cubic Yards	\$147.00	\$153.00	\$6.00

Compactors-All Zones	Current	Proposed	Change
Less than 25 Cubic Yards	\$128.00	\$135.00	\$7.00

August 1, 2012

- Metro Council has approved an increase in the disposal fee by \$4.31 per ton on August 1, 2012; raising the tip fee to \$93.84. The 'transaction fee' of \$3.00 for account customers is to remain the same. For analytical purposes when calculating disposal it is assumed each transaction is a five (5) ton load; therefore an additional \$0.60 (to account for the transaction fee at the transfer station) is added to the disposal fee to arrive at an effective disposal fee of \$94.44 beginning August 1, 2011. A 4.5% increase has been factored into the projections calculated in the financial review.
- A 0% increase in the cost of disposing yard debris has been factored into the projections.

- Other notable expenses are rising, but at a lower percentage in the recent past. Driver wages are increasing by 2.0% and health insurance for all employees was held flat this year.
- Fuel was projected to increase by 4.99%.
- Other costs have not been projected to increase.
- After reviewing the production records submitted by the franchisees, and making agreed upon adjustments and applying projected increases, it has been determined that collection fee adjustments will need to be made in each of the collection zones for the coming year.
- A monthly rent was applied to all customers with a permanent box on site. Past practice had been to apply rental based on frequency of service for both temporary (occasional) and permanent customers.

In August 2012 fees were adjusted upwards in all zones for all service types.

32/35 gallon can/ cart	Current	Proposed	Change
Urban	\$28.20	\$28.65	\$0.45
Rural	\$24.85	\$25.30	\$0.45
Distant Rural	\$29.80	\$30.35	\$0.55
Mountain Zone	\$31.05	\$31.60	\$0.55

An increase for container service based on cubic yard serviced was approved. This reflects the adjustments to fuel, labor and disposal costs as mentioned above.

Fee Zone	Adjustment Per Cubic Yard
Urban	\$2.62
Rural	\$2.82
Distant Rural/Mountain	2.77

August 1, 2011

- Metro Council approved an increase in the disposal fee by \$3.68 per ton on August 1, 2011; raising the tip fee to \$89.53. The 'transaction fee' of \$3.00 for account customers is to remain the same. For analytical purposes when calculating disposal it is assumed each transaction is a five (5) ton load; therefore an additional \$0.60 (to account for the transaction fee at the transfer station) is added to the disposal fee to arrive at an effective disposal fee of \$90.13 beginning August 1, 2011. This 4.3% increase has been factored into the projections calculated in the financial review.
- A 0% increase in the cost of disposing yard debris has been factored into the projections.

- Other notable expenses are rising, but at a lower percentage in the recent past.. Driver wages are increasing by 3.17% and health insurance for all employees is increasing by 12.86%.
- Last year fuel was projected as a negative 12.73%. This year a projected increase is at 30.86%.
- Other identified costs have been projected to increase at 3.17%.
- After reviewing the production records submitted by the franchisees, and making agreed upon adjustments and applying projected increases, it has been determined that collection fee adjustments will need to be made in each of the collection zones for the coming year.

32/35 gallon can/ cart	Current	Proposed	Change
Urban	\$27.45	\$28.20	\$0.75
Rural	\$24.20	\$24.85	\$0.65
Distant Rural	\$29.10	\$29.80	\$0.70
Mountain Zone	\$30.35	\$31.05	\$0.70

- Staff is proposing an increase for container service based on cubic yard serviced. This reflects the effects as mentioned above.

Fee Zone	Adjustment Per Cubic Yard
Urban	\$2.51
Rural	\$2.90
Distant Rural/Mountain	\$2.99

- Staff is also proposing a small increase to drop box service fees and an increase in the Urban Zone delivery fee to more accurately capture the costs associated with this service.

Urban Zone	Current	Proposed	Change
Delivery Fee	\$25.00	\$40.00	\$15.00

- The basic service charges for collecting and tipping a drop box/compactor have not changed since 2009. The following are the proposed changes to Open Drop Box and Compactor service in all zones.

Open Drop Box-All Zones	Current	Proposed	Change
10/20 Cubic Yards	\$110.00	\$113.00	\$3.00
30 Cubic Yards	\$127.00	\$130.00	\$3.00
40 Cubic Yards	\$144.00	\$147.00	\$3.00

Compactors-All Zones	Current	Proposed	Change
Less than 25 Cubic Yards	\$125.00	\$128.00	\$3.00
25-34 Cubic Yards	\$165.00	\$169.00	\$4.00
Greater than 35 Cubic Yards	\$191.00	\$196.00	\$5.00

August 1, 2010

- A 0% increase in the cost of disposing yard debris has been factored into the projections.
- Other notable expenses are rising, but at a lower percentage in the recent past.. Driver wages are increasing by 3.23% and health insurance for all employees is increasing by 9.83%.
- Last year fuel was projected as a negative 21.01%. This year a projected increase is at 12.73%, considerably lower than the 60% increase experienced 2 years ago.
- Other identified costs have been projected to increase at 3.04%.
- This year an unusual 30% increase in the PUC fees was experienced and expressed in the projections.
- Metro Council has approved an increase in the disposal fee by \$5.10 per ton on August 1, 2010; raising the tip fee to \$85.85. The ‘transaction fee’ of \$3.00 for account customers is to remain the same. For analytical purposes when calculating disposal it is assumed each transaction is a five (5) ton load; therefore an additional \$0.60 (to account for the transaction fee at the transfer station) is added to the disposal fee to arrive at an effective disposal fee of \$86.45 beginning August 1, 2010. This 6.32% increase has been factored into the projections calculated in the financial review.

32/35 gallon can/ cart	Current	Proposed	Change
Urban	\$26.35	\$27.45	\$1.10
Rural	\$23.30	\$24.20	\$0.90
Distant Rural	\$28.20	\$29.10	\$0.90
Mountain Zone	\$29.45	\$30.35	\$0.90

Staff is proposing an increase for container service based on cubic yard serviced. The adjustment takes into consideration effects on costs as mentioned above.

Fee Zone	Proposed per Yard Adjustment
All Zones	\$1.62

The distances traveled to deliver and collect a box in this area of the County and the infrequency of service continues to have a tremendous impact on the cost of delivering service to the outlying portions of the County. Staff believes the best way to address this concern is to increase the mileage fee. The proposed changes is:

Drop Box Mileage Fee	Current	Proposed	Change
Over 18 miles round trip	\$2.70	\$4.70	\$2.00

August 1, 2009

35 gallon cart: Urban fees were increased by \$1.35; Rural by \$0.50; Distant Rural & Mountain by \$2.25. *(The 32/35 gallon service is the predominant service in the customer mix. Other fees were adjusted proportionally based on the 32-gallon fee.)*

Container Urban/Rural fees increased by \$1.59 and Distant Rural/Mountain fees increased by \$3.21 per cubic yard served.

Drop Box:

	Current	Proposed	Change
Outside the Urban Zone			
Delivery Fee	\$45.00	\$50.00	\$5.00
Mileage Fee	\$2.30	\$2.70	\$0.40

The basic service charges for collecting and tipping a drop box/compactor have not changed since 1993. The following were the changes made in 2009 to Open Drop Box service in all zones.

Open Drop Box-All Zones	Current	Proposed	Change
10/20 Cubic Yards	\$80.55	\$110.00	\$29.45
30 Cubic Yards	\$98.10	\$127.00	\$28.90
40 Cubic Yards	\$113.35	\$144.00	\$30.65

The compactor fees as developed in 1993 were priced on a per yard basis within particular size ranges. This practice seemed to be dated per review of the standard throughout the region which revealed a fixed price within a size range. After surveying the size of compactors in service the proposed size ranges were created. The fees are based on those assessed by the City of Milwaukie.

Compactors-All Zones	Current Low-High	Proposed	Change Low-High
Less than 25 Cubic Yards	\$91.95-135.60	\$125.00	\$33.05-(10.60)
25-34 Cubic Yards	\$141.25-171.70	\$165.00	\$23.75-(6.70)
Greater than 35 Cubic Yards	\$176.75-178.00	\$191.00	\$14.25-13.00

- ◆ September 1, 2008
35 gallon cart: Urban fees were increased by \$1.00; Rural by \$1.45; DistantRural & Mountain by \$1.65.
Container fees increased by \$1.47 per cubic yard served.
Drop Box: Mileage increased to \$2.30.; Delivery charges -Urban increased from \$20 to \$25; All rural delivery from \$40 to \$45. Several incidental fees charged by most drop box companies were codified on the fee schedule, these include but are not limited to: wash out fee; dead head fee; clarified hourly increments.
- ◆ September 1, 2007
Urban fees were increased by \$1.05. All other fee zones remained static.
Yard Debris exemption program was eliminated. Those currently enrolled, “grandfathered” until leave County system regardless of address.
- ◆ July 1, 2006 Changes to Drop Box fees occurred for the first time since 1993.

Rural Distant Rural	Current	Proposed & Adopted
Delivery Fee	\$20	\$40
Mileage Fee	\$1.70	\$2.00

- ◆ July 1, 2006 added the Mountain Zone to address increased services and collection challenges associated with this part of the County. Primarily the Mt. Hood area east of Rhondendron.
- ◆ There were no fee adjustments in 2005, although Metro did increase fees for disposal in September by 0.62% and other costs increased.

- ◆ On October 1, 2004 the following increases were made to residential and commercial services in each of the collection zones. *(The 32/35 gallon service is the predominant service in the customer mix. Other fees were adjusted proportionally based on the 32-gallon fee.):*

32/35 gallon can/ cart	Current	Adopted 2004	Change
Urban	\$21.10	\$21.55	\$0.45
Rural	\$19.50	\$19.90	\$0.40
Distant Rural	\$22.75	\$23.55	\$0.80

The changes in commercial container service were made on a per-yard basis. The following table shows the increase per yard in each of the fee zones.

Fee Zone	Adopted per Yard Increase 2004
Urban	\$1.75
Rural	\$1.75
Distant Rural	\$3.50

- ◆ In 2003 Metro increased the disposal fee but the County did not adopt a fee adjustment.
- ◆ In July 2002 the Board approved the following increases for 32-gallon can/cart service *(The 32-gallon service is the predominant service in the customer mix. Other fees were adjusted proportionally based on the 32-gallon fee.):*

32/35 gallon can/cart	2002
Urban	\$1.20
Rural	\$1.20
Distant Rural	\$2.70

- ◆ In 2001, residential and commercial fees were adjusted in the Urban zone only. Commercial containers fees were **decreased** 5-20%. The residential 32-gallon fee was increased by 11% (\$2.20) and residential customers were provided a large roller cart for yard debris collection service.

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

In The Matter of Approving the
Clackamas County Fee Schedule
for Waste and Recycling Collection
Services to be uniformly applied by
the Franchised Solid Waste
Collection Companies



Board Order No. _____

Page 1 of 2

Whereas, This matter coming before the Board of County Commissioners at this time, and it appearing to the Board that an application has been received by the Solid Waste Commission for a Waste Management Fee adjustment for the franchised collectors, and

Whereas It further appearing to the Board that the Solid Waste Commission, at a meeting on May 20, 2021 reviewed the application and supporting data received by the Commission for a Waste Management Fee adjustment for the franchised solid waste collectors within the County, and made their findings as follows:

1. That a Waste Management Fee adjustment has been requested by the franchisees; and
2. That it is the County's responsibility to ensure the solid waste collection system recovers the cost of providing service; and
3. That no general operating cost adjustment in Waste Management Fees be established for infectious waste collection service; and
4. That operating costs such as labor, health insurance and fuel are increasing; and
5. That the Metro rate per ton on disposed waste is increasing effective July 1, 2021; and
6. That the Waste Management Fees be adjusted for a majority of the classes of residential and commercial can/cart service; for container collection service, for drop box service and for miscellaneous services in all fee zones as set forth in Exhibit A of this Order; and
7. That this request is just and reasonable under Chapter 10.03 of the Clackamas County Code; and

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

In The Matter of Approving the
Clackamas County Fee Schedule for
Waste and Recycling Collection
Services to be uniformly applied by
the Franchised Solid Waste Collection
Companies



Board Order No. _____

Page 2 of 2

Whereas, The Board having considered the investment in facilities and equipment; the services of management; methods of storage, collection, transportation and disposal; the length of haul to disposal facilities; the cost of the disposal; reasonable return to the owners of the business; the future service demands of the area or site which must be anticipated in equipment, facilities, personnel or land; extra charge for special pickups or pickups on days where service is not normally provided on a route; extra charges where the type of character of waste or solid waste, including but not limited to, wastes with peculiarly offensive odors, that requires special handling or service; the extra cost for providing the opportunity to recycle; and extra charges for providing janitorial services on the premises where service is provided; we do adopt the findings of the Solid Waste Commission as our own findings and do further find that the Waste Management Fee adjustments as set out herein are just, fair and reasonable; and

NOW THEREFORE, the Clackamas County Board of County Commissioners resolves as follows:

1. That the foregoing recommendations be adopted and that the franchised collectors be granted a Waste Management Fee adjustment, as shown on Exhibit A, according to the recommendations and made effective July 1, 2021.

DATED this ____ day of June, 2021

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Clackamas County Fee Schedule For Waste and Recycling Collection Services

Effective: July 1, 2021

U R B A N	Residential Service		Monthly Fee	Fee per Pick Up	At House Service²	
	Weekly Pick Up¹ - one cart each for garbage, yard debris and recycling					
	20 gallon cart/can		\$ 30.60		\$ 34.10	
	32 gallon cart/can		\$ 35.05		\$ 38.55	
	60 gallon cart		\$ 45.55		N/A	
	90 gallon cart		\$ 53.50		N/A	
	Occasional extra garbage - 35 gallon			\$ 6.05	\$ 6.85	
	Occasional extra yard debris - 35 gallon			\$ 3.00		
	Monthly Pick Up⁴ - one cart/can of garbage; weekly recycling included					
	32 gallon cart/can		\$ 17.05		\$ 17.95	
	Occasional extra garbage - 32 gallon			\$ 6.05	\$ 6.85	
	On-Call Pick Up⁴ - one cart/can of garbage					
	32 gallon cart/can			\$ 16.30	N/A	
	Other Services and Fees					
	Recycling only - weekly		\$ 7.55		N/A	
	Yard debris subscription ³ - weekly		\$ 6.15		N/A	
	Yard debris Permanent 2nd Cart		\$ 4.60		N/A	
	Distance fees		Table 2			
	Terrain fee		\$ 3.65			
	Multifamily Service - for shared containers see commercial fees.					
	Weekly Pick Up¹ - one cart/can of garbage and recycling					
	Central billing		20 gallon	\$ 26.10		\$ 28.10
			32 gallon	\$ 30.55		\$ 32.55
	Individual billing		20 gallon	\$ 27.70		\$ 29.70
			32 gallon	\$ 32.15		\$ 34.15
	Occasional extra garbage - 32 gallon				6.05	\$ 6.85
	Bulky waste - furniture, appliances etc.			Table 1		
	Additional fees - see Tables 1 and 2					

¹Greater than one cart/can per week, use multiples of single cart/can fee.

² At House Service is when garbage carts/cans are picked up at house instead of curbside/roadside (must be placed within 50 feet of curb/road). At House Service is not available for recycling or yard debris.

³ Available to customers without weekly garbage service. Requires full year subscription. May be billed annually or monthly, depending on provider.

⁴ Putrecibles must not be placed in cart/can in excess of 7 days prior to scheduled collection.

Exhibit A

Effective: July 1, 2021

U R B A N	Commercial Containers weekly recycling included						
	Stops/ Week	Monthly fee for container size in cubic yards					
		1	<i>Add'l</i>	1 1/3	<i>Add'l</i>	1.5	<i>Add'l</i>
	1	\$110.24	\$95.80	\$137.62	\$119.46	\$147.37	\$129.22
	2	\$212.73	\$185.50	\$267.53	\$233.80	\$287.01	\$251.02
	3	\$315.24	\$273.78	\$397.42	\$347.13	\$426.65	\$373.34
	4	\$417.73	\$364.92	\$527.32	\$461.07	\$566.25	\$494.87
	5	\$520.23	\$453.18	\$657.22	\$574.40	\$705.89	\$620.06
	6	\$622.72	\$543.50	\$787.12	\$687.04	\$845.51	\$741.00
	Stops/ Week	Monthly fee for container size in cubic yards					
		2	<i>Add'l</i>	3	<i>Add'l</i>	4	<i>Add'l</i>
	1	\$187.85	\$164.75	\$258.77	\$227.83	\$331.84	\$294.30
	2	\$367.96	\$323.69	\$505.07	\$445.74	\$651.24	\$577.46
	3	\$548.07	\$481.82	\$751.39	\$664.30	\$970.65	\$859.79
	4	\$728.18	\$637.61	\$997.71	\$884.92	\$1,290.05	\$1,139.51
	5	\$908.31	\$800.79	\$1,244.04	\$1,101.89	\$1,609.45	\$1,425.80
	6	\$1,088.42	\$957.16	\$1,490.34	\$1,315.56	\$1,928.85	\$1,708.39
	Stops/ Week	Monthly fee for container size in cubic yards					
		5	<i>Add'l</i>	6	<i>Add'l</i>	8	<i>Add'l</i>
	1	\$402.58	\$377.83	\$466.25	\$437.78	\$581.83	\$548.82
2	\$791.54	\$742.75	\$918.89	\$864.08	\$1,150.05	\$1,084.70	
3	\$1,180.51	\$1,105.52	\$1,371.51	\$1,284.08	\$1,718.26	\$1,620.78	
4	\$1,569.45	\$1,469.96	\$1,824.14	\$1,710.60	\$2,286.48	\$2,154.87	
5	\$1,958.43	\$1,837.36	\$2,276.78	\$2,136.74	\$2,854.70	\$2,681.98	
6	\$2,347.37	\$2,207.32	\$2,729.42	\$2,556.70	\$3,422.92	\$3,222.04	
Commercial Carts/Cans¹ - monthly fee; weekly recycling included							
One Stop per Week				One cart/can	Two carts/cans	Each additional	
32 gallon cart/can				\$31.10	\$60.00	\$26.90	
60 gallon cart				\$43.50	N/A	N/A	
90 gallon cart				\$47.35	N/A	N/A	
Occasional extra garbage - 32 gallon				N/A	N/A	\$5.00	
Two Stops per Week							
32 gallon cart/can - 2 stops/wk				\$61.60	\$118.90	\$27.55	
Occasional extra garbage - 32 gallon				N/A	N/A	\$5.00	
Additional fees may apply - see Tables 1, 2 & 3							

¹The use of a cart and the type of customer using a cart for commercial waste collection services shall be at the discretion of the collector.

Exhibit A

Effective: July 1, 2021

R U R A L	Residential Service		Monthly Fee	Fee per Pick Up	At House Service²
	Weekly Pick Up¹ - one cart/can of garbage and recycling				
	20 gallon cart/can		\$27.80		\$31.30
	32 gallon cart/can		\$32.25		\$35.75
	60 gallon cart		\$44.80		N/A
	90 gallon cart		\$51.55		N/A
	Occasional extra garbage - 32 gallon			\$6.10	\$6.90
	Monthly Pick Up³ - one cart/can garbage; weekly recycling included				
	32 gallon cart/can		\$17.65		\$18.55
	Occasional extra garbage - 32 gallon			\$6.10	\$6.90
	On-Call Pick Up³ - one cart/can of garbage				
	32 gallon cart/can			\$16.85	N/A
	Other Services and Fees				
	Recycling only - weekly		\$10.55		N/A
	Bulky waste - furniture, appliances etc.			Table 1	
	Distance fees		Table 2		
	Terrain fee		\$3.65		
	Multifamily Service - for shared containers see commercial fees.				
	Weekly Pick Up¹ - one cart/can of garbage and recycling				
	Central billing	20 gallon	\$26.20		\$28.20
		32 gallon	\$30.65		\$32.65
	Individual billing	20 gallon	\$27.80		\$29.80
		32 gallon	\$32.25		\$34.25
	Occasional extra garbage - 32 gallon			\$6.10	\$6.90
	Bulky waste - furniture, appliances etc.			Table 1	
	Additional fees may apply - see Tables 1 and 2				

¹Greater than one cart/can per week, use multiples of single cart/can fee.

² At House service is when garbage carts/cans are picked up at house instead of roadside (must be within 50 feet of curb/road). At House Service is not available for recycling.

³Putrecibles must not be placed in cart/can in excess of 7 days prior to scheduled collection.

Exhibit A

Effective: July 1, 2021

R U R A L	Commercial Containers weekly recycling included						
	Stops/ Week	Monthly fee for container size in cubic yards					
		1	<i>Add'l</i>	1 1/3	<i>Add'l</i>	1.5	<i>Add'l</i>
	1	\$127.07	\$ 122.37	\$ 157.84	\$ 152.68	\$ 175.82	\$ 170.18
	2	\$244.70	\$ 236.10	\$ 305.44	\$ 296.14	\$ 340.37	\$ 330.27
	3	\$362.27	\$ 349.87	\$ 452.98	\$ 439.53	\$ 505.04	\$ 490.39
	4	\$479.90	\$ 463.65	\$ 600.66	\$ 583.01	\$ 669.60	\$ 650.40
	5	\$597.47	\$ 577.42	\$ 748.23	\$ 726.38	\$ 834.13	\$ 810.58
	6	\$724.55	\$ 699.80	\$ 906.00	\$ 879.11	\$ 1,009.96	\$ 980.71
	Stops/ Week	Monthly fee for container size in cubic yards					
2		<i>Add'l</i>	3	<i>Add'l</i>	4	<i>Add'l</i>	
1	\$224.15	\$ 217.70	\$ 319.37	\$ 311.37	\$ 413.50	\$ 404.05	
2	\$435.45	\$ 423.80	\$ 622.75	\$ 608.40	\$ 808.19	\$ 791.24	
3	\$646.55	\$ 629.70	\$ 926.16	\$ 905.31	\$ 1,202.90	\$ 1,178.45	
4	\$857.69	\$ 835.64	\$ 1,229.55	\$ 1,202.40	\$ 1,597.60	\$ 1,565.65	
5	\$1,068.95	\$ 1,041.65	\$ 1,532.91	\$ 1,499.06	\$ 1,992.23	\$ 1,952.68	
6	\$1,293.10	\$ 1,259.40	\$ 1,852.24	\$ 1,810.69	\$ 2,405.83	\$ 2,356.68	
Stops/ Week	Monthly fee for container size in cubic yards						
	5	<i>Add'l</i>	6	<i>Add'l</i>	8	<i>Add'l</i>	
1	\$506.52	\$ 495.77	\$ 601.45	\$ 589.10	\$ 782.99	\$ 768.29	
2	\$991.55	\$ 972.18	\$ 1,178.30	\$ 1,156.30	\$ 1,537.10	\$ 1,511.00	
3	\$1,476.56	\$ 1,448.56	\$ 1,755.04	\$ 1,723.39	\$ 2,291.13	\$ 2,253.63	
4	\$1,961.63	\$ 1,925.03	\$ 2,331.83	\$ 2,290.58	\$ 3,045.13	\$ 2,996.23	
5	\$2,446.60	\$ 2,401.40	\$ 2,908.64	\$ 2,857.74	\$ 3,799.23	\$ 3,738.83	
6	\$2,953.09	\$ 2,897.14	\$ 3,509.18	\$ 3,445.98	\$ 4,582.22	\$ 4,507.22	
Commercial Carts/Cans¹ - monthly fee; weekly recycling included							
				One	Two	Each	
One Stop per Week				cart/can	carts/cans	additional	
32 gallon cart/can				\$ 32.25	\$ 63.10	\$ 30.00	
60 gallon cart				\$ 44.80	N/A	N/A	
90 gallon cart				\$ 51.55	N/A	N/A	
Occasional extra garbage - 32 gallon				N/A	N/A	\$ 5.25	
Two Stops per Week							
32 gallon cart/can - 2 stops/wk				\$ 63.75	\$ 124.75	\$ 28.70	
Occasional extra garbage - 32 gallon				N/A	N/A	\$ 5.25	
Additional fees may apply - see Tables 1, 2 & 3							

¹The use of a cart and the type of customer using a cart for commercial waste collection services shall be at the discretion of the collector.

Exhibit A

Effective: July 1, 2021

D I S T R I C T R U R A L	Residential Service		Monthly Fee	Fee per Pick Up	At House Service²
	Weekly Pick Up¹ - one cart/can of garbage and recycling				
	20 gallon cart/can		\$32.85		\$36.35
	32 gallon cart/can		\$37.60		\$41.10
	60 gallon cart		\$48.95		N/A
	90 gallon cart		\$55.70		N/A
	Occasional extra garbage - 35 gallon			\$6.65	\$7.45
	Monthly Pick Up³ - one cart/can; weekly recycling included				
	32 gallon cart/can		\$19.50		\$20.40
	Occasional extra garbage - 32 gallon			\$6.65	\$7.45
	On-Call Pick Up³ - one cart/can of garbage				
	32 gallon cart/can			\$17.40	N/A
	Other Services and Fees				
	Recycling only - weekly		\$10.70		N/A
	Bulky waste - furniture, appliances etc.			Table 1	
	Distance fees		Table 2		
	Terrain fee		\$3.65		
	Multifamily Service - for shared containers see commercial fees.				
	Weekly Pick Up¹ - one cart/can of garbage and recycling				
	Central billing	20 gallon	\$31.25		\$33.25
		32 gallon	\$36.00		\$38.00
	Individual billing	20 gallon	\$32.85		\$34.85
		32 gallon	\$37.60		\$39.60
	Occasional extra garbage - 32 gallon			\$6.65	\$7.45
	Bulky waste - furniture, appliances etc.			Table 1	
	Additional fees may apply - see Tables 1, 2 & 3				

¹Greater than one cart/can per week, use multiples of single cart/can fee.

² At House service is when garbage carts/cans are picked up at house instead of curbside/roadside (must be within 50 feet of curb/road). At House Service is not available for recycling.

³Putrecibles must not be placed in cart/can in excess of 7 days prior to scheduled collection.

Exhibit A

Effective: July 1, 2021

D I S T R I B U T I O N S	Commercial Containers includes weekly recycling						
	Stops/ Week	Monthly fee based on size in cubic yards					
		1	<i>Add'l</i>	1 1/3	<i>Add'l</i>	1.5	<i>Add'l</i>
	1	\$142.45	\$ 137.75	\$ 175.59	\$ 170.43	\$ 194.79	\$ 189.14
	2	\$267.22	\$ 258.62	\$ 332.71	\$ 323.41	\$ 370.01	\$ 359.91
	3	\$391.91	\$ 379.51	\$ 489.75	\$ 476.30	\$ 545.39	\$ 530.74
	4	\$516.68	\$ 500.43	\$ 646.93	\$ 629.28	\$ 720.65	\$ 701.45
	5	\$641.38	\$ 621.33	\$ 804.02	\$ 782.17	\$ 895.90	\$ 872.35
	6	\$775.60	\$ 750.85	\$ 971.29	\$ 944.39	\$ 1,082.41	\$ 1,053.16
	Stops/ Week	Monthly fee based on size in cubic yards					
		2	<i>Add'l</i>	3	<i>Add'l</i>	4	<i>Add'l</i>
	1	\$246.67	\$ 240.22	\$ 349.01	\$ 341.01	\$ 450.28	\$ 440.83
	2	\$472.23	\$ 460.58	\$ 673.80	\$ 659.45	\$ 873.51	\$ 856.56
	3	\$697.60	\$ 680.75	\$ 998.61	\$ 977.76	\$ 1,296.76	\$ 1,272.31
	4	\$923.01	\$ 900.96	\$ 1,323.41	\$ 1,296.26	\$ 1,719.99	\$ 1,688.04
	5	\$1,148.54	\$ 1,121.24	\$ 1,648.16	\$ 1,614.31	\$ 2,143.16	\$ 2,103.61
	6	\$1,386.96	\$ 1,353.26	\$ 1,988.89	\$ 1,947.34	\$ 2,585.29	\$ 2,536.14
	Stops/ Week	Monthly fee based on size in cubic yards					
		5	<i>Add'l</i>	6	<i>Add'l</i>	8	<i>Add'l</i>
	1	\$550.43	\$ 539.68	\$ 652.50	\$ 640.15	\$ 848.31	\$ 833.61
	2	\$1,071.14	\$ 1,051.77	\$ 1,272.16	\$ 1,250.16	\$ 1,659.49	\$ 1,633.39
	3	\$1,591.81	\$ 1,563.81	\$ 1,891.69	\$ 1,860.04	\$ 2,470.59	\$ 2,433.09
	4	\$2,112.56	\$ 2,075.96	\$ 2,511.29	\$ 2,470.04	\$ 3,281.67	\$ 3,232.77
	5	\$2,633.19	\$ 2,587.99	\$ 3,130.90	\$ 3,080.00	\$ 4,092.83	\$ 4,032.43
	6	\$3,175.35	\$ 3,119.40	\$ 3,774.25	\$ 3,711.05	\$ 4,932.89	\$ 4,857.89
	Commercial Carts/Cans¹ - monthly fee; weekly recycling included						
	One Stop per Week		One cart/can	Two carts/cans	Each additional		
	32 gallon cart/can		\$37.60	\$74.50	\$36.60		
60 gallon cart		\$48.95	N/A	N/A			
90 gallon cart		\$55.70	N/A	N/A			
Occasional extra garbage- 32 gallon		N/A	N/A	\$6.00			
Two Stops per Week							
32 gallon cart/can - 2 stops/wk		\$74.50	\$147.55	\$36.00			
Occasional extra garbage - 32 gallon		N/A	N/A	\$6.00			
Additional fees may apply - see Tables 1, 2 & 3							

¹The use of a cart and the type of customer using a cart for commercial waste shall be at the discretion of the collector.

Exhibit A

Effective: July 1, 2021

M O U N T A I N	Residential Service		Monthly Fee	Fee per Pick Up	At House Service²
	Weekly Pick Up¹ - one can of garbage and recycling				
	20 gallon can		\$34.10		\$37.60
	32 gallon can		\$38.85		\$42.35
	Occasional extra - 32 gallon			\$6.65	\$7.45
	Monthly Pick Up³ - one can; weekly recycling included				
	32 gallon can		\$19.80		\$20.70
	Occasional extra - 32 gallon			\$6.65	\$7.45
	On-Call Pick Up³ - one can of garbage				
	32 gallon can			\$17.70	N/A
	Other Services and Fees				
	Recycling only - weekly		\$10.70		N/A
	Bulky waste - furniture, appliances etc.			Table 1	
	Distance fees		Table 2		
	Terrain Fee		\$3.65		
	Multifamily Service - for shared containers see commercial fees.				
	Weekly Pick Up¹ - one cart/can of garbage and recycling				
	Central billing	20 gallon	\$32.50		\$34.50
		32 gallon	\$37.25		\$39.25
	Individual billing	20 gallon	\$34.10		\$36.10
		32 gallon	\$38.85		\$40.85
	Occasional extra - 32 gallon			\$6.65	\$7.55
	Bulky waste - furniture, appliances etc.			Table 1	
Additional fees may apply - see Tables 1, 2 & 3					

¹Greater than one can per week, use multiples of single can fee.

² Cans picked up at house instead of roadside or curb (must be within 50 feet of roadside or curb).

³Putrecibles must not be placed in cart/can in excess of 7 days prior to scheduled collection.

Exhibit A

Effective: July 1, 2021

M O U N T A I N	Commercial Containers includes weekly recycling						
	Stops/ Week	Monthly fee for container size in cubic yards					
		1	<i>Add'l</i>	1 1/3	<i>Add'l</i>	1.5	<i>Add'l</i>
	1	\$161.50	\$ 156.80	\$ 201.00	\$ 195.84	\$ 223.37	\$ 217.72
	2	\$305.32	\$ 296.72	\$ 383.51	\$ 374.21	\$ 427.17	\$ 417.07
	3	\$449.07	\$ 436.67	\$ 565.96	\$ 552.51	\$ 631.13	\$ 616.48
	4	\$592.89	\$ 576.64	\$ 748.54	\$ 730.89	\$ 834.96	\$ 815.76
	5	\$736.64	\$ 716.59	\$ 931.03	\$ 909.18	\$ 1,038.79	\$ 1,015.24
	6	\$889.91	\$ 865.16	\$ 1,123.71	\$ 1,096.81	\$ 1,253.88	\$ 1,224.63
	Stops/ Week	Monthly fee for container size in cubic yards					
		2	<i>Add'l</i>	3	<i>Add'l</i>	4	<i>Add'l</i>
	1	\$284.77	\$ 278.32	\$ 406.17	\$ 398.17	\$ 526.49	\$ 517.04
	2	\$548.44	\$ 536.79	\$ 788.11	\$ 773.76	\$ 1,025.93	\$ 1,008.98
	3	\$811.91	\$ 795.06	\$ 1,170.08	\$ 1,149.23	\$ 1,525.38	\$ 1,500.93
	4	\$1,075.43	\$ 1,053.38	\$ 1,552.03	\$ 1,524.88	\$ 2,024.82	\$ 1,992.87
	5	\$1,339.06	\$ 1,311.76	\$ 1,933.94	\$ 1,900.09	\$ 2,524.20	\$ 2,484.65
	6	\$1,615.58	\$ 1,581.88	\$ 2,331.83	\$ 2,290.28	\$ 3,042.54	\$ 2,993.39
	Commercial Cans - monthly fee; weekly recycling included						
	One Stop per Week				One cart/can	Two carts/cans	Each additional
	32 gallon can				\$38.85	\$77.00	\$37.85
	Occasional extra - 35 gallon				N/A	N/A	\$6.00
	Two Stops per Week						
	32 gallon can - 2 stops/wk				\$77.00	\$152.55	\$37.25
Occasional extra - 35 gallon				N/A	N/A	\$6.00	
Additional fees may apply - see Tables 1, 2 & 3							

Table 1

Miscellaneous Services		
Bulky Waste - appliances, furniture, etc.		
<i>Fee based on weight and special handling needs. If not easily accessible, hourly fee also applies.</i>		
Minimum fee	\$5.00	
Maximum fee	\$40.00	
Coolant removal fee	\$30.00	<i>Applies to items with refrigerant, (refrigerators, air conditioners, etc.) even if refrigerant is removed.</i>
Clean Up Containers		
Each collection charged at 33% of regular container fee (see commercial containers).		
Handling fee*	\$20.00	<i>*only charged for first collection.</i>
Container rent is charged when container is kept longer than 5 working days with no collection. ¹		
< 3 cubic yard	\$2.10	rent per day
3 cubic yards	\$3.10	rent per day
4 cubic yards	\$4.10	rent per day
<i>For larger containers, see Drop Box, Table 4</i>		
Tire Handling Fee - charged in addition to disposal fees		
On rim	\$2.00	
Off rim	\$5.50	
<i>Tires greater than 18 inch diameter are subject to a special handling fee.</i>		
Occasional Extra Garbage Bag		
Light	\$3.00	
Heavy	\$5.05	
At House	<i>see "Occasional extra garbage" in each fee zone</i>	
Hourly handling fee - charged in addition to disposal fees		
1 truck, 1 person	\$73.00	per hour
1 truck, 2 people	\$105.00	per hour
Other Fees		
Gate fee	\$4.00	
Reinstatement fee	\$5.00	<i>When service is reinstated after it has been stopped for non-payment or if customer stops and starts service more than once in a calendar year.</i>
Cart redelivery	\$10.00	<i>If cart picked up then service restarted within 12 months.</i>

¹ Rent shall not exceed \$20.00 per container in a 30 day period.

Exhibit A

Effective: July 1, 2021

Table 2

Distance Fees	
Distance	Monthly Fee
3 - 50 feet	\$ 3.50
51 - 100 feet	\$ 5.10
101 - 200 feet	\$ 6.15
201 - 400 feet	\$ 7.20
401 - 800 feet	\$ 8.25
More than 800 feet	\$ 9.30

Distance fees apply when service is not curbside or roadside as defined.

Distances over 50 feet are considered drive-in only.

Fees for distances over 50 feet also apply to non-urban containers served off public roads.

Table 3

Miscellaneous Container Fees
Overweight charges will be applied to containers weighing over 275 pounds per cubic yard. The fee must be mutually agreeable to the customer and collector. The County will act as an arbitrator in the event of a dispute.
Containers that have been compacted are charged 2.2 times the regular container fee for the zone.
Overweight compacted containers weighing over 500 pounds per cubic yard will be charged this fee plus disposal for the excess weight.
Container cleaning fee will be charged for containers needing cleaning more than 2 times in a 12 month period. The fee is the actual cost of cleaning.
Mileage fee applies to Distant Rural and Mountain Fee Zones when containers are located over 26 miles round trip from a disposal site if there are less than seven (7) containers picked up per collection route.

Table 4

Drop Boxes and Compactors -Disposal, rental, mileage & other fees are additional	
Open Drop Box	
10-20 cubic yard	\$159.50
Lidded/Specialized-requiring deadhead roundtrip	\$184.50
30 cubic yard	\$169.50
40 cubic yard	\$179.50
Compacted Drop Box	
Less than 25 cubic yards	\$159.50
25 - 34 cubic yards	\$198.50
35 cubic yards and greater	\$227.50
Industrial Special Waste Drop Box	
10-20 cubic yard	\$170.50
30 cubic yard	\$187.50
Other fees	
Rental Fee	
Per day (after 2 working days at one site)	\$6.30
Per month (Occasional Customer collection of less than one load per week)	\$63.00
Per month (Permanent customer)	\$50.00
Per Month Equipment Fee: Lidded/Specialty Drop Box	\$20.00
Delivery Fee¹	
Urban zone	\$40.00
All other zones	\$50.00
Mileage Fee	
Per mile over 18 miles roundtrip from where the truck is stationed (if in Clackamas County, if not then from the Metro South Transfer Station) for a repeat customer and for over 18 miles of truck operation for a one-stop drop box customer.	\$4.70
Multifamily Service Fee - additional fee for communities using compactors and drop boxes to collect garbage. Fee is charged per unit per month.	
5-299 units	\$1.60
300 - 399 units	\$1.45
More than 399 units	\$1.40
Incidental Service Fees	
Stand by time - <i>waiting for box to be cleared, cars to be moved, etc.</i> ²	\$7.00
Leveling load - <i>if driver must spend time leveling load to safely haul.</i> ²	\$7.00
Wash out - <i>if requested by customer or box is contaminated.</i>	\$30.00
Compactor turn-around - <i>if repositioning required to enable collection and tip.</i>	\$40.00
Deadhead round trip: <i>specialized boxes that cannot be exchanged.</i>	\$25.00
Dry run - <i>if scheduled collection is prevented because box is blocked or customer is not ready.</i>	\$30.00

¹For the occasional customer, the delivery charge shall be made for the first drop box at a given location within a 30-day period. For the repeat customer, the delivery charge shall be made for service at different locations.

²Charged in 5 minute increments.

Effective: July 1, 2021

Table 5

Infectious Waste		
Number of units	Fee per gallon	
	20/21	35/48
1	\$ 81.45	\$ 83.23
2	\$ 61.85	\$ 63.50
3	\$ 54.30	\$ 56.00
4	\$ 49.35	\$ 51.00
5	\$ 46.35	\$ 48.00
6	\$ 44.35	\$ 46.00
7	\$ 41.85	\$ 43.50
8	\$ 40.40	\$ 42.00
9	\$ 37.35	\$ 39.00
10	\$ 35.85	\$ 37.50
11	\$ 34.75	\$ 36.50
12	\$ 33.25	\$ 35.00
13	\$ 32.75	\$ 34.50
14	\$ 32.00	\$ 33.75
15	\$ 31.25	\$ 33.00
16	\$ 26.30	\$ 28.00
17	\$ 26.30	\$ 28.00
18	\$ 26.30	\$ 28.00
19	\$ 26.30	\$ 28.00
20	\$ 26.30	\$ 28.00
60	\$ 17.90	\$ 18.75
75	\$ 17.45	\$ 18.10
90	\$ 12.80	\$ 13.10



Department of Finance

Public Services Building
2051 Kaen Road, Suite 490 | Oregon City, OR 97045

June 24, 2021

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Clackamas County Supplemental Budget Resolution
for Fiscal Year 2020-2021

Purpose/Outcomes	Public hearing for supplemental budget change for FY 2020-2021
Dollar Amount and Fiscal Impact	The effect is an increase in appropriations of \$6,646,390
Funding Source	Fund Balance, Federal and State Operating Grants, and Interfund Transfers
Duration	July 1, 2020-June 30, 2021
Previous Board Action/Review	Budget Adopted June 18, 2020 with amendments on <ul style="list-style-type: none"> • December 3, 2020; and • February 25 2021 • May 20, 2021
Strategic Plan Alignment	Build public trust through good government by providing budget responsibility and transparency
Counsel Review	N/A
Procurement Review	1. Was the item processed through Procurement? yes <input type="checkbox"/> no <input checked="" type="checkbox"/> X 2. If no, provide brief explanation: This is a Budget item and does not require Procurement's involvement
Contact Person	Sandra Montoya, 503-742-5424

BACKGROUND:

Each fiscal year it is necessary to reduce or allocate additional sources of revenue and appropriate additional expenditures to more accurately meet the changing requirements of the operating departments. The attached resolution reflects such changes requested by departments in keeping with a legally accurate budget. These changes are in compliance with Oregon Local Budget Law ORS 294.433 - ORS 294.481, which allows for governing body approval of budget changes under qualified circumstances. The required notice has been published.

The effect of this resolution is an increase in revenues and appropriations of \$6,646,390.

Item	Resources	Original	Change	Revised	Requirement	Original	Change	Revised
1 General Fund 100 - County Administration Department								
	Revenues	2,114,351	-	2,114,351	Operating Expenses	2,528,899	130,000	2,658,899
	Interfund Transfer	280,508	130,000	410,508				
	Revised Total Fund Resources			2,524,859	Revised Total Fund Requirements			2,658,899
Comments:	General Fund - County Administration Department houses the temporary management position for the Courthouse Project. This adjustment reimburses County Administration with a transfer from the Capital Projects Fund 420.							
2 General Fund 100 - Public Government and Affairs Department								
	Revenues	4,294,770	-	4,294,770	Operating Expenses	5,038,930	(219,823)	4,819,107
	Beginning Fund Balance	-	113,544	113,544	Special Payments	-	333,367	333,367
	Revised Total Fund Resources			4,408,314	Revised Total Fund Requirements			5,152,474
Comments:	The General Fund - Public Government and Affairs Department is recognizing additional fund balance from Public, Educational, and Government (PEG) revenue and appropriating additional funding to the local cable access channels through special payments.							
3 General Fund 100 - Assessors' Department								
	Revenues	2,266,650	138,749	2,405,399	Operating Expenses	8,800,510	138,749	8,939,259
	Revised Total Fund Resources			2,405,399	Revised Total Fund Requirements			8,939,259
Comments:	The General Fund - Assessors' Department is recognizing Federal CARES revenue and appropriating for higher Operating Expenses.							
4 Business and Economic Development Fund 208								
	Fund Balance	3,329,796	-	3,329,796	Operating Expenses	3,972,342	-	3,972,342
	Revenues	9,482,843	2,700,986	12,183,829	Contingency	1,220,340	-	1,220,340
	Interfund Transfer	100,000	-	100,000	Special Payments	7,656,957	2,700,986	10,357,943
					Interfund Transfers	63,000	-	63,000
	Revised Total Fund Resources			15,613,625	Revised Total Fund Requirements			15,613,625
Comments:	The Business and Economic Development Fund is recognizing additional State of Oregon CARES revenue and appropriating for special payments to the business grants program.							
5 Disaster Management Fund 209								
	Fund Balance	497,326	-	497,326	Operating Expenses	4,864,415	2,732,000	7,596,415
	Revenues	2,916,141	2,732,000	5,648,141	Special Payments	615,000	-	615,000
	Interfund Transfer	2,065,948	-	2,065,948				
	Revised Total Fund Resources			8,211,415	Revised Total Fund Requirements			8,211,415
Comments:	The Disaster Management Fund is recognizing CARES Act funding and appropriating operating costs associated with COVID 19, Wildfires, and the Ice Storm events.							
6 Behavioral Health Fund 241								
	Beginning Fund Balance	8,580,519	-	8,580,519	Operating Expenses	21,226,520	(818,000)	20,408,520
	Revenues	17,742,650	-	17,742,650	Special Payments	1,230,142	853,000	2,083,142
	Interfund Transfers	806,401	-	806,401	Interfund Transfers	50,000		50,000
					Contingency	4,622,908	(35,000)	4,587,908
	Revised Total Fund Resources			27,129,570	Revised Total Fund Requirements			27,129,570
Comments:	The Behavioral Health Fund is transferring budget authority from Contingency to Operating Expenses for the purchase of a new car, and reducing Operating Expenses and increasing Special Payments for the Residential Treatment Services subrecipient agreement.							
7 Community Development Fund 244								
	Revenues	7,983,365	-	7,983,365	Operating Expenses	7,146,618	(750,000)	6,396,618
	Interfund Transfers	40,781	-	40,781	Special Payments	320,000	750,000	1,070,000
					Contingency	557,528	-	557,528
	Revised Total Fund Resources			8,024,146	Revised Total Fund Requirements			8,024,146
Comments:	The Community Development Fund is transferring budget authority from Operating Expenses to Special Payments.							

8 Capital Projects Reserve Fund 420

Resources	Original	Change	Revised	Requirement	Original	Change	Revised
Fund Balance	5,390,081	-	5,390,081	Operating Expenses	1,564,095	(130,000)	1,434,095
State Revenue	650,000	-	650,000	Capital Outlay	5,125,986	-	5,125,986
Interfund Transfers	650,000		650,000	Interfund Transfers	-	130,000	130,000
Revised Total Fund Resources			6,690,081	Revised Total Fund Requirements			6,690,081

Comments: The Capital Projects Fund is transferring budget authority from Operating Expense to Interfund Transfers to reimburse the costs for the Courthouse project management costs in the County Administration Department.

9 Central Dispatch Fund 748

Resources	Original	Change	Revised	Requirement	Original	Change	Revised
Fund Balance	2,050,388	-	2,050,388	Operating Expenses	8,500,300	1,022,111	9,522,411
Revenues	9,145,278	831,111	9,976,389	Special Payments	1,071,122		1,071,122
				Contingency/Reserve	1,624,244	(191,000)	1,433,244
Revised Total Fund Resources			12,026,777	Revised Total Fund Requirements			12,026,777

Comments: Recognizing funding from CARES, Oregon Department of Forestry and State 911 Tax and reducing Contingency and appropriating higher Operational costs associated with COVID 19, Wildfires and Ice Storm events.

RECOMMENDATION:

Staff respectfully recommends adoption of the attached Resolution Order in keeping with a legally accurate budget.

Sincerely,

Elizabeth Comfort
Finance Director

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

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget and Making to Appropriations
for Fiscal Year 2020-21



Resolution Order No. _____
Page 1 of 1

WHEREAS, during the fiscal year changes in appropriated expenditures may become necessary and appropriations may need to be increased, decreased or transferred from one appropriation category to another;

WHEREAS, a supplemental budget for the period of July 1, 2020 through June 30, 2021, inclusive, has been prepared, published and submitted to the taxpayers as provided by statute;

WHEREAS; a hearing to discuss the supplemental budget was held before the Board of County Commissioners on June 24, 2021.

WHEREAS; the funds being adjusted are:

- . General Fund – County Administration
- . General Fund – Public Government and Affairs
- . General Fund – Assessors
- . Business and Economic Development Fund
- . Disaster Management Fund
- . Behavioral Health Fund
- . Community Development Fund
- . Capital Projects Reserve Fund
- . Central Dispatch Fund;

It further appearing that it is in the best interest of the County to approve this change in appropriations for the period of July 1, 2020 through June 30, 2021.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.433 – ORS 294.481, the supplemental budget be adopted and appropriations established as shown in the attached Exhibit A which by this reference is made a part of this Resolution.

DATED this 24th day of June 2021

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary






FINAL-June 24 2021 Supplemental Resolution Order

Final Audit Report

2021-06-10

Created:	2021-06-09
By:	Jennifer Johnson (JJohnson@clackamas.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAakhZhJc9IWWxhkaXO6uoGyi_vX2iI8Gsm

"FINAL-June 24 2021 Supplemental Resolution Order" History

-  Document created by Jennifer Johnson (JJohnson@clackamas.us)
2021-06-09 - 11:45:45 PM GMT- IP address: 73.25.146.220
-  Document emailed to Elizabeth Comfort (ecomfort@clackamas.us) for signature
2021-06-09 - 11:46:01 PM GMT
-  Email viewed by Elizabeth Comfort (ecomfort@clackamas.us)
2021-06-10 - 2:03:01 PM GMT- IP address: 73.11.77.31
-  Document e-signed by Elizabeth Comfort (ecomfort@clackamas.us)
Signature Date: 2021-06-10 - 2:08:56 PM GMT - Time Source: server- IP address: 73.11.77.31
-  Agreement completed.
2021-06-10 - 2:08:56 PM GMT



June 24th, 2021

Board of County Commissioners
Clackamas County

Members of the Board:

Approve Resolution for Bid Exemption and Authorization to use the CM/GC RFP Procurement Method for Oak Lodge and Gladstone Community Project

Purpose/Outcome	Public hearing before the Board of County Commissioners and Approval of Resolution for the Proposed Exemption and Authorization to use the Request for Proposals (RFP) procurement method to obtain a Construction Manager/General Contractor (CM/GC) for the Oak Lodge and Gladstone Community Project.
Dollar Amount and Fiscal Impact	The project has a preconstruction budget for the CM/GC of approximately \$150,000. Oak Lodge and Gladstone Library total project cost is estimated at \$19,800,000.
Funding Source	Oak Lodge/Gladstone Library Funds
Duration	Through April 2024
Previous Board Action/Review	<ul style="list-style-type: none"> • Board Order 85-1221 entitles the Library Board of Trustees to conduct studies to recommend to the BCC appropriate sites for the location of the library building or satellite facilities. • Oct. 16, 2017: The County and the City of Gladstone enter into a Settlement Agreement which requires the County to construct and operate two library facilities, one in the City of Gladstone and one in unincorporated Clackamas County. • Sept. 26, 2019: Board approves a contract between Business and Community Services (BCS) and Opsis for the North Clackamas Parks and Recreation District (NCPRD) Concord Property, Oak Lodge Library and Gladstone Library planning processes. • Nov. 14, 2019: Board approves an Intergovernmental Agreement (IGA) between Clackamas County and the City of Gladstone for library construction and operations which included milestones for the Gladstone Library project. • Jan. 14, 2021: Board approves the Concord and Gladstone master plan reports and approved staff working with community and consultants to complete design and engineering for the library on the Concord Property and the Gladstone Library. • Jan. 14, 2022: Board, acting as the Board of Directors of NCPRD, approves the Concord master plan reports and approves staff working with community and consultants to complete design and engineering for the NCPRD portions of the Concord Property. • March 9, 2021: Board, and the Board acting as the Board of Directors of NCPRD, approve staff moving forward with the Opsis contract amendment. • April 1, 2021: Board, and the Board acting as the Board of Directors of NCPRD, approve Opsis contract amendment #2 for the Oak Lodge and Gladstone Libraries.

	<ul style="list-style-type: none"> • May 13, 2021: Board, and the Board acting as the Board of Directors of NCPRD, approve the purchase and sale agreement between NCPRD and Brolin for a land parcel at the Concord Site. • June 8, 2021: BCC approves CM/CG findings to move to 6/24/2021 Consent Agenda.
Strategic Plan Alignment	<ul style="list-style-type: none"> • Provide economic development, public spaces, and community enrichment services to residents, businesses, visitors, and partners so they can thrive and prosper in healthy and vibrant communities. • Promote a <i>Healthy and Active Lifestyle</i> by providing a park and community center with spaces to be active. • Designed with a lens of <i>Equity, Diversity and Inclusion</i> by engaging diverse audiences and maximizing access to a library, park and recreation that are near public transportation. • Promote <i>Carbon Neutrality</i> by providing higher quality natural areas and access by building near alternative modes of transportation and building sustainable projects using photovoltaic panels for power to reduce future operating costs.
Counsel Review	<ol style="list-style-type: none"> 1. Date of Counsel review: 6/8/2021 2. Initials of County Counsel performing review: ARN
Procurement Review	<ol style="list-style-type: none"> 1. Was the item processed through Procurement? yes <input checked="" type="checkbox"/> no <input type="checkbox"/> 2. If no, provide brief explanation:
Contact Person	Allegra Willhite, BCS Deputy Director, 503-201-4321 Jason Varga, Project Manager, 503-351-4012
Contract No.	N/A

Background:

Business and Community Services (BCS) is requesting an exemption from the traditional competitive procurement process and authorization to use the Request for Proposals (RFP) procurement method to obtain a Construction Manager/General Contractor (CM/GC) for the Gladstone Library, Oak Lodge Library, NCPRD administrative offices, community center and park.

The public hearing satisfies requirements under ORS 279C.335 to provide notice and the opportunity for a public hearing for the purpose of taking comments on the draft findings for an exemption to use the RFP method to retain a construction contractor in a CM/GC project delivery method. Clackamas County Procurement placed a public notice on the Oregon Procurement Information Network (ORPIN) on June 10, 2021, and with the Business Tribune online edition and print version on June 10, 2021, which included the date and time of a public hearing to take place before the Board.

The Oak Lodge and Gladstone Community Project is made up of three interrelated projects:

1. The redevelopment of the NCPRD Concord Property, a six-acre site at 3811 Concord Road in Oak Lodge, as a new community center, park and NCPRD administrative offices;
2. A library located on the Concord Property to serve the residents of the Oak Lodge Library service area, and
3. A new library building at 525 Portland Ave. in the City of Gladstone to serve residents of the Gladstone Library service area.

The project has a budget of approximately \$150,000 for CM/GC preconstruction services. The total project cost for the NCPRD Administrative Offices, Community Center and Park is estimated at \$23,800,000. The total project cost of the Oak Lodge and Gladstone Libraries is \$19,800,000. These totals include direct construction costs as well as indirect construction costs (such as design, engineering, permitting, CM/GC preconstruction services, furniture and equipment). The

RFP will solicit a CM/GC for Phase I Preconstruction and Phase II Construction; however, only Phase I Preconstruction is authorized until a later amendment sets a Guaranteed Maximum Price and full project funding is authorized.

CM/GC Method

The CM/GC procurement method is an alternative contracting method in which the owner hires the construction contractor to provide feedback during the design phase before construction. The general benefits of this method include fostering innovation, mitigating risk, improving design quality, improving cost control, and optimizing construction schedules and logistics.

The alternative procurement process offers safeguards for cost control of the project, including involvement by the construction contractor from design development through construction documents and construction cost development process, as well as limiting change orders. The Request for Proposals process also adds safeguards, as it allows the agency to consider cost as well as experience and expertise in completing similar projects when selecting the most advantageous contractor for the project.

Specifically, CM/GC is the preferred project delivery methodology for this project for several reasons, including:

- the need for cost control (see more details below);
- the multi-faceted nature of the proposed scopes of work;
- the priority to optimize the construction schedule to coordinate various funding sources, and to minimize closure of the Concord community center;
- the specialized expertise required to address the unique needs of modern libraries and the varied and technical aspects of the project, and
- the emphasis on sustainable design and providing public spaces and community enrichment services to residents, businesses, visitors and partners so they can thrive in healthy and vibrant communities.

Cost Control: More specifically, the anticipated cost savings from the CM/GC approach result from the following:

1. An accelerated project timeline that will assist BCS in quickly addressing the critical scope of work items and meet critical financial milestones required by third parties, and lessens the risk of material/labor cost inflation.
2. Provides both management and construction of the site improvements, which enables the project to select the cost-effective construction methods, sequencing and phasing that best meet project goals.
3. Allows BCS to evaluate alternative approaches and make changes before construction documents are finalized. This allows BCS to find more optimal solutions within the time and resource constraints.
4. Allows use of real-time market pricing to more accurately assess design options and maximize opportunities for value engineering, resulting in cost savings that cannot be achieved by the standard competitive-bid process.
5. Close working relationship between the designer, CM/GC and BCS during preconstruction and construction, with the contractor directly involved in value engineering evaluations with the design team. Resolution of construction conflicts or deficiencies is the responsibility of the CM/GC. Together, these conditions help BCS minimize costly change orders and claims during construction, while optimizing project value.

6. The opportunity to establish a Guaranteed Maximum Price (GMP) cooperatively with the CM/GC team, in order to establish a fixed total project cost and budget before construction begins, and reduce change orders and additional costs during construction.
7. Reduce BCS and NCPRD administrative burden by conducting one solicitation for the project, as opposed to conducting multiple solicitations for a design/ bid/ build approach.
8. Constructing the Gladstone and Concord construction concurrently to allow for shared project management cost by the CM/GC.

In summary, BCS believes the unique nature of this project makes it appropriate for an exemption from the standard bidding process and ideally suited for approval to use the RFP procurement process to retain the services of a CM/GC.

COMPETITIVE PROCESS

Once approved to use the CM/GC process, the following competitive process will be used to select the CM/GC contractor:

1. Publicly advertise a RFP;
2. Select the contractor through an evaluation process conducted by an evaluation committee that considers qualifications, construction team experience, and demonstration of project understanding.
3. The Selection Committee recommends the award to the Board of County Commissioners and NCPRD Board of Directors for their approval. Upon approval, a notice of intent to award will be published. It will include a lump-sum cost proposal for Phase I preconstruction services and a CM/GC fee proposal for Phase II construction costs.

NEXT STEPS

- Develop and issue a CM/GC RFP (July 2021).
- Select CM/GC and issue contract for Phase I preconstruction services (September 2021).
- Work on an Intergovernmental Agreement (IGA) between NCPRD and the Oak Lodge Library to outline shared capital and operational expenses and procedures (ongoing – summer 2021).
- Begin construction (spring 2022).

RECOMMENDATION:

Adopt the resolution approving a contract-specific exemption for the project that permits use of the CM/GC delivery method, and permit use of the competitive RFP process to select a CM/GC contract.

ATTACHMENT:

1. Draft Findings

Respectfully submitted,



Sarah Eckman, Interim Director
Business and Community Services

Oak Lodge and Gladstone Community Project

FINDINGS IN SUPPORT OF USE OF REQUEST FOR PROPOSALS AND ALTERNATIVE CONTRACTING METHODS

These Findings are for the approval of the use of an alternative contracting method so Business and Community Services (“BCS”) may utilize the request for proposals (“RFP”) competitive process to retain a construction contractor in a Construction Manager/General Contractor (“CM/GC”) project delivery method for the Oak Lodge Gladstone Community Project (“Project”).

A. Alternative Contracting Exemption under Oregon Law

Oregon law requires all contracts for public improvement projects to be based on competitive bids unless the local contract review board grants an exemption under LCRB C-049-0600 and ORS 279C.335. ORS 279C.400 permits a contracting agency to solicit and award public improvement contracts through a Competitive Proposal Process when an exemption is granted under ORS 279C.335. To grant an exemption, ORS 279C.335 requires the public contract review board to approve two findings submitted by the agency: (1) that the exemption is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition; and (2) awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the public agency.

ORS 279C.335(2) provides that an exemption may be granted to “a public improvement contract or a class of public improvement contracts” if the described findings are approved.

For public improvement projects, ORS 279C.330 and 279C.335 provide that the agency must consider the type, cost and amount of the contract(s) and information regarding the following:

- a. Operational, budget and financial data;
- b. Public benefits;
- c. Value engineering;
- d. Specialized expertise required;
- e. Public safety;
- f. Market conditions;
- g. Technical complexity; and
- h. Funding sources.

The local contract review board also is required to consider the following items when evaluating whether award of a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the public agency:

- a. How many persons are available to bid;
- b. The construction budget and the projected operating costs for the completed public improvement;
- c. Public benefits that may result from granting the exemption;
- d. Whether value engineering techniques may decrease the cost of the public improvement;
- e. The cost and availability of specialized expertise that is necessary for the public improvement;
- f. Any likely increases in public safety;
- g. Whether granting the exemption may reduce risks to the contracting agency or the public that are related to the public improvement;
- h. Whether granting the exemption will affect the sources of funding for the public

- improvement;
- i. Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
 - j. Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;
 - k. Whether the public improvement involves new construction or renovates or remodels an existing structure;
 - l. Whether the public improvement will be occupied or unoccupied during construction;
 - m. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
 - n. Whether the contracting agency or state agency has and will use contracting agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

B. Background Information

In October 2017, Clackamas County (the County) and City of Gladstone entered into a settlement agreement in which the County agreed to construct and manage two new libraries – a 6,000-square-foot facility in the City of Gladstone and an approximately 19,500-square-foot facility in the Oak Lodge Library service area. The agreement called for a “one library, two building” approach, with both libraries operated by the County to achieve economies of scale and best provide library services to the Oak Lodge and Gladstone service areas.

In a similar timeframe to this settlement agreement, NCPRD and the North Clackamas School District (NCSD) entered a strategic partnership to acquire three NCSD properties, including the Concord Elementary School (Concord Property) in Oak Grove. Since Oak Lodge Library and NCPRD are both divisions of the County’s Business and Community Services Department, it was decided to pool resources and use time and money efficiently by creating a joint process to plan for the Concord Property and the Oak Lodge and Gladstone libraries. A process outline was approved by the Clackamas County Board of County Commissioners (BCC) in 2018.

These decisions led to the Oak Lodge and Gladstone Community Project (OLGCP), a comprehensive planning effort for the Gladstone and Oak Lodge libraries, and NCPRD divisions of the County’s Business and Community Services Department (BCS).

Together, they developed a vision for a new library for the Gladstone service area, and a new library, community center, park and NCPRD administrative offices for the Oak Grove/Jennings Lodge community. Opsis Architecture and Johnston Architects, with their consultant team, are leading the planning and design efforts for both projects. The effort is guided by the Gladstone Community Library Planning Task Force and the Concord Property and Library Planning Task Force, who serve as ambassadors of community interests.

In January 2021, this process produced a pair of simultaneous Master Plan Reports, summarizing the collective, collaborative effort between the design team, task forces, community, and staff to recommend preferred scenarios to the Board of County Commissioners (BCC).

To advance the two projects, the master planning team engaged the community to deliver a master plan

for a new 6,000-square foot Gladstone Library to serve residents of the Gladstone service area at the location of the former Gladstone City Hall at 525 Portland Ave, Gladstone, OR 97027, which is the corner of Portland Avenue and E. Dartmouth Street.

The master planning team also engaged the community to create a master plan for a 47,600 square foot facility to house a new community center, park, and NCPRD administrative offices for District residents to be located at the site of the former Concord Elementary School (Concord Property) in Oak Grove, at approximately 3811 SE Concord Rd. Milwaukie, OR 97267. In addition, they recommended the Concord Property for a new 19,500-square foot Oak Lodge Library to serve the Oak Lodge Library service area.

Project Descriptions:

At the conclusion of the Master Planning process, the following project plans emerged:

Gladstone Library. The consensus plan includes a new 6,000-square foot library at the corner of Portland Avenue and E. Dartmouth Street, the site of the former Gladstone City Hall. The program includes spaces to meet the following needs:

- Flexible meeting space
- Dedicated areas for children and teens
- Private tutoring/meeting rooms
- Library Foundation sale and work areas
- Designated primary service point
- Book-drop with exterior access
- Holds area
- Self-check and public-access computers
- General collection area with reading and lounge spaces
- Staff workroom and support
- Convenient public restrooms
- Public computer area

Concord Property and Oak Lodge Library. The master plan for this 5.94-acre site includes renovation of the former Concord Elementary School at 3811 SE Concord Road in Milwaukie for a new 47,600 square foot community center and NCPRD administrative offices, a park, and a new 19,500 square foot building addition to house the Oak Lodge Library. The two buildings will be joined to form a 67,000 square-foot facility benefitting from numerous shared features and uses.

The program for this site will include:

- Indoor recreation amenities
- Community spaces
- Park spaces, including an interactive water feature, an outdoor amphitheater with seating, a universal access playground, and a loop trail.
- NCPRD administrative offices
- Library

The total project cost estimate to complete the Projects is \$43.6 million, which includes \$6 million for the Gladstone Library, \$13.8 million for the Oak Lodge Library and \$23.8 million for the NCPRD Administrative offices, community center and park. Funding will come from up to 14 sources, all of which must be coordinated and timed to support the Projects. The need for to apply so many sources of

funding to cover the costs of the Projects underscores the importance of budget compliance.

Anticipated funding sources include the following:

Clackamas County(Oak Lodge and Gladstone Libraries)

1. Oak Lodge Library District Reserves
2. Clackamas County Capital
3. Library Services Capital Reserve
4. Oak Lodge Library Beginning Fund Balance
5. Clackamas County Revenue Bond – Library Portion
6. Clackamas County Revenue Bond – General Fund
7. Seismic Grant

NCPRD(administrative offices, community center and park)

8. Grants (Park)
9. Hood View Sale Proceeds
10. Other Potential Property Proceeds
11. System Development Charges (SDCs)
12. NCPRD General Fund Reserves
13. Clackamas County Revenue Bond – NCPRD portion
14. Seismic Grant

Contracting Approach

The CM/GC method is an alternative contracting method in which the owner hires the construction contractor to provide feedback during the design phase before the start of construction. The benefits of the CM/GC method include fostering innovation, mitigating risk, improving design quality, improving cost control, and optimizing construction schedules and logistics.

CM/GC is the preferred project delivery methodology for the Projects for several reasons, including the need for cost control, the multi-faceted nature of the proposed scopes of work, the priority to optimize the construction schedule to coordinate various funding sources, and the specialized expertise required to address the unique needs of modern libraries and the varied and technical aspects of the Projects.

Cost control and predictability are critical and especially challenging for these Projects. Because up to 14 sources of funding are involved, any changes to the project budget can have wide-ranging implications for the feasibility of the project. Use of a CM/GC enables earlier and more frequent cost estimating for the Projects, providing estimates during the design phases, when changes are less expensive, and also provides a degree of transparency and predictability not available in a traditional contracting method. The multifaceted nature of the Projects will also benefit from a CM/GC, who can gain an in depth understanding of the projects during the design phase, and provide construction, materials, and logistics expertise that can streamline the completion of the Projects. Finally, the technical demands of modern libraries, as well as some unique aspects of the Projects requiring specialized expertise, will benefit from a CM/GC who can be selected based on qualifications and experience delivering similar projects.

The wide array of funding sources for these projects underscores the need for several features that a CM/GC contracting approach can provide. First, some of the funding sources require project initiation/completion by a predetermined date. Second, the Projects will need as much predictability

and transparency as possible, so all funders can understand the impact of project changes on their obligations. Third, cost estimating needs to be as accurate and timely as possible.

BCS also seeks a number of the other advantages offered by a CM/GC approach. Design refinements that must be made before construction documents are finalized will benefit from input from a qualified contractor and partnership during the preconstruction phase on facets such as: (1) effective construction techniques and sequencing to optimize schedule and maintain quality; (2) long-term performance of materials and furnishings to minimize life cycle costs of the facilities; (3) overall costs and how to choose methods, materials, delivery and sequencing to optimize quality outcomes within the project budget. Working together with a CM/GC, NCPRD anticipates the team can refine the design and construction documents to meet the budget and timeline effectively.

In preparation for construction, the packaging and marketing of the construction procurements also must meet the demands of a busy construction marketplace. With a CM/GC on the team, the Project will have the expertise and teamwork necessary to meet the demands of a tight timeline and mitigate the risk of losing access to critical funding.

Generally, the alternative procurement process offers safeguards for cost control of the Project, including involvement by the construction contractor from the design development phase through construction documents and construction cost development process, as well as limiting change orders. The Request for Proposals process also adds safeguards, as it allows the agency to consider cost as well as experience and expertise in completing similar projects when selecting the most advantageous contractor for the Project.

In summary, BCS believes the unique nature of this class of Projects makes it appropriate for an exemption from the standard bidding process and ideally suited for approval to use the RFP procurement process to retain the services of a CM/GC.

C. Findings

1. Appropriate alternative contracting methods will be used.

The qualifications-based RFP process for selecting a CM/GC contractor for these Projects falls within the purview of ORS 279C.335(2) because the process is competitive and contractors will be selected based not only on price, but also on their ability to best complete the Projects. The qualifications-based RFP approach is widely used and recognized as one of the preferred alternative approaches where projects are more complex. RFP responses allow contractors to compete based on their skills and experience in addition to their price. In these projects, some of the complexities require a combination of skills that cannot be evaluated in a standard low-bid process, such as time constraints, budget constraints, and work within a partially developed and constrained site. The benefits of utilizing the CM/GC delivery method have been identified above. As such, the CM/GC delivery method, selected through a qualifications-based RFP process, is the most appropriate contracting method for the Project.

2. No favoritism or diminished competition.

The exemption is sought only to authorize a different competitive process from the standard low-bid procurement process. The CM/GC contractor will still be selected through the competitive RFP process. To ensure the exemption requested does not encourage favoritism or substantially diminish competition, a well-defined competitive procedure will be followed to select the contractor for this public improvement contract.

Procurement will include advertisements in the *Portland Tribune* and post the opportunity on the State of Oregon Procurement Website (“ORPIN”). Further steps include direct notification to qualified CM/GC contractors, scheduling a pre-proposal conference, and appointment of an unbiased evaluation committee that will consider proposals received utilizing the criteria identified in the RFP. BCS staff research indicates that market conditions are such that many of the same contractors who would bid the projects under a traditional low-bid procurement will compete in the qualifications-based RFP process.

Additionally, during the subcontractor bidding phases of the project, outreach to minority, women-owned, and emerging small businesses (“MWESB”) will be conducted by the selected CM/GC contractor to inform this audience of bidding opportunities.

By Procurement marketing these opportunities and working to notify all likely potential proposers, the process will not encourage favoritism in the awarding of the public improvement contract, nor substantially diminish competition. Use of the alternative contracting method will also allow BCS to maximize opportunities for participation by all potential subcontractors, including MWESB businesses.

The evaluation criteria may include, among other things, consideration of the contractor’s background, references, experience, capacity, personnel, client relations, schedule, quality control, and problem and solution identification. In addition, the proposals will include, where appropriate, an evaluation of the contractors’ fee proposals for providing preconstruction services and overhead and profit fee rates for performing construction work. The evaluation criteria will be used by the committee to score proposals using a scoring system that quantifies the value for each criterion and assures that proposers are fairly evaluated based on criteria set forth in the RFP.

3. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the public agency.

In terms of the benefits of using an RFP process for CM/GC, BCS staff research and experience indicate that standard low-bid contracting for work of this nature is likely to result in numerous change orders and increased costs through claims. This typically occurs when a contractor identifies issues after construction has begun that require a “re-working” of the original design. The result is more change orders, not realizing the benefits of value engineering and not optimizing quality that would occur in the CM/GC method.

Further, by utilizing the RFP process to engage a CM/GC partner during design, BCS has the capacity to obtain real-time market pricing information. This pricing will facilitate more accurate assessment of design options and maximize opportunities for value engineering, resulting in cost savings that cannot be achieved by the standard competitive-bid process. The involvement of the CM/GC contractor will allow phasing of the bidding and construction more effectively. This will significantly mitigate schedule impacts with a resulting cost savings in material/labor inflation and construction general conditions.

In terms of the benefits of selecting a CM/GC contractor through a competitive RFP process, such a process will allow BCS to select contractors based upon criteria in addition to price. It will allow selection of a contractor whose proven experience matches the nature of the required work, in both the design and the construction phases. CM/GC contracts are more easily structured to accommodate variable and changing conditions while minimizing cost and avoiding disruptive change orders and claims.

As the analysis below shows, permitting a contract-specific exemption for the Projects pursuant to an exemption will result in substantial cost savings and other substantial benefits to BCS.

a. *How many persons are available to bid.*

Beyond the finding that many of the same contractors would propose on the Project if it were procured through the standard low-bid contracting process, BCS has interviewed local contractors, and based on those interviews, anticipates there are numerous contractors that would be interested in submitting proposals for the Project. Additionally, BCS anticipates the project will generate interest among contractors because the sites are prominent, the plans are well known and heavily supported by the community, and the combined budgets of the Projects will be attractive to a large group of local contractors.

b. *The construction budget and the projected operating costs for the completed public improvement.*

The construction budget totals approximately \$30,900,000, as prepared and refined by the design team led by OPSIS Architecture and BCS staff for the master plan. As the contract is established, each site's budget will become fixed by a Guaranteed Maximum Price ("GMP") negotiation, including limited contractor's contingencies. The funding will include a variety of public sources including local and regional funding.

An RFP process allows selection of a CM/GC contractor during the design phase, thereby encouraging increased collaboration, teamwork and ownership. This results in a more efficient design, fewer change orders attributable to design issues and unforeseen costs, and faster progress with fewer unexpected delays. This, combined with specific expertise from the contractors that will build the project (in timely real market pricing, constructability guidance, and other areas), allows BCS to better control costs. Moreover, the ability to have the CM/GC do early work if applicable prior to completion of design may shorten the overall duration of construction. A shortened construction duration will allow BCS to more quickly open one or both facilities, as well as some of the outdoor community amenities at the Concord site. This will generally benefit the public by expanding recreational opportunities and events. Faster progress and an earlier completion date may also help BCS mitigate the risk of inflationary increase in materials and construction labor costs and the risk of non-compliance with grant funding agreements.

In addition, during constructability reviews in the design phase, the selected contractors will review long-term operating costs and advise BCS regarding the operational advantages and disadvantages associated with design alternatives. An evaluation of these alternatives will result in selections that match BCS's capacity for operations and maintenance and decrease long-term operating and maintenance costs.

Last, by selecting a CM/GC contractor through a competitive RFP process, versus a standard low-bid procurement, BCS will ensure the selected contractor is best able to maximize the savings to the overall Project budget described above.

c. *Public benefits that may result from granting the exemption.*

By utilizing an RFP process to select the CM/GC, BCS can select the contractor who can also

best maximize public benefits. With the CM/GC method, BCS expects to shorten the construction duration, mitigate change orders, enhance constructability and minimize inflation impacts. The CM/GC delivery method also provides an opportunity to minimize disruptions to the surrounding areas, including neighboring property owners and activities at both sites. All of these significant benefits are in the public's interest.

In addition, collaboration with a qualified CM/GC contractor early in the Projects' schedule allows the development of practical approaches that can achieve higher levels of participation by MWESB businesses. The CM/GC contractor's valuable advice throughout design will result in a more cohesive and higher-quality design being maintained through necessary value engineering.

With respect to using a competitive RFP process, the use of this alternative contracting method will allow BCS to identify, evaluate, and select contractors who can work with the public and maximize the aforementioned public benefits for these types of projects.

d. Whether value engineering techniques may decrease the cost of the public improvement

Utilizing a competitive RFP process to select a CM/GC contractor to provide input and constructability review directly with the design team during the early design phase will facilitate the value engineering process by ensuring the contractor is selected based upon specific experience in these areas. Utilizing the CM/GC delivery method ensures options can be considered while the design is being finalized and with minimal issuance of change orders during construction. Since the contractor is directly involved in value engineering evaluations, unrealistic or impractical options can be dismissed quickly when appropriate. When it occurs, value engineering on standard low-bid projects typically results in increased design costs because the completed design must be revised to accommodate the changes that result from value engineering. These additional costs may be avoided or limited under the CM/GC delivery method, thereby decreasing the cost of this public improvement.

This type of contract also allows the designer and contractor to more easily explore the feasibility of innovative design solutions and incorporate ongoing value engineering, which BCS expects to result in more innovative projects, at a lower cost, with shortened project completion times.

With respect to using a competitive RFP process, as before the use of this alternative contracting method will allow BCS to better identify, evaluate, and select contractors with requisite value engineering experience as part of the selection process.

e. The cost and availability of specialized expertise that is necessary for the public improvement.

With respect to the CM/GC delivery method, it will be a requirement in the RFP that the CM/GC have expertise in working on projects with similar size, scale, and complexity as the proposed Projects. The design and construction of specific project elements, including the interactive water feature and universal access playground, requires special expertise, knowledge, and experience, all of which can be factored into the contractor selection in the RFP process. The selection of a contractor with such specialized expertise to construct the Projects will result in a substantially lower risk to BCS, resulting in lower costs and increased benefit to the community.

The ability to factor expertise and experience into contractor selection is inherent in the RFP process, but is not normally part of the standard low-bid process. The standard process does not ensure a contractor will possess the needed special expertise because prospective bidders need meet only limited responsiveness criteria. The ability to consider each proposer's degree of expertise in these areas is an integral component of the CM/GC proposal evaluation process.

f. Any likely increases in public safety.

In terms of the competitive RFP process, the contractor's actual safety performance on similar past projects is critical and will be evaluated as part of the proposal review process. A competitive RFP procurement affords BCS the best opportunity to select contractors with proven, successful safety records.

These projects will require the utmost attention to public safety, as the surrounding uses include an active business district, fire station, overhead power lines, and single-family homes (Gladstone) and a residential neighborhood and adjacent state route (OR-99/McLoughlin Boulevard) (Concord). At the Concord site, informal passage through the site will need to be interrupted for some duration while permanent improvements are made.

Construction-generated staging, delivery, and parking activity will need to be considered in a comprehensive construction traffic safety and mitigation plan for both sites. Constant attention to needs of neighbors, visitors, and construction crews is crucial to maintaining a safe working and living environment for workers and the general public. By utilizing the CM/GC delivery method, the contractor will work with the project team during the design phase to understand, plan for, and minimize safety hazards and conflicts between the Projects and the public. The contractor will provide input into issues of project phasing, construction staging areas, construction access corridors, and scheduling to reduce impacts. The close teamwork provides maximum flexibility to address both anticipated issues and new concerns that may arise. Ultimately this input will increase the public safety of the Project and reduce the risk of delays and costly injury claims.

g. Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;

For the reasons previously identified, granting an exemption for alternative contracting and utilizing the RFP for selection of the CM/GC contractor reduce risk to BCS through Project cost savings. As detailed in section (f), granting of the exemption for the CM/GC delivery ensures the highest levels of project oversight and an increase to the safety of the public during construction. Using the RFP process further reduces risks by expanding the factors and qualifications considered in the contractor selecting process.

h. Whether granting the exemption will affect the sources of funding for the public improvement.

Construction of the Project will be funded through a variety of sources as outlined in Section B, including local bonding and System Development Charges ("SDCs"). The use of SDCs is permitted by existing policies. The exemption will allow use of the CM/GC alternative delivery, via competitive RFP selection, to best ensure timely progression to the construction phase and an efficient timeline for the construction phase. BCS expects both of these to enable

the project team to accept and utilize eligibility of the project for SDC funds under current policies.

- i. *Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement.*

Market conditions for construction in the Portland metro area are extremely busy, with rising construction costs and a tight labor market. General contractors have been able to be much more selective in the work they pursue. It will be important to package this work in the most attractive manner to draw quality contractors and to eliminate as many barriers as possible.

A competitive RFP procurement to select a CM/GC contractor will better enable BCS to manage construction bid risks within a robust construction market. BCS is more likely to attract experienced and capable general contractors using alternative contracting methods. In addition, using the CM/GC delivery method will provide the advantages of real-time market pricing during design to inform material and equipment selection. In addition, an alternative contracting method will allow BCS to collaborate with the contractors on items and installations that are not off-the-shelf, such as the universal access play area, the interactive water feature and the installation of public art integrated into the overall park design. Such elements/installations often require one-of-a-kind construction details for which the professional design community and/or construction industry do not have standard pricing structures.

Use of a standard low-bid approach in a tight or rising cost construction market increases the risk bids will exceed budget, with limited options to address overages through scope reductions. When bids exceed budget, it causes delay and budget problems as staff work to find solutions to make the project viable. Any delays translate into additional costs due to increasing construction material costs and other associated costs. Use of the CM/GC delivery methods will enable BCS to better respond to market conditions in a manner that results in a lower-cost Project.

- j. *Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement*

These Projects face several complexities making site design and construction more complex:

- *Site conditions and context:* working in a developed downtown setting next to an active fire station and proximate to overhead electrical wires, , working adjacent to a residential neighborhood, combining new construction with renovation of an existing structure, the need to maintain or detour public access;
- *Unique project elements:* the universal access play area, interactive water feature and installation of public art which require specialized and/or site-specific technical expertise, knowledge, and experience; and
- *Requirements of Settlement Agreement:* The 2017 Settlement Agreement between City of Gladstone and Clackamas County governing the development of the Projects required the design and development of two libraries, one in the Gladstone, Oregon and one in Oak Grove, Oregon.
- *Requirements of Intergovernmental Agreement:* The 2019 Intergovernmental Agreement between the City of Gladstone and Clackamas County outlined the Project design documents for the Gladstone Library to be completed by 12/30/21. Permits must be obtained, contractor must be procured and GMP proposal approved by board

by 6/30/22.

As noted previously, the CM/GC delivery method will better enable BCS to address these complexities in a more efficient and cost-effective manner. The competitive RFP selection process for a CM/GC contractor will ensure selection of a contractor with necessary experience to manage these complexities, require the contractor to demonstrate the necessary experience and expertise to address them, and require the contractor to perform work in accordance with a schedule that meets contract deadlines driven by financing and the owner's project delivery obligations to the community.

The selection of a contractor with demonstrated experience and success in implementing such projects increases the likelihood of the project being completed on budget and with fewer construction delays and change orders. This results in lower costs, lower risk, and increased benefit to BCS and the public. The CM/GC method will facilitate early identification and mitigation of risks by leveraging the expertise of the CM/GCs in addition to the county and designers.

Beyond the minimum requirements for bidder responsibility, a standard low-bid procurement does not permit an in-depth evaluation of a contractor's technical qualifications or proven ability to address these complex technical issues. Use of an RFP process for the CM/GC method, which will include several evaluation criteria in addition to price, allows BCS to evaluate a contractor's experience in similar work and in successfully navigating similar complexities.

k. Whether the public improvement involves new construction or renovates or remodels an existing structure.

The Projects include a combination of new construction, remodeling, and landscape improvements. Both projects will occur on sites with previous land uses and structures that could present unforeseen conditions. The Concord project requires the construction of a new building that will adjoin the existing structure, which is to be remodeled. The Gladstone project includes demolition of an existing structure, and new construction on the site. It also requires protection of hardscape, furnishings, parking and landscape elements on neighboring sites and public right-of-way, as well as protection of existing stormwater facilities; fire hydrants; overhead power lines; curb, gutter, and sidewalk; mature street trees, and a TriMet bus stop. BCS must ensure that both Projects are properly, safely, efficiently, and successfully implemented and considers the CM/GC process the preferred method for this as it allows for revising the design in close collaboration with the design team and resequencing work as needed.

In addition, the ability to perform early work under a CM/GC contract, such as additional soil testing or grading and excavation, provides the team opportunities to identify unforeseen conditions at the project site and thereby enables project designers to efficiently address design changes during the design phase, rather than during the construction phase.

The qualifications-based RFP process will allow BCS to give appropriate weight to proposers that are skilled and experienced in performing similar site work. Because of the nature of constructing park improvements on a site formerly utilized for commercial buildings, it will be important for BCS to select a contractor with experience in addressing unforeseen conditions.

l. Whether the public improvement will be occupied or unoccupied during construction.

For both projects, the construction area will be proximate to, but closed off from, adjacent properties and uses that must remain accessible. At the Concord site, pass-through traffic will need to be interrupted during all or part of the construction. At the Gladstone site, the site itself will be vacant during construction, but immediately adjacent properties, including a fire station, will remain open and operational throughout construction. A CM/GC contractor provides the expertise on construction staging, access, detouring, sequencing, scheduling, and proactive communications that will be required to maintain public safety and minimize disruption as much as possible around the sites without compromising budget compliance or timely completion. The use of the competitive RFP process to select the CM/GC will ensure this expertise is available.

m. Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions.

It is expected that the construction efforts for the Projects will be a single phase. However, BCS will look to the CM/GC to determine the most appropriate phasing based on the scope of work.

In addition, the ability of the parties to perform early work if advantageous before the design is completed may allow construction to be completed earlier. Moreover, where appropriate, early work may be performed to investigate potential unforeseen conditions that could impact the Projects' designs, thus avoiding costly re-design work and change orders. The use of the competitive RFP process to select the CM/GC will ensure the input is provided to make the best decision for successful project execution.

n. Whether the contracting agency has retained under contract, and will use contracting agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency will use to award the public improvement contract and to help negotiate, administer, and enforce the terms of the public improvement contract.

A Project team has been established that includes staff from BCS, County Counsel, and County Procurement that will actively participate in the project from inception to completion. BCS will retain the services of an owner's representative to assist with the procurement and contracting phase and construction management services during construction. BCS has also retained the services of an architect-led design team and will retain other consultants as needed throughout the project. The combination of staff and consultants have experience completing similar projects using the CM/GC project delivery methods and have the necessary qualifications and expertise to negotiate, administer, and enforce the terms of the public improvement contract.

D. Contract Terms and Conditions

The technical complexities and uncertainties of the Project make it critical for the contract to contain specific terms and conditions that will increase efficiency and result in reduced costs. The above referenced Project team along with the owner's representative will ensure the resulting contract includes industry best practices, mitigates BCS and the Project's risk exposure, and ensures that fees are fair and reasonable for the project. County Counsel will also ensure that the contract includes all

legally required public procurement terms.

E. Reservation of Rights

ORS 279C.335(6) provides that the representations in and the accuracy of these findings are the bases for a contract-specific exemption if adopted by a Board of County Commissioners resolution. These findings also describe, to some extent, anticipated features of the RFP and resulting public improvement contract, but the final parameters of the contract are those characteristics that will be announced in the solicitation document, and BCS specifically reserves all of its rights in this regard.

G. Recommendation

A competitive RFP process to procure a CM/GC contractor is the preferred option for the Project. The RFP process will ensure that the selected contractors have the experience, expertise, and past performance to position the Project for success. Further, the RFP competitive process ensures that meaningful competition will occur and that favoritism is not an element of the selection process. All these factors will assist BCS in achieving fair and equitable selection of a contractor that will deliver both good design and successful completion while minimizing public impacts, controlling construction costs, and meeting an agreed-upon schedule.

Utilizing the CM/GC delivery method will enable the selected contractor to collaborate in the design effort and will yield the most cost-effective and practical choices in design options while still allowing BCS to retain control of the design and costs. Perhaps most importantly, the CM/GC method will provide the team collaboration needed to meet financing timelines for construction and allow for a smoother and timelier progression to the start and completion of construction. This ultimately results in substantial cost savings and other substantial benefits, as described above, to BCS.

BCS staff therefore recommends adoption of a resolution approving a contract-specific exemption for the Project that permits use of the CM/GC delivery method, and to permit use of the competitive RFP process to award a CM/GC contract.