



Lynn Peterson
Chair

Commissioners
Bob Austin
Jim Bernard
Charlotte Lehan
Ann Lininger

BOARD OF COUNTY COMMISSIONERS

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

AGENDA

WEDNESDAY, DECEMBER 22, 2010 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2010-142

I. PRESENTATIONS *(Following are items of interest to the citizens of the County)*

1. Presentation of the Water Environment Services Staff for Achievements in the Department's Financial Service Reporting (Doug Waugh, WES)
2. Presentation of the Clackamas County Government Channel Programming Awards for 2010 (Debbie McCoy and Steve Lobel, Cable Communications)

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

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

Elected Officials

1. Resolution No. _____ Clarifying Federal Jurisdiction for Protecting Surface Water Under the Clean Water Act (Commissioner Bob Austin)
**this item is continued from the 12-16-2010 Business Meeting*

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

A. Health, Housing & Human Services

1. Approval of a Professional, Technical, and Consultant Service Contract with Albertina Kerr Center for Mental Health Services – *Behavioral Health*
2. Approval to Apply for the Health Resources and Services Administration (HRSA) Expanded Services Grant to Expand Services Under the Federally Qualified Health Center – *Community Health*

B. Department of Transportation & Development

1. Board Order No. _____ Recognizing the Oswego Lake Watershed Council as the Official Watershed Council for the Oswego Lake Basin

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval of an Intergovernmental Agreement and Acceptance of Grant Funds from the Oregon Department of Transportation (ODOT) for Enhanced Multi-Unit Traffic Enforcement in Clackamas County - CCSO
3. Approval of an Intergovernmental Agreement and Acceptance of Grant Funds from the Oregon Department of Transportation (ODOT) for Chain Enforcement in Clackamas County - CCSO

D. Business and Community Services

1. Approval of a Lease Agreement between North Clackamas Parks and Recreation District and Clackamas County for the Parking Lot Facilities at the New Sunnyside Village Library Site *(also on agenda as V.1.)*

E. County Counsel

1. Approval of a Settlement in Johnson v. Clackamas County (US District Ct. # 08-1379 BR) and Johnson v. Mantay et al (US District Ct. # 09-1406 BR)

V. NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

1. Approval of a Lease Agreement between North Clackamas Parks and Recreation District and Clackamas County for the Parking Lot Facilities at the New Sunnyside Village Library Site *(also on agenda as D.1.)*

VI. WATER ENVIRONMENT SERVICES

1. Approval of a Joint Funding Agreement between Clackamas County Service District No. 1, the Surface Water Management Agency of Clackamas County, and the US Geological Survey for Stream Flow Measuring Work
2. Approval of a Joint Funding Agreement between Clackamas County Service District No. 1, the Surface Water Management Agency of Clackamas County and the US Geological Survey for Hydrologic Monitoring in the Johnson Creek Watershed
3. Approval of a Joint Funding Agreement between Clackamas County Service District No. 1, the Surface Water Management Agency of Clackamas County and the US Geological Survey for Tualatin River Monitoring

VII. COMMISSIONERS COMMUNICATION

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

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



Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

December 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

PRESENTATION TO WATER ENVIRONMENT SERVICES STAFF
FOR ACHIEVEMENTS IN THE DEPARTMENT'S FINANCIAL SERVICES REPORTING

The Government Finance Officers Association (GFOA) established the Certificate of Achievement for Excellence in Financial Reporting Program (Program) to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure and then to recognize individual governments that succeed in achieving that goal.

Reports submitted to the Program are reviewed by selected members of the GFOA professional staff and the GFOA Special Review Committee, which comprises individuals with expertise in public-sector financial reporting and includes financial statement preparers, independent auditors, academics, and other finance professionals.

Water Environment Services (WES) staff provides these services to Clackamas County Service District No. 1 and the Tri-City Service District. Financial management and accounting services, including preparation of the annual audit for each District, are among these services. The GFOA has recognized the Districts with Certificates of Achievement in Financial Reporting for 16 consecutive years. These awards are presented for the fiscal year ended June 30, 2009.

Sincerely,

Michael S. Kuenzi
Director

For information on this issue or copies of attachments,
please contact Kathy Frasier at 503-742-4566.



Debbie McCoy
Manager

CABLE COMMUNICATIONS

PUBLIC SERVICES BUILDING

2051 KAEN ROAD OREGON CITY, OR 97045

December 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

PRESENTATION OF THE GOVERNMENT CHANNEL PROGRAMMING AWARDS FOR 2010

The Cable Communications Division is pleased to present to the Board of County Commissioners the recent programming awards received for our Government Channel productions. At the NATOA (National Association of Telecommunications Officers and Advisors) 25th Annual Government Programming Awards competition on October 1, 2010 in Washington, D.C., we received two First Place Awards; three Second Place Awards; two Third Place Awards plus three Honorable Mentions. Additionally, the channel received two Awards of Excellence, two Awards of Distinction and two Honorable Mentions from The Videographer Award competition held in May of this year and one Award of Excellence from Best of the Northwest.

We have a video clip to show you the highlights of our achievements. These will include our honors from the NATOA awards competition which received nearly 1,700 entries. The Channel was awarded Second Place in Overall Programming Excellence in this national competition. We received a First Place for "Bike It" by producer Burk Webb and for "Inside Clackamas County—Camp Kiwanis" written and hosted by Kimberly Jacobsen and Marc Ivanish as producer. We also received Second Place Awards for "Oregon's 150th Anniversary—Road Trip to Remember" by producer Marc Ivanish and for the County Commission Business Meeting Open by producer Valerie Garrison and Third Place Awards for "Plugged In", director Valerie Garrison and for "Inside Clackamas County—magazine series" hosted and written by Kimberly Jacobsen with videographers Marc Ivanish, Chris Miller and Valerie Garrison. Honorable Mention was received for "Cents and Sustainability" by producer Larry Bollinger; "Gentle Horse" by producer Valerie Garrison; and "Greening of Red Soils" by producer Marc Ivanish.

The Channel won an Award of Excellence in the Best of the Northwest competition for "Bike It" by producer Burk Webb. Additionally, we received an Award of Excellence in the Videographer Awards for "Inside Clackamas County—Landmarks" written and hosted by Kimberly Jacobsen with videographer Marc Ivanish and for "Oregon's 150th Anniversary—Road Trip to Remember" by Producer Marc Ivanish. An Award of Distinction from Videographer Awards was presented for "Cents and Sustainability" by producer Larry Bollinger and "Inside Clackamas County—Camp Kiwanis" written and hosted by Kimberly Jacobsen with videographer Marc Ivanish. Finally, Honorable Mention from Videographer Awards was received for "Bike It" by producer Burk Webb and for "What Lies Beneath their Feet" by producer Alison Grayson.

These programming competitions are highly competitive with entries from throughout the United States and some international entries. Clackamas County Cable Communications is pleased to have won 17 awards this year for our programming. Since its inception the Government Channel has won 177 awards.

Respectfully submitted,

Debbie McCoy, Manager
Cable Communications



Lynn Peterson
Chair

Commissioners
Bob Austin
Jim Bernard
Charlotte Lehan
Ann Lininger

BOARD OF COUNTY COMMISSIONERS

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

December 22, 2010

Board of County Commissioners
Clackamas County

Members of the Board:

**Resolution Clarifying Federal Jurisdiction for Protecting Surface Water
Under the Clean Water Act**

This item was discussed at the December 16, 2010 Business Meeting. It was decided by the Board to continue this until the next Business Meeting (12-22-10) for further review.

In 1972, Congress passed the Clean Water Act to protect all "Waters of the United States." For almost 30 years, both the courts and the agencies responsible for administering the Clean Water Act interpreted it broadly to protect our nation's waters.

However, in two recent decisions, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* in 2001 and *Rapanos v. United States* in 2006, the Supreme Court ignored Federal Congressional intent and narrowly interpreted the scope of waters covered by the Clean Water Act, placing in doubt pollution safeguards for many vital wetlands, lakes and streams. Without Congressional intervention to restore the Clean Water Act protection for waters that were protected prior to 2001, these valuable waters will continue to be polluted and destroyed.

The Environmental Protection Agency estimates that over 50% of the streams in Oregon are intermittently flowing and/or headwater streams. These smaller streams are critical components of watersheds in Clackamas County and provide important drinking water, flood control, recreational opportunities, and aquatic habitat functions and are among those at risk of losing Clean Water Act protections based upon recent Supreme Court decisions. Although Clackamas County is not a provider of municipal drinking water, we share a vital role in ensuring the long term protection of this important natural resource for all of our citizens.

RECOMMENDATION:

I respectfully recommend the Board adopt the attached resolution clarifying Federal Jurisdiction for Protecting Surface Water under the Clean Water Act to encourage Congress to take action to re-expand the Environmental Protection Agency's Clean Water Act jurisdiction. There are no costs associated with the enactment of this resolution; County Counsel has reviewed this resolution. Your favorable consideration is requested.

Sincerely,

Robert Austin
Clackamas County Commissioner

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

**Resolution Clarifying Federal
Jurisdiction for Protecting Surface
Water Under the Clean Water Act**



**Resolution No.
Page 1 of 2**

Whereas, all Americans need clean water and healthy watersheds to ensure clean and safe drinking water supplies and outdoor recreation, and to protect bridges, roads, hospitals, treatment plants, and other critical infrastructure; and

Whereas, county officials are on the front lines in protecting the health, safety, and welfare of our citizens; and

Whereas, for nearly 30 years, virtually all natural surface waters were "waters of the United States" and protected by the Clean Water Act; and

Whereas, counties across the nation are facing increased flooding, surface water pollution, toxic blue-green algae outbreaks, and problems caused by jurisdictional determinations—all related to the lack of enforcement of the original Clean Water Act of 1972; and

Whereas, the Environmental Protection Agency estimates that over 117 million people in 5,646 public drinking water supply systems rely on surface water protection areas within headwater and seasonal streams; and

Whereas, water flows downhill and across county and state lines; and

Whereas, nearly 20 million Americans fall ill every year from drinking water contaminated with parasites, bacteria or viruses; and

Whereas, wetlands are among the most productive ecosystems in the world, providing habitats for many kinds of plants and animals, including more than one-third of the United States' threatened and endangered species; and

Whereas, wetlands play an important role in providing a number of ecological services, including flood protection and control; erosion and sedimentation prevention and control; surface water filtration; groundwater recharge; and support for economic activity that depends on healthy populations of fish and wildlife; and

Whereas, wetlands provide opportunities for recreation, education, and research as well as measurable economic contributions; and

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

**Resolution Clarifying Federal
Jurisdiction for Protecting Surface
Water Under the Clean Water Act**



**Resolution No.
Page 2 of 2**

Whereas, the Clean Water Act's jurisdiction over wetlands and all waters of the United States has been made uncertain by U.S. Supreme Court decisions in *Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers* and related cases *Rapanos v. United States* and *Carabell V. United States*; and an estimated 20 million acres of wetlands and 59% of all stream miles in the lower 48 states are jeopardized by the Supreme Court decisions; and

Whereas, with the issuance by the U.S. Corps of Engineers and the U.S. Environmental Protection Agency of supplementary guidance concerning Clean Water Act jurisdiction, confusion over federal jurisdiction under the Clean Water Act persists, adding substantial delays to valid permit actions and otherwise undermining the ability of the federal government and the states (whose wetland programs are legally intertwined with the Clean Water Act) to protect intermittent streams and isolated wetlands, placing many wetlands and streams at risk of pollution and destruction; and

Now therefore, be it Resolved that the Clackamas County Board of Commissioners supports clarifying Federal jurisdiction of protecting surface water under the Clean Water Act, and we encourage the U.S. Congress to take action to re-expand the Environmental Protection Agency's Clean Water Act jurisdiction.

Dated this ~~16th~~ day of December, 2010.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

December 22, 2010

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of a Professional, Technical, and Consultant Service Contract with
Albertina Kerr Centers for Mental Health Services**

The Clackamas County Behavioral Health Division of the Health, Housing and Human Services Department (H3S) requests the approval of a Professional, Technical, and Consultant Service Contract with Albertina Kerr Centers for Mental Health Services.

The contractor shall act as the Care Management Organization for the Children's Wraparound Initiative of the Clackamas Mental Health Organization (MHO). They will provide care coordination services for eligible children and families who are Clackamas MHO members.

Total amount of this contract is \$175,770. No County General Funds are involved. County Counsel has reviewed and approved this contract as part of the H3S contract standardization project. It is effective January 1, 2011 and terminates December 31, 2011.

Recommendation

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

Respectfully submitted,



Cindy Becker
Director

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

December 22, 2010

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval to Apply for the Health Resources and Services Administration (HRSA)
Expanded Services (ES) Grant to expand services under the
Federally Qualified Health Center (FQHC)**

The Clackamas County Community Health Division (CCCHD) of the Health, Housing, and Human Services Department (H3S) requests the approval to apply for the Health Resources and Services Administration (HRSA) Expanded Services (ES) Grant for supplemental funding to expand services under the FQHC.

HRSA has released service expansion funding for existing health centers across the Nation. Based on the funding formula, CCCHD is eligible for approximately \$270,000. These funds will be used to pay for costs of expanded hours and services at the Beavercreek Clinic and increased outreach and health promotion to underserved populations.

The grant funding is formulaic and equates to approximately \$270,000. Insurance and patient fees generated by service provision will help support the cost of the expansion. This grant application covers the proposed project period of April 1, 2011 to March 31, 2012. CCCHD requests approval for 3.0 additional FTE upon notice of funding.

Recommendation

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

Respectfully submitted,



Cindy Becker
Director

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



COPY
Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

December 22, 2010

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

Board Order to Formally Recognize the Oswego Lake Watershed Council as the Official Watershed Council for the Oswego Lake Basin

This proposed action to formally recognize the Oswego Lake Watershed Council as the official watershed council for the Oswego Lake Basin was discussed by the Board during the November 9, 2010 Study Session.

The Oregon Plan for Salmon and Watersheds was developed in 1997 to facilitate a statewide framework for communities to create local organizations representing the diverse local interests of a community on a watershed scale. Watershed Councils were introduced to help coordinate and prioritize restoration efforts at the local level.

The Oswego Lake Watershed Council (OLWC) was formed in 2010 as a locally organized, non-profit and non-regulatory watershed stewardship organization established to improve the condition and health of the Oswego Lake watershed and its stream network. The council membership includes individuals from the local community, including: property owners; neighborhood groups; conservation organizations; government representatives (including the City of Lake Oswego); the Lake Oswego School District; local businesses; the Lake Oswego Corporation, and other interested parties. The Council engages these individuals to cooperatively develop partnerships with the Council, and to prioritize, obtain funding, and implement restoration projects within the watershed.

Recognition of the OLWC would strengthen the validity of the organization and begin a partnering relationship between the County and the OLWC to facilitate attainment of grant funds for local restoration efforts, including fish passage projects in County road rights of way. Potential funding from the Oregon Watershed Enhancement Board, a significant grant funding source, requires formal recognition of watershed councils as a condition of grant consideration.

County Counsel has reviewed and approved this resolution.

RECOMMENDATION

Staff respectfully recommends the Board adopt the attached order to formally recognize the Oswego Lake Watershed Council as the official watershed council for the Oswego Lake Basin.

Sincerely,

Mike Bezner, PE
Transportation Engineering Manager

For information on this issue or copies of attachments
please contact Jennifer Snyder at (503) 742-4688

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

In the Matter of a Resolution
For the Recognition and
Endorsement of Oswego Lake
Watershed Council



Order No.
Page 1 of 2

WHEREAS, Clackamas County recognizes the community livability and economic values associated with clean, healthy streams and watersheds; and

WHEREAS, the State of Oregon has enacted ORS.541.405-420 dealing with watershed management and enhancement; and

WHEREAS, The State has created the Oregon Watershed Enhancement Board to initiate a watershed management program that relies on the establishment of voluntary local watershed councils that provide for the development of local plans that may include, but are not limited to the assessment of the watershed condition, the creation of watershed action plans and a strategy for implementing these plans; and

WHEREAS, Oswego Lake Watershed Council is a voluntary, limited authority, non-partisan organization dedicated to conserving, protecting and enhancing the natural resources within its diverse systems of creeks and drainages flowing to the Willamette River and bounded within the Oswego Lake watershed; and

WHEREAS, Clackamas County, through its Departments, will seek to cooperatively partner with the Council to identify and implement projects and programs that meet mutual goals; and

WHEREAS, the Watershed Council will provide an annual report to the County and other Conservation Partners on local restoration activities and accomplishments.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for Clackamas County recognizes the formation of the Oswego Lake Watershed Council and further agrees to support the Oswego Lake Watershed Council's efforts to conserve natural resources and protect water quality within its established watershed boundary.

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

In the Matter of a Resolution
For the Recognition and
Endorsement of Oswego Lake
Watershed Council



Order No.
Page 2 of 2

DATED this 22nd day of December, 2010.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

COUNCIL STATEMENT
OSWEGO LAKE WATERSHED COUNCIL
Adopted June 23, 2010

Our Vision

The vision of the Oswego Lake Watershed Council is a healthy properly functioning watershed. This vision is of streams, wetlands, riparian forests, upland forests/trees, Oswego Lake, and other natural resources working together as a sustainable ecological system that supports good water quality, productive habitat for native plant and animal communities, and enhanced quality of life.

Our Mission

The mission of the Oswego Lake Watershed Council is to foster stewardship, education, participation, and financial support for the purpose of the conservation, restoration, enhancement, and maintenance of watershed functions that achieve and sustain a healthy watershed.

What is the Oswego Lake Watershed Council?

The Oswego Lake Watershed Council (OLWC) is a locally organized, non-profit, non-regulatory watershed stewardship organization established to improve the condition and health of the Oswego Lake watershed and its stream network.

The Council was formed in 2010.

The council membership includes individuals from the local community, property owners, neighborhood groups, conservation organization, government representatives (including the City of Lake Oswego), the Lake Oswego School District, local businesses, the Lake Oswego Corporation, and other interested parties.

- These stakeholders or partners represent local knowledge with ties to the existing community and watershed complexity.

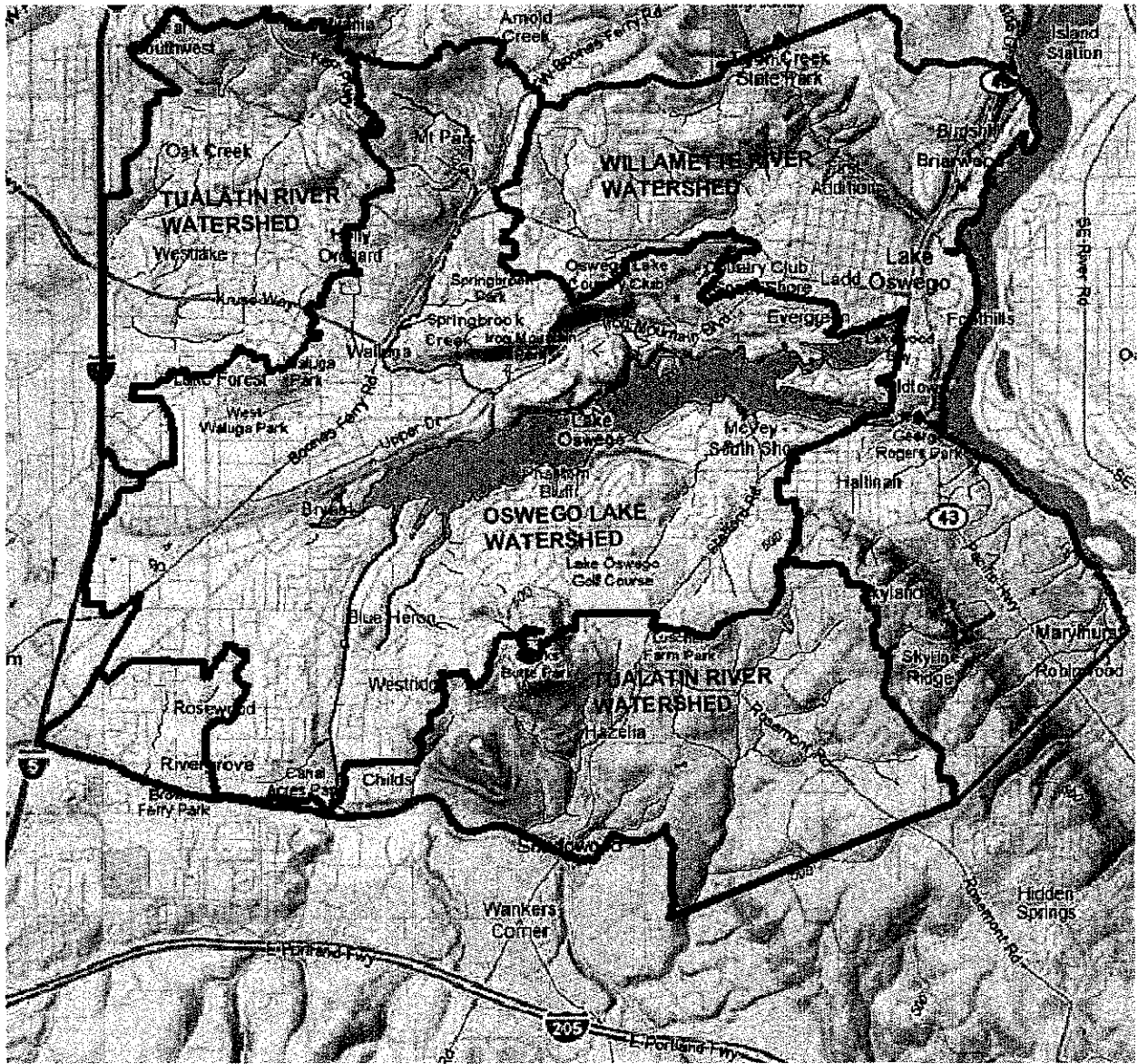
What does the Oswego Lake Watershed Council do?

- The council fosters the planning, development, funding, and implementation of projects to enhance, restore, and maintain physical, chemical, and biological integrity of the Oswego Lake watershed.
- The council develops a dynamic strategic watershed action plan to foster the conservation and restoration of watershed and stream functions in a holistic way from ridge top to ridge top and from headwaters to and including Oswego Lake.
- The council monitors watershed health parameters and progress toward achieving the watershed vision.

- The council monitors project effectiveness.
- The council researches and organizes data that provides awareness and knowledge of watershed health.
- The council performs condition assessment projects that enhance awareness and understanding of the watershed and facilitate adaptive management of the dynamic strategic watershed action plan.
- Through this watershed partnership, council members collaborate to identify issues, promote cooperative solutions, focus resources, agree on goals for watershed conservation, enhance natural watershed functions, and foster communication among all watershed interest.
- The council identifies landowner participants for important projects, develops priorities for local projects, and establishes goals and standards for future conditions in the watershed.
- The council promotes continuing education and outreach to inform people about watershed processes and functions.
- The council provides coordinated, broad-based review of land management plans to local, state, and federal decision-makers.
- The council helps bring state, federal and private funding to our local community for ecosystem restoration, monitoring and education.

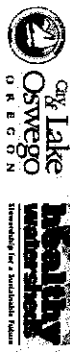
What are the benefits of the watershed council?

- The council is a forum to work across jurisdictional boundaries and across agency mandates to look at the watershed more holistically.
- The council is a forum to bring local, state, and federal agencies and plans together with local property owners and private land managers.
- The council is a forum that provides local people with a voice in watershed, wetland, and stream management that can positively influence watershed management decisions.
- The council, together with its partners, makes a significant positive impact on the local environment, economy, and community.



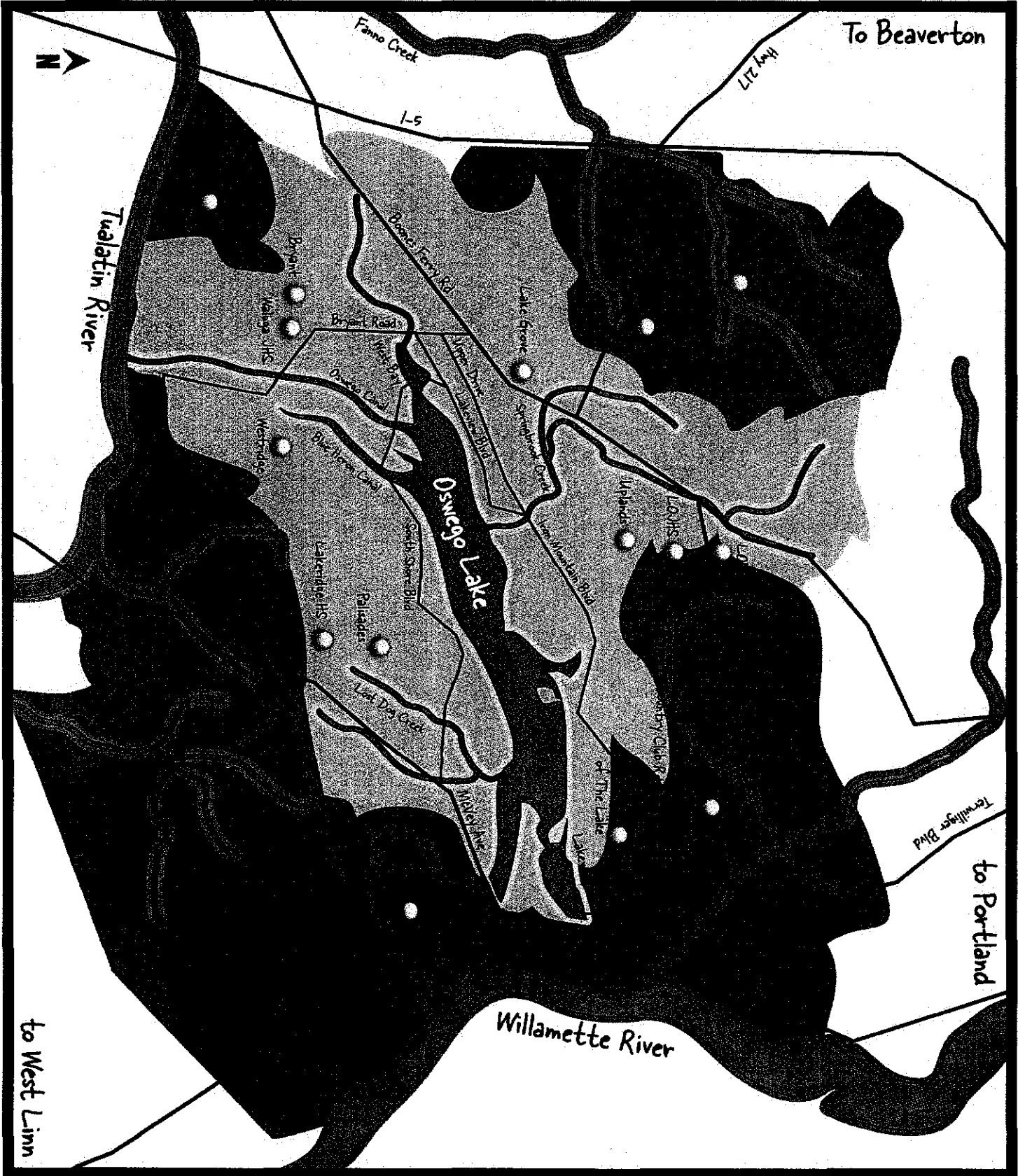
Oswego Lake Watershed Map, Lake Oswego, Oregon
Adopted, June 23, 2010

LAKE OSWEGO WATERSHEDS



LEGEND

- School
- Road
- River, Stream, Creek
- Willamette River Watershed
- Oswego Lake Watershed
- Tualatin River Watershed



BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

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

Wednesday, November 10, 2010 – 10:30 AM

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

PRESENT: Commissioner Lynn Peterson, Chair
Commissioner Bob Austin
Commissioner Charlotte Lehan
Commissioner Ann Lininger

EXCUSED: Commissioner Jim Bernard

~Pledge of Allegiance~

Chair Peterson announced that Commissioner Bernard is out of the office and will not be in attendance today.

I. PREVIOUSLY APPROVED LAND USE BOARD ORDER

(Dan Chandler, County Counsel)

1. Board Order **2010-124** in the Matter of a Comprehensive Plan Amendment and Zone Change for North Clackamas Parks and Recreation District
File No. Z0734-09-CP/Z0735-09-Z

MOTION:

Commissioner Austin: I move we approve the Board Order denying the Comprehensive Plan Amendment and Zone Change for the North Clackamas Parks and Recreation District as decided at the September 29, 2010 Land Use Hearing. ”

Commissioner Lehan: Second.

Chair Peterson – all those in favor:

Commissioner Lininger: Aye.

Commissioner Lehan: Aye.

Commissioner Austin: Aye.

Chair Peterson: Aye.

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

II. PRESENTATION

1. Veterans Day Presentation

Brenda Durbin, Social Services presented the staff report. She introduced Rich Rutherford, Clackamas County Veteran's Services who spoke about the services offered at the Veteran's office and acknowledged every Veteran who serve our country – and Maureen Thompson, Community Solutions for Clackamas County who spoke about the Hire Vets program and services offered to Veterans.

The Board asked all Veteran's in the audience to stand for recognition – they invited everyone to attend the “Circle of Honor Veteran's Memorial” dedication in the plaza at 11:00 today.

III. CITIZEN COMMUNICATION - NONE

IV. DISCUSSION ITEM

Business & Community Services

1. Board Order No. **2010-125** Authorizing County Parks to Honor Oregon State Parks Special Access Pass for Veterans with Service-Connected Disabilities and Active Military on Leave

Gary Barth, Business & Community Services presented the staff report. He introduced Chris VanDuzer and Rachelle Bonsi from his staff who worked on the project.

Chair Peterson announced this is a discussion item and asked if anyone wished to speak, seeing none she asked for a motion.

MOTION:

Commissioner Lininger: I move we approve the Board Order Authorizing County Parks to Honor Oregon State Parks Special Access Pass for Veterans with Service Connected Disabilities and Active Military on Leave.””

Commissioner Lehan: Second.

~Board Discussion~

Chair Peterson – all those in favor:

Commissioner Lininger: Aye.

Commissioner Lehan: Aye.

Commissioner Austin: Aye.

Chair Peterson: Aye.

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

V. CONSENT AGENDA

MOTION:

Commissioner Austin: I move we approve the Consent Agenda.

Commissioner Lininger: Second.

Chair Peterson – all those in favor:

Commissioner Lininger: Aye.

Commissioner Lehan: Aye.

Commissioner Austin: Aye.

Chair Peterson: Aye.

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

A. Health, Housing & Human Services

1. Approval of an Intergovernmental Agreement with the City of Gladstone for Diversion Panel Services - CYF

2. Approval of an Intergovernmental Agreement with the City of Milwaukie for Diversion Panel Services – CYF

3. Approval of an Agency Service Contract with the Children’s Center of Clackamas County for Child Abuse Assessment Services – CYF

4. Approval of an Intergovernmental Agreement with the State of Oregon Department of Human Services for Ticket to Work Program – BH

5. Approval to Apply for a Grant from the US Department of Housing and Urban Development Supportive Housing Program for the Canby SHP Leasing II Program to Obtain Permanent Housing for the Homeless – SS

6. Approval to Apply for a Continuation Grant for Oregon Department of Transportation Special Transportation Formula Funds through Ride Connection, Inc., for Services Provided by Members of the Transportation Consortium of Clackamas County for Clackamas County Seniors and People with Disabilities – SS
7. Approval of a construction Agreement between the Community Development Division and Frank Construction for Building Improvements for the Gladstone Relief Nursery Project - CD

B. Department of Transportation & Development

- *1. **REMOVED** - Approving of the Tualatin Valley Fire and Rescue Ordinance 10-02 Revisions Regarding Fire Codes and Related Standards

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval of an Intergovernmental Agreement between Clackamas County, Tri-County Metropolitan Transportation District of Oregon (Tri-Met) and the City of Portland for Transit Police Services - CCSO

D. Department of Employee Services

1. Approval of Employee Benefit Renewals and Nonrepresented Benefit Cost Sharing Effective January 1, 2011

VI. WATER ENVIRONMENT SERVICES

1. Approval of an Agreement between Clackamas County Service District No. 1 and the Stettler Supply and Construction for the Kellogg Creek Water Pollution Control Plant Systems Maintenance Project
2. Approval of an Agreement between Tri-City Service District and Robert Gray Partners, Inc. for the Tri-City Water pollution control Plant Temporary Biosolids Storage Building Project

VII. COMMISSIONERS COMMUNICATION

Chari Peterson adjourned the meeting in honor of all Veteran's who made the ultimate sacrifice for Clackamas County and our Country.

MEETING ADJOURNED – 10:57 AM

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



Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

December 22, 2010

Board of County Commissioners
Clackamas County

Request by the Clackamas County Sheriff's Office to Accept Grant Funds and enter into an Intergovernmental Agreement with the Oregon Department of Transportation for Enhanced Multi-unit Traffic Enforcement in Clackamas County

The Clackamas County Sheriff's Office is requesting approval to enter into an Intergovernmental Agreement and accept a one year grant from the Oregon Department of Transportation in the amount of \$35,000. The intent of this grant is to identify three primary enforcement locations, determine the top driver errors, and focus multi-unit enforcement along with public information and education of those primary driver errors in selected locations.

The grant provides funds to pay overtime costs for Clackamas County Sheriff's Deputies and police officers from other cities to focus on particular problem areas in the county. The Sheriff's Office will provide coordination between the county and local police departments to develop enforcement details in selected areas to focus on specific locations with specific problems. The selected locations will be captured using tactical zones selection for each citation issued or crash report completed.

The grant application was approved by Steve Wheeler, County Administrator on November 29, 2010.

The project period runs from October 1, 2010 to September 30, 2011.

The Sheriff's Office requests approval to accept the Enhanced Multi-unit Traffic Enforcement Grant in the amount of \$35,000 to continue traffic safety efforts in Clackamas County.

Sincerely,


Craig Roberts,
Sheriff

"Working Together to Make a Difference"



Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

December 22, 2010

Board of County Commissioners
Clackamas County

Request by the Clackamas County Sheriff's Office to Accept Grant Funds and enter into an Intergovernmental Agreement with the Oregon Department of Transportation for Chain Enforcement in Clackamas County

The Clackamas County Sheriff's Office is requesting approval to enter into an Intergovernmental Agreement and accept a one year grant from the Oregon Department of Transportation in the amount of \$12,200. The intent of this grant is to provide overtime chain enforcement focusing on motor carrier vehicles on the US Highway 26 mountain pass, as well as provide educational press releases or presentations aimed at reducing the amount of fatal and serious injury crashes along with all crashes due to hazardous driving conditions.

The US Highway 26 mountain pass is deemed an Oregon Department of Transportation Safety Corridor; thus, Clackamas County and the Oregon State Police provide regular and overtime chain enforcement and safety corridor enforcement in this area. The grant provides funds to pay overtime costs for Clackamas County Sheriff's Deputies to provide chain enforcement and safety corridor enforcement in the mountain pass and on segments of roadways that are severely affected by winter storms.

The grant application was approved by Steve Wheeler, County Administrator on November 29, 2010.

The project period runs from October 1, 2010 to September 30, 2011.

The Sheriff's Office requests approval to accept the Chain Enforcement Overtime Grant in the amount of \$12,200 to continue promoting traffic safety in Clackamas County.

Sincerely,

Craig Roberts,
Sheriff

"Working Together to Make a Difference"



CLACKAMAS COUNTY

D.1 AND V.1

Agnes Sowle
ACTING COUNTY COUNSEL

David W. Anderson
Scott Ciecko
Daniel Chandler
Kathleen J. Rastetter
Scot A. Sideras
Chris Storey
Kimberley A. Ybarra-Cole
Assistants

December 22, 2010

Board of County Commissioners of
Clackamas County

Board of County Commissioners as
Governing body of North Clackamas Parks
and Recreation District

Members of the Board:

APPROVAL OF LEASE BETWEEN
CLACKAMAS COUNTY
AND
NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

Clackamas County, through its Department of Business and Community Services as manager of the County Library System ("BCS") desires to lease space from the North Clackamas Parks and Recreation District ("NCPRD") to provide shared parking for both library patrons for the new county library site serving the Happy Valley-Damascus service area and for park patrons of the Village Green Park owned and operated by NCPRD. BCS and NCPRD have negotiated an equitable agreement regarding the rent, terms and conditions for a 30-year non-exclusive lease of the existing parking at the Village Green Park. The NCPRD advisory board has been apprised of the proposal and has no objection to the lease.

Attached is a Lease between NCPRD and BCS for the parking lot. The legal description and map are slightly larger than the estimates of the area to be leased as a reserve against changes necessary after construction of stormwater and other improvements in the parking area by BCS. The parties intend to review the boundaries after construction of the parking lot improvements and finalize the legal description for recordation.

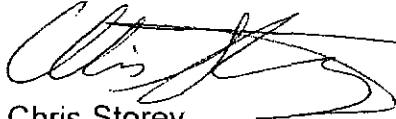
RECOMMENDATION:

Staff recommends that the Board of County Commissioners of Clackamas County, acting as the governing body of North Clackamas Parks and Recreation District, approve and execute the Lease.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners of Clackamas County, approve and execute the Lease.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Storey", with a long horizontal line extending to the right.

Chris Storey
Assistant County Counsel

For information on this issue or copies of attachments, please contact Chris Storey at 503-742-4623.



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD OREGON CITY, OR 97045

Agnes Sowle
Interim County Counsel

David W. Anderson
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D. Daniel Chandler
Assistants

December 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

APPROVAL OF SETTLEMENT IN
JOHNSON V. CLACKAMAS COUNTY (US DIST CT # 08-1379 BR)
AND JOHNSON V. MANTAY ET AL (US DIST CT # 09-1406 BR)

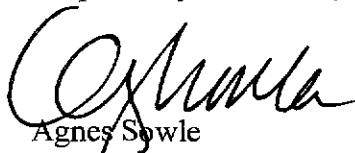
On December 7, 2010, County Counsel met with the Board in executive session to discuss the status of these two cases and to obtain direction as to settlement negotiations. The Board directed County Counsel to attempt to negotiate a settlement of both cases together.

As a result, County Counsel has negotiated a settlement of all claims against the County and its current and former County employees for payment of \$250,000.

Recommendation

County Counsel recommends approval of the settlement of all claims in *Johnson v. Clackamas County* and *Johnson v. Mantay, et al* for payment of \$250,000 and directs County Counsel to enter into an appropriate settlement agreement.

Respectfully Submitted,


Agnes Sowle
Interim County Counsel



WATER
ENVIRONMENT
SERVICES

Beyond clean water.

Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

December 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

**APPROVAL OF A JOINT FUNDING AGREEMENT (JFA) BETWEEN
CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 (CCSD#1), THE SURFACE WATER
MANAGEMENT AGENCY OF CLACKAMAS COUNTY (SWMACC), AND THE U. S.
GEOLOGICAL SURVEY (USGS) FOR STREAM FLOW MEASURING WORK**

Four stream flow measuring crest-stage gages in CCSD#1 and one in SWMACC have been maintained by the USGS since July 2001. This agreement will continue to provide useful information about surface water flows, and shed light on the interrelationship between stream flows and shallow groundwater levels in the streams with these gages. Flow data collected to date has been used to support computerized pollutant load modeling (for the 2006 Surface Water Management Program Master Plan for CCSD#1, for example) and several studies (Rock and Richardson Creeks FEMA Floodplain Study, for example).

Flow data will continue to be useful for quantifying progress being made towards reducing stormwater discharge volumes and pollutant loads as low impact development standards -- and other elements of our surface/stormwater program -- are implemented. Stream flow data from these gages, along with water quality data from the streams near these gages, continues to be submitted to Oregon's Department of Environmental Quality on an annual basis.

The attached letter from the USGS requests that we renew our commitment to operate these gages by signing the JFA. Under the terms of the JFA, the USGS will continue to maintain the five crest-stage gages. The cost of this work for the period from October 1, 2010 to September 30, 2011 is \$24,100. These funds are expected to be in the CCSD#1 and SWMACC FY 2011-2012 budgets.

District counsel has reviewed the Agreement as to form.

RECOMMENDATION

Staff respectfully recommends that the Board approve the Joint Funding Agreement with the USGS for five flow measuring crest-stage gages in CCSD#1 and SWMACC in 2010-2011.

Sincerely,

Michael S. Kuenzi
Director

For information on this issue or copies of attachments, please contact Kathy Frasier at 503-742-4566.



Beyond clean water.

Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

December 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

APPROVAL OF A JOINT FUNDING AGREEMENT BETWEEN CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 (CCSD#1) AND THE U.S. GEOLOGICAL SURVEY (USGS) FOR HYDROLOGIC MONITORING IN THE JOHNSON CREEK WATERSHED

A cooperative, multi-jurisdictional hydrology study between the USGS and local governments in the Johnson Creek watershed is proposed to continue during federal fiscal year (FFY) 2010-2011. In 1999, CCSD#1 joined this long-term study. Other local governments who have partnered for many years with the USGS on this study are the Cities of Gresham, Milwaukie, and Portland, and Multnomah County. In FFY 2009-10, a new partner, the East Multnomah County Soil & Water Conservation District, began to contribute funds for the first time. In FFY 2010-11, the City of Damascus hopes to begin to contribute funds for this work for the first time. Funds in this FFY will be used by the USGS to:

- Maintain a network of continuous creek water quality and/or flow monitoring stations. Water quality parameters measured by this network includes temperature and turbidity. Temperatures are often too high in Summer and turbidity is often too high during rain events.
- Continue ongoing research into the relationship between turbidity and suspended sediment. This work contributes to our understanding of sediment sources and transport in the watershed.
- Maintain an existing network of monitoring stations which measure groundwater levels.

Attached documents from the USGS provides additional details about this work. The total cost of the work from October 1, 2010 to September 30, 2011 is \$17,400. The USGS will provide \$8,700 if CCSD#1 provides \$8,700. If approved by the Board, funds for the monitoring work performed in FFY 2010-11 are expected to be provided from CCSD#1's 2011-2012 Operating Budget.

District counsel has reviewed the Agreement as to form.

Recommendation

Staff respectfully recommends that the Board approve the attached agreement between CCSD#1 and the USGS for joint hydrologic monitoring in the Johnson Creek watershed.

Sincerely,



Michael Kuenzi
Director

For information on this issue or copies of attachments, please contact Kathy Frasier at 503-742-4566.



Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

December 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

**APPROVAL OF A JOINT FUNDING AGREEMENT (JFA) BETWEEN THE SURFACE WATER
MANAGEMENT AGENCY OF CLACKAMAS COUNTY (SWMACC) AND THE U.S.
GEOLOGICAL SURVEY (USGS) FOR TUALATIN RIVER MONITORING**

A cooperative inter-jurisdictional water resources monitoring project (project) in the Tualatin River watershed has been underway since October 1999. In one element of this project, Clean Water Services (CWS) of Washington County, the Cities of West Linn and Lake Oswego, and the SWMACC partner with the USGS to fund the operation of a continuous flow measuring station in the Tualatin River. This station is 1.8 miles upstream from the confluence with the Willamette River in SWMACC. The operation of this station is the only element of the project that SWMACC funds are allocated to. The other elements of the project, such as the operation of the continuous water quality monitoring station at river mile 3.4, are funded by CWS and the USGS. The project's benefits include:

- Use of flow data to: a) revise floodplain maps, and b) assess progress towards attainment of minimum in-stream flow goals;
- Assessing real-time water quality and flow conditions;
- The potential to calculate pollutant mass loads (ie. pounds/day).

The attached JFA from the USGS requests that SWMACC renew its commitment to share in the cost of operating the station at river mile 1.8 for the period from October 1, 2010 to September 30, 2011. SWMACC's share of this cost is \$3,790; these funds will be matched with \$3,790 from USGS. Under the terms of the JFA, the USGS will continue to maintain the station and share the data via their website. These funds are expected to be in SWMACC's FY 2011-2012 budget.

District counsel has reviewed the Agreement as to form.

RECOMMENDATION

Staff respectfully recommends that the Board approve the attached JFA with the USGS for the operation of a continuous stream flow measuring station at river mile 1.8 in the Tualatin River.

Sincerely,



Michael S. Kuenzi
Director

For information on this issue or copies of attachments, please contact Kathy Frasier at 503-742-4566.