



AGENDA

Thursday, January 30, 2014 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2014-05

I. CALL TO ORDER

- Roll Call
- Pledge of Allegiance

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 meeting. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

III. READING AND ADOPTION OF PREVIOUSLY APPROVED LAND USE ORDINANCE *(No public testimony on this item)*

1. Reading and Adoption of Comprehensive Plan and Zoning and Development Ordinance Amendments - ZDO-246, (Transportation System Plan TSP) Update (Nate Boderman, County Counsel)
Previously Approved at the December 11, 2013 Land Use Hearing
2. Reading and Adoption of Zoning and Development Ordinance Amendments - ZDO-247, Natural Resource Zoning Districts Update (Nate Boderman, County Counsel)
Previously Approved at the December 18, 2013 Land Use Hearing

IV. PUBLIC HEARING *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

1. Resolution No. _____ for Approval of a Clackamas County Supplemental Budget (Greater than Ten Percent and Budget Reductions) for Fiscal Year 2013-2014 (Diane Padilla, Budget Manager)

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

~NO DISCUSSION ITEMS SCHEDULED

VI. 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

- 4 1. Approval of a Revenue Agreement with Central City Concern for Funding Mental Health Services at Chez Am Apartments – *Behavioral Health*

B. Finance Department

- 5 1. Resolution No. _____ for Approval of a Clackamas County Supplemental Budget (Less than 10%) for Fiscal Year 2013-2014
- 6 2. Resolution No. _____ for Approval of Clackamas County Budgeting of New Specific Purpose Revenue for Fiscal Year 2013-2014
- 7 3. Resolution No. _____ for Approval of a Clackamas County Transfer of Appropriations for Fiscal Year 2013-2014

C. Elected Officials

- 8 1. Approval of Previous Business Meeting Minutes – *BCC*

VII. NORTH CLACKAMAS PARKS & RECREATION DISTRICT

- 9 1. Resolution No. _____ for Approval of the North Clackamas Parks and Recreation District Transfer of Appropriations for Fiscal Year 2013-2014
- 10 2. Resolution No. _____ for Approval of the North Clackamas Parks and Recreation District Supplemental Budget (Less than 10%) for Fiscal Year 2013-2014
- 11 3. Approval of Amendment No. 2 to the Intergovernmental Annexation and Service Agreement between North Clackamas Parks & Recreation District and the City of Happy Valley

VIII. DEVELOPMENT AGENCY

- 12 1. Approval of an Easement and Equitable Servitudes Agreement with the State of Oregon, by and through its Department of Environmental Quality for a Portion of the Capps Road Property, also known as the Clackamas Industrial Area Opportunity Site

IX. COUNTY ADMINISTRATOR UPDATE

X. 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.

www.clackamas.us/bcc/business.html



OFFICE OF COUNTY COUNSEL

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

January 30, 2014

Board of County Commissioners
Clackamas County

Members of the Board:

Stephen L. Madkour
County Counsel

Kimberley Ybarra
Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Assistants

**Adoption of Previously Approved Comprehensive Plan and
Zoning and Development Ordinance Amendments
ZDO-246 – Transportation System Plan (TSP) Update**

Purpose/Outcome	<i>Amend the Comprehensive Plan and Zoning and Development Ordinance (ZDO)</i>
Dollar Amount and Fiscal Impact	<i>None identified</i>
Funding Source	<i>N/A</i>
Safety Impact	<i>None anticipated</i>
Duration	<i>Indefinitely</i>
Previous Board Action/Review	<i>Board of County Commissioners (BCC) held public hearings on December 4 and December 11, 2013. At the December 11 hearing, BCC voted (4-0, one member absent) to approve ZDO-246, except directed staff to make the three minor amendments noted below.</i> <i>The BCC held eight planning sessions between September 2011 and December 2013 to review and discuss the various aspects of the TSP update.</i>
Contact Person	<i>Karen Buehrig, 503-742-4683 Nathan Boderman, 503-742-8364</i>
Contract No.	<i>None</i>

BACKGROUND:

ZDO-246 amends the following elements of the county's **Comprehensive Plan**.

- Chapter 5, the county's Transportation System Plan, to include the most extensive changes, including:
 - Revising nearly all the existing policies and adding 81 new policies;

- Revising the lists of needed capital improvements and other transportation projects to meet needs over the next 20 years;
- Adding figures, illustrating typical road cross sections by road functional class; and
- Revising maps, as necessary, to support the policy and project changes
- Chapter 10, the county's community plans and design plans, to reflect changes in performance standards, consistent with Chapter 5, and to include
 - Repealing the Kruse Way Design Plan, which has been completed; and
 - Repealing several maps, which are redundant with maps found in Chapters 4 or 5.
- Appendix B to include the extensive Transportation Plan Background Document, which was completed to support amendments found in the TSP update, and to include the county's Transportation Safety Action Plan and ITS (Intelligent Transportation System) Action Plan.
- Conforming amendments to Chapters 3 and 4.

ZDO-246 also amends the following sections of the **Zoning and Development Ordinance**.

- Section 202 to include new definitions and clarify several existing definitions related to transportation facilities.
- Section 1005 to refine siting requirements for developments located at major transit stops.
- Section 1007 to incorporate changes in performance standards mandated by the state; to clarify street tree requirements and to make a few other clarifying changes.
- Section 1015 to incorporate recently-adopted changes to Metro's bicycle parking requirements.
- Conforming amendments to Sections 306, 309, 310, 312, 314, 809, 810, 822, 1009, and 1202.

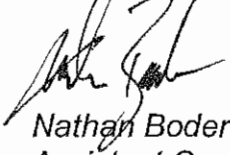
The Board of County Commissioners held public hearings on December 4 and December 11, 2013, at which it approved the amendments included in ZDO-246, as recommended by staff (which included but expanded on Planning Commission recommendations), with the following changes:

- Remove project #U750, Holly Lane improvements, from the list of needed improvements;
- Move the proposed pedestrian/bicycle bridge over I-205 to a lower (Tier 3) priority; and
- Move the proposed pedestrian/bicycle bridge over the Willamette River to lower (Tier 2) priority.

Staff has amended the project lists and associated maps, per the Board of County Commissioners direction. Exhibit A includes all five sections of the Comprehensive plan, as amended. Exhibit B includes all 14 sections of the Zoning and Development Ordinance, as amended. All amendments have been reviewed and approved by County Counsel.

RECOMMENDATION: Staff recommends the Board approve the attached Ordinance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nathan Boderman', written over a faint, illegible stamp or background.

Nathan Boderman
Assistant County Counsel

ORDINANCE NO. ZDO-246

An Ordinance amending Chapters 5 and 10 and Appendix B, and making conforming amendments to Chapters 3 and 4 of the Clackamas County Comprehensive Plan; and amending Sections 202, 1005, 1007, and 1015, and making conforming amendments to Sections 306, 309, 310, 312, 314, 809, 810, 822, 1009, and 1202 of the Clackamas County Zoning and Development Ordinance

WHEREAS, in late 2011, the County's Transportation Planning Division began a comprehensive review of its Transportation System Plan (TSP), which had not undergone a major update in more than a decade; and

WHEREAS, the Board of County Commissioners adopted a vision, goals and objectives in April 2012 to guide the development of both projects and policies within the Transportation System Plan update; and

WHEREAS, County staff worked closely for over two years with a Public Advisory Committee and a Technical Advisory Committee and provided numerous opportunities for public input to assess and recommend a set of projects, policies, tables, maps and figures for inclusion the updated TSP; and

WHEREAS, the Planning Director initiated amendments to Chapters 5 and 10 and Appendix B of the Comprehensive Plan and Sections 202, 1005, 1007, and 1015 of the Zoning & Development Ordinance to incorporate the recommended policies, needed transportation projects and other associated elements in the TSP update; and

WHEREAS, the Planning Director initiated conforming numbering and reference amendments to Chapters 3 and 4 of the Comprehensive Plan and to Sections 306, 309, 310, 312, 314, 809, 810, 822, 1009, and 1202 of the Zoning and Development Ordinance; and

WHEREAS; the proposed amendments are consistent with the Clackamas County Comprehensive Plan, the Statewide Planning Goals and Guidelines, the State Transportation Planning Rule, and the Metro Regional Transportation Functional Plan and all other applicable state and federal laws and regulations; and

WHEREAS, after a duly-noticed public hearing on October 28, 2013 and November 4, 2013, the Clackamas County Planning Commission recommended approval of the amendments in ZDO-246, as proposed; except recommended minor amendments to the list of needed transportation projects as follows: remove the Freight Route designation on Beaver Creek Road from Meyers Road to Leland Road; remove the planned multi-use path from Oregon City to Mulino; move two ODOT projects to a higher priority; move portions of the projects within a quarter-mile of a school on SE Clackamas, SE Thiessen, SE Webster

and SE Johnson roads to a higher priority; move the South Molalla Road/Bear Creek Bridge project to a higher priority; and change the description of the project located in Mulino at Passmore Road/Graves Road/Highway 213; and

WHEREAS, the Board of County Commissioners held public hearings on December 4, 2013 and December 11, 2013 at which it approved amendments in ZDO-246, as recommended by the Planning Commission; except directed staff to modify the description of project in Mulino, as recommended by staff; and directed staff to make three minor amendments to the list of needed transportation projects as follows: remove the project on Holly Lane from the list and move the pedestrian/bicycle bridges over I-205 and the Willamette River to lower priorities; and

WHEREAS, staff did amend the project lists and maps per the Board of County Commissioners direction; now therefore

The Board of Commissioners of Clackamas County ordains as follows:

- Section 1:** Chapter 5 of the Clackamas County Comprehensive Plan is hereby repealed and replaced in its entirety as shown in Exhibit A, hereto attached.
- Section 2:** Chapters 3, 4 and 10 and Appendix B of the Clackamas County Comprehensive Plan are hereby amended as shown in Exhibit A, hereto attached.
- Section 3:** Sections 202, 306, 309, 310, 312, 314, 809, 810, 822, 1005, 1007, 1009, 1015 and 1202 of the Clackamas County Zoning and Development Ordinance are hereby amended as shown in Exhibit B, hereto attached.
- Section 4:** This ordinance shall be effective on March 1, 2014.

ADOPTED this 30th day of January, 2014

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



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OFFICE OF COUNTY COUNSEL

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

January 30, 2014

Board of County Commissioners
Clackamas County

Members of the Board:

Stephen L. Madkour
County Counsel

Kimberley Ybarra
Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Assistants

**Adoption of Previously Approved
Zoning and Development Ordinance Amendments
ZDO-247 – Natural Resource Zoning Districts Update**

Purpose/Outcome	<i>Amend the Zoning and Development Ordinance (ZDO)</i>
Dollar Amount and Fiscal Impact	<i>None identified</i>
Funding Source	<i>N/A</i>
Safety Impact	<i>None anticipated</i>
Duration	<i>Indefinitely</i>
Previous Board Action/Review	<i>Board of County Commissioners (BCC) held a public hearing on December 18, 2013. At the December 18 hearing, BCC voted 5-0 to approve ZDO-247, except directed staff to make the amendment noted below.</i>
Contact Person	<i>Gary Hewitt, 503-742-4519; Nate Boderman, 503-655-8364</i>
Contract No.	<i>None</i>

BACKGROUND:

These recommended amendments arise out of an element of the Planning Division's annual work program that amends the Natural Resource Zoning Districts each year based on changes from the Oregon State Legislature.

ZDO-247 amends the following sections of the **Zoning and Development Ordinance**.

- Section 401: Adds a definition of dwelling; includes a winery license for an agri-tourism or other commercial event for the first 6 events, a winery bed & breakfast facility, and winery agri-tourism or other commercial event for 12 additional events beyond the six subject only to a license; includes a transmission line connected to a Utility Facility as a similar review; adds new language to a replacement dwelling that will deregulate the review for

10 years while people take advantage of the ability to replace a dwelling; replaces Eastern Oregon language that should not have been placed in the nonfarm dwelling criteria with the Western Oregon language that should have been included; reworks the criteria layout for private parks for an easier read; and includes some general housekeeping deletions and additions.

- Section 406: Adds a definition of dwelling; changes review of the parking of up to seven dump trucks and seven trailers from conditional use to Planning Director review; adds a required deed restriction; revises criteria layout for private parks to match the EFU criteria and adds yurts; adds additional language to deed restriction required for land divisions; and includes some general housekeeping deletions and additions.
- Section 407: Includes a winery license for an agri-tourism or other commercial event for the first 6 events, a winery bed & breakfast facility, and winery agri-tourism or other commercial event for 12 additional events beyond the six subject only to a license; adds new language to a replacement dwelling that will deregulate the review for 10 years while people take advantage of the ability to replace a dwelling; changes review of the parking of up to seven dump trucks and seven trailers from conditional use to Planning Director review; and includes some general housekeeping deletions and additions.

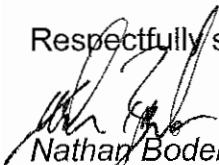
The Board of County Commissioners held a public hearing on December 18, 2013, at which time it approved the amendments included in ZDO-247, as recommended by the Planning Commission and staff, with the following change:

- Allow the parking of seven dump trucks and seven trailers as a Planning Director review instead of a Conditional Use review.

Staff has amended the draft of the amended ordinance sections to reflect the Board's decision, and to make final quality control edits for formatting and consistency purposes. Exhibit A includes all 3 sections of the Zoning and Development Ordinance, as amended. All amendments have been reviewed and approved by County Counsel.

RECOMMENDATION: Staff recommends the Board approve the attached Ordinance.

Respectfully submitted,


Nathan Boderman
Assistant County Counsel

ORDINANCE NO. ZDO-247

**An Ordinance amending Sections
401, 406 and 407 of the
Clackamas County Zoning and Development Ordinance**

WHEREAS, in 2013, the Board of County Commissioners was informed by the Planning and Zoning Division of an annual work program which updates the Natural Resource zoning districts by amendments to the Zoning and Development Ordinance to include new state law and administrative provisions related to all three natural resource zoning districts; and

WHEREAS, the Planning Director initiated an amendment to the natural resource provisions in the Zoning and Development Ordinance, in response to inconsistencies in the current provisions and current updated state law; and

WHEREAS, an on-going process of amendments to the Zoning and Development Ordinance is necessary to clarify provisions and maintain consistency throughout the Ordinance and respond to changes in statutes and public input; and

WHEREAS, it is a policy of the Board of County Commissioners to provide excellent public service to citizens and the development community, streamline permitting processes, encourage sound land use and development and improve the Zoning and Development Ordinance as necessary; and

WHEREAS, the proposed amendments are consistent with the Clackamas County Comprehensive Plan, the Statewide Planning Goals and Guidelines; and

WHEREAS, after a duly-noticed public hearing, the Clackamas County Planning Commission recommended approval of ZDO-247 on November 18, 2013; and

WHEREAS, the Board of County Commissioners held a public hearing on December 18, 2013 and, after public testimony determined an amendment to the Planning Commission's recommendation should be provided to allow the parking of seven dump trucks and seven trailers and seven log trucks as a Planning Director review instead of a Conditional Use review, now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Sections 401, 406 and 407 of the Clackamas County Zoning and Development Ordinance are hereby amended as shown in Exhibit A, hereto attached.

Section 2: This ordinance shall be effective on March 1, 2014.

ADOPTED this 30th day of January, 2014

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



3

MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

January 30, 2014

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

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for a Clackamas County Supplemental Budget
(Greater Than Ten Percent and Budget Reduction) for Fiscal Year 2013-2014

Purpose/Outcome	Supplemental Budget changes for Clackamas County FY 2013-2014
Dollar Amount and fiscal Impact	The effect is an increase in appropriations of \$5,533,005.
Funding Source	Includes Fund Balance, Federal and State Operating Grants, Local Government and Other Agencies, Charge for Services, Miscellaneous Revenue and Interfund Transfers.
Safety Impact	N/A
Duration	July 1, 2013-June 30, 2014
Previous Board Action/Review	Budget Adopted June 27, 2013 and amended November 7, 2013
Contact Person	Diane Padilla, 503-742-5425
Contract No.	N/A

BACKGROUND:

Each fiscal year it is necessary to reduce allocations 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 O.R.S. 294.480 (4) which allows for governing body approval of supplemental budget changes for items ten percent or greater of the qualifying expenditures of the budget funds(s) being adjusted. The required notices have been published.

The Building Codes Fund is recognizing fund balance and budgeting it in contingency.

The Countywide Transportation SDC Fund is recognizing fund balance and also transferring from contingency to make an interfund transfer to DTD Capital Projects Fund.

The Happy Valley/Clackamas Joint Transportation SDC Fund is recognizing fund balance and budgeting it in contingency.

The Health, Housing and Human Services (H3S) Fund is recognizing fund balance and budgeting interfund transfers to the other H3S funds to distribute labor contract cost support received from the General Fund.

The Clackamas Broadband Innovation Initiative Fund was expected to terminate June 30, 2013 with the end of the Broadband Technology Opportunities Program Grant but the grant was extended through September 2013. Fund balance and remaining grant related revenues are being recognized and budgeted for completion of these grant activities. Additionally, non-grant funds are being transferred to the new Clackamas Broadband Utility Fund.

The Cable Administration Fund is recognizing fund balance and budgeting it in personnel services, materials and services and capital outlay.

The Parks Trust Fund is recognizing fund balance and budgeting it in materials and services for higher contracted services costs and increasing contingency.

The Public Safety Local Option Levy Fund is recognizing lower than estimated fund balance and reducing personnel services and material and services accordingly.

The Road Fund is decreasing its budget to recognize lower than estimated fund balance and reducing contingency.

The Code Compliance and Sustainability Fund is decreasing its budget to recognize lower than estimated fund balance and reducing materials and services and contingency.

The Behavioral Health Fund is decreasing its budget to recognize lower than expected fund balance and beer and wine tax revenue and reducing contingency and an interfund transfer to Children, Youth and Families Fund accordingly. This fund is also recognizing latest estimates of state and federal grant revenue and adjusting in contingency.

The Children, Youth and Families Fund is decreasing its budget to recognize the interfund transfer reduction from the Behavioral Health Fund and reducing materials and services.

The Public Health Fund is decreasing its budget to recognize lower than estimated fund balance and reducing contingency.


The effect of this Resolution is to increase appropriations of \$5,533,005 including revenues as detailed below:

Fund Balance	\$ 5,557,793.
Federal Operating Grants	285,926.
State Operating Grants	247,883.
Local Government & Other Agencies	(464,267.)
Charge for Services	21,165.
Miscellaneous Revenue	55,755.
Interfund Transfers	(171,250.)
Total Recommended	<u>\$ 5,533,005.</u>

RECOMMENDATION:

Staff respectfully recommends adoption of the attached supplemental budget and Exhibit A in keeping with a legally accurate budget.

Sincerely,


Djane Padilla
Budget Manager

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

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget for Items Greater Than 10
Percent of the Total Qualifying Expenditures
and Making Appropriations for Fiscal
Year 2013-14



Resolution No _____
Pages 1 of 2

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, 2013 through June 30, 2014, 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 January 30, 2014.

WHEREAS; the funds being adjusted are:

- . Building Codes Fund
- . Countywide Transportation SDC Fund
- . Happy Valley/Clackamas Joint Transportation SDC Fund
- . Health, Housing and Human Services Fund
- . Clackamas Broadband Innovation Initiative Fund
- . Cable Administration Fund
- . Parks Trust Fund
- . Public Safety Local Option Levy Fund
- . Road Fund
- . Code Compliance & Sustainability Fund
- . Behavioral Health Fund
- . Children, Youth and Families Fund
- . Public Health Fund;

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

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget for Items Greater Than 10
Percent of the Total Qualifying Expenditures
and Making Appropriations for Fiscal
Year 2013-14



Resolution No. _____
Pages 2 of 2

It further appearing that it is in the best interest of the County to approve this greater than 10 percent change in appropriations for the period of July 1, 2013 through June 30, 2014.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.480, 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 January 30, 2014

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

SUMMARY OF SUPPLEMENTAL BUDGET
Exhibit A
CHANGES OF GREATER THAN 10% OF BUDGET
January 30, 2014

Recommended items by revenue source:

Fund Balance	\$ 5,557,793.
Federal Operating Grants	285,926.
State Operating Grants	247,883.
Local Gov't and Other Agencies	(464,267.)
Charge for Services	21,165.
Miscellaneous Revenue	55,755.
Interfund Transfers	<u>(171,250.)</u>

Total Recommended	<u>\$ 5,533,005.</u>
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BUILDING CODES FUND

Revenues:

Fund Balance	\$ 503,018.
Total Revenues	<u>\$ 503,018.</u>

Expenses:

Contingency	\$ 503,018.
Total Expenses	<u>\$ 503,018.</u>

Building Codes Fund is recognizing fund balance and budgeting it in contingency

COUNTYWIDE TRANSPORTATION SDC FUND

Revenues:

Fund Balance	\$ 397,137.
Total Revenues	<u>\$ 397,137.</u>

Expenses:

Contingency	\$ (1,102,863.)
Interfund Transfers	<u>1,500,000.</u>
Total Expenses	<u>\$ 397,137.</u>

Countywide Transportation SDC fund is recognizing fund balance and also transferring from contingency to make an interfund transfer to DTD Capital Projects Fund.

HAPPY VALLEY/CLACKAMAS JOINT TRANSPORTATION SDC FUND

Revenues:	
Fund Balance	\$ 780,036.
Total Revenues	<u>\$ 780,036.</u>
Expenses:	
Contingency	\$ 780,036.
Total Expenses	<u>\$ 780,036.</u>

Happy Valley/Clackamas Joint Transportation SDC Fund is recognizing fund balance and budgeting it in contingency.

HEALTH, HOUSING AND HUMAN SERVICES FUND

Revenues:	
Fund Balance	\$ 211,093.
Total Revenues	<u>\$ 211,093.</u>
Expenses:	
Materials and Services	\$ 62,392.
Interfund Transfers	148,701.
Total Expenses	<u>\$ 211,093.</u>

Health, Housing and Human Services (H3S) Fund is recognizing fund balance and budgeting interfund transfers to the other H3S funds to distribute labor contract cost support received from the General Fund.

CLACKAMAS BROADBAND INNOVATION INITIATIVE FUND

Revenues:	
Fund Balance	\$ 446,072.
Federal Operating Grants	277,176.
Charge for Services	21,165.
Miscellaneous Revenue	55,755.
Total Revenues	<u>\$ 800,168.</u>
Expenses:	
Personnel Services	\$ 73,453.
Materials and Services	7,052.
Interfund Transfers	232,995.
Capital Outlay	486,668.
Total Expenses	<u>\$ 800,168.</u>

Clackamas Broadband Innovation Initiative Fund was expected to terminate June 30, 2013 with the end of the Broadband Technology Opportunities Program Grant but the grant was extended through September 2013. Fund balance and remaining grant related revenues are being recognized and budgeted for completion of these grant activities. Additionally, non-grant funds are being transferred to the new Clackamas Broadband Utility Fund

CABLE ADMINISTRATION FUND

Revenues:	
Fund Balance	\$ 160,441.
Total Revenues	<u>\$ 160,441.</u>
Expenses:	
Personnel Services	\$ 45,500.
Materials and Services	97,019.
Capital Outlay	<u>17,922.</u>
Total Expenses	<u>\$ 160,441.</u>

Cable Administration Fund is recognizing fund balance and budgeting it in personnel services, materials and services and capital outlay.

PARKS TRUST FUND

Revenues:	
Fund Balance	\$ 3,935,225.
Total Revenues	<u>\$ 3,935,225.</u>
Expenses:	
Materials and Services	106,700.
Contingency	<u>3,828,525.</u>
Total Expenses	<u>\$ 3,935,225.</u>

Parks Trust Fund is recognizing fund balance and budgeting it in materials and services for higher contracted services costs and increasing contingency

PUBLIC SAFETY LOCAL OPTION LEVY FUND

Revenues:	
Fund Balance	\$ (120,921.)
Total Revenues	<u>\$ (120,921.)</u>
Expenses:	
Personnel Services	\$ (231,248.)
Materials and Services	<u>110,327.</u>
Total Expenses	<u>\$ (120,921.)</u>

Public Safety Local Option Levy Fund is recognizing lower than estimated fund balance and reducing personnel services and material and services accordingly.

ROAD FUND

Revenues:		
	Fund Balance	\$ (302,477.)
	Total Revenues	<u>\$ (302,477.)</u>
Expenses:		
	Contingency	\$ (302,477.)
	Total Expenses	<u>\$ (302,477.)</u>

Road Fund is decreasing its budget to recognize lower than estimated fund balance and reducing contingency.

CODE COMPLIANCE AND SUSTAINABILITY FUND

Revenues:		
	Fund Balance	\$ (105,527.)
	Total Revenues	<u>\$ (105,527.)</u>
Expenses:		
	Materials and Services	\$ (15,110.)
	Contingency	<u>(90,417.)</u>
	Total Expenses	<u>\$ (105,527.)</u>

Code Compliance and Sustainability Fund is decreasing its budget to recognize lower than estimated fund balance and reducing materials and services and contingency.

BEHAVIORAL HEALTH FUND

Revenues:		
	Fund Balance	\$ (211,703.)
	Federal Operating Grants	8,750.
	State Operating Grants	247,883.
	Local & Gov't and Other Agencies	<u>(464,267.)</u>
	Total Revenues	<u>\$ (419,337.)</u>
Expenses:		
	Interfund Transfer	\$ (171,250.)
	Contingency	<u>(248,087.)</u>
	Total Expenses	<u>\$ (419,337.)</u>

Behavioral Health Fund is decreasing its budget to recognize lower than expected fund balance and beer and wine tax revenue and reducing contingency and an interfund transfer to Children, Youth and Families Fund accordingly. This fund is also recognizing latest estimates of state and federal grant revenue and adjusting in contingency.

CHILDREN, YOUTH AND FAMILIES FUND

Revenues:		
Interfund Transfer		\$ (171,250.)
Total Revenues		<u>\$ (171,250.)</u>

Expenses:		
Materials and Services		\$ (171,250.)
Total Expenses		<u>\$ (171,250.)</u>

Children, Youth and Families Fund is decreasing its budget to recognize the interfund transfer reduction from the Behavioral Health Fund and reducing materials and services.

PUBLIC HEALTH FUND

Revenues:		
Fund Balance		\$ (134,601.)
Total Revenues		<u>\$ (134,601.)</u>

Expenses:		
Contingency		\$ (134,601.)
Total Expenses		<u>\$ (134,601.)</u>

Public Health Fund is decreasing its budget to recognize lower than estimated fund balance and reducing contingency

January 30, 2014

Board of County Commissioner
Clackamas County

Members of the Board:

Approval of a Revenue Agreement with Central City Concern for
Funding of Mental Health Services at Chez Am Apartments

Purpose/Outcomes	Central City Concern (CCC) pays the Behavioral Health Division (BHD) to provide on-site services to residents of the Chez Ami Apartments, a 40-unit affordable housing development for low-income people with disabilities.
Dollar Amount and Fiscal Impact	This is a revenue agreement. BHD will receive a total of \$191,092.
Funding Source	CCC received a Continuum of Care grant through the United States Department of Housing and Urban Development (HUD), which provides grant funds to CCC to be allocated for services at the Chez Ami Apartments – No County general funds are involved.
Safety Impact	None
Duration	Effective February 1, 2014 and terminates on January 31, 2015
Previous Board Action	The original agreement has been in place since February 2002. The last agreement was approved by the Board of County Commissioners on January 24, 2013 - agenda item 012413-A3.
Contact Person	Jill Archer, Director – Behavioral Health Division - 742-5336
Contract No.	6533

BACKGROUND:

In August 2000, the Board of County Commissioners authorized H3S to purchase a site for the Chez Ami Apartments located at 8358 SE Causey Avenue in Portland. The Board also approved a long-term ground lease with CCC to assure the use of the property for the term of the lease to serve low-income people with disabilities within Clackamas County.

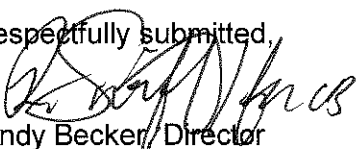
CCC received a Continuum of Care (CoC) grant through HUD for Chez Ami operations and supportive services; however, none of the funds received through the CoC grant for operations or services can be considered income to CCC. Federal layering rules do not allow the use of CoC operating and service funds with tax credits and other Federal funds in the same project. This is one of two agreements to remedy the tax credit accounting problem.

This agreement commences February 1, 2014 and terminates January 31, 2015. County Counsel reviewed and approved this agreement January 16, 2014.

RECOMMENDATION:

Staff recommends the Board approval of this agreement and authorizes Cindy Becker, H3S Director to sign on behalf of Clackamas County.

Respectfully submitted,


Cindy Becker, Director

CHEZ AMI SERVICES AGREEMENT

This Agreement is made this 1st day of February, 2014, between **CENTRAL CITY CONCERN**, an Oregon non-profit corporation ("Central City"), and **CLACKAMAS COUNTY** (County) through its, **BEHAVIORAL HEALTH DIVISION** ("CCBHD").

- A. Central City, as general partner of Chez Ami, is general manager of a 40-unit affordable housing project that delivers mental health services to residents of Clackamas County, Oregon, and provides affordable housing to such residents in connection with the delivery of those services (the "Project").
- B. Central City has received a Continuum of Care Program ("CoC") grant from the United States Department of Housing and Urban Development ("HUD"), which provides grant funds to Central City in connection with the Project.
- C. The parties desire to enter into this agreement to memorialize certain understandings regarding the funding of Project services.

NOW, THEREFORE, the parties agree as follows:

- 1. Central City HUD CoC Grant: Portions of Central City's CoC grant will be dedicated to Project services. Central City will pay to County on behalf of CCBHD One Hundred Ninety One Thousand Ninety Two Dollars (\$191,092.00), all from Central City's CoC grant in order to fund the Project services delivered through CCBHD. Payment will be made in monthly installments as invoiced by CCBHD on the first day of each month during the year.

Central City will be considered in breach of contract if payment is not received within 30 days of due date.

- 2. County on behalf of CCBHD, as subrecipient of Central City's CoC grant, agrees to the following terms as required by HUD:
 - a) CCBHD will maintain the confidentiality of records pertaining to any individual or family that is provided treatment services through the Project.
 - b) CCBHD will provide information, such as data and reports, as required by HUD or Central City.
 - c) CCBHD will operate the Project in accordance with the provisions of the Title IV of the McKinney-Vento Homeless Assistance Act 42 U.S.C 11301 et seq. and all requirements under 24 CFR 578.

Chez Ami - Services Agreement

Page 2

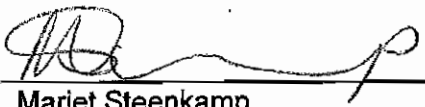
3. Annual Review. The agreement contained herein is subject to annual review and availability of funds. The parties, nonetheless, agree to continue the foregoing funding arrangement from year to year, subject to extension of the CoC grant.

4. This contract is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated thereof. Any provisions herein which would conflict with law are deemed inoperative to that extent.

E. This contract is effective February 1, 2014 and terminates January 31, 2015.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

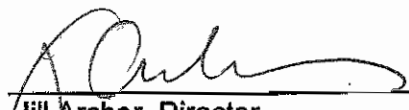
CENTRAL CITY CONCERN,
an Oregon non-profit corporation

By: 

Mariet Steenkamp
Sr. Director of Financial Services

Date: 1/21/14

CLACKAMAS COUNTY

By: 

Jill Archer, Director
Behavioral Health Division

Date: 1.21.14

By: _____
Cindy Becker, Director
Health, Housing and Human Services Department

Date: _____



5

MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

January 30, 2014

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

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for a Clackamas County Supplemental Budget
(Less Than Ten Percent) for Fiscal Year 2013-2014

Purpose/Outcome	Supplemental Budget changes for Clackamas County FY 2013-2014
Dollar Amount and fiscal Impact	The effect is an increase in appropriations of \$10,886,498.
Funding Source	Includes Prior Year Revenue, Fund Balance, Licenses and Permits, Federal and State Operating Grants, Fines and Penalties, Miscellaneous Revenue and Interfund Transfers.
Safety Impact	N/A
Duration	July 1, 2013-June 30, 2014
Previous Board Action/Review	Budget Adopted June 27, 2013 and amended November 7, 2013
Contact Person	Diane Padilla, 503-742-5425
Contract No.	N/A

BACKGROUND:

Each fiscal year it is necessary to 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 O.R.S. 294.480 (3) which allows for governing body approval of supplemental budget changes of less than ten percent of qualifying expenditures in the fund(s) being adjusted.

The General Fund – Non Departmental is recognizing fund balance appropriating it in contingency.

The General Fund - Clerk is recognizing fund balance and appropriating it in reserves.

The County Fair Fund is recognizing fund balance and appropriating it in contingency.

The Resolution Services Fund is recognizing fund balance and budgeting it in personnel services and materials and services for mediation and parent education costs.

The Business and Economic Development Fund is recognizing beginning fund balance and appropriating it in contingency. This fund is also recognizing additional state and local grant revenue, application fees and intrafund transfer and budgeting for program costs.

The Library Services Fund is recognizing fund balance and budgeting it in materials and services for books and capital outlay for computer network equipment and a vehicle purchase.

The Sheriff Fund is recognizing fund balance and licenses and permit fee revenue and budgeting it in materials and services for surveillance monitor replacement, office space redesign and fleet maintenance costs.

The Community Corrections Fund is recognizing fund balance and higher than anticipated revenue from the Oregon Department of Corrections and Oregon Criminal Justice Commission and budgeting it in personnel services, materials and services and capital outlay for program costs and to increase a part-time position to full-time.

The District Attorney Fund is recognizing actual fund balance, state unitary assessment and Victim of Crime Act (VOCA) revenue and budgeting it in personnel services, materials and services toward operating costs and capital outlay for remodeling costs at the Butler and Masonic Buildings

The Behavioral Health Fund is recognizing increased interfund transfer from the General Fund and budgeting it in personnel services and materials and services to provide jail mental health services for the full fiscal year.

The Social Services Fund is recognizing fund balance and revenue from the State Veterans Office and Federal Lands Access Programs and an interfund transfer from the Health, Housing and Human Services Fund and budgeting it in personnel services for temporary workers and appropriating the remaining in materials and services for program expenses.

The Community Development Fund is recognizing fund balance and an interfund transfer from the Health, Housing and Human Services Fund and appropriating it in personnel services.

The Community Solutions for Clackamas County Fund is recognizing fund balance and an interfund transfer from the Health, Housing and Human Services Fund and budgeting it in personnel services and material and services for program costs.

The Children, Youth and Families Fund is recognizing an interfund transfer from the Health, Housing and Human Services Fund and appropriating it in personnel services.

The Public Health Fund is recognizing an interfund transfer from the Health, Housing and Human Services Fund and appropriating it in personnel services.

The Clackamas Health Centers Fund is recognizing an interfund transfer from the Health, Housing and Human Services Fund and appropriating it in materials and services.

The DTD Capital Projects Fund is recognizing Oregon Department of Transportation grant revenue and an interfund transfer from the Countywide Transportation SDC Fund and budgeting it in capital outlay for the Clackamas River Bridge and Lawnfield Phase 3 construction projects.

The Stone Creek Golf Course Fund is recognizing fund balance and budgeting it in capital outlay for the purchase of new grounds equipment and potential parking lot and driveway improvements and contingency.

The Clackamas Broadband Utility Fund is recognizing an interfund transfer from the Clackamas Broadband Innovation Initiative Fund and realigning revenues and expenditures to better reflect final anticipated expenditures.

The effect of this Resolution is an increase in appropriations of \$10,823,305 including revenues as detailed below:

Prior Year Revenue	\$ (127,503.)
Fund Balance	2,931,194.
Licenses & Permits	10,000.
Federal Operating Grants	183,300.
State Operating Grants	5,653,800.
Fines & Penalties	35,524.
Miscellaneous Revenue	48,328.
Interfund Transfers	<u>2,088,662.</u>
Total Recommended	<u>\$ 10,823,305.</u>

RECOMMENDATION:

Staff respectfully recommends adoption of the attached supplemental budget and Exhibit A in keeping with a legally accurate budget.

Sincerely,



Diane Padilla
Budget Manager

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

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget for Items Less Than 10
Percent of the Total Qualifying Expenditures
and Making Appropriations for Fiscal
Year 2013-14



Resolution No _____
Page 1 of 2

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, 2013 through June 30, 2014, 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 January 30, 2014.

WHEREAS; the funds being adjusted are:

- . General Fund - Non Departmental
- . General Fund - Clerk
- . County Fair Fund
- . Resolution Services Fund
- . Business and Economic Development Fund
- . Library Services Fund
- . Sheriff Fund
- . Community Corrections Fund
- . District Attorney Fund
- . Behavioral Health Fund
- . Social Services Fund
- . Community Development Fund
- . Community Solutions for Clackamas County Fund
- . Children, Youth and Families Fund
- . Public Health Fund
- . Clackamas Health Centers Fund
- . DTD Capital Projects Fund
- . Stone Creek Golf Course Fund
- . Clackamas Broadband Utility Fund;

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

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget for Items Less Than 10
Percent of the Total Qualifying Expenditures
and Making Appropriations for Fiscal
Year 2013-14



Resolution No. _____
page 2 of 2

It further appearing that it is in the best interest of the County to approve this less than 10 percent appropriations for the period of July 1, 2013 through June 30, 2014.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.480, 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 30th day of January 2014

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

SUMMARY OF SUPPLEMENTAL BUDGET
Exhibit A
CHANGES OF LESS THAN 10% OF BUDGET
January 30, 2014

Recommended items by revenue source:

Prior Year Revenue`	\$ (127,503.)
Fund Balance	2,931,194.
Licenses and Permits	10,000.
Federal Operating Grants	183,300.
State Operating Grants	5,653,800.
Fines & Penalties	35,524.
Miscellaneous Revenue	48,328.
Interfund Transfers	<u>2,088,662.</u>
 Total Recommended	 <u>\$ 10,823,305.</u>

GENERAL FUND –NON DEPARTMENTAL and CLERK

Revenue:	
Fund Balance	\$ 934,833.
Total Revenues	<u>\$ 934,833.</u>
Expense:	
Reserves	\$ 21,048.
Contingency	913,785.
Total Expenses	<u>\$ 934,833.</u>

General Fund – Non Departmental is recognizing fund balance appropriating it in contingency. The General Fund - Clerk is recognizing fund balance and appropriating it in reserves.

COUNTY FAIR FUND

Revenue:	
Fund Balance	\$ 83,002.
Total Revenues	<u>\$ 83,002.</u>
Expense:	
Contingency	\$ 83,002.
Total Expenses	<u>\$ 83,002.</u>

County Fair Fund is recognizing fund balance and appropriating it in contingency.

RESOLUTION SERVICES FUND

Revenue:	
Fund Balance	\$ 81,329.
Total Revenues	<u>\$ 81,329.</u>
Expense:	
Personnel Services	\$ 73,196.
Materials and Services	8,133.
Total Expenses	<u>\$ 81,329.</u>

Resolution Services Fund is recognizing fund balance and budgeting it in personnel services and materials and services for mediation and parent education costs.

BUSINESS AND ECONOMIC DEVELOPMENT FUND

Revenue:	
Fund Balance	\$ 260,940.
Licenses and Permits	10,000.
State Operating	25,000.
Interfund Transfers	109,000.
Total Revenues	<u>\$ 404,940.</u>
Expense:	
Personnel Services	\$ 20,328.
Materials and Services	35,000.
Intrafund Transfer	109,000.
Contingency	240,612.
Total Expenses	<u>\$ 404,940.</u>

Business and Economic Development Fund is recognizing beginning fund balance and appropriating it in contingency. This fund is also recognizing additional state and local grant revenue, application fees and intrafund transfer and budgeting for program costs.

LIBRARY SERVICES FUND

Revenue:	
Fund Balance	\$ 195,410.
Total Revenues	<u>\$ 195,410.</u>
Expense:	
Materials and Services	\$ 20,444.
Capital Outlay	174,966.
Total Expenses	<u>\$ 195,410.</u>

Library Services Fund is recognizing fund balance and budgeting it in materials and services for books and capital outlay for computer network equipment and a vehicle purchase.

SHERIFF FUND

Revenue:	
Fund Balance	\$ 657,651.
Federal Operating Grants	(1,653.)
Fines and Penalties	<u>35,524.</u>
Total Revenues	<u>\$ 691,522.</u>
Expense:	
Materials and Services	<u>\$ 691,522.</u>
Total Expenses	<u>\$ 691,522.</u>

Sheriff Fund is recognizing fund balance and licenses and permit fee revenue and budgeting it in materials and services for surveillance monitor replacement, office space redesign and fleet maintenance costs.

COMMUNITY CORRECTIONS FUND

Revenue:	
Fund Balance	\$ 173,148.
State Operating Grants	<u>1,133,356.</u>
Total Revenues	<u>\$ 1,306,504.</u>
Expense:	
Personnel Services	\$ 487,316.
Materials and Services	809,188
Capital Outlay	<u>10,000.</u>
Total Expenses	<u>\$ 1,306,504.</u>

Community Corrections Fund is recognizing fund balance and higher than anticipated revenue from the Oregon Department of Corrections and Oregon Criminal Justice Commission and budgeting it in personnel services, materials and services and capital outlay for program costs and to increase a part-time position to full-time.

DISTRICT ATTORNEY FUND

Revenue:	
Prior Year Revenue	\$ 26,395.
Fund Balance	168,314.
Federal Operating Grants	30,308.
State Operating Grants	<u>(7,383.)</u>
Total Revenues	<u>\$ 217,634.</u>
Expense:	
Personnel Services	\$ 143,314.
Materials and Services	25,000.
Capital Outlay	<u>49,320.</u>
Total Expenses	<u>\$ 217,634.</u>

District Attorney Fund is recognizing actual fund balance, state unitary assessment and Victim of Crime Act (VOCA) revenue and budgeting it in personnel services, materials and services toward operating costs and capital outlay for remodeling costs at the Butler and Masonic Buildings

BEHAVIORAL HEALTH FUND

Revenue:	
Interfund Transfers	<u>\$ 124,769.</u>
Total Revenues	<u>\$ 124,769.</u>
Expense:	
Personnel Services	\$ 104,428.
Materials and Services	<u>20,341.</u>
Total Expenses	<u>\$ 124,769.</u>

Behavioral Health Fund is recognizing increased interfund transfer from the General Fund and budgeting it in personnel services and materials and services to provide jail mental health services for the full fiscal year.

SOCIAL SERVICES FUND

Revenue:	
Prior Year Revenues	\$ (153,898.)
Fund Balance	401,958.
Federal Operating Grants	154,645.
State Operating Grants	2,827.
Interfund Transfers	<u>27,191.</u>
Total Revenues	<u>\$ 432,723.</u>
Expense:	
Personnel Services	\$ (78,593.)
Materials and Services	<u>511,316.</u>
Total Expenses	<u>\$ 432,723.</u>

Social Services Fund is recognizing fund balance and revenue from the State Veterans Office and Federal Lands Access Program and an interfund transfer from the Health, Housing and Human Services Fund and budgeting it in personnel services for temporary workers and appropriating the remaining in materials and services for program expenses.

COMMUNITY DEVELOPMENT FUND

Revenue:	
Fund Balance	\$ 33,439.
Interfund Transfers	<u>3,716.</u>
Total Revenues	<u>\$ 37,155.</u>
Expense:	
Personnel Services	\$ 37,155.
Total Expenses	<u>\$ 37,155.</u>

Community Development Fund is recognizing fund balance and an interfund transfer from the Health, Housing and Human Services Fund and appropriating it in personnel services.

COMMUNITY SOLUTIONS FOR CLACKAMAS COUNTY FUND

Revenue:	
Fund Balance	\$ 106,736.
Interfund Transfers	<u>10,849.</u>
Total Revenues	<u>\$ 117,585.</u>
Expense:	
Personnel Services	\$ 10,849.
Materials and Services	<u>106,736.</u>
Total Expenses	<u>\$ 117,585.</u>

Community Solutions for Clackamas County Fund is recognizing fund balance and an interfund transfer from the Health, Housing and Human Services Fund and budgeting it in personnel services and material and services for program costs.

CHILDREN, YOUTH AND FAMILIES FUND

Revenue:	
Interfund Transfers	\$ 3,515.
Total Revenues	<u>\$ 3,515.</u>
Expense:	
Personnel Services	\$ 3,515.
Total Expenses	<u>\$ 3,515.</u>

Children, Youth and Families Fund is recognizing an interfund transfer from the Health, Housing and Human Services Fund and appropriating it in personnel services.

PUBLIC HEALTH SERVICES FUND

Revenue:	
Interfund Transfers	\$ 15,024.
Total Revenues	<u>\$ 15,024.</u>
Expense:	
Personnel Services	\$ 15,024.
Total Expenses	<u>\$ 15,024.</u>

Public Health Fund is recognizing an interfund transfer from the Health, Housing and Human Services Fund and appropriating it in personnel services.

CLACKAMAS HEALTH CENTERS FUND

Revenue:	
Interfund Transfers	\$ 61,603.
Total Revenues	<u>\$ 61,603.</u>
Expense:	
Materials & Services	\$ 61,603.
Total Expenses	<u>\$ 61,603.</u>

Clackamas Health Centers Fund is recognizing an interfund transfer from the Health, Housing and Human Services Fund and appropriating it in materials and services.

DTD CAPITAL PROJECTS FUND

Revenue:	
State Operating Grants	\$ 4,500,000.
Interfund Transfers	1,500,000.
Total Revenues	<u>\$ 6,000,000.</u>
Expense:	
Capital Outlay	\$ 6,000,000.
Total Expenses	<u>\$ 6,000,000.</u>

DTD Capital Projects Fund is recognizing Oregon Department of Transportation grant revenue and an interfund transfer from the Countywide Transportation SDC Fund and budgeting it in capital outlay for the Clackamas River Bridge and Lawnfield Phase 3 construction projects.

STONE CREEK GOLF COURSE FUND

Revenue:	
Fund Balance	\$ 100,682.
Total Revenues	<u>\$ 100,682.</u>
Expense:	
Capital Outlay	\$ 71,500.
Contingency	29,182.
Total Expenses	<u>\$ 100,682.</u>

Stone Creek Golf Course Fund is recognizing fund balance and budgeting it in capital outlay for the purchase of new grounds equipment and potential parking lot and driveway improvements and contingency.

CLACKAMAS BROADBAND UTILITY FUND

Revenue:	
Fund Balance	\$ (266,248.)
Miscellaneous Revenue	48,328.
Interfund Transfers	<u>232,995.</u>
Total Revenues	<u>\$ 15,075.</u>
Expense:	
Personnel Services	\$ (103,253.)
Capital Outlay	<u>118,328.</u>
Total Expenses	<u>\$ 15,075.</u>

Clackamas Broadband Utility Fund is recognizing an interfund transfer from the Clackamas Broadband Innovation Initiative Fund and realigning revenues and expenditures to better reflect final anticipated expenditures.



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MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

January 30, 2014

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

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for Clackamas County for Budgeting of
New Specific Purpose Revenue for Fiscal Year 2013-2014

Purpose/Outcome	Budget changes for Clackamas County FY 2013-2014
Dollar Amount and fiscal Impact	The effect is an increase in appropriations of \$1,701,200.
Funding Source	Includes Federal and State Operating Grants Charge for Services and Miscellaneous Revenue.
Safety Impact	N/A
Duration	July 1, 2013-June 30, 2014
Previous Board Action/Review	Budget Adopted June 27, 2013, amended August 8, 2013 and November 7, 2013
Contact Person	Diane Padilla, 503-742-5425
Contract No.	N/A

BACKGROUND:

Each fiscal year it is necessary to appropriate additional expenditures and allocate additional sources of revenue to more accurately meet the changing requirements of the operating departments of the County. The attached resolution reflects those changes that departments have requested which pursuant to O.R.S. 294.326, qualify as grants in trust for specific purposes in keeping with legally accurate budget.

The Emergency Management Fund is recognizing additional Emergency Management Performance Grant funds from the State of Oregon and allocating it in materials and services.

The District Attorney Fund is recognizing Internal County Grant revenue from Children, Youth and Families Fund and budgeting it to hire a full-time Victim Advocate for the Violence Against Women program.

The Social Services Fund is recognizing State Operating Grant revenue and budgeting to add a full-time Case Manager and temporary workers for the Oregon Project Independence Program.

The Children, Youth and Families Fund is recognizing federal and state grant revenue and budgeting it in personnel services and materials and services for A Safe Place-Family Justice Center and other ongoing programs.

The Public Health Fund is recognizing latest funding levels from Tobacco, Maternal Child Health and School Based Health Center grants and budgeting it in materials and services and capital outlay.

The Central Dispatch Fund is recognizing State Homeland Security Program revenue and budgeting it to pay for a Computer Aided Dispatch replacement consultant.

The effect of this Board Order is an increase in appropriations of \$1701,200 including new revenues as detailed below:

Federal Operating Grants	\$ 888,663.
State Operating Grants	734,244.
Charge for Services	70,543.
Miscellaneous Revenue	<u>7,750.</u>
Total Recommended	<u>\$ 1,701,200.</u>

RECOMMENDATION:

Staff respectfully recommends adoption of the attached supplemental budget and Exhibit A in keeping with a legally accurate budget.

Sincerely,



Diane Padilla
Budget Manager

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

In the Matter of Providing
Authorization to Appropriate Grants
For Specific Purposes within the Fiscal
Year 2013-14



Resolution No. _____

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, appropriation of grants entrusted for specific purposes within Clackamas County budget for the period of July 1, 2013 through June 30, 2014, inclusive is necessary to authorize the expenditure of funds, for the needs of Clackamas County residents;

WHEREAS; the fund being adjusted is:

- . Emergency Management Fund
- . District Attorney Fund
- . Social Services Fund
- . Children, Youth and Families Fund
- . Public Health Fund
- . Central Dispatch;

It further appearing that it is in the best interest of the County to approve these grants entrusted for specific purpose of appropriations for the period of July 1, 2013 through June 30, 2014.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.326, appropriation of specific purpose grants is authorized as shown in the attached Exhibit A which by this reference is made a part of this Resolution.

DATED _____

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

NEW SPECIFIC PURPOSE REVENUE REQUESTS

Exhibit A

Federal Operating Grants	\$ 888,663.
State Operating Grants	734,244.
Charge for Services	70,543
Miscellaneous Revenue	<u>7,750.</u>
Total Recommended	\$ <u>1,701,200.</u>

EMERGENCY MANAGEMENT FUND

Revenue:	
Federal Operating Grants	\$ 315,000.
Total	<u>\$ 315,000.</u>
Expense:	
Materials and Services	\$ 315,000.
Total	<u>\$ 315,000.</u>

Emergency Management Fund is recognizing additional Emergency Management Performance Grant funds from the State of Oregon and allocating it in materials and services.

DISTRICT ATTORNEY FUND

Revenue:	
Charge for Services	\$ 72,108.
Total	<u>\$ 72,108.</u>
Expense:	
Personnel Services	\$ 72,108.
Total	<u>\$ 72,108.</u>

District Attorney Fund is recognizing Internal County Grant revenue from Children, Youth and Families Fund and budgeting it to hire a full-time Victim Advocate for the Violence Against Women program.

SOCIAL SERVICES FUND

Revenue:	
State Operating Grants	\$ 264,192.
Charge for Services	25,000.
Total	<u>\$ 289,192.</u>
Expense:	
Personnel Services	\$ 155,192.
Materials and Services	134,000.
Total	<u>\$ 289,192.</u>

Services Fund is recognizing State Operating Grant revenue and budgeting to add a full-time Case Manager and temporary workers for the Oregon Project Independence Program.

CHILDREN, YOUTH AND FAMILIES FUND

Revenue:		
	Federal Operating Grants	\$ 502,972.
	State Operating Grants	<u>145,070.</u>
	Total	<u>\$ 648,042.</u>
Expense:		
	Personnel Services	\$ 102,315.
	Materials and Services	<u>545,727.</u>
	Total	<u>\$ 648,042.</u>

Children, Youth and Families Fund is recognizing federal and state grant revenue and budgeting it in personnel services and materials and services for A Safe Place-Family Justice Center and other ongoing programs.

PUBLIC HEALTH FUND

Revenue:		
	Federal Operating Grants	\$ (29,309.)
	State Operating Grants	324,982.
	Charge for Services	(26,565.)
	Miscellaneous Revenue	<u>7,750.</u>
	Total	<u>\$ 276,858.</u>
Expense:		
	Materials and Services	\$ 275,358.
	Capital Outlay	<u>1,500.</u>
	Total	<u>\$ 276,858.</u>

Public Health Fund is recognizing latest funding levels from Tobacco, Maternal Child Health and School Based Health Center grants and budgeting it in materials and services and capital outlay.

CENTRAL DISPATCH FUND

Revenue:		
	Federal Operating Grants	\$ 100,000.
	Total	<u>\$ 100,000.</u>
Expense:		
	Materials and Services	\$ 100,000.
	Total	<u>\$ 100,000.</u>

Central Dispatch Fund is recognizing State Homeland Security Program revenue and budgeting it to pay for a Computer Aided Dispatch replacement consultant.



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MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

January 30, 2014

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

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for Clackamas County for
Transfer of Appropriations for Fiscal Year 2013-2014

Purpose/Outcome	Budget changes for Clackamas County FY 2013-2014
Dollar Amount and fiscal Impact	No fiscal impact. Transfer of existing appropriations between categories.
Funding Source	N/A
Safety Impact	N/A
Duration	July 1, 2013-June 30, 2014
Previous Board Action/Review	Budget Adopted June 27, 2013, amended August 8, 2013 and November 7, 2013
Contact Person	Diane Padilla, 503-742-5425
Contract No.	N/A

BACKGROUND: Periodically during the fiscal year it is necessary to transfer appropriations between the major spending categories (personal services, materials and services, debt service, interfund transfer, capital outlay and other requirements) to more accurately reflect the changing requirements of the operating departments.

Transfers are a method of moving budgeted appropriations during the fiscal year as required by state budget law per ORS 294.450. There is no financial impact incurred as a result of transfers as appropriations for these amounts have been accomplished through the initial budget process.

The attached resolution accomplishes the above mentioned changes as requested by the following operating departments in keeping with a legally accurate budget.

The General Fund – Non Departmental is transferring from contingency to the Behavioral Health Fund to help pay for a the jail mental health services position for the full fiscal year.

The District Attorney Fund is transferring from personnel services to materials and services due to lower than anticipated fringe benefit costs and using the savings to offset the costs of a new in-house family support scanning program.

The Justice Court Fund is transferring from contingency to personnel services to add a full-time legal secretary to provide additional office support.

The Facilities Management Fund is transferring from contingency to capital outlay and materials and services to purchase a vehicle and better reflect anticipated expenditures.

RECOMMENDATION:

Staff respectfully recommends adoption of the attached supplemental budget and Exhibit A in keeping with a legally accurate budget.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Padilla".

Diane Padilla
Budget Manager

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

In the Matter of Providing Authorization
To Transfer Appropriations Within
the Fiscal Year 2013-14



Resolution No. _____

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

WHEREAS, transfer of appropriations for the period of July 1, 2013 through June 30, 2014, inclusive is necessary to continue to prudently manage the distribution of those expenditures for the needs of Clackamas County residents;

WHEREAS; the funds being adjusted are:

- . General Fund – Non Departmental
- . District Attorney Fund
- . Justice Court Fund
- . Facilities Management Fund;

It further appearing that it is in the best interest of the County to approve this transfer of appropriations for the period of July 1, 2013 through June 30, 2014.

BE RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.450, transfer of appropriation within the fiscal year budget is authorized as shown in the attached Exhibit A which by this reference is made a part of this Resolution.

DATED _____

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

TRANSFER REQUESTS
Exhibit A

GENERAL FUND – NON DEPARTMENTAL

Decrease:		
Expenses		
Contingency	\$	98,146.
Total	\$	<u>98,146.</u>
Increase:		
Expenses		
Interfund Transfer	\$	98,146.
Total	\$	<u>98,146.</u>

General Fund – Non Departmental is transferring from contingency to the Behavioral Health Fund to help pay for a jail mental health services position for the full fiscal year.

DISTRICT ATTORNEY FUND

Decrease:		
Expenses		
Personnel Services	\$	23,750.
Total	\$	<u>23,750.</u>
Increase:		
Expenses		
Materials and Services	\$	23,750.
Total	\$	<u>23,750.</u>

Transferring from personnel services to materials and services due to lower than anticipated fringe benefit costs and using the savings to offset the costs of a new in-house family support scanning program.

JUSTICE COURT FUND

Decrease:		
Expenses		
Contingency	\$	47,465.
Total	\$	<u>47,465.</u>
Increase:		
Expenses		
Personnel Services	\$	47,465.
Total	\$	<u>47,465.</u>

Justice Court Fund is transferring from contingency to personnel services to add a full-time legal secretary to provide additional office support.

FACILITIES MANAGEMENT FUND

Decrease:		
Expenses		
Contingency	\$	37,213.
Total	\$	<u>37,213.</u>
Increase:		
Expenses		
Materials and Services	\$	19,713.
Capital Outlay		<u>17,500.</u>
Total	\$	<u>37,213.</u>

Facilities Management Fund is transferring from contingency to capital outlay and materials and services to purchase a vehicle and better reflect anticipated expenditures.

8

Approval of Previous Business Meeting Minutes:

December 19, 2013

(minutes attached)

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.html>

Thursday, December 19, 2013 - 6:00 PM

Public Services Building

2051 Kaen Rd., Oregon City, OR 97045

**PRESENT: Commissioner John Ludlow, Chair
Commissioner Jim Bernard
Commissioner Paul Savas
Commissioner Martha Schrader
Commissioner Tootie Smith**

Chair Ludlow opened the meeting as the Housing Authority Board for the first item on the agenda. He introduced Paul Reynolds, Housing Authority Commissioner.

I. CALL TO ORDER

■ Roll Call

Commissioner Schrader is running a few minutes late, she arrived at the beginning of Citizen Communication.

■ Pledge of Allegiance

Don Krupp introduced his wife Susan Carr to the Board.

II. HOUSING AUTHORITY CONSENT AGENDA

Chair Ludlow asked the Clerk to read the Housing Authority Consent Agenda by title.

1. In the Matter of Writing off Uncollectible Accounts for the Second Quarter of FY 2014

MOTION:

Commissioner Reynolds: I move we approve the Housing Authority Consent agenda.

Commissioner Bernard: Second.

Clerk to call the poll:

Commissioner Reynolds: Aye.

Commissioner Savas: Aye.

Commissioner Smith: Aye.

Commissioner Bernard: Aye.

Chair Ludlow: Aye - the motion is approved 5-0.

Chair Ludlow adjourned as the Housing Authority Board and convened as the Board of County Commissioners for the remainder of the meeting.

III. CITIZEN COMMUNICATION

1. Tena Olson, Oregon City – praised AMR Ambulance and their assistance during a personal experience.
2. Ed Gronke, Milwaukie – spoke in support of the MAP-IT projects.
3. Susan Wilson, Jennings Lodge – spoke in support of the MAP-IT projects.
4. Terry Gibson, Jennings Lodge - spoke in support of the MAP-IT projects.
5. Nancy Gibson, Jennings Lodge – spoke in support of the proposed park on River Rd.
6. Tom O'Mally, Milwaukie – spoke in support of the proposed park on River Rd.
7. Elizabeth Bently, Milwaukie – spoke in support of the proposed park on River Rd.
8. Tom Weaver, Jennings Lodge - spoke in support of the proposed park on River Rd.
9. Pat Reinert, Portland – spoke in support of the proposed park on River Rd
10. Carol Mastronarde, Chair of Jennings Lodge CPO - spoke in support of the proposed park on River Rd

~Board Discussion regarding River Road Property~

11. Aaron Huddart, Gladstone – NWV Habitat for Humanity – gave the Board a brief review of his organization.
12. Nancy Kelly Bushly, Milwaukie – wants to know why Trimet does not have a land use permit for the Trolley Trail work.

Chair Ludlow stated he would have someone get back to her with this answer.

13. Sonja Pauli, Milwaukie – concerned about the deed transfer with the Trolley Trail.

~Board Discussion~

14. Jim Martin, Representing the Oak Grove Community Council – spoke in support of the Jennings Lodge
15. Janet Schoenheit, Milwaukie – spoke regarding the land exchange and the deed restriction.

Stephen Madkour stated the deed restriction mentioned is on the deed from the Railroad to Trimet, not on the deed from Trimet to NCPRD.

16. Eugene Schoenheit, Milwaukie – spoke about the County's legal responsibility – asked the Board not to move on this item tonight.

~Board Discussion~

17. Les Poole, Gladstone – spoke regarding concerns with the Trimet land exchange.
18. Maryanna Moore, Gladstone – asked the Board not to vote on Trimet issue tonight. She also supports AMR contract.

~Board Discussion~

19. Rose Johnson, Gladstone – spoke regarding the Trimet deed.

~Board Discussion~

IV. PUBLIC HEARINGS

1. Board Order No. **2013-96** Accepting a Transfer of Jurisdiction from Clackamas County to the City of Lake Oswego for Portions of Upper Drive (County Road #1009, DTD #21199) that are within the City Limits

Barb Cartmill, Department of Transportation and Development introduced Rick Maxwell, Engineering who presented the staff report.

~Board Discussion~

Chair Ludlow opened the public hearing and if anyone wishes to speak, seeing none he closed the public hearing and asked for a motion.

MOTION:

Commissioner Schrader: I move we approve the Board Order Accepting a Transfer of Jurisdiction from Clackamas County to the City of Lake Oswego for Portions of Upper Drive that are within the City Limits.

Commissioner Savas: Second.

Clerk to call the poll:

Commissioner Bernard: Aye.

Commissioner Smith: Aye.

Commissioner Schrader: Aye.

Commissioner Savas: Aye.

Chair Ludlow: Aye - the motion is approved 5-0.

2. Reading and Adoption of Board Order No. **2013-97** Amending Local Contract Review Board Rules, County Code Appendix "C"

Stephen Madkour, County Counsel, presented the staff report.

~Board Discussion~

Chair Ludlow opened the public hearing and if anyone wishes to speak, seeing none he closed the public hearing and asked for a motion.

MOTION:

Commissioner Schrader: I move we read the Board Order by title only.
Commissioner Bernard: Second.
Clerk to call the poll:
Commissioner Savas: Aye.
Commissioner Schrader: Aye.
Commissioner Smith: Aye.
Commissioner Bernard: Aye.
Chair Ludlow: Aye - the motion is approved 5-0 – he asked the Clerk to read the Board Order by title only. He then asked for a motion to adopt the Board Order.

MOTION:

Commissioner Schrader: I move we adopt the Board Order Amending Local Contract Review Board Rules, County Code Appendix “C”.
Commissioner Bernard: Second.
Clerk to call the poll:
Commissioner Smith: Aye.
Commissioner Schrader: Aye.
Commissioner Savas: Aye.
Commissioner Bernard: Aye.
Chair Ludlow: Aye - the motion is approved 5-0.

V. PRESENTATION

1. Presentation of Status of Clackamas County Roads

Barbara Cartmill, Department of Transportation and Development presented the staff report with a PowerPoint presentation. She introduced Warren Gadberry, Transportation Maintenance Supervisor who spoke about the County Road system.

~Board Discussion~

Chair Ludlow adjourned as the Board of County Commissioners and convened as the North Clackamas Parks and Recreation District for the next item.

VI. BOARD DISCUSSION ITEM

***NORTH CLACKAMAS PARKS AND RECREATION DISTRICT**

1. Approval of a Purchase and Sale Agreement with the Tri-County Metropolitan Transportation District of Oregon Regarding Real Property for the Trolley Trail Project
Gary Barth, Business and Community Services and Chris Storey, County Counsel presented the staff report.

~Board Discussion~

MOTION:

Commissioner Bernard: I move we approve the Purchase and Sale Agreement with the Tri-County Metropolitan Transportation District of Oregon Regarding Real Property for the Trolley Trail Project.
Chair Ludlow: Second.

~Board Discussion~

Clerk to call the poll:
Commissioner Smith: Aye.
Commissioner Schrader: Aye.
Commissioner Savas: No.
Commissioner Bernard: Aye.
Chair Ludlow: Aye. The motion is approved 4-1.
~Board Discussion~

Chair Ludlow adjourned as the North Clackamas Parks and Recreation District and re-convened as the Board of County Commissioners for the remainder of the meeting.

VII. CONSENT AGENDA

Chair Ludlow asked the Clerk to read the consent agenda by title – he then asked for a motion.

MOTION:

Commissioner Schrader: I move we approve the consent agenda.
Commissioner Smith: Second.
Clerk to call the poll:
Commissioner Savas: Aye.
Commissioner Schrader: Aye.
Commissioner Smith: Aye.
Commissioner Bernard: Aye.
Chair Ludlow: Aye. The motion is approved 5-0.

A. Health, Housing & Human Services

1. Approval of the Agency Services Amendment No. 1 to the Foothills Community Church to Provide Social Services for Clackamas County Residents – *Social Services*
2. Approval of a Revenue Agreement with Oregon Department of Human Services for Strengthening, Preserving and Reunifying Families Program Services – *Children, Youth & Families*

B. Department of Transportation & Development

1. Board Order No. **2013-98** Amending the Declaration of Public Necessity and Purpose for Acquisition of Rights-of-Way and Easements for the Barlow/Zimmerman Intersection Improvement Project and Authorizing Negotiations and Eminent Domain Actions
2. Approval of an Intergovernmental Agreement between Clackamas County and the City of Lake Oswego to Transfer Permitting Authority, Maintenance Responsibility and Road Standards for Portions of Upper Drive (County Road #1009, DTD #21199) to the City
3. Approval of an Intergovernmental Agreement with Metro for the Clackamas Regional Center Way-Finding System Project

C. Elected Officials

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

***D. Resolution Services**

1. **REMOVED** - Resolution No. _____ Approving Fees for Small Claims Mediation Services through the Clackamas County Resolution Services Office

E. Technology Services

1. Approval of an ORMAP Intergovernmental Agreement Contract No. 3064 with the Oregon Department of Revenue for Digital GIS Tax Lot Conversion

**See VI. 1 for this item.*

VIII. NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

1. Approval of a Purchase and Sale Agreement with the Tri-County Metropolitan Transportation District of Oregon Regarding Real Property for the Trolley Trail Project

IX. DEVELOPMENT AGENCY

1. Approval of a Disposition and Development Agreement with RPS Venture #2, LLC

X. COUNTY ADMINISTRATOR UPDATE

www.clackamas.us/bcc/business.html

XI. COMMISSIONERS COMMUNICATION

www.clackamas.us/bcc/business.html

MEETING ADJOURNED – 8:25 PM

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.

www.clackamas.us/bcc/business.html



Laura Zentner, CPA
 Business Operations Director
 North Clackamas Parks and Recreation District
 Development Services Building
 150 Beaver Creek Road
 Oregon City, OR 97045

January 30, 2014

9

Board of County Commissioners
 Clackamas County

Members of the Board:

**Approval of a Resolution for North Clackamas Parks & Recreation District for
Transfer of Appropriations for Fiscal Year 2013-2014**

Purpose/Outcome	Approval of a resolution for transfer of appropriations for North Clackamas Parks & Recreation District FY 2013-2014
Dollar Amount and fiscal Impact	No fiscal impact. Transfer of existing appropriations between categories.
Funding Source	N/A
Safety Impact	N/A
Duration	July 1, 2013 through June 30, 2014
Previous Board Action/Review	Original Adopted Budget June 27, 2013
Contact Person	Laura Zentner, BCS Deputy Director 503.742.4351
Contract No.	N/A

BACKGROUND: Periodically during the fiscal year it is necessary to transfer appropriations between the major categories (Administration, Parks Maintenance, Program Services, Milwaukie Center, Aquatic Park, Community Relations, Planning, Natural Resources, Nutrition, Transportation, Transfers and Contingency) to more accurately reflect the changing requirements of the operating departments.

Transfers are a method of moving budgeted appropriations during the fiscal year as required by state budget law per ORS 294.463. There is no financial impact incurred as a result of transfers as appropriations for these amounts have been accomplished through the initial budget process.

The attached resolution accomplishes the above mentioned changes as requested by the District in keeping with a legally accurate budget.

The **General Fund** - is transferring from the Administration, Parks Maintenance, Program Services, Aquatic Park, and Natural Resources Division categories to the Planning Division category to pay expenditures related to the update of the District's master plan.

RECOMMENDATION:

Staff respectfully recommends adoption of the attached resolution and Exhibit A in keeping with a legally accurate budget.

Sincerely,

Laura L. Zentner, CPA
 BCS Deputy Director

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

A RESOLUTION OF THE CLACKAMAS
COUNTY BOARD OF COMMISSIONERS
ACTING AS THE GOVERNING BODY OF
THE NORTH CLACKAMAS PARKS AND
RECREATION DISTRICT AND PROVIDING
AUTHORIZATION TO TRANSFER
APPROPRIATIONS WITHIN THE NORTH
CLACKAMAS PARKS & RECREATION
DISTRICT FISCAL YEAR 2013-14 BUDGET



Resolution No. _____

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, transfer of appropriations for the period of July 1, 2013 through June 30, 2014, inclusive is necessary to continue to prudently manage the distribution of those expenditures for the needs of District residents;

WHEREAS; the funds being adjusted are:

. North Clackamas Parks & Recreation District - General Fund

It further appearing that it is in the best interest of the County to approve this transfer of appropriations for the period of July 1, 2013 through June 30, 2014.

BE RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.463, transfer of appropriation within the fiscal year budget is authorized as shown in the attached Exhibit A which by this reference is made a part of this Resolution.

DATED this 30th day of January, 2014

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



Laura Zentner, CPA
Business Operations Director
North Clackamas Parks and Recreation District
Development Services Building
150 Beaver Creek Road
Oregon City, OR 97045

TRANSFER REQUESTS

Exhibit A

January 30, 2014

NORTH CLACKAMAS PARKS & RECREATION DISTRICT - GENERAL FUND

Increase:		
	Planning Division	\$ 170,000
	Total	<u>\$ 170,000</u>
Decrease:		
	Administration Division	\$ 30,000
	Parks Maintenance Division	\$ 20,000
	Program Services Division	\$ 70,000
	Aquatic Park Division	\$ 20,000
	Natural Resources Division	\$ 30,000
	Total	<u>\$ 170,000</u>

The General Fund is transferring from the Administration, Parks Maintenance, Program Services, Aquatic Park, and Natural Resources Division categories to the Planning Division category to pay expenditures related to the update of the District's master plan.



Laura Zentner, CPA
 Business Operations Director
 North Clackamas Parks and Recreation District
 Development Services Building
 150 Beaver Creek Road
 Oregon City, OR 97045

January 30, 2014

10

Board of County Commissioners
 Clackamas County

Members of the Board:

Approval of a Resolution for North Clackamas Parks & Recreation District for a Supplemental Budget (Less Than Ten Percent) for Fiscal Year 2013-2014

Purpose/Outcome	Approval of a resolution for a supplemental budget less than ten percent for North Clackamas Parks & Recreation District FY 2013-2014
Dollar Amount and fiscal Impact	The effect is an increase in appropriations of \$543,583.
Funding Source	N/A
Safety Impact	N/A
Duration	July 1, 2013 through June 30, 2014
Previous Board Action/Review	Original Adopted Budget June 27, 2013
Contact Person	Laura Zentner, BCS Deputy Director 503.742.4351
Contract No.	N/A

BACKGROUND: Each fiscal year it is necessary to allocate additional sources of revenue and appropriate additional expenditures to more accurately meet the changing requirements of the operating departments.

A supplemental budget is a method of appropriating fund expenditures less than 10% during the fiscal year as required by state budget law per ORS 294.473. The required meeting notice has been posted.

The attached resolution reflects the above-mentioned changes by department in keeping with a legally accurate budget.

The **General Fund** - is recognizing additional fund balance in the Administration Division category in the amount of \$543,583 and recognizing additional expenditures in the Planning Division category related to the update of the District's master plan in the amount of \$100,000 and in the Contingency category in the amount of \$443,583.

RECOMMENDATION:

Staff respectfully recommends adoption of the attached resolution and Exhibit A in keeping with a legally accurate budget.

Sincerely,

Laura L. Zentner, CPA
 BCS Deputy Director

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

A RESOLUTION OF THE CLACKAMAS
COUNTY BOARD OF COMMISSIONERS
ACTING AS THE GOVERNING BODY OF
THE NORTH CLACKAMAS PARKS AND
RECREATION DISTRICT REGARDING
ADOPTION OF A SUPPLEMENTAL
BUDGET FOR ITEMS LESS THAN 10
PERCENT OF THE TOTAL QUALIFYING
EXPENDITURES AND MAKING
APPROPRIATIONS FOR THE NORTH
CLACKAMAS PARKS & RECREATION
DISTRICT FISCAL YEAR 2013-14



Resolution No. _____

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, 2013 through June 30, 2014, inclusive is necessary to authorize the expenditure of funds, for the needs of District residents;

WHEREAS; the funds being adjusted are:

North Clackamas Parks & Recreation District - General Fund

It further appearing that it is in the best interest of the District to approve this appropriation of beginning fund balance for the period of July 1, 2013 through June 30, 2014.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.471, appropriation of beginning fund balance is authorized within the fiscal year as shown in the attached Exhibit A which by this reference is made a part of this Resolution.

DATED this 30th day of January, 2014

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



Laura Zentner, CPA
Business Operations Director
North Clackamas Parks and Recreation District
Development Services Building
150 Beaver Creek Road
Oregon City, OR 97045

SUMMARY OF SUPPLEMENTAL BUDGET

Exhibit A

CHANGES OF LESS THAN 10% OF BUDGET

January 30, 2014

NORTH CLACKAMAS PARKS & RECREATION DISTRICT - GENERAL FUND

Increase Beginning Fund Balance:	
Administration Division	\$ 543,583
Total	<u>\$ 543,583</u>
Increase Expenditure:	
Planning Division	\$ 100,000
Contingency	\$ 443,583
Total	<u>\$ 543,583</u>

The General Fund is recognizing additional fund balance in the Administration Division category in the amount of \$543,583 and recognizing additional expenditures in the Planning Division category related to the update of the District's master plan in the amount of \$100,000 and in the Contingency category in the amount of \$443,583.



Gary Barth, MBA
Director
North Clackamas Parks and Recreation District
Development Services Building
150 Beavercreek Road
Oregon City, OR 97045

January 30, 2014

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of Amendment #2 to the Intergovernmental Agreement between the City of Happy Valley and North Clackamas Parks & Recreation District

Purpose/Outcome	Approval of amendment #2 to the Intergovernmental Agreement between the City of Happy Valley and North Clackamas Parks and Recreation District
Dollar Amount and fiscal Impact	No fiscal impact.
Funding Source	N/A
Safety Impact	N/A
Duration	Through December 31, 2014
Previous Board Action/Review	Original IGA entered into in August 2005. Amendment #1 was entered in December 2012.
Contact Person	Gary Barth, BCS/NCPRD Director 503.742.4299
Contract No.	N/A

BACKGROUND: NCPRD and the City of Happy Valley entered into an Intergovernmental Agreement August 2005 after Happy Valley annexed into the District. The IGA outlines the roles and responsibilities between the two parties.

Section 5 defines services provided by the City for the District for which NCPRD will provide payment to the city for said services. Section 5G outlines the payment terms. Section 5H is the one section in the IGA that contains a date range. During the period of between January 1, 2012 and September 15, 2012 the City was to notify the District whether or not the city would continue to provide the services in section 5. If the city chose to discontinue providing direct services then the District would assume those responsibilities and discontinue payments to the City accordingly.

The City and NCPRD mutually agreed to extend that date range in 5H to be between March 1, 2013 and September 30, 2013 in recognition that the District was embarking on a master plan update that may influence the city's decision.

In June 2013, the Board of NCPRD authorized staff and the District Advisory Board to enter into a second phase of analysis to explore an "aspirational" master plan for Board consideration in spring 2014. As a result the City staff and the District staff have proposed that a second amendment be entered into between the City and the District that will again extend the date in section 5H to be between October 1, 2013 and December 31, 2014. That will allow for completion of the District master plan before the City of Happy Valley has to make a decision on services they currently provide as outlined in section 5 of the IGA.

The City has provided the District a copy of a City Council resolution that authorized the City Manager to sign Amendment No. 2 to extend the date range in paragraph

5H to between October 1, 2013 and December 31, 2014. The City Manager signed and forwarded that Amendment to the District for signature.

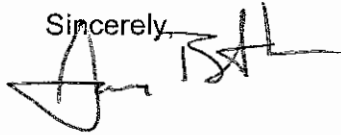
Consequently, staff brought the amendment to a November 12, 2013 “issues” meeting at which time the Board provided direction to move forward and instructed staff to return to the board with the item on a future consent agenda.

Copies of relevant documents are attached.

RECOMMENDATION:

Staff respectfully requests that the NCPRD Board sign Amendment No. 2 to fully execute the extension.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Barth', with a stylized flourish extending to the right.

Gary Barth, MBA
BCS/NCPRD Director

Mayor
HON. LORI DEREMER

City Councilors
TOM ANDRUSKO
MARKLEY DRAKE
MICHAEL MORROW
TOM ELLIS



16000 SE MISTY DRIVE, HAPPY VALLEY, OREGON 97086
Telephone 503.783.3800 ~ Fax 503.658.5174
Website: www.ci.happy-valley.or.us

October 2, 2013

Gary Barth
North Clackamas Parks and Recreation District
150 Beaver Creek Road
Oregon City, OR 97045

Re: Extension of Annexation and Service Agreement

Dear Gary,

Please find attached the City of Happy Valley's signed Resolution 13-18 authorizing the City Manager to extend the Annexation and Service Agreement, as well as Amendment No. 2 outlining the terms of the agreement.

Amendment No. 2 has been reviewed by our City Attorney.

Please sign and return the attached agreement.

Thanks very much for your help in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Marylee Walden".

Marylee Walden
City Recorder and Director of
Human Resources

CITY OF HAPPY VALLEY, OREGON
RESOLUTION 13-18

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN EXTENSION TO
THE ANNEXATION AND SERVICE AGREEMENT BETWEEN THE NORTH
CLACKAMAS PARKS AND RECREATION DISTRICT AND THE CITY OF HAPPY
VALLEY

WHEREAS, The City of Happy Valley, annexed into the North Clackamas Parks and Recreation District through a voter approved election on May 16th of 2006; and,

WHEREAS, An Annexation and Service Agreement was drafted formalizing the responsibility of each party; and

WHEREAS, The Annexation and Service Agreement was binding for a period of 5 years; and,

WHEREAS, both the City and North Clackamas Parks and Recreation District entered into a one year Annexation and Service Agreement extension that expires on December 31st, 2013.

WHEREAS, North Clackamas Parks and Recreation District approached the City about an additional one year extension continuing through 2014.

WHEREAS, NCPRD is currently updating its Master Plan which will impact the City; and

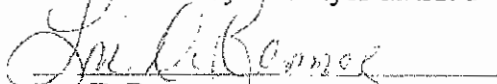
WHEREAS, The City of Happy Valley believes that it is in the best interest of both parties to extend the Annexation and Service agreement for another year to allow completion of the Master Plan Process, thereby creating a new renegotiation deadline of September 30, 2014:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Happy Valley, Oregon:

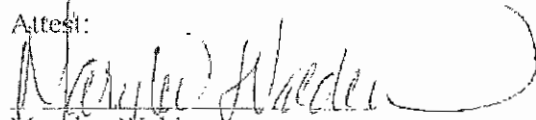
- 1) The City Manager is authorized to sign an extension to the original Annexation and Service Agreement with North Clackamas Parks and Recreation District.
- 2) The current extension will expire December 2014.
- 3) This extension will also include an increase in funding as identified in Section 5 (G) of the Annexation and Service Agreement.
- 4) This resolution is effective immediately upon passage by the City Council.

PASSED by the City Council on this 1st day of October, 2013.

APPROVED by the Mayor on this 1st day of October, 2013.


Lori DeRemer
Mayor

Attest:


Marylee Walden
City Recorder

ANNEXATION AND SERVICE AGREEMENT
BETWEEN
NORTH CLACKAMAS PARKS AND RECREATION DISTRICT
AND
THE CITY OF HAPPY VALLEY

AMENDMENT No. 2

This Second Amendment ("Amendment No. 2") by and between the City of Happy Valley ("City") and the North Clackamas Parks and Recreation District ("District") is entered into this 2nd day of October, 2013.

WHEREAS, City and District entered into that certain "Annexation and Service Agreement" (dated August 25, 2005) ("Agreement") provides for certain rights and responsibilities for the City and the District; and

WHEREAS, City has the right but not the obligation to cease providing certain park-related services the District is paying for pursuant to Section 5.H of the Agreement;

WHEREAS, The District is currently updating its District-wide Park and Recreation System Master Plan and

WHEREAS, City and District need additional time to complete the Master Plan and consider the optimal method for delivery of park and recreation services

NOW, THEREFORE, based on the foregoing and for good and sufficient consideration (the receipt of which is hereby acknowledged), City and District agree:

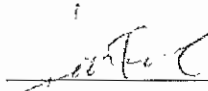
1. The first sentence of Section 5.H of the Agreement is hereby replaced with the following:
"Between October 1, 2013 and December 31, 2014, the City will notify the District in writing whether the City will continue to provide the services noted above."
2. A new subsection 7(J) is hereby added to the Agreement which new subsection is to read as follows:
 - J. The Agreement and any amendments or supplements (including this Amendment) shall not terminate unless (i) mutually agreed by the parties, or (ii) unilaterally by either the District or City with 180 days advance written notice to the other party.
3. Except as expressly amended by this Amendment, the Agreement remains in full force and effect as written.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by the duly authorized officers on the dates hereinafter written.

CITY OF HAPPY VALLEY

NORTH CLACKAMAS PARKS AND RECREATION DISTRICT



By: JASON ROCK

Date: 10/2/13

By:

Date:

AMENDMENT OF TERM TO ANNEXATION AND
SERVICE AGREEMENT BETWEEN NORTH
CLACKAMAS PARKS AND RECREATION DISTRICT
AND THE CITY OF HAPPY VALLEY

This Amendment of Term (this "Amendment") by and between the City of Happy Valley ("City") and North Clackamas Parks and Recreation District ("District") is entered into this 6th day of December, 2012.

WHEREAS, the City and District entered into that certain Annexation and Service Agreement dated August 25, 2005 as it may have been amended from time to time (the "Agreement") provides for certain rights and responsibilities for the parties therein; and

WHEREAS, the City has the right but not the obligation to cease providing certain park-related services that the District is paying for pursuant to Section 5.H of the Agreement;

WHEREAS, The District is currently updating its district-wide park and recreation system master plan to update and evaluate park and recreation needs and service provision methods throughout the District; and

WHEREAS, the City and District desire additional time to complete the master plan and consider the optimal method of delivery for the described services and both the City and District are amenable to an extension of time regarding the same;

NOW, THEREFORE, for good and sufficient consideration, the parties agree that:

1. The first sentence of Section 5.H of the Agreement is amended to read: "Between March 1, 2013 and September 30, 2013, the City will notify the District in writing whether or not the City will continue to provide the services noted above."
2. The Agreement and any amendments, including this Amendment, shall terminate on September 30, 2013.
3. Except as provided in this Amendment, the Agreement remains in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by the duly authorized officers on the dates hereinafter written.

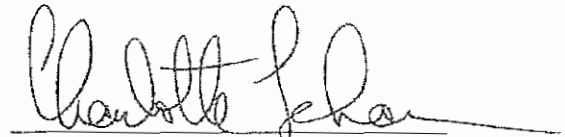
CITY OF HAPPY VALLEY

NORTH CLACKAMAS PARKS AND RECREATION DISTRICT



By: Jason Tuck

Date: 12/6/12



By: Charlotte Lehan, Chair

Date: 12-20-2012

VIII. 1.

RECORDING MEMO

New Agreement/Contract
Amendment/Change Order Original Number
Policy, Reports

ORIGINATING COUNTY
DEPARTMENT:

NCPRD

PURCHASING FOR:

Annexation and Service Agreement Amendment

OTHER PARTY TO
CONTRACT/AGREEMENT:

The City of Happy Valley

BOARD AGENDA DATE:

December 20, 2012

AGENDA ITEM NUMBER:

VIII.1

PURPOSE:

Amendment of term to annexation and service agreement between NCPRD and the City of Happy Valley

Clackamas County Official Records
Sherry Hall, County Clerk
Commissioners' Journals
Agreements & Contracts

2013-3008

01/02/2013 09:00:36 AM

Please return to Patrizia Zamboni Coash, NCPRD Admin after recording.

ANNEXATION and SERVICE AGREEMENT

This Agreement is entered into by and between the City of Happy Valley (City) and the North Clackamas Parks and Recreation District (District), both local governments in the State of Oregon, and referred to as the Parties.

FINDINGS

- a. City is a municipal corporation organized under the laws of this state.
- b. District is a limited purpose county service district organized under ORS Chapter 451 to provide parks and recreation services to a portion of Clackamas County.
- c. Under ORS Chapter 451, the Clackamas County Board of Commissioners is the District governing body.
- d. The Parties wish to jointly plan and implement adequate park and recreational services and facilities for existing and future residents.
- e. The Parties desire to accomplish this goal in the most effective and efficient manner and to provide excellent services to their citizens.
- f. The Parties agree that sharing resources to avoid unnecessary duplication of staff, equipment, and training will promote efficiency and effectiveness in administration and service delivery.
- g. ORS 190.003-190.030 authorizes City and District to enter into agreements for performance of any or all functions and activities that they have legal authority to perform.
- h. ORS 198.866-198.867 provides a process for annexation of City into District.

AGREEMENT

1. ANNEXATION TO DISTRICT.

A. After the Parties sign this Agreement, the City Council will adopt a resolution proposing annexation to District of all territory within City and certify a copy of the proposal to the District Board at their first regularly scheduled meeting in November, 2005. The District Board will then consider the annexation proposal pursuant to ORS 198.866 and Metro Chapter 3.09.

B. As City begins a process to annex territory, it will give notice to District. District may appear as a necessary part and support such annexations. As part of the annexation process, City will designate District as the provider of park services.

C. City intends to annex territory that is within District. As it makes such annexations, it will designate District as the provider of parks services. District may appear as a necessary party and support such annexations.

2. DISTRICT ADVISORY BOARD.

A. The District Board agrees to reorganize the District Advisory Board (DAB) and appoint a nine-member board with representation allocated as follows:

- 2 members from east of I-205 (one of which may reside in the City of Happy Valley)
- 2 members from west of I-205 (one of which may reside in the City of Milwaukie)
- 1 member from the City of Happy Valley*
- 1 member from the City of Milwaukie*
- 1 member from the Milwaukie Center
- 2 members at large (one from east of I-205 and one from west of I-205)

*District agrees to appoint the individual nominated by the City Council to fill the City's representative seat unless there is good cause for rejecting the nomination.

B. District Advisory Board composition will be revisited and adjusted, in the event of significant District boundary changes or major population changes.

C. DAB members will be appointed to staggered four-year terms and may be removed by the District Board.

3. CAPITAL IMPROVEMENT PLAN.

A. The Parties have each adopted a master plan for the development of park and recreational facilities within their boundaries. The parties have also adopted separate Capital Improvement Plans. The Parties agree that the projects listed below will be incorporated into each agency's Capital Improvement Plan and each project will be given a high priority classification. The Parties agree that the construction of the capital projects listed below is conditioned on the availability of adequate financial resources. At a minimum, each agency's Capital Improvement Plan will include the following projects:

1. A community park in the Rock Creek area of 20 to 30 acres to include athletic fields adjacent to a school site if possible.
2. Installation of all weather turf on an existing soccer field at Happy Valley City Park or mutually agreeable alternative location.

3. A Mt. Scott Creek Trail from it's terminus at Adoline Street to the Mt. Talbert nature park trail head located on the south side of Sunnyside Road at approximately 117th Street; and

4. A community recreation center in a mutually agreeable location with gym(s), meeting rooms, multi-purpose rooms and other amenities as the Parties may mutually agree to include.

B. The Parties agree that the construction of the Capital Projects listed in Section 3A is conditioned upon the availability of adequate financial resources. The Parties recognize that neither the City nor the District currently have capital funds available to commit to these Capital Projects at the initiation of this Agreement. The Parties also recognize that the use of SDC funds may not be appropriate and/or available to cover the full cost of the Capital Projects. Therefore, the Parties agree to work cooperatively to:

1. Work with the County on the creation of an Urban Renewal District or Tax Increment Financing District in the general vicinity of SE 172nd Ave and SE Sunnyside Rd. that includes financial resources for property acquisition and development of a community park and community recreation center as noted in Section 3A of this Agreement.

2. Pursue state and federal grants and other grants as the Parties may agree are appropriate and necessary for the completion of these Capital Projects.

3. Dedicate SDC funds as specified in Section 4 of this Agreement.

4. Jointly identify suitable properties for these Capital Projects and collaborate in the development of willing sellers and the acquisition of appropriate ownership rights or options to acquire appropriate ownership rights.

C. The Parties agree that a Capital Project within City's boundaries will not be constructed until the Parties agree on a financial plan for the Capital Project that includes property acquisition, construction of improvements, and operations/maintenance of the completed Capital Project. City accepts full responsibility for acquisition of the right-of-way necessary for the Mt. Scott Creek Trail Capital Project, subject to district approval of the right-of-way alignment and acquisition costs. District will be responsible for all other Capital Project costs subject to Section 4 of this Agreement except as provided in Section 3D of this Agreement.

D. Upon completion of the projects specified in Section 3A, the City and the District will jointly identify three (3) additional projects that will be located within the City or the City's UGB. These additional projects will be incorporated into each agency's CIP if they are not already included. Construction of these additional projects will be conditioned on the availability of funds, City approval and City agreement to maintain the project under the terms of this Agreement. District must consult with City, but it may construct projects within the City that are identified in the District CIP as district wide projects or "zone" projects without City

approval. City will have no responsibility for construction, operations, or maintenance costs of such projects.

4. SDC FUND ADMINISTRATION

A. After annexation to the District, the Parties agree that the City will continue to collect its park SDCs at the City's rate as existing on the date of this Agreement or as subsequently adjusted within the City's boundaries. The District will amend its SDC ordinance to not collect its SDC within the City.

B. SDC funds that have been collected by the City prior to the date of annexation may be used by the City for projects identified in the City's CIP or, at the sole discretion of the City, transferred to Clackamas County, on behalf of the District, for placement in a special interest bearing account for exclusive use on the Capital Projects.

C. Except as provided in Section 4D, all SDCs collected by the City within the City's boundaries after the date of annexation, will be transferred to Clackamas County, on behalf of the District, on a monthly basis and placed in a special interest bearing account for exclusive use on the Capital Projects.

D. Should the City extend its boundaries, through annexation, into areas that have previously been subject to the District's SDCs, the following shall occur:

1. The District will take the necessary steps to terminate the collection of District's SDC in the area annexed by the City.
2. The City's SDC will be applied to all development occurring in the annexed area after the date of annexation.
3. Upon collection of an SDC, an amount equal to the District's SDC shall be distributed to the District's appropriate "zone" account and "district-wide" account per the provisions of the District's SDC ordinance and Capital Improvement Plan. The remaining balance shall be placed in the Capital Projects account specified in "B/C" above.
4. The District, at its sole discretion, may elect to allocate SDC funds from its "district-wide" account or the appropriate "zone" account to the Capital Projects when such projects are consistent with the "district-wide" or appropriate "zone" Capital Improvement Plan.

E. The District will be responsible for the overall administration and management of SDC funds and will be responsible for the annual accounting of SDC funds.

F. The City and District will each be authorized to withhold .5% of the SDC funds collected within the City to cover the costs associated with collection and administration.

G. The Parties shall meet once annually in the third quarter of the fiscal year to review the status of the SDC funds and Capital Projects.

5. SERVICES BY CITY/DISTRICT.

A. District will contract with City to provide the following services:

1. Maintenance of the following parks: Happy Valley City Park, Mt. Scott Creek Trail, Rebstock Park, Happy Valley Wetland Park, Happy Valley Nature Park, City owned open spaces, City owned trails, Southern Lights Park, and Ashley Meadows Park; and

2. Operation and staffing of the following parks: Happy Valley City Park, Mt. Scott Creek Trail, Rebstock Park, Happy Valley Wetland Park, Happy Valley Nature Park, City owned open spaces, City owned trails, Southern Lights Park, and Ashley Meadows Park.

B. Operations and staffing includes operation and maintenance, scheduling of activities, and field use coordination. In carrying out these maintenance obligations, City will meet or exceed the standards set out in Attachment A. District may provide recreation programs at these locations as space and funding are available and with City approval.

C. City will allow District reasonable access at reasonable times to these facilities to conduct District-sponsored activities and to assure compliance with City's obligations under this Agreement. Such access is subject to City's existing practices for the use of its recreational facilities.

D. District will provide recreation services to City residents on the same basis as they are available to other District residents. Subject to subsection 5.C above, recreation services may be provided at City's parks.

E. District will provide senior services to City residents on the same basis as they are available to other District residents. Subject to the availability of staff and financial resources, District may provide these services at facilities located within the City.

F. The Parties agree that all signage at the facilities subject to this section, and all publications referring to such facilities, will acknowledge that the facilities and services at those facilities are provided as a joint partnership of the Parties.

G. For the services provided by the City noted above, the District agrees to pay the City \$50,000 per quarter commencing on November 1, 2006. Subsequent payments shall be made to the City on or about the first day of each fiscal quarter (i.e. January 1, April 1, July 1 and October 1). The payment amount shall be automatically increased by 3% per year effective July 1 of each year beginning in 2007 except in years when District's property tax receipts fail to increase by 3%. In such case, the annual increase in the payment to the City will be limited to the annual percentage increase in District property tax receipts.

H. Between January 1, 2012 and September 15, 2012, the City will notify the District in writing whether or not the City will continue to provide the services noted above. If the City elects to terminate its services as noted above, quarterly payments to city shall be terminated and the District will assume all responsibilities related to the operation, staffing and maintenance of the facilities noted above.

I. During the period that City provides the services noted above, the City shall retain the right to establish and collect fees for the use of City's Parks. City agrees to utilize fees collected for park use solely for the benefit of the City owned parks noted in this agreement or the Capital Projects noted in Section 3 A. Should the City elect to terminate its services as described in "H" above, the District will assume the right to establish and collect fees for the use of City's parks.

6. MUTUAL INDEMNIFICATION.

A. Subject to Article XI of the Oregon Constitution and ORS 30.260 to 30.300, City will hold harmless District, its officers, agents and employees, and will defend and indemnify them for any claims or damages to property or injury to person, or for any penalties or fines resulting in whole or part from City's negligence in performing any obligation under this Agreement.

B. Subject to Article XI of the Oregon Constitution and ORS 30.260 to 30.300, District will hold harmless City, its officers, agents and employees, and will defend and indemnify them for any claims or damages to property or injury to persons, or for any penalties or fines resulting in whole or part from District's negligence in performing any obligation under this Agreement.

7. GENERAL PROVISIONS.

A. Amendments. The terms of this Agreement may be amended or supplemented by mutual agreement of the Parties. Any amendments or supplements must be in writing and approved by the City Council and District Board.

B. Audit. At reasonable time and upon reasonable notice, each party agrees that the other may inspect the books and records of the other with respect to matters related to this Agreement for the purpose of determining the accuracy of any accounting.

C. Severability. If any of the provisions of this Agreement are held invalid or unenforceable, the remaining provisions are valid and binding upon the Parties.

D. Notice. Any notice herein required or permitted to be given must be in writing and will be effective when actually received. Notice may be given by hand delivery or by the United States mail, first class, postage prepaid, addressed to the parties as follows:

CITY:

City of Happy Valley
Attention: City Manager
12295 SE King Road
Happy Valley, OR 97236

DISTRICT:

North Clackamas Parks and Recreation District
Attention: Director
9101 SE Sunnybrook Avenue
Clackamas, OR 97015

Changes to these addresses must be made by notice to the other party in the manner provided in this paragraph.

F. Dispute Resolution. The Parties will first attempt to resolve any dispute by negotiation between the City Manager and District Director followed by submission of the dispute to the City Council and District Board if negotiation fails to resolve the dispute. If the governing bodies are unable to resolve the dispute, the Parties may use all legal and equitable remedies available to them to enforce the terms of this Agreement. Mediation is the preferred first step before litigation.

G. Nonwaiver. Failure by either party to require performance by the other party of any provision does not affect the party's right to enforce the provision. Any waiver by a party of a failure to comply with any provision of this Agreement is not a waiver of any succeeding failure or a waiver of that provision.

H. Merger. This Agreement contains all the agreements and understanding between the Parties on this subject and supersedes all previous agreements and understandings.

I. Clarification/Memoranda. Upon identification of provisions of this Agreement that need interpretation or clarification, the Parties may prepare memoranda of understanding detailing the agreed-upon interpretation of this Agreement. Such memoranda must be presented for review and approval by the City Council and District Board.

The persons signing below certify they have authorization from their governing body to execute this Agreement and bind the Parties to its provisions.

CITY OF HAPPY VALLEY

NORTH CLACKAMAS PARKS
AND RECREATION DISTRICT

By: Eugene J. Smith
Mayor

By: Bill Kacmaw
Chairperson

ATTEST:

By: Marilyn Walden
City Recorder

ATTEST:

By: Mary Raetzke 8-25-05
Recording Secretary

ATTACHMENT A

NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

MAINTENANCE STANDARDS FOR PARK FACILITIES

- ✓ Mow turf once every 7-10 days during the mowing season from April through November, with additional mowing as needed the remainder of the year to maintain a well-manicured turf.
- ✓ Maintain turf at a level of 2 1/2-inches except in the early spring where the mower will be set at 3 inches. The mowers will be lowered to 2 ½ inches around June.
- ✓ Conduct documented park inspection once every month during the year.
- ✓ Blow walks and driveways weekly.
- ✓ Edge around walks, curbs, and plant beds every other week during the growing season.
- ✓ Spray broadleaf weeds in turf as necessary during the mowing season to maintain a predominantly weed-free turf.
- ✓ Weed eating as needed along the edges of the plant beds and tree rings to maintain uniform turf appearance.
- ✓ Program irrigation systems by June 1 and as needed throughout the summer. Inspect irrigation systems every two weeks during the mowing season.
- ✓ Operate irrigation system to maintain healthy turf and conserve water (i.e., one inch of water per week).
- ✓ Winterize irrigation system in the fall.
- ✓ Fertilize lawn areas in the spring and fall.
- ✓ Fertilize shrubs and trees in the spring.
- ✓ Apply bark mulch once a year to plant beds in the spring.
- ✓ Inspect level of safety chips in playgrounds periodically to assure there are 12 inches of chips. If the safety chip level is low, add chips.
- ✓ Remove leaves from facilities in the fall once every two weeks or as necessary.

ATTACHMENT A (Continued)

- ✓ Prune shrubs and trees in the fall or winter.
- ✓ Apply herbicides only when necessary to control weeds in shrub beds/flower beds, around trees, and other areas not accessible to mowers.
- ✓ Remove trash and litter weekly throughout the year or more frequently, if necessary.
- ✓ Visually Inspect play structures weekly. Level safety chips as necessary to maintain uniform depth. Remove damaged equipment from use as necessary. Cordon off area with caution tape if play equipment is unsafe. Repair damaged equipment within two weeks.
- ✓ Plant seasonal flowers under signs (spring).
- ✓ Remove graffiti within 24 hours.
- ✓ Maintain park structures, signage and other appurtenances in a clean, attractive, safe, and structurally sound condition.



12
DAN JOHNSON
MANAGER

DEVELOPMENT AGENCY

January 30, 2014

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of an Easement and Equitable Servitudes (EES) Agreement
with the State of Oregon, by and through its Department of Environmental Quality
for a portion of the Capps Road Property, also known as the
Clackamas Industrial Area Opportunity (CIAO) Site**

Purpose/Outcomes	This agreement will restrict installation of groundwater supply wells on tax lots 1200, 1500 and 1700 unless approved by the Department of Environmental Quality (DEQ). This restriction is needed to prevent exposure of site workers to groundwater contamination or potential mobilization of groundwater contamination associated with the adjacent Surgichrome Inc. property on SE 115 th Avenue. Approval of the EES will assist in meeting the requirements of qualifying the property as development-ready under Business Oregon's Industrial Site Certification program.
Dollar Amount and Fiscal Impact	No fiscal impacts are expected.
Funding Source	DEQ will be responsible for any monitoring costs they incur.
Safety Impact	The EES will increase safety for future development by preventing exposure to groundwater contamination and reducing the risk of the spread of existing contamination.
Duration	The EES agreement will run with the land until such time as the condition or restriction is removed by written certification from DEQ, and such certification is recorded in the Deed Records of the County.
Previous Board Action	The Board of County Commissioners has not previously taken an action on this issue. The Board approved an Intergovernmental Agreement with the Oregon Department of Transportation, which awarded \$500,000 in Immediate Opportunity Funds for the construction of the SE 120 th Avenue Extension Project on January 9, 2014.
Contact Person	Ken Itel, Senior Project Planner, Clackamas County Development Agency - 742-4324

BACKGROUND:

Surgichrome Inc. operated a chrome-plating facility from 1979 until April 2008, when a fire consumed the facility. In 1990, chromium was detected in the supply well on the property and a water supply well on the adjacent property. The Surgichrome site is adjacent to tax lots 1200, 1500 and 1700 on the CIAO site. Surgichrome was also found guilty in 1995 of illegal disposal of hazardous waste at the property. Surgichrome entered into a consent order with DEQ to make payments to DEQ, and DEQ assumed the lead for investigation and cleanup. DEQ installed a groundwater pump and treatment system that operated from 2000 to 2011. Other remedial actions by DEQ included a source area soil removal and groundwater treatment. Contamination extends beneath the three aforementioned CIAO taxlots.

DEQ has determined that under current conditions the residual contamination does not present a risk to human health or the environment. DEQ identified a restriction on well installation on the three tax lots without prior approval from DEQ as an appropriate measure to ensure that conditions remain protective of human health and the environment.

The EES grants DEQ an easement for access, accepts the restrictions placed on the tax lots and declares that the property is now subject to the EES. If the affected tax lots are conveyed, transferred, leased, encumbered, occupied, built upon, or otherwise used or improved, in whole or in part, they shall be subject to the EES. Each condition and restriction set forth in the EES shall run with the land for all purposes, and shall be binding upon all current and future owners of the property. DEQ is also granted the perpetual right to enforce the conditions and restrictions set forth in the EES.

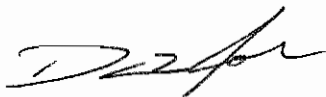
Attached you will find a copy of the Easement and Equitable Servitudes Agreement for your review and approval. Attachment B indicates the extent of the groundwater contamination on tax lots 1200, 1500 and 1700.

This Agreement is in a format approved by County Counsel

RECOMMENDATION:

Staff respectfully recommends the Board authorize the Chair to execute the Easement and Equitable Servitudes Agreement with the State of Oregon, by and through its Department of Environmental Quality, restricting well installation on tax lots 1200, 1500 and 1700 on the CIAO site.

Respectfully submitted,



Dan Johnson
Development Agency Manager

EASEMENT AND EQUITABLE SERVITUDES

This grant of Easement and acceptance of Equitable Servitudes is made this _____ day of _____, 2014, between Clackamas County Development Agency (“*Grantor*”) and the State of Oregon, acting by and through the Oregon Department of Environmental Quality (“*DEQ*” or “*Grantee*”).

RECITALS

A. Grantor is the owner of certain real property comprised of three separate tax lots in Township 2S, Range 2E, Section 15 (SE 1/4) of the Willamette Meridian in Clackamas County (the “Property”). The general location of the Property is shown on Attachment A to this Easement and Equitable Servitudes. The Properties include tax lots 1200 (3.85 acres), 1500 (2.28 acres, and 1700 (3.73 acres) and are shown on Attachment B. Attachment C contains a legal description of the Property. Tax lot 1200 is developed and contains a business. The northern part of tax Lot 1500 is graded, fenced, and used for storage. The northern part of tax lot 1700 formerly was developed as residential property with a single family house. The house has been demolished and the housing site cleared. The northern part of tax lot 1700 is currently undeveloped. The southern part of tax lots 1500 and 1700 are largely comprised of steep, vegetated slopes and are undeveloped. The Property is near or adjacent to the Surgichrome Inc. Site, located at 16569 SE 115th (tax lot 1501). The Surgichrome Site property is referenced under ECSI #1526 in the files of DEQ’s Environmental Cleanup Program at Northwest Region in Portland, Oregon. Interested parties may contact DEQ’s Northwest Region office to review a detailed description of the operational history, contamination, and residual risks present at that Site as documented in a Staff Report dated August 2013.

B. Surgichrome Inc. operated a chrome-plating facility from 1979 until April 2008, when a fire consumed the facility. In 1990, chromium was detected in the supply well on the property and a water supply well on the adjacent property. The well on the property was replaced, and the off-site property was provided an alternate water supply. In April 1995, Surgichrome’s then-president pleaded guilty to illegal disposal of hazardous waste at the property. As part of the criminal sentencing, Surgichrome entered into a consent order with DEQ, under which Surgichrome Inc. agreed to make payments to DEQ, and DEQ assumed the lead for subsequent investigation and cleanup. DEQ installed a groundwater pump and treat system that operated from 2000 to 2011 and removed approximately 69 pounds of chromium from the shallow and deep groundwater. Other remedial actions DEQ completed include a source area soil removal and groundwater treatment to address releases of chromium during the April 2008 fire, and periodic groundwater monitoring. The estimated extent of groundwater contamination is shown on Attachment B. Contamination extends beneath the three tax lots that comprise the Property.

DEQ has determined that under current conditions the residual contamination does not present a risk to human health or the environment. DEQ identified the following controls

Easement and Equitable Servitudes
Clackamas County Development Agency

for the property to ensure that conditions remain protective of human health and the environment:

- A restriction on well installation at the Property without prior approval from DEQ.

C. The provisions of this Easement and Equitable Servitudes are intended to further the implementation of the selected remedial action and thereby protect human health and the environment.

1. DEFINITIONS

- 1.1 "DEQ" means the Oregon Department of Environmental Quality, and its employees, agents, and authorized representatives. "DEQ" also means any successor or assign of DEQ under the laws of Oregon, including but not limited to any entity or instrumentality of the State of Oregon authorized to perform any of the functions or to exercise any of the powers currently performed or exercised by DEQ.
- 1.2 "Grantor" means any person or entity, including Grantor, who at any time owns, occupies, or acquires any right, title, or interest in or to any portion of the Property or a vendee's interest of record to any portion of the Property, including any successor, heir, assign or holder of title or a vendee's interest of record to any portion of the Property, excluding any entity or person who holds such interest solely for the security for the payment of an obligation and does not possess or control use of the Property.
- 1.3 "Property" means the real property described in Attachment C to this Easement and Equitable Servitudes.

2. GENERAL DECLARATION

Grantor grants to DEQ an Easement for access and accepts the Equitable Servitudes described in this instrument and, in so doing, declares that the Property described in Attachment C to this Easement and Equitable Servitudes, is now subject to and shall in future be conveyed, transferred, leased, encumbered, occupied, built upon, or otherwise used or improved, in whole or in part, subject to this Easement and Equitable Servitudes. Each condition and restriction set forth in this Easement and Equitable Servitudes touches and concerns the Property and the equitable servitudes granted in paragraph 3 and easement granted in paragraph 4 below, shall run with the land for all purposes, shall be binding upon all current and future Grantors of the Property as set forth in this Easement and Equitable Servitudes, and shall inure to the benefit of the State of Oregon. Grantor further conveys to DEQ the perpetual right to enforce the conditions and restrictions set forth in this Easement and Equitable Servitudes.

Easement and Equitable Servitudes
Clackamas County Development Agency

3. EQUITABLE SERVITUDES (RESTRICTIONS ON USE)

3.1 **Groundwater Use Restrictions.** Owner may not extract through additional wells or by other means or use the groundwater at the Property for consumption or other beneficial use without DEQ approval. This prohibition does not apply to the existing water supply well on tax lot 1200, extraction of groundwater associated with groundwater treatment or monitoring activities approved by DEQ, or to temporary dewatering activities related to construction, development, or the installation of sewer or utilities at the Property.

3.2 **Use of the Property.** Grantor shall not occupy or allow other parties to occupy the Property unless the controls listed in Paragraph 3.1 are maintained.

3.3 **Notice of Transfer.** Grantor shall notify DEQ at least ten (10) days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of Grantor's interest in or occupancy of the Property, or the start of any development activities or change in use of the Property that might expose human or ecological receptors to hazardous substances at the Property. Notwithstanding the foregoing, Grantor shall not commence any development inconsistent with the conditions or restrictions in this Paragraph 3 without prior written approval from DEQ as provided in Paragraph 3.1 or removal of the condition or restriction as provided in Paragraph 5.1 below.

4. EASEMENT (RIGHT OF ENTRY)

During reasonable hours and subject to reasonable security requirements, DEQ shall have the right to enter upon and inspect any portion of the Property to determine whether the requirements of this Easement and Equitable Servitudes have been or are being complied with. DEQ shall have the right, privilege, and license to enter upon the Property at any time to abate, mitigate, or cure at the expense of the Grantor the violation of any condition or restriction contained in this Easement and Equitable Servitudes, provided DEQ first gives written notice of the violation to Grantor describing what is necessary to correct the violation and Grantor fails to cure the violation within the reasonable time specified in such notice. Any such entry by DEQ shall not be deemed a trespass, and DEQ shall not be subject to liability to Grantor for such entry and any action taken to abate, mitigate, or cure a violation.

5. GENERAL PROVISIONS

5.1 Each condition and restriction contained in this Easement and Equitable Servitudes shall be recited in any deed conveying the Property or any portion of the Property, and shall run with the land so burdened until such time as the condition or

Easement and Equitable Servitudes
Clackamas County Development Agency

restriction is removed by written certification from DEQ, recorded in the Deed Records of the County in which the Property is located, certifying that the condition or restriction is no longer required in order to protect human health or the environment.

5.2 Upon the recording of this Easement and Equitable Servitudes, all future Grantors, as defined in Paragraph 2.2 above, shall be conclusively deemed to have consented and agreed to every condition and restriction contained in this Easement and Equitable Servitudes, whether or not any reference to this Easement and Equitable Servitudes is contained in an instrument by which such person or entity occupies or acquires an interest in the Property.

5.3 Upon any violation of any condition or restriction contained in this Easement and Equitable Servitudes, DEQ, in addition to the remedies described in Paragraph 4 above, may enforce this Easement and Equitable Servitudes, or may seek any other available legal or equitable remedy to enforce this Easement and Equitable Servitudes.

IN WITNESS WHEREOF Grantor and Grantee have executed this Easement and Equitable Servitudes as of the date and year first set forth above.

GRANTOR: Clackamas County Development Agency

By: _____ Date: _____
[NAME, TITLE]

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument is acknowledged before me this ____ day of _____, 2014, Clackamas County Development Agency, on its behalf.

NOTARY PUBLIC FOR OREGON
My commission expires: _____

GRANTEE: State of Oregon, Department of Environmental Quality

By: _____ Date: _____
Kevin Parrett, Manager, Cleanup and Tanks Section, Northwest Region

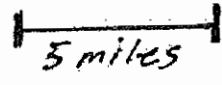
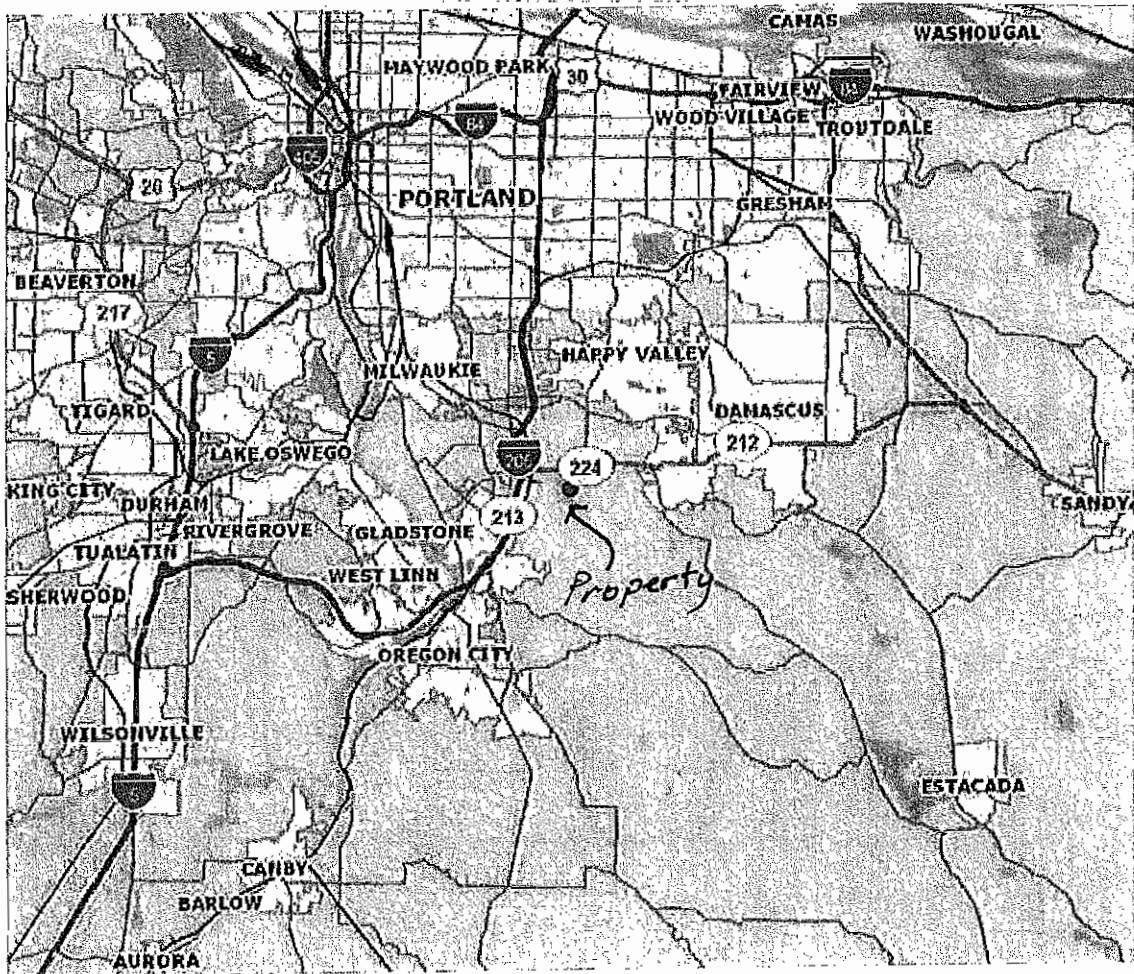
STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument is acknowledged before me this ____ day of _____, 2014, by Kevin Parrett of the Oregon Department of Environmental Quality, on its behalf.

NOTARY PUBLIC FOR OREGON
My commission expires: _____

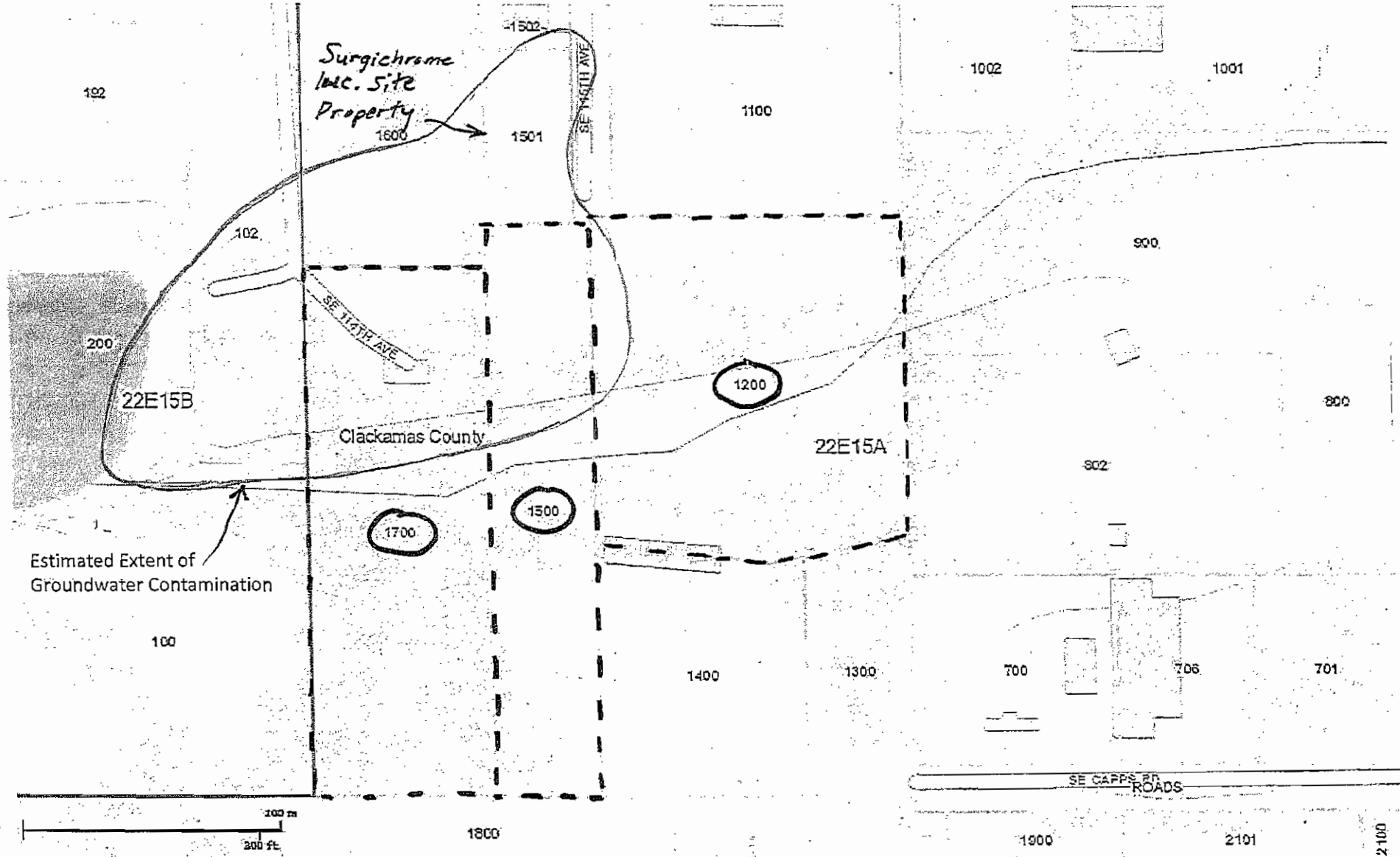
Easement and Equitable Servitudes
Clackamas County Development Agency

Attachment A: General Property Location



Attachment B

Tax Lots 1200, 1500, 1700



**ATTACHMENT C
LEGAL DESCRIPTION OF PROPERTY**

Attachment C
Legal Description of Property

PARCEL VII: 22E15A 01200

A part of the Northeast one-quarter of Section 15, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a point on the West boundary of a tract of land conveyed to D.D. Anderson by Deed recorded March 22, 1930 in Book 204, page 608, Deed Records, that is 793.5 feet East and 566.27 feet South of the one-quarter corner on the North boundary line of Section 15, Township 2 South, Range 2 East of the Willamette Meridian, from said point of beginning; thence South along the West boundary of the said Anderson tract, 422.73 feet to an iron pipe at the Northwest corner of a tract of land conveyed to John A. Kaslin, et ux, by Deed recorded August 1, 1962 in Book 608, page 1, Deed Records; thence Easterly along the North boundary of the said Kaslin tract the following courses and distances, South 82°25' East 95.6 feet, South 84°11' East 126.86 feet, North 79°13' East 182.4 feet to an iron pipe on the East boundary of the said Anderson tract, and the Northeast corner of the said Kaslin tract; thence North along the said East boundary of said Anderson tract 414.09 feet to a point that is 566.27 feet South of the North boundary line of said Section 15; thence West parallel with the said North boundary 400.15 feet to the point of beginning.

PARCEL VIII: 22E15A 01500

A part of the Northeast one-quarter of Section 15, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the North one-quarter corner of section; thence South 86°56'55" East along the North line of said section, 663.05 feet; thence continuing East along said North line 133.45 feet; thence South 3°24'10" West 604.36 feet to the most Easterly Southeast corner of Deed to Don A. Bufton by Deed recorded January 16, 1974 as Recorder's Fee No. 74 1289, Film Records and the true point of beginning; thence North 86°56'55" West parallel with the North line of said section and along the South line of the above mentioned Bufton tract and along the South line of a tract of land conveyed to Don A. Bufton by Deed recorded August 23, 1973, as Fee No. 73 26936, Clackamas County Records, 133.45 feet to a point on the East line of that tract conveyed to Pearl Anderson by Deed recorded October 31, 1927 in Book 190, page 465, Clackamas County Deed Records; thence South along said East line 743.14 feet to the Southeast corner thereof; thence East along the 1/16th section line, 133.45 feet to the Southwest corner of that tract conveyed to John A. Kaslin, et ux, by Deed recorded August 1, 1962 in Book 608, page 1, Clackamas County Deed Records; thence North along the West line of said Kaslin tract and the Northerly extension thereof, 743.14 feet to the true point of beginning.

PARCEL IX: 22E15A 01700

That part of Section 15, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as:

Beginning on the section line 430.05 feet East of the one-quarter section corner between Sections 10 and 15; thence running East 233 feet; thence South 1317.5 feet to the line between the North and South halves of the Northeast one-quarter of said Section 15; thence West tracing the 1/16th section line, 233 feet; thence North 1316.4 feet to the place of beginning.

EXCEPTING the North 20 feet for road purposes.

ALSO EXCEPT a tract conveyed to William F. and Katherine C. Johnson, by Deed recorded April 9, 1931 in Book 199, page 357, Deed Records, described as follows:

That part of Section 15, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Beginning at a basil stone in the line between Section 10 and 15 in said Township and Range at a point 430.05 feet East of the quarter section corner between said sections 10 and 15 and running thence East 233 feet; thence South and parallel to the East and West line of said Section 15, a distance of 620 feet; thence West and parallel with the North line of said section 15, a distance of 233 feet; thence North and parallel with the East and West line of said Section 15 to the North line of said Section 15 and the place of beginning.



Oregon

John A. Kitzhaber, MD, Governor

Department of Environmental Quality

Northwest Region Portland Office
2020 SW 4th Avenue, Suite 40,
Portland, OR 97201-4987
(503) 229-5263
FAX (503) 229-6945
TTY (503) 229-5471

January 7, 2014

Ken IteI, AICP
Senior Project Planner
Clackamas County Development Agency
150 Beaver Creek Road
Oregon City, OR 97045

RE: Easement and Equitable Servitudes
Tax lots 1200, 1500 and 1700
Clackamas County, Oregon
ECSI #1526

Dear Ken:

The Oregon Department of Environmental Quality (DEQ) completed investigation and cleanup actions at the Surgichrome Inc. property located at 16569 SE 115th Ave. in Clackamas. Groundwater contamination associated with the Surgichrome site extends onto the above-referenced tax lots owned by the Clackamas County Development Agency.

DEQ is requesting that the Clackamas County Development Agency enter into the attached Easement and Equitable Servitudes (EES). The EES restricts installation of groundwater supply wells on these tax lots unless approved by DEQ. These restrictions are needed to prevent exposure of site workers to groundwater contamination, or potential mobilization of existing contamination as a result of groundwater extraction.

Please sign and notarize the EES. In addition, please insert legal descriptions of each tax lot in Attachment C. Return the signed EES to DEQ. DEQ will sign the EES, record the document with Clackamas County, and return a fully executed copy to you.

Thank you for working with DEQ to ensure environment conditions in the affected areas remain protective of human health and the environment. If you have any questions please contact me at 503-229-5587 or pugh.mark@deq.state.or.us.

Sincerely,

Mark Pugh, R.G.
Project Manager
Northwest Region Cleanup and Tanks Section

cc via e-mail: Sarah Miller, DEQ

Attachments: Easement and Equitable Servitudes