



AGENDA

Thursday, March 29, 2012 - 10:00 AM

Board of County Commissioners Business Meeting

Beginning Board Order No. 2012-18

I. CALL TO ORDER

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

II. PRESENTATION *(Following are items of interest to the citizens of the County)*

1. Proclaiming April 2012 as Earthquake Awareness Month in Clackamas County (Sarah Stegmuller-Eckman, Emergency Management)
2. Presentation of the Clackamas County 2012 Citizen Survey (Gary Schmidt, Public and Government Affairs)

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

Public and Government Affairs

1. Resolution No. _____ in Support of the Proposed O&C Trust, Conservation and Jobs Act (Gary Schmidt)

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

V. 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. Finance Department

1. Resolution No. _____ for Clackamas County for Budgeting of New Specific Purpose Revenue for Fiscal Year 2011-2012
2. Resolution No. _____ for Clackamas County for Transfer of Appropriations for Fiscal Year 2011-2012

B. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC

C. Business & Community Services

1. Approval of an Amendment to the Intergovernmental Agreement between Clackamas County and the State of Oregon for the Springwater Trail Transportation Program Enhancement Project

VI. NORTH CLACKAMAS PARKS & RECREATION DISTRICT

1. Board Order No. _____ Authorizing North Clackamas Parks and Recreation District to Apply for Oregon Parks and Recreation Department Local Government Grant Program Funding for Development of a Playground at Hood View Park
2. Approval of an Intergovernmental Agreement between North Clackamas Parks and Recreation District and TriMet for the Design and Construction Services for Trolley Trail Segment 2

VII. COMMISSIONERS COMMUNICATION

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

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



Dana S. Robinson
Director

DEPARTMENT OF EMERGENCY MANAGEMENT
COMMUNICATIONS AND EMERGENCY OPERATIONS CENTER
2200 KAEN ROAD | OREGON CITY, OR 97045

STAFF REPORT

March 29, 2012

Board of County Commissioners
Clackamas County

Members of the Board:

PROCLAIMING APRIL 1-30, 2012 AS EARTHQUAKE AWARENESS MONTH IN CLACKAMAS COUNTY

It is respectfully requested that the Board of County Commissioners proclaim the month of April 2012 as Earthquake Awareness Month in Clackamas County.

Clackamas County residents and employees are encouraged to use the designation of April as Earthquake Awareness Month to practice personal safety by taking part in a Drop, Cover and Hold On drill at home and at work. April is also a good time to address hazards in the home and workplace that could cause injury or property damage during an earthquake.

With this proclamation Clackamas County recognizes the threat of future earthquakes and recommends the necessary safety practices to reduce potential losses to life and property.

RECOMMENDATION:

Staff respectfully recommends the Board of Commissioners proclaim April 1-30, 2012 as Earthquake Awareness Month in Clackamas County.

Sincerely,

Dana Robinson
Director

For information on this issue or copies of attachments
please contact Jay Wilson at 503-723-4848



***Proclaiming April 1-30, 2012
as Earthquake Awareness Month in Clackamas County***

WHEREAS, Clackamas County suffered considerable damage from a moderate Magnitude 5.3 earthquake event in 1993 known as the Scotts Mills Earthquake; and

WHEREAS, Scientific evidence indicates that the State of Oregon is at risk for much larger and potentially more damaging earthquakes; and

WHEREAS, A Magnitude 8 or greater earthquake associated with the Cascadia Subduction Zone is expected to generate strong ground shaking throughout western Oregon and a destructive tsunami along the Oregon coast, and will be similar to the events that occurred in the Indian Ocean in 2004, Chile in 2010 and Japan in 2010; and

WHEREAS, Oregon has enacted laws in that require schools, state and local agencies, and large private employers to conduct drills on emergency procedures such as those related to earthquakes; and

WHEREAS, Seismic strengthening of existing buildings and public education about earthquake drills and on tsunami evacuation is strongly encouraged to further reduce loss of life and property damage; and

WHEREAS, The Department of Emergency Management will highlight these preparedness and mitigation procedures and provide increased earthquake safety information to employees and the public and tsunami awareness information for Clackamas County visitors to the Oregon Coast.

NOW, THEREFORE, WE DO HEREBY PROCLAIM April 2012 as EARTHQUAKE AWARENESS MONTH in Clackamas County. We urge all employees and County residents to join in this observance on April 25, 2012 by practicing Drop, Cover and Hold On as the recommended action for personal protection during an earthquake.

Signed this 29th day of March, 2012

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair



GARY SCHMIDT
DIRECTOR

PUBLIC AND GOVERNMENT AFFAIRS

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

March 29, 2012

Board of Commissioners
Clackamas County

Members of the Board:

Presentation of Clackamas County 2012 Citizen Survey

Every two years Clackamas County has conducted a citizen survey to evaluate citizen priorities and satisfaction over a period of time. Each survey used similar questions, in addition to new topical questions.

The Clackamas County 2012 Citizen Survey was conducted by DHM Research of 400 Clackamas County residents between February 23 and February 27, 2012. A public engagement online survey, with the same questions as the telephone survey was available to residents from February 29 to March 15, 2012.

The purpose of both surveys was to monitor citizen perceptions of priority issues in the County; measure citizen perceptions by the County's performance and evaluate citizen perception against departmental responsiveness and communications effectiveness.

Today, I will present a summary of the survey's key findings.

Sincerely,

Gary Schmidt, Director

For information on this issue please contact Gary Schmidt at (503) 742-5908

1 | INTRODUCTION & METHODOLOGY

Davis, Hibbitts & Midghall, Inc. (DHM Research) conducted a scientific telephone survey of Clackamas County residents about County services and issues. A public engagement online survey, with the same questions from the telephone survey, was also available to residents until March 15, 2012. In addition to assessing their awareness of County services and their level of satisfaction with these services, these surveys gauged residents' priorities for transportation, public safety, and health and human services. This study was not meant to test voter support for any county initiatives.

The following compares results of the scientifically reliable telephone survey to the community engagement online survey. Results of the public engagement online survey are not a scientifically valid representation of the community; this survey was intended for community engagement/outreach purposes only.

Telephone Research Methodology: Between February 23 and 27, 2012, DHM Research administered a telephone survey of 400 Clackamas County residents that took an average of 20 minutes to administer. This is a sufficient sample size to assess residents' opinions generally and to review findings by multiple subgroups, including age, gender, and geographic area of the County. Residents were contacted through Random Digit Dialing (RDD), targeted, and wireless (cell phone) sample. In gathering responses, a variety of quality control measures were employed, including questionnaire pre-testing and validations. Quotas were set by age, gender, and area of the County based on the total population of residents age 18 and older for a representative sample.

Statement of Limitations: Any sampling of opinions or attitudes is subject to a margin of error. The margin of error is a standard statistical calculation that represents differences between the sample and total population at a confidence interval, or probability, calculated to be 95%. For a sample size of 400, the margin of error falls within +/-2.6% and +/-4.9%, at the 95% confidence level. If they answered 50% each way, the margin of error would be 4.9%.

Community Outreach Online Research Methodology: Between February 29 and March 15, 2012, the online survey was available to residents to share their opinions about County priorities. The survey was promoted in a variety of ways. The URL to the survey was available on the Clackamas County website and was forwarded via email to leaders and members of the County's community planning organizations, hamlets and villages, advisory boards and commissions. Additionally, the survey was promoted on the County's social media pages (Facebook and Twitter), via media, to local elected officials (cities and special districts), and announced by the Board of County Commissioners at several County business meetings, rebroadcast on the County Government Channel (for a list of emails, please refer to Appendix A). Metro's Opt In panel was also used as a promotion resource. A total of 1,206 members living in Clackamas County were emailed the survey URL.

DHM Research: DHM Research has been providing opinion research and consultation throughout the Pacific Northwest and other regions of the United States for over three decades. The firm is non-partisan and independent and specializes in research projects to support public policy-making. www.dhmresearch.com

2 | DEMOGRAPHICS

The following table reflects demographic characteristics from the telephone survey and online survey, and compares them to the total population in Clackamas County ages 18 and older. It should be noted that participants from the online survey do not reflect the actual population of the County. They were older, more educated, and wealthier than residents from the telephone survey:

- The two groups were very similar when it came to the gender split and length of residence in the county.
- Only 9% of online respondents came from the 18-34 age group, compared to 31% of telephone participants that came from that group.
- 69% of online participants held at least a college degree, compared to 43% in the scientific survey.
- 54% of online participants had household incomes over \$75,000, compared to 33% in the telephone survey.

TABLE 1
Survey Participants Compared to Actual Population

Demographic Group	Actual Population 18+	Scientific Phone N=400	Community Outreach N=1,272
Age			
18-24	11%	13%	1%
25-34	17%	18%	8%
35-54	38%	31%	35%
55-64	18%	18%	33%
65+	15%	20%	23%
Gender			
Male	50%	48%	49%
Female	50%	52%	51%
Education			
No 4-year college degree	71%	53%	30%
College degree or more	29%	43%	69%
Income			
Less than \$50k	40%	31%	23%
\$50k-\$74,999	20%	16%	23%
\$75k-\$99,999	15%	13%	20%
\$100k or more	25%	20%	34%
Area of the County			
Lake Oswego/Milwaukie/Oak Grove/Gladstone	23%	23%	34%
West Linn/Oregon City	15%	15%	20%
Happy Valley/Damascus/Sandy	9%	9%	11%
Wilsonville/Canby/Molalla	11%	11%	11%
All others	42%	42%	25%

Source: DHM Research & American Fact Finder

3 | QUESTIONNAIRE

CLACKAMAS COUNTY COMMUNITY STUDY

Scientific Phone Survey: February 23 and 27, 2012; Clackamas County residents,
N=400; 20 minutes, margin of error +/-4.9%

Community Outreach Online Survey: March 8-15, 2012; Clackamas County residents,
N=1,272; 5 minutes
DHM Research

INTRODUCTION

Hi, my name is _____ and I'm calling from DHM Research, a public opinion research firm in Portland. I'm calling about important issues in Clackamas County and I am not selling anything. May I please speak to someone in the house age 18 or older?

S1. Are you 18 years of age or older?

Response Category	N=
Yes	1 Continue
No	2 Ask to speak to someone in the house age 18 or older

S2. In what County do you live?

Response Category	N=
Clackamas County	1 Continue
Other/ Don't Know	2 Politely terminate

GENERAL MOOD & WARM-UP

1. (2008 Tracker, Q3A) All in all, do you think things in Clackamas County are headed in the right direction or are they off on the wrong track?

Response Category	Scientific Phone N=400	Community Outreach N=1,272
Right direction	46%	35%
Wrong track	29%	34%
Don't know	25%	31%

Q1 Analysis: Just fewer than 50% of residents from the telephone survey are positive about the County's general direction, but they are less upbeat than they were in 2008, as found in other communities across the state. The economy is a driver of their concern.

Online respondents were not as positive about the direction of Clackamas County as those who participated in the scientific survey. The online community was evenly split between those who thought the county was on the right track (35%) and those who said it was off on the wrong track (34%). In the telephone survey the split was 46% right track and 29% wrong track.

IMPORTANCE RATING OF ISSUES

2. (2008 Tracker, Q4) What are the most important issues you see facing Clackamas County at this time? (Open; accept multiple responses. Use 2008 code frame as base)

Community online survey responses to open-ended questions not coded; for responses, see verbatim file.

Response Category	Scientific Phone 2012 N=400
Economy/jobs/job training	20%
Road maintenance/safety/potholes	18%
Taxes too high	11%
School funding	10%
Poor spending/misappropriation	8%
Education quality	7%
Lack of law enforcement/protection	6%
Stop light rail project/MAX	5%
Government working for the people	5%
Support public transportation	5%
Land use/development	4%
Bring new business to area	4%
Traffic congestion/need more, new roads	4%
School overcrowding	3%
Reduction in levels of services	3%
Schools – in general	3%
Growth/population growth	3%
Affordable housing	3%
Support light rail project/MAX	3%
Public safety	3%
All other responses	2% or less
None/Nothing	8%
Don't Know	10%

Here is a list of issues. Knowing that resources in the County are limited, do you consider each to be an urgent, high, medium, or low priority for the County to address at this time? (Randomize Q3-Q12)

Response Category	Urgent	High	Medium	Low	Don't know
3. Sustainable logging					
Phone N=400	6%	26%	34%	26%	8%
Online N=1,272	12%	21%	34%	29%	5%
4. Local job creation					
Phone N=400	22%	51%	17%	8%	2%
Online N=1,272	36%	34%	20%	9%	1%
5. Assisting residents in getting access to health care, including mental health and addiction services					
Phone N=400	12%	37%	31%	17%	3%
Online N=1,272	19%	29%	31%	20%	1%

Response Category	Urgent	High	Medium	Low	Don't know
6. Road and highway maintenance					
Phone N=400	10%	38%	43%	9%	0%
Online N=1,272	21%	44%	29%	6%	1%
7. Park and trail maintenance					
Phone N=400	2%	14%	43%	38%	2%
Online N=1,272	2%	18%	48%	31%	1%
8. County law enforcement and sheriff patrols					
Phone N=400	10%	43%	34%	12%	1%
Online N=1,272	19%	46%	28%	6%	1%
9. Responding to emergency and natural disasters					
Phone N=400	14%	44%	31%	9%	2%
Online N=1,272	20%	41%	30%	8%	1%
10. Access to public transportation					
Phone N=400	5%	26%	36%	31%	3%
Online N=1,272	10%	27%	32%	29%	1%
11. Preventing and addressing homelessness					
Phone N=400	8%	26%	39%	24%	2%
Online N=1,272	10%	23%	34%	30%	2%
12. Helping women and children who are victims of domestic violence					
Phone N=400	15%	51%	24%	8%	2%
Online N=1,272	18%	37%	33%	10%	1%

Q3-Q12 Analysis: County services in public safety, economic development, and helping vulnerable groups are the biggest priorities right now for residents.

- Economic Development is top of mind for residents. Three-quarters said job creation is an urgent or high priority right now. While this is a top priority for all demographic groups, it is particularly urgent in the more rural areas of the County.
- Public safety is highly important to residents, especially responding to natural disasters and police and sheriff patrols, and preventing juvenile crime. Parole and probation, while valued, is not one of their top priorities.
- Social services are also viewed as valuable to the quality of life in the County, particularly assisting women and children who are victims of domestic violence and providing services to the elderly, disabled, and veterans. While health care and mental health services are important, they are less urgent.

The online group agreed with their telephone counterparts that local job creation was the highest County priority. Responses on most other priorities were similar, with some divergence on domestic violence, law enforcement, and roads.

- Seven in ten online respondents regarded job creation as an urgent (36%) or high (34%) priority, compared to 22% and 51% respectively among those interviewed by phone.
- Law enforcement and road maintenance were the next most important priorities for the online group at a combined urgent/high response of 65% each, compared to 53% and 48% respectively in the telephone survey.

- Assisting victims of domestic violence was the second priority in the telephone survey (66% urgent/high), but garnered 55% (urgent/high) online, placing it fourth among priorities for that group.
- Percentages related to the priority of other services were quite similar between the two survey pools.

SERVICE AWARENESS/VALUE + SATISFACTION

I'm going to read you a list of services that are provided by Clackamas County Government. Please tell me if each is very valuable, somewhat valuable, not too valuable, or not at all valuable to the quality of life in Clackamas County. (Randomize Q13-Q23)

Response Category	Very Valuable	Smwt Valuable	Not too Valuable	Not at all	Don't know
13.Law enforcement					
Phone N=400	66%	28%	3%	2%	1%
Online N=1,272	63%	30%	5%	1%	1%
14.Parole and community corrections					
Phone N=400	31%	47%	12%	5%	6%
Online N=1,272	27%	52%	16%	3%	2%
15.Road maintenance					
Phone N=400	48%	44%	5%	2%	1%
Online N=1,272	49%	42%	7%	1%	1%
16.Assistance to victims of domestic violence					
Phone N=400	55%	33%	7%	4%	1%
Online N=1,272	35%	42%	17%	6%	1%
17.Land use planning and permitting					
Phone N=400	25%	40%	20%	11%	5%
Online N=1,272	28%	38%	23%	10%	1%
18.Providing health care services to low-income residents					
Phone N=400	47%	35%	10%	8%	1%
Online N=1,272	30%	38%	20%	10%	2%
19.Providing affordable housing for low-income residents					
Phone N=400	29%	47%	14%	9%	1%
Online N=1,272	20%	38%	26%	15%	1%
20.Economic development					
Phone N=400	53%	34%	8%	3%	2%
Online N=1,272	47%	37%	11%	4%	2%
21.Responding to emergency and natural disasters					
Phone N=400	62%	29%	5%	2%	2%
Online N=1,272	50%	35%	12%	2%	1%
22.Providing mental health and addiction services					
Phone N=400	39%	45%	10%	5%	2%
Online N=1,272	30%	38%	21%	9%	1%
23.Maintaining County parks					
Phone N=400	20%	57%	18%	5%	0%
Online N=1,272	20%	51%	22%	6%	1%

Q13-Q23 Analysis: Results among online and telephone participants corresponded in important ways when it came to measuring the value of most services to the quality of life in Clackamas County. Online participants did differ from their peers in one area: they placed less emphasis on social services.

- In the telephone survey, a combined two-thirds or more rated all County services tested in the survey as valuable to their quality of life in the County – from law enforcement and economic development to road development, land use, permitting, and park maintenance. In general, women placed higher value to each service compared to men.
- Both groups rated law enforcement as the highest value overall (online 93% combined very/somewhat valuable vs. telephone 94%), followed by road maintenance (online 91% vs. telephone 92%), and response to emergencies and natural disasters (online 85% vs. telephone 91%).
- Looking at “very” valuable services, both groups again rated law enforcement as the highest value (online 63% vs. telephone 66%), followed by response to emergencies and natural disasters (online 50% vs. telephone 62%).
- Rankings diverged on social services. The online group put less emphasis on assisting victims of domestic violence (35% very valuable vs. 55% in the scientific phone survey), low-income healthcare (30% very valuable online vs. 47% among telephone respondents), and mental health and addiction services (30% online vs. 39% telephone).
- The trend on social services persisted elsewhere in the survey, as online respondents returned consistently lower means in rating the importance of low-income access to healthcare, services to the elderly and disabled, assistance to victims of domestic violence, mental health and addiction services, prevention of homelessness, and services for veterans.
- By contrast, on public safety issues such as sheriff services, juvenile crime prevention, crime-related drug and alcohol services, and county corrections, the responses of the two survey populations corresponded closely.

24. (2008 Tracker, Q5) Thinking about Clackamas County Government, overall how would you rate the County’s performance in providing the services I just read to you based on anything you have seen or heard? Is it excellent, good, poor, or very poor?

Response Category	Scientific Phone N=400	Community Outreach N=1,272
Excellent	5%	3%
Good	70%	57%
Poor	17%	24%
Very poor	3%	7%
Don’t know	5%	9%

Q24 Analysis: High majorities are satisfied with the County’s performance in providing public services. Three-quarters (75%) of residents rated Clackamas County Government at the top of the scale for its performance in providing County services; most (70%) gave a “good” rating, while 5% gave an excellent rating.

The online group was not as satisfied with the County’s performance in providing services to residents. Whereas 75% of telephone survey respondents reported feeling that the County was doing an excellent (5%) or good (70%) job providing services, only 60% of online respondents agreed (3% excellent/57% good).

TRANSPORTATION PRIORITIES

25. I'd like you to build a budget based on how you want Clackamas County to spend revenue on transportation projects. This is a hypothetical question. Let's pretend you have \$100 dollars for transportation in the County. How would you want that money spent across the following five areas? You can assign any dollar amount to each service, but the total must equal \$100. I'm going to read you the five areas first, then read them again so that you can assign a dollar amount to each.

Response Category	Scientific Phone N=400	Community Outreach N=862
Providing pedestrian and bike lanes	\$12.30	\$11.00
Maintaining roads and bridges	\$42.80	\$47.60
Building new roads	\$17.00	\$15.20
Expanding light rail options	\$11.60	\$12.80
Expanding bus routes and service	\$16.20	\$13.50
Total	\$100.00	\$100.00

Funding for road repairs comes from Clackamas County's share of the State Highway Fund. The County estimates that there is a \$20 million dollar funding gap between what road repairs need to be done and what the County can afford based on the money it receives from the State Highway Fund. Here are a few possible tax or fee options to give road repairs in the County an independent and stable funding source. Do you support or oppose each? (Wait and ask) Is that "somewhat" or "strongly"? (Randomize Q26-Q28)

Response Category	Strong Support	Smwt Support	Smwt Oppose	Strong Oppose	Don't know
26. Creating a County vehicle registration fee					
Phone N=400	9%	21%	20%	47%	4%
Online N=861	20%	30%	11%	36%	2%
27. Creating a dedicated taxing district in the County					
Phone N=400	5%	15%	19%	42%	19%
Online N=861	8%	20%	18%	42%	13%
28. Implementing a County-wide gas tax					
Phone N=400	6%	12%	15%	65%	2%
Online N=861	18%	25%	14%	41%	2%

Q25-Q28 Analysis: Residents want diverse transportation options. Their top priority is maintenance of roads and bridges, followed by expanding public transportation options. When asked to build a hypothetical budget for transportation services, residents allocated 43% toward road and bridge maintenance, and 17% to building new roads. They allocated approximately 40% of their budget to non-personal automobile transportation options – 16% to expanding bus routes, 12% to providing pedestrian and bike lanes, and another 12% to expanding light rail.

Residents who have been living in Clackamas County for more than 10 years put more priority to maintaining bridges and roads and building new roads than newer residents. While roads and bridges were also the biggest priorities for newer residents, this group found expanding public transportation (both bus and light rail) and sidewalks and bike lanes more important than longer-term residents.

The online group allotted funding on transportation issues very similarly to their telephone counterparts, and showed more willingness to fund the transportation budget shortfall.

- When allotting funds for transportation priorities, both groups spent the most on road maintenance and repair (\$47.60 online vs. \$42.80 phone), followed by new roads (\$15.20 online vs. \$17.00 telephone), and bus service (\$13.50 online vs. \$16.20 telephone).
- Expenditure on light rail expansion and pedestrian/bike lanes brought up the rear and generated slightly different results in the two groups. Online participants spent more on light rail (\$12.80) than pedestrian/bike lanes (\$11.00), while the reverse was true in the scientific phone survey (\$11.60 on light rail and \$12.30 on pedestrian/bike lanes).
- Support for a vehicle registration fee reached 50% among the online group, compared to 30% in the scientific phone survey (20% strong/30% somewhat vs. 9% strong/21% somewhat).
- A gas tax was the next most tolerable funding mechanism to online respondents (43% combined support and 55% combined opposition vs. 18% support and 80% opposition in the telephone survey).
- Response percentages to a dedicated tax district were very similar among the two survey pools (28% combined support and 60% opposition online vs. 20% support and 61% opposition in the telephone survey).

PORTLAND-MILWAUKIE MAX EXPANSION

29. Are you aware of a proposal to expand the MAX light rail to unincorporated Clackamas County, just south of Milwaukie?

Response Category	Scientific Phone N=400	Community Outreach N=862
Yes	69%	93%
No	30%	7%
Don't know	1%	1%

Q29 Analysis: In the telephone survey, opinions were split on the Portland-Milwaukie MAX expansion. Almost two-thirds of residents have heard of the project. Residents were almost evenly divided between feeling positive (37%), neutral (27%), and negative (34%) about the project. Almost equal amounts of residents felt “very” positively (25%) and “very” negatively (29%). All in all, residents living in more populous areas were most likely to have positive views of it. Residents living in the Lake Oswego/Milwaukie/Gladstone areas are the most likely of any group to be aware (77%) of the project. Forty-eight percent (48%) of residents in these areas had positive views about the expansion. Fifty-eight percent of newer residents (those who have lived in the County for 10 years or less) felt *positively* about the project. No demographic group had a majority of people who said they felt *negatively* about the project.

Online participants were more aware of, and more positive about, the Portland-Milwaukie MAX line expansion. Almost all (93%) of online participants were aware of the project compared to 69% of telephone respondents; 51% online participants viewed the project positively (35% very/16% somewhat), compared to 37% on the telephone (25% very/12% somewhat). Opposition was more consistent (42% online, with 10% somewhat and 32% very, compared to 34% on the telephone with 5% somewhat and 29% very).

30. The Portland-Milwaukie project expands the MAX line from Portland State University to Clackamas County just south of Milwaukie. The County has committed to pay for \$25 million of the \$1.5 billion project. It is projected to create 14,000 temporary and permanent jobs and expand transportation options to accommodate the area as the population increases. Knowing this, do you feel positively, negatively, or neutral about this project? (If “positively” or “negatively”) Is that “somewhat” or “very”?

Response Category	Scientific Phone 2012 N=400	Community Outreach 2012 N=862
Very positive	25%	35%
Somewhat positive	12%	16%
Neutral	27%	7%
Somewhat negative	5%	10%
Very negative	29%	32%
Don't know	2%	0%

31. (If positive to Q30) Why is your opinion about this project positive? (Open, probe for specific reasons)

Community online survey responses to open-ended questions not coded; for responses, see verbatim file.

Response Category	Scientific Phone N=150
Increases access to public transportation/makes it easier to get around	34%
Will create jobs	31%
Will reduce the number of vehicles on the road	14%
Supportive of light rail/max	12%
Will reduce dependence on fossil fuels	5%
Vital for future growth	2%
Other	2%
None/Nothing	0%
Don't know	0%

32. (If neutral to Q30) Why is your opinion about this project neutral? (Open, probe for specific reasons)

Community online survey responses to open-ended questions not coded; for responses, see verbatim file.

Response Category	Scientific Phone N=107
Wouldn't utilize it/has no impact on me	31%
Need more information/need to do more research	23%
County should spend funds on other projects besides the light rail/MAX	11%
Costly/expensive to implement	10%
Concerned about crime/public safety	8%
Not necessary/there are other means of transportation	5%
Other	9%
Don't know	0%

33. (If negative to Q30) Why is your opinion about the project negative? (Open, probe for specific reasons)

Community online survey responses to open-ended questions not coded; for responses, see verbatim file.

Response Category	Scientific Phone N=136
Costly/expensive to implement	26%
Concerned about crime/public safety	17%
County should spend funds on other projects besides the light rail/max	17%
Not enough people will ride	15%
Proposal has been voted down in the past	5%
Unnecessary/not needed	3%
Will cause over-expansion/too much growth	2%
Should focus on improving bus service instead of light rail/MAX	2%
Need more information/need to do more research	2%
Other	10%
None/Nothing	0%
Don't know	0%

34. (If negative to Q30) What, if anything, can the County do to address your concerns? (Open, probe for specific reasons)

Community online survey responses to open-ended questions not coded; for responses, see verbatim file.

Response Category	Scientific Phone N=136
Discontinue light rail/MAX	21%
Spend money wisely	18%
Listen to residents/voters	12%
Focus on roads/bridges	7%
Reduce crime/increase security	5%
Reduce taxes	4%
Create jobs	2%
Hold public hearings	2%
Other	11%
None/Nothing	10%
Don't know	7%

PUBLIC SAFETY PRIORITIES

35. (Ask All) How satisfied are you with the County's performance in providing public safety services: very satisfied, somewhat satisfied, not too satisfied, not at all satisfied? If you are neutral, let me know.

Response Category	Scientific Phone N=400	Community Outreach N=864
Very satisfied	31%	22%
Somewhat satisfied	38%	45%
Neutral	21%	19%
Not too satisfied	5%	7%
Not at all satisfied	2%	3%
Don't know	4%	4%

When it comes to public safety in the county, how important are each of the services on a 0=not at all important to 9=very important scale. You can use any number between 0 and 9.

(Randomize Q36-Q39)

Response Category	Mean	Top box 7+8+9	Don't know
36. Sheriff services			
Phone N=400	7.4	73%	2%
Online N=864	7.4	74%	4%
37. Juvenile crime prevention			
Phone N=400	6.8	61%	1%
Online N=864	6.7	59%	5%
38. Drug and alcohol services aimed at preventing crime			
Phone N=400	6.7	59%	1%
Online N=864	6.3	53%	5%

39. Community corrections, including probation and parole services			
Phone N=400	6.3	50%	3%
Online N=864	6.5	55%	5%

Q35-Q39 Analysis: Online respondents had similar, and high, satisfaction levels and priorities about public safety in the County as telephone survey respondents. Two-thirds (67%) of online participants and 69% of residents from the phone survey said they are either somewhat or very satisfied with the County’s performance in providing public safety services. Telephone survey participants were more likely to be “very” satisfied than their online counterparts (31% vs. 22%). Respondents gave similar importance ratings for sheriff services, juvenile crime prevention, drug and alcohol services, and community corrections.

SOCIAL SERVICES

The following is a list of social services provided by the county. For each, please tell me how important they are on a 0=not at all important to 9=very important scale. You can use any number between 0 and 9. (Randomize Q40-Q45)

Response Category	Mean	Top box 7+8+9	Don’t know
40. Assisting low-income residents getting access to health care			
Phone N=400	6.2	53%	1%
Online N=864	5.5	42%	3%
41. Providing services to the elderly and disabled			
Phone N=400	7.3	71%	0%
Online N=864	6.5	58%	2%
42. Assisting women and children who are victims of domestic violence			
Phone N=400	7.3	72%	0%
Online N=864	6.3	56%	3%
43. Providing mental health and addiction services			
Phone N=400	6.3	52%	1%
Online N=864	5.8	45%	3%
44. Preventing homelessness by helping low-income residents find affordable housing			
Phone N=400	6.0	48%	1%
Online N=864	5.2	40%	3%
45. Providing services to veterans			
Phone N=400	7.3	70%	1%
Online N=864	6.3	56%	3%

46. How satisfied are you with the County’s performance in providing social services like the ones I just read to you: very satisfied, somewhat satisfied, not too satisfied, not at all satisfied? If you are neutral, let me know.

Response Category	Scientific Phone N=400	Community Outreach N=864
Very satisfied	11%	4%
Somewhat satisfied	39%	32%
Neutral	33%	30%
Not too satisfied	8%	13%
Not at all satisfied	4%	6%
Don’t know	6%	14%

Q40-Q46 Analysis: All social services were given above average mean scores by both online and telephone survey respondents. Online respondents placed less intensity (7-9 scores) on social services provided by the County than their telephone survey counterparts. Respondents from the telephone survey were more likely to give top 7-9 scores for each social service tested, with the biggest divergence in opinions being for providing services to veterans (phone: 70%; online: 56%), assisting women who are victims of domestic violence (phone: 72%; online: 56%), and providing services to the elderly and disabled (phone: 71%; online: 56%).

E-GOVERNMENT + RECEIVING SERVICES

47. Overall, if you have a question or there is something you need that requires you contacting a government agency of Clackamas County, which method would be most convenient? (Randomize; read list; accept one)

Response Category	Scientific Phone N=400	Community Outreach N=868
Telephone call	45%	27%
Visit a website	26%	31%
Send an email	15%	34%
Visit an office	7%	5%
Write a letter	3%	1%
Other (specify)	0%	2%
Don’t know	2%	1%

48. How important is it for residents to be able to access information about Clackamas County online, including information about current events and elections, decisions made by the County Commission, and to learn about and request services provided by Clackamas County: very important, somewhat important, not too important, not at all important?

Response Category	Scientific Phone N=400	Community Outreach N=868
Very important	63%	75%
Somewhat important	28%	22%
Not too important	3%	3%
Not at all important	2%	0%
Don’t know	3%	0%

49. What kinds of information would you like to see on the County website? (Do not read list; record response)

Response Category	Scientific Phone N=400	Community Outreach N=867
How to access services	19%	81%
Contact information for departments and people	18%	88%
Where my tax dollars are going	17%	77%
Upcoming events	14%	64%
Information about upcoming elections	11%	55%
Upcoming meetings	10%	69%
Information about elected County officials	10%	55%
Zoning issues	4%	58%
List of proposals/new bills/ballot measures	4%	0%
All other responses	Less than 3%	0%
None/nothing	1%	0%
Don't know	26%	1%

Q47-Q49 Analysis: Over 90% of residents believe it's important for the County to have a strong online presence. Nine in ten residents said it is important to them to be able to access information about the County online, with 63% who said this is "very" important. If residents were going to contact Clackamas County, they would be most likely to make a phone call, visit a website, or send an email. Going online (either email or visiting a website) is how a majority of residents under 54 would prefer to contact the County. While one-quarter of residents ages 55 and older want to go online, a majority prefer the telephone.

The online group felt even more strongly about the availability of County information online than did the telephone survey pool. Two-thirds (65%) of online respondents said they found using a website (31%) or sending an email (34%) the most convenient method for contacting a government agency, compared to 27% who would use the phone. Comparable rates in the scientific survey were 41% web and email (26% and 15% respectively) and 45% telephone. Three-quarters (75%) of online respondents thought it was very important to be able to access information about Clackamas County online, and another 22% thought it was somewhat important. Corresponding results in the scientific phone survey were 63% and 28% respectively.

COMMUNITY INVOLVEMENT

Here are some ways to get involved in Clackamas County government. Are you very interested, somewhat interested, not too interested, or not at all interested in: (Randomize Q50-Q53)

Response Category, N=400	Very interested	Smwt interested	Not too interested	Not at all	Don't know
50. Attending public meetings in the county					
Phone N=400	9%	34%	22%	31%	3%
Online N=871	19%	48%	21%	10%	2%
51. Responding to online surveys about Clackamas County issues					
Phone N=400	13%	38%	17%	29%	3%
Online N=871	48%	46%	5%	1%	1%
52. Volunteering to help on programs operated by Clackamas County					

Phone N=400	8%	42%	16%	29%	4%
Online N=871	13%	42%	25%	15%	5%
53. Volunteering to sit on one or some of the County's citizen committees					
Phone N=400	8%	28%	23%	37%	4%
Online N=871	19%	38%	22%	16%	5%

54. On a scale where 0=not at all interesting and 10=very interesting, how would you rate Citizen News, a publication provided by the County?

Response Category	Scientific Phone N=400	Community Outreach N=871
Mean	5.6	6.0
Top box (8+9+10)	17%	22%
Never heard of it	18%	14%
Never read it	7%	7%
Don't know	7%	5%

55. The Citizen News is delivered to all households in the County. How would you prefer to receive Citizen News? (Do not read list)

Response Category	Scientific Phone N=400	Community Outreach N=869
Mailed home/paper copy	58%	43%
Email	20%	37%
Online	8%	28%
Do not wish to receive it	5%	6%
Social media	1%	5%
Other (specify)	1%	3%
Don't know	6%	2%

These last questions make sure we have a valid sample of the community. It's important to collect answers to all of the following questions, and please keep in mind that your responses are confidential.

56. What is your age?

Response Category	Scientific Phone N=400	Community Outreach N=1,272
18-24	13%	1%
25-34	18%	8%
35-54	31%	35%
55-64	18%	33%
65+	20%	23%
Refused	1%	0%

57. Gender (by observation)

Response Category	Scientific Phone N=400	Community Outreach N=1,272
Male	48%	49%
Female	52%	51%

58. In what city or town do you live? (quota by several cities)

Telephone Survey Quota:

- Lake Oswego/Milwaukie/Oak Grove/Gladstone: 23%
- West Linn/Oregon City: 15%
- Happy Valley/Damascus/Sandy: 9%
- Wilsonville/Canby/Molalla: 11%
- All others: 42%

Response Category	Scientific Phone N=400	Community Outreach N=1,272
Milwaukie	12%	13%
Estacada	10%	3%
Oregon City	10%	13%
Lake Oswego	7%	10%
Molalla	7%	4%
Beavercreek	6%	2%
Clackamas	6%	4%
West Linn	5%	7%
Boring	5%	5%
Unincorporated Clackamas County	4%	0
Colton	3%	0
Damascus/Carver	3%	4%
Eagle Creek	3%	1%
Gladstone	3%	2%
Canby	3%	3%
Happy Valley	3%	4%
Sandy	3%	3%
Portland	2%	1%
Wilsonville	2%	4%
Oak Grove	1%	9%
Tualatin	1%	3 respondents
Barlow	1 respondent	1 respondent
Hubbard	1 respondent	0
Johnson City	1 respondent	0
Rhododendron	1 respondent	0
Rivergrove	1 respondent	2 respondents
Scotts Mill	1 respondent	0
Sherwood	1 respondent	0
Sunnyside	1 respondent	1 respondent
Zigzag	1 respondent	0
Government Camp	0	0
Jennings Lodge	0	1%

Response Category	Scientific Phone N=400	Community Outreach N=1,272
Mount Hood Village	0	1%
Oatfield	0	4 respondents

59. How long have you lived in Clackamas County?

Response Category	Scientific Phone N=400	Community Outreach N=1,272
0-5 years	12%	14%
6-10 years	12%	14%
More than 10 years	73%	73%
Refused	4%	0%

60. Do you own or rent your home?

Response Category	Scientific Phone N=400	Community Outreach N=1,272
Own	71%	90%
Rent	20%	10%
Refused	8%	0%

61. What is the highest level of education you have had the opportunity to complete?

Response Category	Scientific Phone N=400	Community Outreach N=1,272
Less than high school	2%	0%
High school diploma	21%	4%
Some college	30%	26%
College degree	31%	36%
Graduate/professional school	12%	33%
Refused	4%	0%

62. How many children under age 18 live in your home? (Record)

Response Category	Scientific Phone N=400	Community Outreach N=1,272
0/none	62%	74%
1	16%	10%
2	10%	11%
3	5%	3%
4	3%	1%
5+	-	5 respondents
Refused	4%	0%

63. What is your annual household income before taxes in 2011?

Response Category	Scientific Phone N=400	Community Outreach N=1,272
Less than \$24,999	13%	7%
\$25,000-\$49,999	18%	16%
\$50,000-\$74,999	16%	23%
\$75,000-\$99,999	13%	20%
\$100,000-\$149,999	12%	22%
\$150,000+	8%	12%
Refused	21%	0%

64. What is your race or ethnicity? (Allow multiple)

Response Category	Scientific Phone N=400	Community Outreach N=1,272
White/Caucasian	87%	91%
African American/Black	1%	5 respondents
Hispanic/Latino	1%	1%
Asian/Pacific Islander	2%	1%
Native American/American Indian	1%	2%
Other	4%	4%
Refused/No answer	7%	2%

Appendix A

These were the following sources of distribution for the online version of the Clackamas County Community Survey:

- Posted by Clackamas County to web page www.clackamas.us lead item from Feb. 29 through March 15.
- Distributed by DHM to Clackamas residents included in online Opt In panel maintained by Metro (1,206 emails).
- Posted by Clackamas County to Facebook and Twitter on repeated occasions.
- Distributed by Clackamas County to local media Feb. 29 and March 12.
- Distributed by Clackamas County to leaders of CPO's in Clackamas County.
- Distributed by Clackamas County to advisory boards and commissions with recommendation to distribute to members.
- Distributed by Clackamas County to Riverwatch group.
- Distributed by Clackamas County to Hamlets and Villages email list.
- Promoted by BCC at business meetings in March.
- Distributed by Clackamas County to information officers in Clackamas counties cities and communities and school districts.
- Posted by Clackamas County to "reader board" on Clackamas County Government Channel.
- Promoted in a memo to employees from Steve Wheeler that was distributed week of February 27.



GARY SCHMIDT
DIRECTOR

PUBLIC AND GOVERNMENT AFFAIRS

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

March 29, 2012

Board of Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution in Support of the O&C Trust, Conservation and Jobs Act

Congressmen Peter DeFazio, Kurt Schrader and Greg Walden plan to introduce legislation to manage federal forest lands and restore revenues to counties. The O&C Trust, Conservation and Jobs Act would create jobs, revitalize local economies, bring financial stability to Oregon counties and protect land and resources. Clackamas County is one of 18 counties in Oregon that encompass Oregon and California Railroad grant lands (O&C lands), which once provided revenues vital to the economic survival of Clackamas County.

Over half (51%) of the County's land is federally owned. The Secure Rural Schools and Community Self-Determination Act of 2000 brought critical funding to timber dependent counties in Oregon to compensate for reduced revenues due to declining timber harvests. The Secure Rural Schools Act was reauthorized in 2008 for fiscal years 2008 - 2011. That reauthorization has now expired. Two weeks ago, the U.S. Senate included an amendment to the surface transportation bill, extending the Secure Rural Schools Act for one more fiscal year - FY2013. This legislation is awaiting U.S. House action.

The loss of revenue generated by these public lands has caused the County to reduce vital services for public safety, education, health and other programs and services. The County road fund has also seen a loss of almost one-fourth of the County's annual road revenue not specifically designated for capital projects.

The O&C Trust, Conservation and Jobs Act is a bipartisan plan to manage 50% of the O&C lands by an Oregon trust for sustained yield timber production for the benefit of O&C counties. This stable timber supply would support manufacturing and other jobs and provide the revenue to cash-strapped counties that have few options to recover lost income from federal lands.

Clackamas County's federal legislative agenda supports legislation for responsible management of federal forest lands that provides a sustainable and predictable long-term solution to County revenue needs, while ensuring environmental protection and stewardship and restoration efforts. The O&C Trust Act does just that.

Recommendation

Staff recommends the Board of Commissioners approve the resolution in support of the O&C Trust, Conservation and Jobs Act.

Sincerely,

Gary Schmidt, Director

For information on this issue please contact Gary Schmidt at (503) 742-5908

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

Resolution in Support of Proposed
O&C Trust, Conservation and Jobs Act



Resolution No.
Page 1 of 2

The Board of Commissioners for Clackamas County, Oregon, respectfully represent and resolve as follows:

Whereas, the unique, revested Oregon and California Railroad grant lands, commonly known as O&C lands, once provided revenues vital to the economic survival of many county governments in Oregon, including Clackamas County; and

Whereas, failures in federal management of the O&C lands has resulted in a drastic decline in revenue from those lands, leaving many of the 18 O&C counties, including Clackamas County, without adequate revenues to provide essential public services, including the protection of public safety; and

Whereas, federal management of the O&C lands has reduced timber harvests by 90 percent over the last 20 years, depriving communities and industries of the raw material necessary to sustain local economies, provide employment opportunities and fund stewardship and restoration efforts; and

Whereas, three members of Oregon's Congressional Delegation have proposed a bipartisan plan for management of about 50 percent of the O&C lands by an Oregon trust, under the laws of the State of Oregon, for sustained yield timber production for the benefit of the O&C counties and all Oregonian; and

Whereas, Representatives DeFazio, Walden and Schrader have offered the O&C Trust, Conservation and Jobs Act, which would result in restoration of revenues to counties sufficient to avert the financial crisis with which they are confronted, and allow the counties to continue to function with public safety and other essential services at acceptable levels; and

Whereas, the proposed O&C Trust, Conservation and Jobs Act would assure a sufficiently stable timber supply to justify investments in new plants and equipment, and provide raw material supporting manufacturing and other jobs, creating thousands of new jobs in parts of Oregon, including Clackamas County, where high unemployment rates are a chronic problem; and

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

Resolution in Support of Proposed
O&C Trust, Conservation and Jobs Act



Resolution No.
Page 2 of 2

Whereas, the propose O&C Trust, Conservation and Jobs Act, in addition to helping revive an ailing economy, would assure that the timber and other resources are conserved for the benefit of current and future generations by requiring sustained yield forestry, and by permanently protecting all remaining old growth timber on more than 1.0 million acres of the O&C lands, adding 90,000 acres to wilderness protection, and adding 150 miles of streams to wild and scenic protected status.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners for Clackamas County in the State of Oregon:

That we urge the President and the Congress of the United States of America to, as rapidly as the legislative process will permit and without delay, enact into law the O&C Trust, Conservation and Jobs Act, as sponsored by Congressmen Walden, DeFazio and Schrader; and

It is further resolved that a copy of this Memorial be sent to the President of the United States, to the United States House of Representatives and Senate, to each member of the Oregon Congressional Delegation, and to the Governor of the State of Oregon.

Dated this 29th day of March, 2012

Clackamas County Board of Commissioners

Charlotte Lehan, Chair

Recording Secretary

4

MARC GONZALES
DIRECTOR



DEPARTMENT OF FINANCE

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

March 29, 2012

Board of County Commissioners
Clackamas County

Members of the Board:

**Resolution for Clackamas County for Budgeting of
New Specific Purpose Revenue for Fiscal Year 2011-2012**

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 ORS 294.326, qualify as grants in trust for specific purposes in keeping with a legally accurate budget.

The **Parks Fund** is recognizing funding from the Clackamas Stewardship Partners Retained Receipts program and appropriating in personnel services and materials and services for program expenses

The **Sheriff Fund** is recognizing grant revenue from the Oregon State Sheriff's Association and budgeting for Safety Belt Enforcement and DUII programs.

The **Social Services Fund** is recognizing additional grant funding for the Developmental Disability Program and budgeting to add a full-time case manager.

The **Children, Youth and Families Fund** is recognizing grant money from the Office of Violence Against Women and budgeting for program expenses associated with this grant.

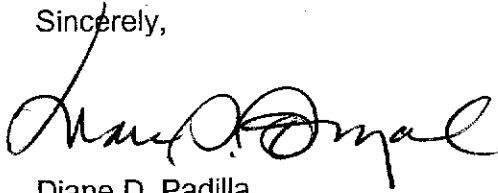
The effect of this Board Order is an increase in appropriations of \$178,154 including new revenues as detailed below:

State Operating Grants	\$ 142,154.
Federal Operating Grants	<u>36,000.</u>
Total Recommended	<u>\$ 178,154.</u>

RECOMMENDATION:

Staff respectfully recommends that the Board adopt the attached resolution order and Exhibit A to maintain an accurate budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane D. Padilla". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Diane D. Padilla
Budget Manager

For information on this issue or copies of attachments
please contact Diane Padilla at (503) 742-5425

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

A RESOLUTION OF THE CLACKAMAS
COUNTY BOARD OF COMMISSIONERS
PROVIDING AUTHORIZATION TO
APPOPRIATE GRANTS FOR SPECIFIC
PURPOSES WITHIN THE FISCAL
YEAR 2011-12



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, 2011 through June 30, 2012, inclusive is necessary to authorize the expenditure of funds, for the needs of Clackamas County residents;

WHEREAS; the funds being adjusted are:

- . Parks Fund
- . Sheriff Fund
- . Social Services Fund
- . Children, Youth and Families,

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.

ADOPTED this 29th day of March, 2012

By the BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

NEW SPECIFIC PURPOSE REVENUE REQUESTS

Exhibit A

Federal Operating Grants	\$ 36,000.
State Operating Grants	<u>142,154.</u>
Total Recommended	<u>\$ 178,154.</u>

PARKS FUND

Revenue:	
Federal Operating Grants	\$ 36,000.
Total	<u>\$ 36,000.</u>
Expense:	
Personnel Services	\$ 23,844.
Materials and Services	<u>12,156.</u>
Total	<u>\$ 36,000.</u>

Parks Fund is recognizing funding from the Clackamas Stewardship Partners Retained Receipts program and appropriating in personnel services and materials and services for program expenses

SHERIFF FUND

Revenue:	
State Operating Grants	\$ 68,000.
Total	<u>\$ 68,000.</u>
Expense:	
Personnel Services	\$ 68,000.
Total	<u>\$ 68,000.</u>

Sheriff Fund is recognizing grant revenue from the Oregon State Sheriff's Association and budgeting for Safety Belt Enforcement and DUII programs.

SOCIAL SERVICES FUND

Revenue:	
State Operating Grants	\$ 25,148.
Total	<u>\$ 25,148.</u>
Expense:	
Personnel Services	\$ 25,148.
Total	<u>\$ 25,148.</u>

Social Services Fund is recognizing additional grant funding for the Developmental Disability Program and budgeting to add a full-time case manager.

CHILDREN, YOUTH AND FAMILIES FUND

Revenue:

State Operating Grants	\$ 49,006.
Total	<u>\$ 49,006.</u>

Expense:

Personnel Services	\$ 10,185.
Materials and Services	<u>38,821.</u>
Total	<u>\$ 49,006.</u>

Children, Youth and Families Fund is recognizing grant money from the Office of Violence Against Women and budgeting for program expenses associated with this grant.



MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

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

March 29, 2012

Board of County Commissioners
Clackamas County

Members of the Board:

**Resolution for Clackamas County for
Transfer of Appropriations for Fiscal Year 2011-2012**

Periodically during the fiscal year it is necessary to transfer appropriations between the major spending categories (personnel 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 order 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 capital outlay for ballot counting software for the Clerk.

The **General Fund - Non Departmental** is transferring from contingency to the **Building Services Fund** to compensate for revenue shortfalls and avoid layoffs.

The **General Fund - Non Departmental** is transferring from contingency to County Administration for additional staff hours needed to compensate for an employee's unexpected family medical leave.

The **General Fund - Non Departmental** is transferring from contingency to the **Community Corrections Fund** to provide additional support for operations.

The **Public Safety Local Option Levy Fund** is transferring from contingency to materials and services to fund a share of a contract for inmate medical services.

The **Justice Court Fund** is correcting the expense account line for a loan repayment to the **General Fund**.

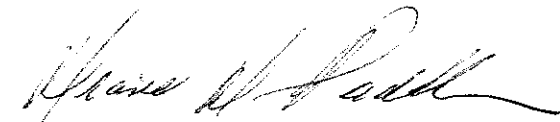
The **Community Development Fund** is transferring from materials and services to personnel services to meet increasing support requirements of the Homeless Management Information System.

The **Community Health Fund** is transferring between personnel services and materials and services for two Community Health Nurse positions and program costs associated with the positions.

RECOMMENDATION:

Staff respectfully recommends that the Board adopt the attached board order and Exhibit A to maintain an accurate budget.

Sincerely,



Diane D. Padilla
Budget Manager

For information on this issue or copies of attachments
please contact Diane Padilla at (503) 742-5425

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

A RESOLUTION OF THE CLACKAMAS
COUNTY BOARD OF COMMISSIONERS
PROVIDING AUTHORIZATION TO
TRANSFER APPROPRIATIONS WITHIN
THE FISCAL YEAR 2011-12



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, 2011 through June 30, 2012, 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
 - Clerk
 - Building Services Fund
 - County Administration
 - Community Corrections Fund
- . Public Safety Local Option Levy Fund
- . Justice Court Fund
- . Community Development Fund
- . Community Health Fund,

BE IT 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.

ADOPTED this 29th day of March, 2012

By the BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

JUSTICE COURT FUND

Decrease:		
	Interfund Transfer	\$ 106,200.
	Total	<u>\$ 106,200.</u>
Increase:		
	Debt Services	\$ 106,200.
	Total	<u>\$ 106,200.</u>

Correcting the expense account line for a loan repayment to the General Fund.

COMMUNITY DEVELOPMENT FUND

Decrease:		
	Materials & Services	\$ 25,000.
	Total	<u>\$ 25,000.</u>
Increase:		
	Personal Services	\$ 25,000.
	Total	<u>\$ 25,000.</u>

Transferring from materials and services to personnel services to meet increasing support requirements of the Homeless Management Information System.

COMMUNITY HEALTH FUND

Decrease:		
	Personnel Services	\$ 12,042.
	Total	<u>\$ 12,042.</u>
Increase:		
	Materials & Services	\$ 12,042.
	Total	<u>\$ 12,042.</u>

Transferring between personnel services and materials and services for two Community Health Nurse positions and program costs associated with the positions.

TRANSFER REQUESTS

Exhibit A

GENERAL FUND- NON DEPARTMENTAL

Increase:		
Revenue		
Other Finance Sources	\$	106,200.
Total	\$	<u>106,200.</u>
Decrease:		
Revenue		
Interfund Transfer	\$	106,200.
Total	\$	<u>106,200.</u>
Increase:		
Expenses		
Personnel Services	\$	15,000.
Interfund Transfer		540,000.
Capital Outlay		<u>279,320.</u>
Total	\$	<u>834,320.</u>
Decrease:		
Expenses		
Contingency	\$	834,320.
Total	\$	<u>834,320.</u>

Transferring from contingency to capital outlay for ballot counting software for the **Clerk**, the **Building Services Fund** to compensate for revenue shortfalls and avoid layoffs, **County Administration** for additional staff hours needed to compensate for an employee's unexpected family medical leave and to the **Community Corrections Fund** to provide additional support for operations.

PUBLIC SAFETY LOCAL OPTION LEVY FUND

Decrease:		
Contingency	\$	400,000.
Total	\$	<u>400,000.</u>
Increase:		
Materials & Services	\$	400,000.
Total	\$	<u>400,000.</u>

Transferring from contingency to materials and services to fund a share of a contract for inmate medical services

6

BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

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

Thursday, March 1, 2012 – 10:00 AM

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

**PRESENT: Commissioner Paul Savas, Chair
Commissioner Ann Lininger
Commissioner Jamie Damon**

**EXCUSED: Commissioner Charlotte Lehan
Commissioner Jim Bernard**

I. CALL TO ORDER

- Roll Call
Commissioner Savas announced that Commissioner Lehan and Commissioner Bernard are attending the NACo Conference and will not be in attendance today, Commissioner Savas will serve as Chair for this meeting.
- *Pledge of Allegiance*
- Approval of Order of Agenda

MOTION:

Commissioner Lininger: I move we approve the order of the March 1, 2012 Business Meeting agenda.

Commissioners Damon: Second.

Chair Savas – all those in favor:

Commissioner Damon: Aye.

Commissioner Lininger: Aye.

Chair Savas: Aye.

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

II. DISCUSSION ITEMS

~NO DISCUSSION ITEMS SCHEDULED

III. CITIZEN COMMUNICATION

1. Sherry Sheng, West Linn – spoke in support of the OSU Extension Service and the Master Gardeners program. She wanted to thank the County for mentioning the Master Gardener events in the Clackamas County Citizen News paper.
2. John Ludlow, Wilsonville - Candidate for Clackamas County Commission Chair.
3. Yvonne Lazarus, Oak Grove – Milwaukie light rail, 25 Million, trees along the trolley trail.
4. Les Poole, Milwaukie – Milwaukie light rail – trees along the trolley trail.
5. Maryanna Moore, Gladstone – Gladstone Library.
6. Mack Woods, Canby – Milwaukie light rail – freedom of speech.

IV. CONSENT AGENDA

Chair Savas asked the Clerk to read the Consent Agenda by title, and then asked for a motion.

MOTION:

Commissioner Damon: I move we approve the consent agenda. .

Commissioners Lininger: Second.

Chair Savas – all those in favor:

Commissioner Damon: Aye.

Commissioner Lininger: Aye.

Chair Savas: Aye.

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

A. Health, Housing & Human Services

1. Approval of a Personal Services Agreement to Provide Physicians on a Locum Tenens Basis with Kelly Services - BH
2. Board Order No. 2012-17 Approval of the Mental Health Director's Designee to Authorize a Custody Hold Under ORS 426.233 - BH

B. Department of Transportation & Development

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

C. Department of Communications (C-Com)

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

D. Department of Employee Services

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

E. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC

V. COMMISSIONERS COMMUNICATION

MEETING ADJOURNED – 10:40 AM

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

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



 COPY 7

GARY BARTH
DIRECTOR

BUSINESS AND COMMUNITY SERVICES

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

March 29, 2012

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of an Amendment to an Intergovernmental Agreement between Clackamas County and the State of Oregon for the Springwater Trail Transportation Program Enhancement Project

Clackamas County Parks (CCP) and the State of Oregon Department of Transportation (ODOT) entered into an Intergovernmental Agreement (IGA) in July 2010 allocating Transportation Enhancement (TE) funds for completion of the Springwater Trail in Clackamas County, between Rugg Road in Damascus and Dee Street in Boring.

The Springwater Trail, acquired in 1990 by the City of Portland, extends from the Willamette River in Portland to Boring. The entire 21.5 mile Springwater Corridor is a unique regional natural resource area for walking, hiking, biking, and equestrian use. The City of Portland has granted an IGA that provides Clackamas County the right to design, construct, operate, maintain and repair this section of the trail. This portion of the trail is currently gravel and unimproved. The project entails construction and paving 2.21 mile extension of the Springwater Trail shared-use path with signs, bollards, drainage and landscaping. Paving the trail will allow this portion of the trail to be used more effectively as a recreational and transportation corridor.

The project is being funded by approximately \$1,200,000 in TE funds and a combination of 2006 Metro Natural Areas Bond Local Share funds and CCP Capital Improvement funds.

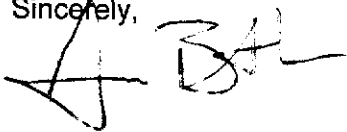
The attached amendment is needed to: update agency contact information, amend standard indemnification language, revise the project delivery date, and add a revised Exhibit B (Memorandum of Agreement and Acknowledgement of Federal Assistance), and include Project milestones by adding Exhibit D. All other terms and conditions remain in effect.

RECOMMENDATIONS

Staff respectfully recommends that the Board approve and sign the attached Amendment Number 1, Transportation Enhancement Program Project Intergovernmental Agreement (IGA)

between Clackamas County and the State of Oregon for the Springwater Trail: Rugg Road to Dee Street (Boring) project.

Sincerely,

A handwritten signature in black ink, appearing to read 'G Barth', written over the word 'Sincerely,'.

Gary Barth
Director

For information on this issue or copies of attachments please contact Jeroen Kok at
(503) 742-4421 or email JKok@co.clackamas.or.us

DRAFT: December 8, 2011

AMENDMENT NUMBER 01
LOCAL AGENCY AGREEMENT
TRANSPORTATION ENHANCEMENT PROGRAM PROJECT
Springwater Trail: Rugg Road – Dee Street (Boring)
Clackamas County

The STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State," and CLACKAMAS COUNTY, acting by and through its elected officials, hereinafter referred to as "Agency," entered into an Agreement on July 20, 2010. Said Agreement covers constructing and paving an extension of the Springwater Trail shared-use path with signs, bollards, drainage and landscaping.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to update contact information; indemnification language, revise delivery date, add revised Exhibit B and include Project Milestones by adding Exhibit D. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

TERMS OF AGREEMENT, Paragraph 1, Page 1, which reads:

1. Under said provisions, State and Agency agree to construct and pave an extension of the Springwater Trail shared-use path with signs, bollards, drainage and landscaping, hereinafter referred to as "Project". The location of the Project is approximately as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

Shall be deleted in its entirety and replaced with the following:

1. Under said provisions, State and Agency agree to construct and pave an extension of the Springwater Trail shared-use path with signs, bollards, drainage and landscaping, hereinafter referred to as "Project". The location of the Project is approximately as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof. The Project scope and schedule, progress report requirements, and Project Change Request process are described in **Exhibit D**, attached hereto and by this reference made a part hereof. Agency agrees to the conditions set forth in **Exhibit D**.

Insert new TERMS OF AGREEMENT, Paragraphs 13 and 14, Page 4, to read as follows:

13. State's Project Manager for this Project is Mahasti Hastings, Local Agency Liaison, 123 NW Flanders Street, Portland, OR 97209, (503) 731-8595, mahasti.v.hastings@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

Agency/State
Agreement No. 26,432-01

14. Agency's Project Manager for this Project is Jeroen Kok, Project Manager, Clackamas County Parks & Forest Department, 150 Beaver Creek Road, Oregon City, OR 97045, (503) 742-4421, JKok@co.clackamas.or.us, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

ATTACHMENT NO. 1, SPECIAL PROVISIONS, Paragraph 1, Page 1 of 2, which reads:

1. The Parties agree that this Agreement will terminate if the funds for this Project are not obligated for construction on or before March 31, 2012. Upon termination of this Agreement, State may reassign any Transportation Enhancement funds not yet obligated for the Project and shall have no obligation to fund any remaining phases of work through the Transportation Enhancement Program.

Shall be deleted in its entirety and replaced with the following:

1. The Parties agree that the target delivery date for the Project's "Plans, Specifications, and Estimates" (PS&E) package is December 31, 2012. State may withdraw all Transportation Enhancement Funds that are not obligated on or before September 30, 2013, which is twelve (12) months after the obligation date assigned by State. In that event, State may reassign any Transportation Enhancement funds not yet obligated for the Project and shall have no obligation to fund any remaining phases of work through the Transportation Enhancement Program.

ATTACHMENT NO. 1, SPECIAL PROVISIONS, Paragraph 4, Page 1 of 2, shall be deleted in its entirety and shall be identified as RESERVED.

ATTACHMENT NO. 1, SPECIAL PROVISIONS, Paragraph 7, Page 2 of 2, which reads:

7. Agency shall, upon completion of Project and as a condition to this Agreement, complete and file with the appropriate County Clerk, an Acknowledgment of Federal Assistance, which is attached hereto as Exhibit B, and by this reference is made a part hereof. Agency shall provide confirmation of this filing by forwarding to the Region 1 Manager a conformed copy of the recorded Exhibit B. By means of said acknowledgment, a lien shall be established against said property and assets subject to the satisfaction of Agency's financial obligations, the continued use of said property for public purposes, and the maintenance of the facility or service at a level consistent with normal depreciation and/or demand. State's interest in said property is proportional to the federal and state participation in Project. Agency will be ineligible to receive any Transportation Enhancement funds while in default of

conditions underlying the lien and will be ineligible to receive state or federal funds from any State-administered program for any project on Regional Trails System.

Shall be deleted in its entirety and replaced with the following:

7. Agency shall, upon completion of Project and as a condition to this Agreement, complete and file with the appropriate County Clerk, an Acknowledgment of Federal Assistance, which is attached hereto as **Revised Exhibit B**, and by this reference is made a part hereof. Agency shall provide confirmation of this filing by forwarding to the Region 1 Manager a conformed copy of the recorded **Revised Exhibit B**. By means of said acknowledgment, a lien shall be established against said property and assets subject to the satisfaction of Agency's financial obligations, the continued use of said property for public purposes, and the maintenance of the facility or service at a level consistent with normal depreciation and/or demand. State's interest in said property is proportional to the federal and state participation in Project. Agency will be ineligible to receive any Transportation Enhancement funds while in default of conditions underlying the lien and will be ineligible to receive state or federal funds from any State-administered program for any project on Regional Trails System.

Insert new SPECIAL PROVISIONS, Paragraph 5, to read as follows:

5. Indemnification language in the Standards Provisions, Paragraphs 46 and 47; and Paragraph 4 in regards to tort claims, shall be replaced with the following language:
 - a. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
 - b. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on

the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

- c. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
- d. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

SPECIAL PROVISIONS, Paragraphs 5 through 8, shall be hereinafter re-numbered as Paragraphs 6 through 9.

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Agency/State
Agreement No. 26,432-01

This Project is in the 2010-2013 Statewide Transportation Improvement Program, (Key #16805) that was approved by the Oregon Transportation Commission on December 16, 2010 (or subsequently approved by amendment to the STIP).

Signature page to follow

Agency/State
Agreement No. 26,432-01

CLACKAMAS COUNTY, by and through its elected officials

By _____
Chair

Date _____

By _____
Recording Secretary

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Agency Legal Counsel

Date _____

Agency Contact:
Jeroen Kok. Project Manager
Clackamas County Parks & Forest
150 Beaver Creek Road
Oregon City, OR 97045
(503) 742-4421
JKok@co.clackamas.or.us

State Contact:
Mahasti Hastings, Local Agency Liaison
Oregon Dept. of Transportation
123 NW Flanders
Portland, OR 97209
(503) 731-8595
mahasti.v.hastings@odot.state.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/
Chief Engineer

Date _____

By _____
TE Program Manager or
Local Govt. Section Manager

Date _____

By _____
Region 1 Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____

Agency/State
Agreement No. 26,432-01

After recording, return to:

REVISED EXHIBIT B
MEMORANDUM OF AGREEMENT AND ACKNOWLEDGEMENT OF FEDERAL ASSISTANCE
[State Recording Authority: ORS 93.710 and ORS 205.130(2)]

Agreement Number: 26432
Project Name: Springwater Trail: Rugg Road – Dee Street (Boring)
Key Number: 16805

Local Agency Agreement No. 26432 between Clackamas County and the State of Oregon, Department of Transportation was executed on . Pursuant to paragraph 7, of Attachment No. 1, Special Provisions, page 2 of the Local Agency Agreement, upon the recording of this document, Clackamas County received federal funds for the Project described in the Local Agency Agreement. The property and assets under the jurisdiction of Clackamas County were improved with the assistance from the United States Government. Such assistance was provided to Clackamas County, in reimbursement of costs associated with Clackamas County, The use and disposition of said property is subject to the terms of the above noted Local Agency Agreement, copies of which may be obtained from the Director of ODOT and is also subject to 49 CFR Part 18. A description of the improved property is attached.

CLACKAMAS COUNTY

By: _____ (Notary Stamp)
(Name of person)

Title: _____

State of Oregon: County of _____

Signed or attested before me on _____ by _____ (Date)

(name(s) of person(s))

_____ My commission expires on _____.

STATE OF OREGON, DEPARTMENT OF TRANSPORTATION

By: _____ (Notary Stamp)
Darel Capps

Title: Transportation Finance Manager

Signed or attested before me on _____ by _____ (Date)

(name(s) of person(s))

_____ My commission expires on _____.

Oregon Department of Transportation; 3930 Fairview Industrial Drive, SE; Salem, OR 97302

Agency/State
Agreement No. 26,432-01

EXHIBIT D
Progress Reports and Project Change Request Process

Agreement No. 26432

Key Number: 16805

Project Name: Springwater Trail: Rugg Road – Dee Street (Boring)

1. Project Description

State and Agency agree to construct and pave an extension of the Springwater Trail shared-use path with signs, bollards, drainage and landscaping.

2. This Project is subject to progress reporting and project change process as stated in paragraphs No. 3 through No. 5 below.

3. **Monthly Progress Reports (MPR)** - Agency shall submit monthly progress reports using MPR Form 734-2862, attached by reference and made a part of this Agreement. The Monthly Progress Report is due by the 5th day of each month, starting the first month after execution of this Agreement, and continuing through the first month after State issues Project Acceptance (Second Note) for the Project's construction contract.

The fillable MPR form and instructions are available at the following address:

<http://www.oregon.gov/ODOT/HWY/LGS/online.shtml>

4. **Project Milestones** – The Parties agree that the dates shown in Table 1 constitute the intended schedule for advancing and completing the Project. Project Milestones may only be changed through amendment of this Agreement, after obtaining an approved Project Change Request.

Table 1: Project Milestones

	Milestone Description	Completion Date
1	Obligation (Federal Authorization) of Enhancement Funds for the Preliminary Engineering phase of Project	September 30, 2010
2	Obligation (Federal Authorization) of Enhancement Funds for the Construction phase of Project	December 31, 2012
3	Project Completion based on State issuing Project Acceptance or "Second Note"	December 31, 2014

- 5. Project Change Request (PCR) Process** - Agency must obtain approval from State's Contact and State's Transportation Enhancement Program Manager for changes to the Project's scope, schedule, or budget as specified in paragraphs 5a, 5b and 5c, below. Agency shall be fully responsible for all costs that occur outside the established Project scope, schedule or budget and prior to an approved PCR.
- a. Scope** - A PCR is required for any significant change or reduction in the scope of work described in the Project Description (Paragraph 1 of this Exhibit).
 - b. Schedule** - A PCR is required if Agency or State's Contact anticipate that any Project Milestone will be delayed by more than ninety (90) days, and also for any change in schedule that will require amendment of the Statewide Transportation Improvement Program (STIP).
 - c. Budget** - Total Project Cost and approved Enhancement funds for the Project are controlled by Terms of Agreement paragraphs 2 and 2a, on pages 1 and 2 of this Agreement. A PCR is required to obtain State's approval for increased Enhancement funds for any phase of the Project.

Agency must submit all change requests using PCR Form 734-2863, attached by reference and made a part of this Agreement. The PCR Form is due no later than thirty (30) days after the need for change becomes known to Agency. The PCR shall explain what change is being requested, the reasons for the change, and any efforts to mitigate the change. A Project Change Request may be rejected at the discretion of State's Transportation Enhancement Program Manager.

The fillable PCR form and its instructions are available at the following web site:
<http://www.oregon.gov/ODOT/HWY/LGS/online.shtml>

- 6. Consequence for Non-Performance** - If Agency fails to fulfill its obligations in paragraphs No. 3 through No. 5, or does not advance the Project according to the Project Milestones, State's course of action through the duration of Agency's default shall be (1) restricting Agency consideration for future funds awarded through State's Active Transportation Section, then (2) withdrawing unused Project funds as specified in Special Provision #1 of this Agreement, and then (3) terminating this Agreement as stated in paragraphs #9a and 9b of this Agreement.

8



**NORTH
CLACKAMAS**
PARKS & RECREATION
DISTRICT

March 29, 2012

Board of County Commissioners
Clackamas County

Members of the Board:

**Board Order Authorizing North Clackamas Parks and Recreation District
to apply for Oregon Parks and Recreation Department Local Government Grant Program
funding for development of a playground at Hood View Park**

North Clackamas Parks and Recreation District (NCPRD) is required by Oregon Parks and Recreation Department (OPRD) to submit a board order from the Clackamas County Board of County Commissioners, their governing board, to apply for the Local Government Grant Program (LGGP). Projects selected for the Local Government Grant program are funded through Ballot Measure 66 Lottery funds. NCPRD is requesting approximately up to \$100,000 in OPRD LGGP funding for a playground at Hood View Park. The OPRD LGGP requires a minimum local match of 50%.

The proposed playground at Hood View Park will include play elements appropriate for children, picnic tables and benches, netting and/or a cover, and a sidewalk. The project will increase active recreation options for NCPRD residents. Overlooking the recently completed sports complex, the Hood View Park playground is a critical piece in development of the community park. A playground at Hood View Park is supported by the District Advisory Board and the BCC, and was included in the original concept plan for the park completed in 2009 (attached as Exhibit A). The project has a history of widespread community support, and is identified as a priority project in the NCPRD Capital Improvement Plan. Project design for the playground would begin during the 2012/2013 fiscal year. Funds for construction of the playground are proposed for the 2012/2013 capital budget and are pending approval of the grant.

RECOMMENDATION:

Staff respectfully recommends that the Board of Commissioners, acting as the Governing Body of the North Clackamas Parks and Recreation District, approve the Board Order authorizing NCPRD to apply for OPRD Local Government Grant Program funding, and delegate authority to the NCPRD Director, or designee, to sign any necessary documents.

Sincerely,

Michelle Healy
Deputy Director

For more information on this issue contact Katie Dunham, 503-742-4358 or email kdunham@clackamas.us
www.co.clackamas.or.us/ncprd

Administration Office
150 Beaver Creek Road
Oregon City, OR 97045
503-742-4348
fax: 503-742-4349

Aquatic & Recreation Services
7300 SE Harmony Road
Milwaukie, OR 97222
503-794-8080
fax: 503-794-8085

Milwaukie Center
5440 SE Kellogg Creek Drive
Milwaukie, OR 97222
503-653-8100
fax: 503-794-8016

Parks Maintenance Office
9909 SE 40th Avenue
Milwaukie, OR 97222
503-794-8030
fax: 503-794-8087

**A service district
of Clackamas County**

BEFORE THE BOARD OF
NORTH CLACKAMAS PARKS AND RECREATION DISTRICT
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of authorizing the North Clackamas Parks and Recreation District to apply for an Oregon Parks and Recreation Department Local Government Grant for development of a playground at Hood View Community Park and delegating authority to the Director to sign the application

Order No. _____

Whereas, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and

Whereas, the North Clackamas Parks and Recreation District (NCPRD) desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation improvements and enhancements; and

Whereas, the NCPRD Advisory Board and Clackamas County Board of Commissioners have identified development of a section of Hood View Community Park site as a playground; and

Whereas, the development of the playground at Hood View Community Park will include development of a section of the site for recreational use, as outlined in the concept plan; and

Whereas, NCPRD hereby certifies that the matching share for this application is readily available at this time; and

NOW, THEREFORE, IT IS HEREBY ORDERED that the Clackamas County Board of Commissioners, acting as the Governing Body of NCPRD does hereby authorize NCPRD to apply for a Local Government Grant from the Oregon Parks and Recreation Department for up to \$100,000 for development of a playground at Hood View Community Park, in Happy Valley, as specified above, and authorizes the District Director or designee to sign the application.

DATED this _____ day of March, 2012

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



**NORTH
CLACKAMAS**
PARKS & RECREATION
DISTRICT

March 29, 2010

Board of Commissioners
Acting as the Governing Body of the
North Clackamas Parks and Recreation District

Members of the Board:

**Approval of an Intergovernmental Agreement (IGA) Between the
North Clackamas Parks and Recreation District (NCPRD) and TriMet for
Design and Construction Services for the Trolley Trail Segment 2**

NCPRD has been coordinating with TriMet other partners to avoid conflicts between the Trolley Trail multi-use path project and the Portland to Milwaukie light rail extension (LRT). The LRT and Trolley Trail projects are co-located for approximately 0.6 miles between the railroad trestle at 22nd Avenue in the City of Milwaukie and Park Avenue in Clackamas County. Due to the proximity and differing timelines of the two projects, Segment 2 of the Trolley Trail was removed from the NCPRD construction contract and scheduled to be built at the same time as the LRT project. Public discussion supported waiting to build this section of the trail, rather than seeing public resources wasted by building Segment 2 now and having it later ripped out and rebuilt if the LRT is constructed. The board discussed the coordination of the two projects at multiple study sessions (January 20, 2009, November 10, 2009, January 5, 2010 and August 23, 2011).

The attached IGA lays out the roles and responsibilities for each agency related to the construction of Segment 2 of the Trolley Trail, and specifically memorializes the following key details:

- TriMet would purchase the Trolley Trail right of way from NCPRD for fair market value based on an independent property appraisal. A new easement to the west of the existing right of way will be provided for the Trolley Trail in exchange. As separate right of way agreement will be negotiated for this transaction.
- TriMet will construct Segment 2 of the trail from SE River Road to SE Park Avenue at no cost to NCPRD.
- If TriMet fails to build the trail, it must provide funding to NCPRD for the construction and related costs.
- Segment 2 of the Trail shall be completed by December 1, 2014.

www.co.clackamas.or.us/ncprd

Administration Office
150 Beaver Creek Road
Oregon City, OR 97045
503-742-4348
fax: 503-742-4349

Aquatic & Recreation Services
7300 SE Harmony Road
Milwaukie, OR 97222
503-794-8080
fax: 503-794-8085

Milwaukie Center
5440 SE Kellogg Creek Drive
Milwaukie, OR 97222
503-653-8100
fax: 503-794-8016

Parks Maintenance Office
9909 SE 40th Avenue
Milwaukie, OR 97222
503-794-8030
fax: 503-794-8087

*A service district
of Clackamas County*

Approval of this IGA assures the integrity of the Trolley Trail and confirms completion of the project by TriMet regardless of the outcome of the LRT project. This assurance is required not only by NCPRD, but also by the Federal Highway Administration (FHWA) and the Oregon Department of Transportation (ODOT), which provided significant transportation grant funding to NCPRD to construct the entire 5 mile stretch of the Trolley Trail. If the entire trail fails to be completed by the end of 2014, NCPRD could be found in breach of the grant agreement with ODOT and FHWA and be required to reimburse the grant funds.

County Counsel has reviewed and approved the language in the attached IGA.

RECOMMENDATION:

Staff respectfully recommends that the Board approve the IGA with TriMet for Segment 2 of the Trolley Trail.

Sincerely,



Michelle Healy
Deputy Director

For information on this issue or attachments please contact Michelle Healy at (503)742-4356

**INTERGOVERNMENTAL AGREEMENT
BETWEEN TRIMET AND THE NORTH CLACKAMAS PARKS AND
RECREATION DISTRICT FOR DESIGN AND CONSTRUCTION SERVICES
FOR TROLLEY TRAIL SEGMENT 2**

This intergovernmental agreement ("Agreement") is made and entered into by and between the North Clackamas Parks and Recreation District ("NCPRD") and the Tri-County Metropolitan Transportation District of Oregon ("TriMet") (collectively the "Parties"), effective as of the date of the last signature, below.

RECITALS

A. TriMet is planning to construct the Portland-Milwaukie Light Rail Project ("Project"), which is a 7.3 mile light rail project between Portland State University and north Clackamas County. The Project terminates at Park Avenue in unincorporated Clackamas County.

B. In 2008, Clackamas County, City of Milwaukie, City of Portland, City of Oregon City, Multnomah County, ODOT, TriMet and Metro adopted the Locally Preferred Alternative that called for TriMet to construct the Project to SE Park Avenue and requiring utilization of real property between SE River Road and SE Park Avenue ("Property").

C. During the planning for the Project, TriMet requested that NCPRD allow the proposed Project to utilize the Property owned by NCPRD, and NCPRD agreed.

D. TriMet will purchase, through a Right of Way Agreement with NCPRD, fee title to a portion of the Property, as well as an access easement for light rail transportation ("LRT") facilities between SE 22nd Avenue and SE River Road, which are necessary for the construction and operation of the Project.

E. After TriMet's purchase of the Property, TriMet will transfer an easement for use as a hard surface multiple use public trail ("Trail") and Trail amenities on the Property and related TriMet-owned properties, such as landscaping, stormwater pipes, and drainage. The amount paid by TriMet for the Property will be "net" of the value of the easement to be transferred to NCPRD, and the transfer of the easement will also be documented in the Right of Way Agreement between the Parties. The value of both the fee transfer and the easement will be determined by an independent appraiser, in accordance with the Right of Way Agreement.

F. The Parties desire to continue to work collaboratively to minimize impacts on the Trail due to the construction of the Project, and to design and construct the Trail on the Property in a manner that provides a significant benefit to both Trail and transit users. NCPRD is prepared to assign staff to the Project as necessary to provide design guidance for the Trail.

G. At no cost to NCPRD, TriMet will construct the Trail on the Property from Park Avenue to River Road by December 1, 2014.

H. TriMet will also grant a permanent easement to NCPRD for maintenance of the Trail and Trail facilities. NCPRD will maintain the hard surface trail, shoulders, stormwater facilities, swales and associated landscaping of the Trail only. All other elements of the Project, including landscaping and swales, will be maintained by TriMet or others. The Parties' respective maintenance obligations will be memorialized in a Maintenance Agreement between the Parties, and the Parties hereto acknowledge that such agreement is a condition for conveyance of the Property to TriMet.

I. TriMet and NCPRD are authorized to enter into this Agreement with each other pursuant to the provisions of ORS 190.

NOW, therefore, in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

AGREEMENT

I. NCPRD OBLIGATIONS

A. Design Phase

1. NCPRD staff will assist, review and approve the design of the Trail from Park Avenue to River Road. NCPRD staff will participate in design phase meetings, review design submittals, and provide feedback regarding TriMet's Trail design, including quality and compatibility with NCPRD Trail guidelines. Such review and assistance shall occur in a prompt and expeditious manner, in order to ensure that TriMet meets its design schedule. NCPRD staff will be reimbursed for time associated with the design and construction of the Trail as set forth in the Design and Construction Agreement between TriMet and Clackamas County.

2. NCPRD staff will participate at public meetings regarding the Project or the Trail, as requested by TriMet or as appropriate.

3. NCPRD and TriMet are partners in a Natural Areas Bond Measure Capital Grant Award, and agree to comply with the terms of the grant while designing the Trail. NCPRD is not party to the agreement between Metro, OLSD and TriMet related to the grant award; however, NCPRD will support the grant with staff time directly related to the terms of the grant application.

B. Construction

1. Utility Relocation. If the Property has not been transferred to TriMet prior to the time notice must be given for utility relocation related to the Project or the Trail, NCPRD shall, at TriMet's request and specifications, convey any notice required in order to facilitate such relocation. After such notice is given, NCPRD agrees to delegate to TriMet the authority to act on its behalf related to such utility relocation consistent with the design. TriMet agrees to bear any cost of utility relocation on the Property.

2. Detours. NCPRD staff will assist TriMet regarding Trail detours during construction.

3. Access. TriMet and its contractor shall have the right to enter onto the Property, prior to the Right of Way Agreement's completion, for the purposes of construction staging, advanced utility relocation, bridge foundation work, and other construction work ("Construction Work") related to construction of the Project. TriMet shall hold NCPRD and its employees, agents and elected officials harmless from and against all claims, demands, judgments, assessments, damages, penalties, fines, costs, liabilities, or losses including without limitation settlement payments and attorney's, expert's and consultant's fees ("Claims") arising from the Construction Work except to the extent caused by NCPRD's gross negligence or willful misconduct. Any claims, demands, judgments, assessments, damages, penalties, fines, costs, liabilities, or losses, including without limitation settlement payments and attorney's, expert's and consultant's fees, arising from this Agreement but not from the Construction Work on the Property, shall be governed by Section IV(0), below.

II. TRIMET OBLIGATIONS

A. Design Phase

TriMet shall be responsible for designing the Trail from Park Avenue to River Road, with NCPRD review and final approval authority. TriMet understands that certain mitigation is required, as set forth in the FEIS. Unless otherwise agreed by the parties in the manner described in this paragraph, TriMet's design will include the following:

1. A planted buffer zone will be installed between the Trail and the light rail line. This buffer zone will be at least six feet wide, unless otherwise agreed by NCPRD as part of the design review and approval process. Where possible, the Trail will be designed to utilize adjacent right-of-way to create a wider buffer zone.

2. Include terracing or planted slopes on the retaining walls adjacent to the Trail in order to provide a natural setting, in accordance with the design submitted as the basis of the approved Trolley Trail City of Milwaukie land use action.

3. Include a new signalized crossing of SE Park Avenue that will allow Trail users to safely cross Park Avenue. This signal will include a bicycle activated exclusive

phase that allows bikers using the Trail to cross Park Avenue diagonally, maintaining a direct connection to the Trail.

4. Design the Trail elevation relative to light rail to maximize visibility to and from the Trail to incorporate Crime Prevention Through Environmental Design (“CPTED”) principles.

5. Include pedestrian scale lighting along the Trail between Park Avenue and River Road. Functional lighting will be included under the light rail structure and adjacent to light rail to maintain a similar level of lighting that would have existed if the Trail had been constructed as planned prior to the presence of light rail. The lighting may be incorporated into the light rail system or the Trail section.

6. NCPRD and TriMet are partners in a Natural Areas Bond Measure Capital Grant Award, and agree to comply with the terms of the grant while designing the Trail.

B. Construction

TriMet will construct the Trail from Park Avenue to River Road to conform to the design finalized in accordance with Section II (A), above.

1. Prior to construction of light rail in the area that affects existing Trail users between SE Park Avenue and River Road, TriMet will direct Trail users to the existing sidewalk and bike lane on the east side of SE McLoughlin Blvd, or other mutually agreed upon detour, until light rail and Trail construction are completed in this area.

2. TriMet will confirm by December 1, 2013 that it is on schedule to complete the Segment 2 of the Trail. If TriMet is not able to complete the construction by December 1, 2014, NCPRD may commence construction of Segment 2 and TriMet agrees to pay all direct and indirect costs of such effort and will pay promptly any written payment demand provided by NCPRD for the construction and management of completion of the Trail.

3. Unless TriMet is paying NCPRD to complete construction under B.2 hereof, TriMet will complete construction of the Trail by December 1, 2014.

4. TriMet will allow NCPRD to inspect work progress during construction of the Trail, and any on-site design changes will be discussed and pre-approved by NCPRD. NCPRD shall promptly respond to any requests for changes that arise from design changes or site conditions.

5. Upon completion of construction, TriMet will provide NCPRD with as-built drawings of the Trail.

6. TriMet will provide NCPRD with one point of contact for coordination during the design, construction and maintenance of the light rail and the Trail.

7. TriMet will provide NCPRD with timely updates on the progress of construction for NCPRD to share on its Trail web site or by other means.

III. JOINT OBLIGATIONS

The parties agree to negotiate in good faith, and enter into a separate Right of Way Agreement and a separate Maintenance Agreement, as described above. The right of way agreement will detail the transfer of a portion of the Property in fee to TriMet, the transfer of an access easement to TriMet, and the transfer of a Trail easement to NCPRD. The maintenance agreement will set forth the Parties' maintenance roles and responsibilities, addressing, at a minimum, (i) long term capital asset replacement, (ii) regular maintenance and repair, (iii) insurance coverage, (iv) indemnification, and (v) impact of maintenance or repair efforts for the light rail on the Trail. The Parties agree that the Maintenance Agreement is a precondition to the transfer of the Property to TriMet and further agree to execute these agreements prior to the time the Project opens for revenue service.

IV. GENERAL PROVISIONS

A. Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee or contractor of one Party shall be deemed to be a representative, agent, employee or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.

B. Compliance with Law: The parties recognize that funds provided by the Federal Transit Administration (FTA) will be used to pay for a portion of the Project. Each party agrees to comply with all local, state, and federal laws and regulations and fully understands and agrees to comply with all applicable requirements governing the work of FTA contractors.

C. Federal Funding Limitation: To the extent applicable to each of the respective parties, this Agreement is subject to all federal provisions prescribed for third-party contracts by the federal grant agreement.

D. Unless terminated sooner by a method set forth in this Agreement, the Agreement shall terminate 30 days after the conclusion of substantial completion of construction the Project. The Agreement may be extended by the mutual written consent of both Parties.

E. This Agreement may be terminated at any time by the mutual written consent of both Parties.

F. Either Party may terminate this Agreement in the event of a material breach by the other Party, but only if the other Party fails to cure the breach within 60 days of receipt of written notice specifying the breach.

G. The Parties acknowledge and agree that each Party, the federal government, and their duly authorized representatives shall have access to each Party's books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. The cost of such inspection shall be borne by the inspecting Party.

H. NCPRD and TriMet are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are expressly described as intended beneficiaries of the terms of this Agreement.

I. This Agreement constitutes the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.

J. The benefits conferred by this Agreement, and the obligations assumed hereunder, shall inure to the benefit of and bind the successors of the Parties. The rights and obligations of each Party under this Agreement may not be assigned in whole or in part without the prior written consent of the other Party.

K. This Agreement shall be construed according to the laws of the State of Oregon. TriMet and NCPRD shall negotiate in good faith to resolve any dispute arising under this Agreement. Should any dispute arise between the parties concerning this Agreement that is not resolved by mutual agreement, it is agreed that it will be submitted to mediated negotiation prior to any party commencing litigation. In such an event, the parties to this agreement agree to participate in good faith in a non-binding mediation process. The mediation shall take place in Portland, Oregon. The mediator shall be selected by mutual agreement of the parties, but in the absence of such agreement each party shall select a temporary mediator and those mediators shall jointly select the permanent mediator. The mediator's fees and costs shall be borne equally by the parties. In the event mediation is unsuccessful, the Parties are free to pursue any legal remedies that may be available. Any litigation between NCPRD and TriMet arising under this Agreement or out of work performed pursuant to this Agreement shall occur, if in the state courts, in the Multnomah County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon located in Portland, Oregon.

L. If any clause, sentence, or portion of the terms and conditions of this Agreement becomes illegal, null, or void for any reason, the remaining portions will remain in full

force and effect to the fullest extent permitted by law. All provisions concerning indemnity survive the termination of this Agreement for any cause.

M. Any titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

N. Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive, and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party. If TriMet fails to complete the Trail as required herein, the parties agree that a component of any remedy shall include restoration of the Property to a state at least equal if not better to the conditions that existed prior to construction.

O. Within the limits of the Oregon Constitution and the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the Parties shall hold harmless, indemnify and defend the other and its directors, officers, employees and agents from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent acts or omissions of the indemnitor, its officers, employees, or agents.

P. All routine correspondence and communication regarding this Agreement shall be between the following representatives of the Parties:

TriMet: Leah Robbins
TriMet Capital Projects
710 NE Holladay Street
Portland, OR 97232
Telephone: (503) 962-2264
Fax: (503) 962-2282

With copy to: TriMet Legal Department
710 NE Holladay Street
Portland, OR 97232
Attn: Lance Erz
Telephone: (503) 962-2108
Fax: (503) 962-2299

NCPRD: Michelle Healy
Deputy Director
North Clackamas Parks and Recreation District
150 Beaver Creek Road

Oregon City, OR 97045

With a copy to: Chris Storey
Assistant County Counsel
150 Beavercreek Road, 4th Floor
Oregon City, OR 97045

Q. Either Party may change the foregoing notice address by giving prior written notice thereof to the other Party at its notice address.

R. Each party represents that it has the authority to enter into this Agreement on its behalf and the individual signatory for a party represents that it has been authorized by that party to execute and deliver this Agreement.

[Signature Page Follows]

**TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF
OREGON**

By _____
Daniel W. Blocher, P.E., Executive
Director

Date _____

APPROVED AS FORM

By _____
Lance Erz, TriMet Legal Department

Date _____

**NORTH CLACKAMAS PARKS AND
RECREATION DISTRICT**

By _____
Chair, NCPRD Board of Directors

Date _____

APPROVED AS FORM

By 
Chris Storey, Assistant County Counsel

Date 21 March 2012