



AGENDA

THURSDAY, SEPTEMBER 8, 2011 - 10:00 AM **BOARD OF COUNTY COMMISSIONERS**

Beginning Board Order No. 2011-67

I. DISCUSSION ITEM *(This item is for Board discussion, deliberation and decision only. No public testimony will be taken.)*

1. Resolution No. _____ Referral of a Measure Requiring a Local Vote on Urban Renewal and Restricting the Uses of Urban Renewal (Dan Chandler, County Administration)

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

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

A. Health, Housing & Human Services

1. Board Order No. _____ Approving the Mental Health Director's Designee to Authorize a Custody Hold Under ORS 426.233 – BH
2. Approval of a Revenue Agreement with Tri-County Metropolitan Transportation District of Oregon (Tri-Met) to Provide Public Transit Section Discretionary Funding for Rides Provided by the Clackamas County Transportation Consortium - SSD
3. Approval of Amendment No. 8 to a Revenue Professional Services Contract #02-0803CTC with Ride Connection, Inc. to Provide Funding for Vehicle Maintenance for Vehicles Operated by Members of the Clackamas County Transportation Consortium - SSD
4. Approval of Modification No. 2 to the US Department of Labor, Veterans Workforce Investment Program Federal Grant for Job Training Services to Veterans - CSCC
5. Approval of an Intergovernmental Agreement with Lane County for the Citizen/Alien Waived Emergency Medical (CAWEM) Children's Dental Services Expansion Program - CH
6. Approval of a Renewal Revenue Agreement with Oregon Health & Science University for the CaCoon Program - CH
7. Approval of a Construction Agreement between Clackamas County Community Development and Jim Smith Excavating Inc. for Several Sandy Curb and Sidewalk Street Improvement Projects - CD

8. Approval of a Construction Agreement between the Community Development Division and Eagle-Elsner, Inc. for the NE 3rd and 4th Street Improvement Project - CD

B. Department of Transportation & Development

1. Board Order No. _____ for Acceptance and Simultaneous Vacation of a Portion of Con Battin Road, County Road No. 1622
2. Board Order No. _____ for an Emergency Declaration for the Nate Creek Tributary/Hult Road Culvert Replacement Project
3. Approval of a Contract with Jim Turin & Sons for the Brightwood Area Bridge Maintenance and Paving Project

C. Finance Department

1. Approval to Purchase a New MBP325 Paint Striper Truck, Utilizing the Houston-Galveston Area Counsel Cooperative Purchasing Program

D. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval of a Criminal Fine Account/Unitary Assessment Grant Award Agreement - DA

E. Information Services

1. Approval of the ORMAP Intergovernmental Agreement Contract between Clackamas County and the State of Oregon, Department of Revenue

F. Juvenile Department

1. Approval of Amendment No. 2 to the Intergovernmental Agreement for Juvenile Detention Services with Multnomah County
2. Approval of a Grant Award for the Edward Byrne Memorial Justice Assistance Grant Program for Fiscal Year 2011

IV. WATER ENVIRONMENT SERVICES

1. Approval of a Construction Services Agreement for Clackamas County Service District No. 1, North Clackamas Revitalization Area – Phase III Sanitary Sewer Project
2. Acceptance of an Easement on behalf of the Tri-City Service District

V. COMMISSIONERS COMMUNICATION

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

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



OFFICE OF THE COUNTY ADMINISTRATOR

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

September 6, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

Referral of a Measure Requiring a Local Vote on Urban Renewal and
Restricting the Uses of Urban Renewal

On August 24, 2011 the Clerk certified Petition 3-371 as a measure which will appear on the November 8 election. Petition 3-371 is an initiative measure which, if approved by the voters, would amend the Clackamas County Code so as to change the County's implementation, administration, amendment, and termination of its urban renewal plans.

The Board has studied the following issues in relation to urban renewal in Clackamas County:

- Is local decision making as to urban renewal important to local residents and property owners?
- Should the county submit to the county voters a measure that provides for a local vote and property owner approval of new urban renewal plans?
- Should the county submit to the voters a measure that contains restrictions on the permissible uses of urban renewal financing?

In response to the Board's consideration of the above issues, a Resolution has been prepared which, if adopted by the Board, would present an alternative measure calling for a local vote on urban renewal and restricting the uses of urban renewal as a question for the November 8 election. A copy of the Resolution is attached and has been reviewed by County Counsel.

RECOMMENDATION:

Staff has no recommendation, but is presenting the attached resolution for discussion.

Sincerely,

Dan Chandler
Strategic Policy Administrator

For more information on this item please contact Dan Chandler at (503) 742-5394
or via e-mail at Dchandler@co.clackamas.or.us

 **DRAFT**

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

A Resolution In the Matter of the Referral of a
Measure to Require Voter and Property Owner
Approval of Urban Renewal

RESOLUTION NO.
Page 1 of 3

WHEREAS, the County has determined that the issue of urban renewal within the unincorporated areas of Clackamas County shall be referred to the electors to decide;

NOW, THEREFORE, BE IT RESOLVED THAT the following measure shall be referred to the County electors to decide whether or not to amend the Clackamas County Code.

Chapter 3.03 VOTER AND PROPERTY OWNER APPROVAL OF URBAN RENEWAL

3.03.010 Definitions

As used in this Chapter:

- A. "Urban renewal plan" and "plan" have the meaning given those terms in ORS Chapter 457 as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.
- B. "Substantial amendment" shall have the same meaning given those terms in ORS Chapter 457 as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.
- C. "Urban renewal indebtedness" shall have the same meaning given this term in ORS Chapter 457 as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.

3.03.020 Approval at a General Election

A county urban renewal agency shall not be activated or authorized to exercise additional powers without the approval of county electors at a general election.

3.03.030 Voter and Property Owner Approval of Urban Renewal

Every new urban renewal plan, or substantial amendment to an existing plan, shall be approved by the voters and property owners within the plan area according to the following procedure:

- A. In addition to the notice requirements of ORS 457.120, notice of any proposed urban renewal plan or substantial amendment to an existing plan shall be sent to each owner of real property within the boundaries of the proposed plan or the existing plan proposed for substantial amendment. This notice shall inform the property owners of their opportunity to remonstrate against the formation of the new plan or substantial amendment to an existing plan. No new plan may be formed, and no existing plan may be substantially amended, if 51% or more of the property owners object. Objections must be filed within 21 days of the date the notice was mailed.

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

 DRAFT

Resolution In the Matter of the Referral of a Measure
to Require Voter and Property Owner Approval of
Urban Renewal

RESOLUTION NO.

Page 2 of 3

- B. If less than 51% of the property owners within the boundaries of the proposed urban renewal plan or an existing plan proposed for substantial amendment object, the Board of County Commissioners shall proceed to set the question of the proposed urban renewal plan or substantial amendment of an existing plan to a vote by the electors residing within the boundaries of the proposed plan or the existing plan proposed for substantial amendment.
- C. If the vote of the electors residing within the boundaries of the proposed plan or the existing plan proposed for substantial amendment approves the question of the formation of the new plan or substantial amendment of an existing plan, the Board of County Commissioners shall adopt the urban renewal plan, or substantially amend the existing plan, by ordinance.

3.03.040 Limitations on Urban Renewal Plans and Substantial Amendments to Plans.

All new urban renewal plans, and substantial amendments to existing plans, shall demonstrate:

- A. That the plan's projects were selected on the basis of demonstrated community involvement and support.
- B. That the life of the urban renewal plan or amendment to the plan is linked to the completion of the plan's projects.
- C. That no new taxes are imposed.
- D. That the revenues and other resources available to overlapping taxing districts, including schools and fire districts, are likely to be sufficient to meet any additional demand caused by plan-supported development .
- E. That the plan or plan amendment uses a substantial amount of its revenues to fund public projects that encourage private investment.

3.03.050 Approval By Ordinance

No urban renewal plan shall be created, and no existing plan shall be amended, by any means other than by ordinance. No emergency ordinances shall be used to create an urban renewal plan or amend an existing plan.

3.03.060 Termination of Urban Renewal Agency

Upon the retirement of all urban renewal indebtedness authorized by urban renewal plans the purpose of the county's urban renewal agency shall cease and it shall be terminated. Any continuing obligations or rights of a terminated agency shall be assumed by the County.

 **DRAFT**

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

A Resolution In the Matter of the Referral of a
Measure to Require Voter and Property Owner
Approval of Urban Renewal

RESOLUTION NO.
Page 3 of 3

3.03.070 Severability

In the event any section, subsection, phrase, clause, sentence, or word in this chapter is for any reason held invalid or unconstitutional, such holding shall not invalidate the remainder of the chapter, but shall be confined to such section, subsection, phrase, clause, sentence or word. In the case of conflict between the provisions of this chapter and any alternative provisions of the Clackamas County Code, the provisions having received the lesser number of votes in any referral of the measure to an election shall be void.

DATED this 8th day of September, 2011.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

Options for Consideration:

3.03.35 Exemption

The provisions of Section 3.03.030 do not apply to any proposed urban renewal plan which authorizes less than fifteen million dollars in urban renewal indebtedness, and has an expected term of less than twenty years.

Commentary: This option has been mentioned by at least two Commissioners. A point which must be noted is that it opens the measure to the challenge that it is the thin edge of the wedge, in that the County could either expand this section of the ordinance by amendment beyond the limits of \$15 million/twenty years, or else over time create a series of small, exempt districts that together amalgamate into a "superdistrict".

September 8, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

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

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

Recommendation

Staff recommends the Board approve the attached Board Order of Kendra Powell, MSW, as additional Clackamas County Behavioral Health Division staff authorized to direct a peace officer to take a person into custody under ORS 426.233.

Respectfully submitted,



Cindy Becker
Director

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

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

In the Matter of the Designation of Kendra
Powell, MSW as Mental Health Director
Designee to Direct Peace Officer
Custody Holds



ORDER NO.

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

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

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

ADOPTED this 8th day of September, 2011.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

September 8, 2011

Board of Commissioners,
Clackamas County

Members of the Board:

**Approval of a Revenue Agreement with Tri-County Metropolitan
Transportation District of Oregon (Tri-Met) to Provide Public Transit
Section (STF) Discretionary Funding for Rides Provided by the
Clackamas County Transportation Consortium**

The Social Services Division of the Health, Housing, and Human Services Department requests approval of Revenue Agreement Number 09-0814, with Tri-Met. This agreement will provide funding to pay the State of Oregon, Seniors and People with Disabilities, cash match for non-medical Medicaid transportation services provided by members of the Clackamas County Transportation Consortium to Medicaid clients residing in Clackamas County.

This agreement provides funding to pay the State Seniors and People with Disabilities Services Division's (SPD) the required match per one-way ride so that Consortium members receive the full \$14.00 per one-way ride for rides provided. The match rate is adjusted annually. The rate is 37.15%, or \$5.201, currently. The balance of \$8.799/ride is funded with Title XIX (Medicaid) Waivered Services funds. All rides must first be authorized by the client's SPD case manager in order for Consortium members to receive payment for the service. The goal of the Consortium in providing transportation services is to assist older and disabled county residents in meeting their individual needs. These services enable them to live independently in their own homes for as long as possible.

Total amount of the agreement is \$79,934. No County General Funds are involved. This agreement has been reviewed and approved by County Counsel. This agreement begins July 1, 2011 and continues through June 30, 2013. Tri-County Metropolitan Transportation District of Oregon, as initiator of this agreement, chose to sign after obtaining agreement approval and signature from Clackamas County.

Recommendation

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

Respectfully submitted,


Cindy Becker
Director

September 8, 2011

Board of Commissioners,
Clackamas County

Members of the Board:

**Approval of Amendment #8 to a Revenue Professional Services Contract
#02-0803CTC with Ride Connection, Inc. to Provide Funding for Vehicle
Maintenance for Vehicles Operated by Members of the
Clackamas County Transportation Consortium**

The Social Services Division of the Health, Housing & Human Services Department requests approval of Amendment #8 to Revenue Professional Services Contract #02-0803CTC with Ride Connection, Inc. to provide funding for vehicle maintenance for vehicles operated by members of the Clackamas County Transportation Consortium. This contract will provide funding to reimburse members of the Clackamas County Transportation Consortium for the routine maintenance of vehicles used for transportation services provided to seniors and persons with disabilities from July 1, 2011 through June 30, 2012

The goal in providing transportation services is to assist older and disabled county residents in meeting their individual needs. These services enable them to live independently in their own homes for as long as possible.

Ride Connection, Inc., as initiator of this contract, chose to sign after obtaining contract approval and signature from Clackamas County. Ride Connection could not release contracts/amendments to its sub-contractors until its funding source, TriMet, released their contract. This resulted in the delay of Ride Connection sending out its contracts/amendments for FY11/12.

The total amount of the amendment #6 is \$46,839.06 for a total contract of \$215,439.06. No County General Funds are involved. This amendment is effective July 1, 2011, through June 31, 2012.

Recommendation

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

Respectfully submitted,



Cindy Becker
Director

For information on this issue or copies of attachments
Please contact Brenda Durbin, # 503-655-8641

Healthy Families. Strong Communities.

September 8, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of Modification #2 to the U.S. Department of Labor, Veterans Workforce Investment Program Federal Grant for Job Training services to Veterans

Community Solutions for Clackamas County (CSCC) is a division of the Health, Housing & Human Services Department (H3S), requests approval for Modification #2 to the federal grant from the U.S. Department of Labor, Veterans Workforce Investment Program (VWIP).

CSCC currently operates a Veterans Workforce Investment Program (VWIP) grant. The modification will continue to provide job-training services to veterans living in Clackamas, Multnomah, Washington, Marion, Polk and Yamhill counties.

This modification increases the amount of grant agreement by \$500,000, for a new grant agreement total of \$1,500,000. There will be no effect on staffing. No County General Funds are involved. The amendment period begins July 1, 2011 and ends June 30, 2012.

Recommendation

We recommend approval of this amendment and that Cindy Becker be authorized to sign all necessary documents on behalf of the Board of Commissioners.

Respectfully submitted,



Cindy Becker
Director

For information on this issue or copies of attachments,
Please contact Maureen Thompson at 503-655-8842

September 8, 2011

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement with Lane County for
the Citizen/Alien Waived Emergency Medical (CAWEM)
Children's Dental Services Expansion Program**

The Clackamas County Community Health Division (CCCHD) of the Health, Housing and Human Services Department (H3S) requests the approval of an Intergovernmental Agreement with Lane County for the Citizen/Alien Waived Emergency Medical (CAWEM) Children's Dental Services Expansion Program.

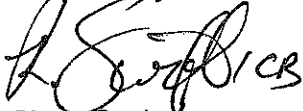
The agreement allows CCCHD to participate in a project along with Lane County to improve Children's Dental Services. Multnomah County, Benton County, and Lincoln County are also participating with CCCHD in this project. CCCHD will coordinate financial assistance from these counties that are operating as Federally Qualified Health Centers (FQHCs). CCCHD will submit payments to the State of Oregon on behalf of these county FQHCs in support of expansion of dental care services to Title XXI eligible children. This project is operated under an agreement with the State of Oregon through the Children's Health Insurance Program (CHIP). The Board approved the agreement with the State on June 16, 2011.

Lane County will contribute a total of \$81,153. Ultimately, these funds will help the State meet matching fund obligations associated with capturing Title XIX federal funds for the program. In return, CCCHD expects to realize approximately \$1.6 million in revenue by June 2013 from billings for additional FQHC services provided to these consumers. County Counsel reviewed and approved this agreement as part of the H3S contract standardization project. This agreement is effective July 1, 2011 and terminates on June 30, 2013. The agreement is retroactive due to receiving the State agreement late and processing that agreement before going forward with the county agreements.

Recommendation

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

Respectfully submitted,



Cindy Becker
Director

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

September 8, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of a Renewal Revenue Agreement with
Oregon Health & Science University for the CaCoon Program**

The Clackamas County Community Health Division (CCCHD) of the Health, Housing and Human Services Department requests the approval of a renewal Revenue Agreement with Oregon Health & Science University (OHSU), Child Development and Rehabilitation Center for the continuation of the CaCoon program. CaCoon is an abbreviation for Oregon Care Coordination Program.

The revenue from this agreement allows CCCHD to provide a Community Health Nurse to facilitate community-based and family-centered care coordination for children with special health needs. Specific services include assessment of needs, coordination of healthcare and other services, and knowledge of local comprehensive services. The Board last reviewed and approved this agreement on September 23, 2010.

The total revenue is \$59,641.76. No County general funds are involved. County Counsel reviewed and approved this agreement on August 23, 2011. The agreement is effective October 1, 2011 through September 30, 2012.

Recommendation:

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

Respectfully submitted,



Cindy Becker
Director

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

Healthy Families. Strong Communities.

September 8, 2011

Board of County Commissioners
Clackamas County, Oregon

Members of the Board:

**Approval of a Construction Agreement between the
Community Development Division and Jim Smith Excavating Inc.
for several Sandy curb and sidewalk street improvement projects**

The Community Development Division of the Health, Housing and Human Services Department requests the approval of a Construction Agreement with Jim Smith Excavating Inc. for the Sandy Senior Community Center Parking Lot, Scales Avenue, Meinig Avenue, Hoffman Avenue, curb and sidewalks Improvements project. The parking lot is scheduled for an asphalt overlay as well as the Scales, Meinig, and Hoffman Avenues. There will also be new curbs and sidewalks built along these streets. Asphalt is scheduled for several of the above referenced streets.

After review of the four (4) bids submitted on August 24, 2011, Jim Smith Excavating Inc. was determined to be the lowest responsive, responsible bidder substantially complying with the requirements of the solicitation documents. Below is a list of the three lowest bids:

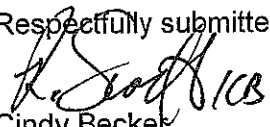
- 1. Jim Smith Excavating, Inc. \$215,103.75
- 2. Portland Excavating, Inc. \$220,836.00
- 3. Brown Contracting, Inc. \$226,535.00

| | |
|--|--------------|
| Financial Impact: City of Sandy Project Funds..... | \$ 43,020.75 |
| Community Development Block Grant Funds..... | \$172,083.00 |
| Total Construction Cost:..... | \$215,103.75 |

No County General Fund dollars are involved. The Construction Agreement was reviewed and approved by County Counsel on August 12, 2011.

Recommendation

We recommend approval of the attached Contract and that Director, Cindy Becker be authorized to sign the Construction Contract on behalf of the Board of County Commissioners.

Respectfully submitted,

Cindy Becker
Director

For information on this issue or copies of attachments
Please contact Steve Kelly at 503-650-5665

COPY

Cindy Becker
Director

September 8, 2011

Board of County Commissioners
Clackamas County, Oregon

Members of the Board:

**Approval of a Construction Agreement between the
Community Development Division and Eagle-Elsner, Inc.
for the NE 3rd and 4th Street Improvement Project**

The Community Development Division of the Health, Housing and Human Services Department requests the approval of a Construction Agreement with Eagle-Elsner, Inc. for the NE 3rd and 4th street improvements project. The project consist of 1,750 lineal feet of street improvements to include excavation, base rock, curbs, sidewalks, driveways, ADA ramps, street lights and some utility trenching, infiltration trenches and storm drainage improvements, dense and open graded asphaltic concrete paving, signing and striping on NE 3rd and NE 4th Ave in the City of Canby.

After review of the eight (8) bids submitted on August 16, 2011, Eagle-Elsner, Inc. was determined to be the lowest responsive, responsible bidder substantially complying with the requirements of the solicitation documents. Below is a list of the 3 lowest bids:

- 1. Eagle-Elsner, Inc. \$408,602.00
- 2. Jim Smith Excavating, Inc. \$467,342.00
- 3. Goodfellow Bros., Inc. \$477,195.00

| | |
|--|---------------------|
| Financial Impact: City of Canby Project Funds..... | \$ 81,720.40 |
| Community Development Block Grant Funds..... | <u>\$326,881.60</u> |
| Total Construction Cost:..... | \$408,602.00 |

No County General Fund dollars are involved. The Construction Agreement was reviewed and approved by County Counsel on August 10, 2011.

Recommendation

We recommend approval of the attached Contract and that Director, Cindy Becker be authorized to sign the Construction Contract on behalf of the Board of County Commissioners.

Respectfully submitted,



Cindy Becker
Director

For information on this issue or copies of attachments
Please contact Steve Kelly at 503-650-5665

Healthy Families. Strong Communities.



COPY

CAMPBELL M. GILMOUR
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

September 8, 2011

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

Board of County Commissioners
Clackamas County

Members of the Board:

**Board Order for the Acceptance and Simultaneous Vacation of a Portion of
Con Battin Road, County Road No. 1622 and Delegation of
Authority to the Chair to Sign a Quit Claim Deed**

The 2009 construction of the I-205 Light Rail Project and appurtenant structures required a modification of the cul-de-sac at the east end of Con Battin Road. This modification included a proposed increase in the right of way for a portion of Con Battin Road. The new cul-de-sac, rail line, and associated structures have also caused portions of Con Battin Road right of way to be of no use to the traveling public. The Oregon Department of Transportation (ODOT) retained the underlying fee title to a tract of land adjoining the right-of-way which the old cul-de-sac was built on. A reversionary clause outlined in the Relinquishment of Title stipulates when said property is no longer needed for transportation purposes it shall revert back to ODOT. The accompanying Board Order and attachments address the properties at issue.

The attached Board Order will accept the new right of way as a part of Con Battin right-of-way and accept the adjacent Public Utility Easements, vacate the remnant portion of the old right of way, and delegate authority to the Chair to sign the accompanying Quit Claim Deed to relinquish the unused portion of the ODOT tract. Acceptance of the additional road right of way and the simultaneous vacation of a portion of the original right of way will provide public right of way to all of the adjoining properties. This action is pursuant to ORS 368.126.

County Counsel has reviewed and approved the attached Board Order and attachments.

RECOMMENDATION:

Staff respectfully recommends that the Board sign the attached Board Order delegating authority to the Chair to sign the accompanying Quit Claim Deed, accepting the Permanent Right Of Way Easements for Road Purposes and Permanent Public Utility Easements, and simultaneously vacating of a portion of Con Battin Road, County Road No. 1622.

Sincerely,

Mike Bezner, PE
Transportation Engineering Manager

For more information on this issue or copies of attachments
Please contact Doug Cutshall at (503) 742-4669

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

In the Matter of Accepting Easements
for Right-of-Way and Simultaneously
Vacating an Unused Portion of Con
Battin Road, County Road No. 1622,
Located in Section 28, T.1 S., R.2 E., W.M.
and Delegating Authority to the Chair
to Sign a Quit Claim Deed



Order No.
Page 1 of 3

This matter coming before the Board of County Commissioners at this time and it appearing to the Board that Tri-County Metropolitan Transportation District of Oregon has offered portions of their property for Permanent Easements for Road and Right-Of-Way Purposes, located in the southwest quarter of Section 28, Township 1 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, being described and shown on the attached Exhibits "A-1" and "A-2;" and,

It also appearing that Tri-County Metropolitan Transportation District of Oregon has offered portions of their property for Permanent Public Utility Easements, located in aforementioned Township, Range and Section, being described and shown on the attached Exhibits "A" and "B;" and,

It also appearing that the portion of the original County road right-of-way lying between the northeasterly arc of the new cul-de-sac right-of-way line and the I-205 Light Rail's westerly right-of-way line is of no use to the traveling public. Said portion being described and shown on the attached Exhibit "B-1" and "B-2;" and,

It further appearing to the Board that a portion of the property described in the Relinquishment of Title, recorded Deed Document Number 77-17914, (Part 5), Clackamas County Deed Records, shall be retained for road right-of-way, the remainder, as stipulated in said Relinquishment of Title, shall revert back to Oregon Department of Transportation, said remainder being described and shown on the attached Exhibits "C-1" and "C-2;" and,

It further appearing to the Board that it would be appropriate in this case to delegate authority to the Chair to sign the accompanying Quit Claim Deed for the remaining property as described and shown on the attached Exhibits "C-1" and "C-2," reverting the remaining property to Oregon Department of Transportation; and,

It further appearing to the Board that in accordance with ORS 368.126, the acceptance of the Easement for Road and Right-Of-Way Purposes and the realignment of the Con Battin Road cul-de-sac, would allow the simultaneous vacation of a portion of the unused original right-of-way as described on the aforementioned Exhibit "B-1" and "B-2;" now therefore,

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

In the Matter of Accepting Easements
for Right-of-Way and Simultaneously
Vacating an Unused Portion of Con
Battin Road, County Road No. 1622,
Located in Section 28, T.1 S., R.2 E., W.M.
and Delegating Authority to the Chair
to Sign a Quit Claim Deed



Order No.
Page 2 of 3

IT IS HEREBY ORDERED that said Easements for Road and Right-Of Way Purposes, as described and shown on attached Exhibits "A-1" and "A-2," be accepted as portions of Con Battin Road, County Road Number 1622, and recorded free of charge with the Clackamas County Clerk when presented, with copies sent to the Clackamas County Assessor's Office, Surveyor's Office, and Finance Office, Fixed Assets Account; and,

IT IS FURTHER ORDERED that said Easements for Public Utility Purposes, as described and shown on attached Exhibits "A" and "B," be accepted and recorded free of charge with the Clackamas County Clerk when presented, with copies sent to the Clackamas County Assessor's Office, Surveyor's Office, and Finance Office, Fixed Assets Account; and,

IT IS FURTHER ORDERED that the portion of Con Battin Road, County Road Number 1622, as described on the aforementioned Exhibit "B-1" and "B-2" be vacated and recorded free of charge with the Clackamas County Clerk when presented, with copies sent to the Clackamas County Assessor's Office, Surveyor's Office, and Finance Office, Fixed Assets Account; and,

IT IS FURTHER ORDERED that the Board delegate authority to the Chair to sign the accompanying Quit Claim Deed, as described in the aforementioned Exhibit "C-1" and "C-2," reverting the remaining property to Oregon Department of Transportation; and,

IT IS FURTHER ORDERED that rights for all existing utilities within the vacated portion of Con Battin Road are reserved. Nothing contained herein shall cause or require the removal or abandonment of any storm or sanitary sewer, water main, gas line, conduit of any kind, wires or poles which are now installed in said right-of-way and used or intended to be used for any public service or utility. Also the rights are reserved to maintain, repair, construct or reconstruct, install, renew, and enlarge all utilities that are now used for any public service or utility.

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

In the Matter of Accepting Easements
for Right-of-Way and Simultaneously
Vacating an Unused Portion of Con
Battin Road, County Road No. 1622,
Located in Section 28, T.1 S., R.2 E., W.M
and Delegating Authority to the Chair
to Sign a Quit Claim Deed



Order No.
Page 3 of 3

ADOPTED this 8th day of September, 2011

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



COPY

CAMPBELL M. GILMOUR
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

September 8, 2011

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

Board of County Commissioners
Clackamas County

Members of the Board:

**EMERGENCY DECLARATION FOR
NATE CREEK TRIBUTARY/HULT ROAD CULVERT REPLACEMENT**

Hult Road, at a tributary to Nate Creek, milepost 2.98, was flooded for several weeks last winter. After the creek water receded sufficiently in August, County crews inspected and placed a camera within the existing 18-inch diameter concrete culvert. It was determined that the culvert has debris restricting capacity and several collapsed sections. Attempts to remove the bulk of the debris were unsuccessful and there is concern that continued attempts to remove the debris will result in further collapse of the culvert. With the culvert capacity severely restricted, it is anticipated that normal winter storm events will continue to overtop and flood the road. These flooding events will continue to undermine the structure of the culvert and will result in the collapse of the roadway.

To replace the culvert within the current in-water work period, the County will require entry onto adjacent Bureau of Land Management (BLM) properties. In order to complete the required work within the in-water work period and expedite right of entry and facilitate any future need to temporarily work outside the existing 60-foot right of way, staff requests that the Board issue an Emergency Declaration. An Emergency Declaration would also help the project obtain an in-water work extension, if needed, for the replacement. The replacement pipe will be six feet in diameter to meet creek capacity and fish passage requirements.

Hult Road is classified as a Collector. It is the judgment of the team that the culvert is in failing condition and Hult Road likely will be flooded and subsequently collapse during the upcoming winter. If the road floods and collapses, it will be closed creating a 2.5 mile detour for the motoring public.

County Counsel has reviewed and approved the attached Emergency Declaration.

RECOMMENDATION:

Staff requests the Board of County Commissioners declare the Nate Creek Tributary/Hult Road Culvert Crossing an emergency, which supports right of entry and an in-water work period extension for emergency replacement. Clackamas County Transportation Maintenance crews will complete the proposed repair.

Respectfully submitted,

Mike Bezner, PE
Transportation Engineering Manager

For more information on this issue or copies of attachments
Please contact Joel Howie at (503) 742-4658

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

In the Matter of Declaring an
Emergency to Allow Replacement
of Nate Creek Tributary/Hult Road
(County Road No. 43012) Culvert



Order No.

This matter coming regularly before the Board of County Commissioners, and it appearing that the culvert for Nate Creek Tributary at Hult Road is restricted due to debris collection and has collapsed in several sections; and,

It further appearing that removal of existing debris will cause further collapse of the culvert and continue to restrict capacity; and,

It further appearing that normal winter storm events will continue to flood the area and undermine the structure of the culvert and could lead to collapse of the roadway; and,

It further appearing that the work must be completed within the in-water work period, which ends September 30, 2011; and,

It further appearing that a replacement of the culvert is required to keep the road open to the traveling public; and,

It further appearing that it is in the best interest of the County to approve this emergency declaration to ensure the health and safety of the Residents of the County; now, therefore,

IT IS HEREBY ORDERED that the condition of culvert erosion described above constitutes a threat to public health and safety, and requires immediate repairs.

DATED this 8th day of September, 2011

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



CAMPBELL M. GILMOUR
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of a Contract with Jim Turin & Sons for the
Brightwood Area Bridge Maintenance and Paving Project**

Clackamas County is preparing to complete the Brightwood Area Bridge Maintenance and Paving Project involving four separate work sites. Three of these sites involve grinding and/or excavation of the existing road surface at each end of the existing bridges and installing asphalt impact panels to protect the bridge abutments and road base. The fourth site is the final lift of paving for 2000 feet on the Lolo Pass Road washout from last winter.

Staff has advertised the Brightwood Area Bridge Maintenance and Paving Project for competitive bids. The lowest responsive and responsible bidder was Jim Turin & Sons with a bid price of \$284,254.50.

County Counsel has reviewed and approved this contract.

Recommendation

Staff respectfully recommends that the Board approves and signs the contract with Jim Turin & Sons for the Brightwood Area Bridge Maintenance and Paving Project.

Sincerely,

Mike Bezner, PE
Transportation Engineering Manager

Placed on Board Agenda September 8, 2011
By Purchasing Division

For information on this issue or copies of attachments
please contact Stan Monte at (503) 742-4678



LANE MILLER
MANAGER

PURCHASING DIVISION

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

Board of County Commissioners
Clackamas County

Members of the Board:

Approval to Purchase a new MB P325 Paint Striper Truck,
Utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program

The Transportation Maintenance Division requests approval to purchase one new MB P325 Paint Striper Truck, Utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program

The Transportation Maintenance Division uses this equipment for all paint striping operations. The vehicle will replace existing vehicle #357, a 1994 Volvo paint striper. The vehicle is at the end of its useful life.

This Permissive Cooperative Procurement complies with ORS 279A.215 and qualifies for an exemption from formal competitive bidding under LCRB Rule C-046-0430; "Contracts for the purchase of goods or services where competitive offers for the same goods or services have been obtained by any other public agency which subscribes to the basic intent of ORS Chapter 279, and the contract is to be awarded to the party to whom the contract was awarded by the public agency, so long as the price of the goods or services is the same or lower than that offered to the public agency".

The amount of this contract shall be \$ 268,155.50. Funds for this purchase have been budgeted in FY 2011/2012 under line 215-2410-00-485520.

Recommendation

Staff respectfully recommends that the Board give approval to the Transportation Maintenance Division to purchase one new MB P325 Paint Striper Truck, Utilizing the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program. Total purchase amount not to exceed \$ 268,155.50.

Respectfully Submitted,

Dan Nenow, C. P. M.
Purchasing Staff

For information on this issue or copies of attachments
please contact Warren Gadberry at 503-650-3988

Placed on the Agenda of September 8, 2011 by the Purchasing Division



John S. Foote, District Attorney for Clackamas County

Clackamas County Courthouse, 807 Main Street, Room 7, Oregon City, Oregon 97045
503 655-8431, FAX 503 650-8943, www.co.clackamas.or.us/da/

September 8, 2011

Board of Commissioners
Clackamas County

Members of the Board:

**Criminal Fine Account/Unitary Assessment (CFA/UA) Grant Award
Agreement UA-2011-CLACKAMASCO.DAVAP-00027**

The District Attorney's Office requests the approval of the attached Grant Award Agreement with the State of Oregon acting by and through the Department of Justice.

This Agreement outlines the Grant Award Provisions, which limits uses of the grant to providing effective advocacy and support to crime victims throughout the investigation and prosecution of criminal cases and those uses outlined in the Oregon Revised Statute 147.227.

The District Attorney's Office has been the recipient of CFA/UA funds since at least 1994. The total 2011-2013 grant award amount is \$211,154 and there is no match required. These funds are budgeted to offset the allocated costs for two victim advocates who are assigned to the District Attorney's Victim Assistance Program. This agreement is effective from July 1, 2011 through June 30, 2013.

County Counsel reviewed and approved this Agreement as to form on August 29, 2011.

RECOMMENDATION:

We recommend that the Board approve this Agreement as submitted.

Sincerely,

Sarah Brown

Sarah Brown

For information on this issue or attachments please contact
Sarah Brown at (503) 650-3532.



Dave Cummings
Chief Information Officer

INFORMATION SERVICES

INFORMATION SERVICES BUILDING
121 LIBRARY COURT | OREGON CITY, OR 97045

September 8, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

**APPROVAL OF THE ORMAP INTERGOVERNMENTAL AGREEMENT CONTRACT
#2537 BETWEEN THE STATE OF OREGON, DEPARTMENT OF REVENUE AND
CLACKAMAS COUNTY**

Attached is the Intergovernmental Agreement Contracts #2537 between the State of Oregon, Department of Revenue and Clackamas County for participation in the ORMAP revenue sharing program.

This program, legislated in 1999 as ORS 306.135, provides for the funding of GIS digital tax lot capture and the creation of digital Assessor's tax lot maps. The ORMAP program collects \$1.00 from each recorded document. These funds go into a pool administered by the Oregon State Department of Revenue. Funds are distributed to Counties based on competitive grant applications twice a year, in the Spring and Fall. This contract represents our award of a grant request for developing mapping tools as part of the ORMAP Tools Group. Only five Counties have the technical skills to develop these tools.

This IGA contract benefits the County and the State as well as the public. It provides mutually beneficial data to all parties. Funds from this contract total \$3,900.00 for this grant request period. Acquisition of this funding from the State is partially based on matching funds from the County. This has been satisfied by the on-going tax lot enhancement project, initiated in 1998. The funds from the State will supplement our current efforts. This particular grant funds a specific project being done by Technology Services to use various GIS data capture techniques to greatly enhance spatial accuracy of tax lots as well as conversion from paper maps to digital. These projects move the County closer to completing digital tax lot maps as required by the State Department of Revenue ORMAP program.

This revenue sharing is a collaborative effort between the Clackamas County's Assessor's Office and the GIS Division of the Technology Services Department. Both parties will be instrumental in the success of this program. Also assisting in this effort is the County's Surveyor. The primary focus with this funding is to continue the tax lot enhancement project, the ultimate goal in the ORMAP statewide tax lot project.

RECOMMENDATION:

Staff respectfully recommends that the Board approve and sign the Intergovernmental Agreement Contract #2537 between the State of Oregon Department of Revenue and Clackamas County for ORMAPP. County Counsel has reviewed this ORMAPP contract and approved as to form.

Sincerely,



David Cummings
Director, Technology Services

For more information please contact Eric Bohard at 503-723-4814



ELLEN CRAWFORD
DIRECTOR

JUVENILE DEPARTMENT

September 8, 2011

JUVENILE INTAKE AND ASSESSMENT CENTER
2121 KAEN ROAD | OREGON CITY, OR 97045

Board of Commissioners
Clackamas County

Members of the Board:

**TO APPROVE AMENDMENT NO 2 TO
INTERGOVERNMENTAL AGREEMENT NO. 0607133
JUVENILE DETENTION SERVICES WITH MULTNOMAH COUNTY**


I request the Board of County Commissioners approve the attached Amendment No 2 to the Intergovernmental Agreement #0607133 for delivery of juvenile detention services and facility operation and maintenance. Since 1981 Clackamas County has contracted annually with Multnomah County for access to secure custody for juveniles awaiting process in the juvenile court system. This agreement is for 14 beds which may include juvenile offenders over the age of 15 who are alleged to have committed Ballot Measure 11 crimes as well as any other juvenile offender statutorily authorized to be placed in secure detention.

The financial impact constitutes the expenditure of \$1,448,503.56, which represents the costs for 14 detention beds, the operations and maintenance costs. We have spent the last several months negotiating with Multnomah County as rates for secure detention beds in fiscal year 2011-2012 are based upon "actual operating costs" as identified in the initial IGA. The per day bed costs increased by \$5.54/per day (or approximately 2.3%) over the per bed cost in FY 10-11. In addition this Amendment provides a formula for the per bed day cost in FY 2012-2013 based on the Consumer Price Index within a range of 0-3 percent. The IGA expires June 30, 2013.

Finally, there is an option for an additional two year extension based on the same formula.

I respectfully recommend that the Board of County Commissioners approve Amendment No. 2 to the Intergovernmental Agreement with Multnomah County for detention services.

Sincerely,


Ellen Crawford, Director
Juvenile Department

For information on this issue or copies of attachments
please contact Crystal Wright at (503) 650-8342 ext 7112



ELLEN CRAWFORD
DIRECTOR

JUVENILE DEPARTMENT

September 8, 2011

JUVENILE INTAKE AND ASSESSMENT CENTER
2121 KAEN ROAD | OREGON CITY, OR 97045

Board of County Commissioners

**Approval of Award for the Edward Byrne Memorial
Justice Assistance Grant (JAG) Program
FY 2011 Local Solicitation**

The Juvenile Department received notification of a Grant Award for the FY 2011 Local Solicitation provided through the Edward Byrne Memorial Justice Grant (JAG). This is a formula grant providing \$39,013 to Clackamas County. The Juvenile Department was awarded FY 2010 Local Solicitation of \$46,976.

The approval to apply for this grant was signed by the County Administrator on June 12, 2011. The Award Notification was received on August 22, 2011. This grant will be used to hire a .5 FTE Human Services Coordinator 1 to expand our cognitive skills groups in rural areas of Clackamas County. We currently provide evidence based curriculums in the following areas: anger management, positive peer interactions, antisocial thinking, victim empathy and gender specific programming for girls and boys. Classes currently are offered to Clackamas County youth who can provide their own transportation to the Department. The Department is collaborating with schools and community programs in outlying areas of the County to offer these classes in a community based setting eliminating the transportation barrier for youth and families. Up to this time funding has not been available for this outreach. This grant will expand our programs for one year with the intent of developing a sustainability plan to continue the expanded service level. There will be no match of County general fund attached to this grant application.

RECOMMENDATION

I respectfully request approval of the FY 2011 Local Solicitation Grant Award provided through the Edward Byrne Memorial Justice Grant (JAG).

Sincerely,


Ellen Crawford
Director

For more information on this issue or copies of attachments
contact Crystal Wright, ext 7112



Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

September 8, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

**APPROVAL OF CONSTRUCTION SERVICES AGREEMENT
FOR CLACKAMAS COUNTY SERVICE DISTRICT NO. 1
NORTH CLACKAMAS REVITALIZATION AREA – PHASE III SANITARY SEWER
PROJECT**

The North Clackamas Revitalization Area (NCRA) was formed by the Board in 2006. Phase 1 and Phase 2 have been completed and are in service. Phase 3 (the final phase) of the NCRA Sanitary Sewer Project (Project) has now been designed and publicly advertised for construction bids. Eight bids were received, publicly opened and read on August 11, 2011 with S-2 Construction Inc. being the lowest responsive bidder. Responsive bids ranged from \$3,198,727.50 to \$5,586,712.22, with a bid average of \$3,563,349. The engineer's estimate was \$4,392,930.

District staff has reviewed all bids and recommends proceeding with construction of Phase 3 of this sanitary sewer project utilizing the construction services of the lowest responsive and responsible bidder, S-2 Construction Inc.

Phase 3 of the Project will be funded through a loan from the Oregon Department of Environmental Quality's Clean Water State Revolving Fund (CWSRF) and paid back through revenue generated from this formed assessment district. This project will be revenue neutral to Clackamas County Service District No. 1.

District Counsel has reviewed the Construction Agreement as to form.

RECOMMENDATION:

Staff recommends that the Board of County Commissioners of Clackamas County, Oregon, acting as the governing body of the Clackamas County Service District No. 1, a county service district ("District"), and as the Local Contract Review Board, make a finding that:

- A. The District award the construction contract to S-2 Construction Inc. for the construction of the North Clackamas Revitalization Area Phase III sanitary sewer project for their bid of \$3,198,727.50.
- B. The Director of Water Environment Services be authorized to sign the contract for construction with S-2 Construction Inc. after proper insurance and bonds are posted and all contract documents are properly executed.

Sincerely,



Michael S. Kuenzi, P. E.
Director

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



Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

September 8, 2011

Board of Commissioners
Clackamas County

Members of the Board:

**ACCEPTANCE OF AN EASEMENT ON BEHALF OF THE
TRI CITY SERVICE DISTRICT**

This easement provides for the sewer pipeline crossing state-owned submerged and/or submersible lands on the Willamette River on behalf of the Tri City Service District. This easement is being sought to cover an existing sanitary sewer pipeline installed with ODOT approvals on the old Oregon City bridge in 1985 and is described in the attached Exhibits A and B. If accepted, the State of Oregon Department of State Lands will grant the easement to the District at a cost of \$4,746.75 for a 30-year renewable easement.

District counsel has reviewed the proposed Easement as to form.

RECOMMENDATION

We respectfully recommend that the Board of County Commissioners accept the easement on behalf of the Tri City Service District and authorize the Director of Water Environment Services to sign the easement conveyance forms.

Sincerely,

Michael S. Kuenzi
Director

For information on this issue or copies of attachments
please contact Trista Crase at (503) 742-4566