



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

Stephen L. Madkour
County CounselKathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Assistants

Date: December 17, 2020

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of an Amendment to an Intergovernmental Agreement between Clackamas and Multnomah Counties for HIPAA and Part 2 Officer

Purpose/Outcome	<i>Amend the IGA to correct the rate and extend the contract term</i>
Dollar Amount and Fiscal Impact	<i>Services are to be provided on an as-needed basis at the hourly rate of \$120 per hour.</i>
Funding Source	<i>County general fund.</i>
Duration	<i>July 1, 2020 to July 1, 2022</i>
Previous Board Action/Review	<i>The Board approved the IGA for services on October 15, 2020 but due to Multnomah County's error the rate was incorrect.</i>
Strategic Plan Alignment	<i>1. Ensure safe, health and secure communities. 2. Build public trust through good government.</i>
Counsel Review	<i>December 2, 2020</i>
Contact Person	<i>Kathleen Rastetter, Senior Asst. County Counsel</i>

BACKGROUND:

Clackamas County has engaged the services of a HIPAA compliance expert employed by Multnomah County for several years. The IGA for the current term was approved by the Board but due to Multnomah County's error the rate for services was incorrect, and Multnomah County now proposes a two-year term.

RECOMMENDATION:

Staff respectfully recommends that the Board approve the amendment to the IGA.

Respectfully submitted,

*Kathleen Rastetter*Kathleen J. Rastetter
Senior Asst. County Counsel

**MULTNOMAH COUNTY
INTERGOVERNMENTAL AGREEMENT**

Amendment No: 1

Multnomah County Contract: NON-D-IGA-R-12778-2021

This is an amendment to Multnomah County's Contract referenced above effective Wednesday, July 01, 2020 between Multnomah County ("County") and Clackamas County ("Contractor"), referred to collectively as the "Parties".

The following changes below are made and incorporated into to Contract:

1. The Parties agree:

- a. The termination of this Contract is extended from July 1, 2021 to June 30, 2022
- b. Payment Terms:

Clackamas County agrees to pay an hourly rate up to \$120.00 for services rendered from July 1, 2020 through the contract termination date (July 1, 2020 - June 30, 2022). Both Parties understand that Multnomah County may request that this Agreement be amended to increase or decrease compensation amount annually if costs are higher or lower than anticipated at the agreement commencement. Multnomah County will invoice Clackamas County Office of County Counsel quarterly. Payment will be due thirty (30) days after invoice.

Invoice mailing address:

Clackamas County Counsel
2051 Kaen Road
Oregon City, OR 97045

2. All other terms and conditions of the Contract shall remain the same.

MULTNOMAH COUNTY, OREGON:

CONTRACTOR:

County Chair or Designee:

Signature:

Date: _____

Print Name: _____

Dept. Director or Designee:

Title:

Date: _____

Date: _____

REVIEWED:

JENNY M. MADKOUR
COUNTY ATTORNEY FOR MULTNOMAH COUNTY

By
Assistant County Attorney _____ N/A _____

Approved as to
form by: _____

Date: _____

Date: _____



STAFF REPORT

December 17, 2020

Board of County Commissioners
Clackamas County

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Approval of a Board Order Scheduling a
Public Hearing regarding the Dissolution of the Shady Dell Water Control District

Purpose/Outcomes	To set a Public Hearing on the dissolution of the Shady Dell Water Control District pursuant to the procedures under ORS 198.335 to ORS 198.365.
Dollar Amount and Fiscal Impact	Negligible. County Counsel staff time to prepare documents for dissolution and Finance staff time to deposit funds from District upon dissolution.
Funding Source	General Fund.
Duration	The Public Hearing must be held no less than 21 days and no more than 30 days from the date of the Board Order.
Strategic Plan Alignment	Building public trust through good government.
Previous Board Action	September 29, 2020 the Board discussed the matter at Issues and directed staff to prepare a Financial Statement as required by ORS 198.350.
County Counsel Review	December 2, 2020
Procurement Review	This matter is not a procurement requiring review.
Contact Person	Jeffrey D. Munns, Assistant County Counsel (503)742-5984

BACKGROUND:

The Clackamas County Treasurer's office received notice from the State of Oregon, Secretary of State's Office, on September 8, 2020, that the Shady Dell Water Control District had not filed budget documents since the year 2016, as required by ORS 297.435, ORS 297.464 and ORS 297.465.

County Counsel's office then began to investigate the status of the Shady Dell Water Control District. We were able to make contact with the District's attorney and last elected officer. The District has ceased operations. Further, the neighboring non-profit water district, Molalla River District Improvement Company, was contacted. They did not appear to be active nor interested in assuming the duties of the Shady Dell Water Control District as allowed under ORS 198.360. The matter was presented to the Board at Issues on September 29, 2020 to initiate the dissolution procedures under ORS 198.335 to ORS 198.365, and we were directed to prepare a Financial Statement as required by ORS 198.350.

After receiving and reviewing records of the District we were able to prepare the Financial Statement, attached hereto as "Exhibit A" to the Board Order. Under the procedures of ORS 198.355 the Board having must set a public hearing for the purpose of considering dissolution of the Shady Dell Water Control District.

RECOMMENDATION:

Staff respectfully recommends approval of a Board Order Scheduling a Public Hearing regarding the Dissolution of the Shady Dell Water Control District.

Sincerely,



Jeffrey D. Munns
Assistant County Counsel

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

In the Matter of Scheduling a
Public Hearing regarding the
Dissolution of the Shady Dell
Water Control District



Board Order No. _____

Whereas, the Clackamas County Board of Commissioners having received notice from the State of Oregon, Secretary of State's Office, on September 8, 2020, that the above named district has not filed budget documents since the year 2016, as required by ORS 297.435, ORS 297.464 and ORS 297.465.

Whereas, the Board initiated the dissolution procedures under ORS 198.335 to ORS 198.365, on September 29, 2020 and directed staff to prepare a Financial Statement as required by ORS 198.350.

Whereas, staff having determined information for the Financial Statement, attached hereto as "Exhibit A". The Board having reviewed the Financial Statement prepared pursuant to ORS 198.350 it now appears to the Board that a hearing shall be set for the purpose of considering dissolution of the Shady Dell Water Control District;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Board approves and adopts the Financial Statement found in "Exhibit A" that is attached hereto and incorporated by reference.
2. The Financial Statement shall be filed with the Clackamas County Clerk pursuant to ORS 198.350.
3. A hearing on the question of dissolving the District shall be held on Wednesday, January 14, 2021, at 10:00 A.M. All interested persons may appear. All persons having claims against the District shall present them at the time of the hearing.
4. The County shall publish notice in accordance with ORS 198.355(2).

DATED this 17th day of December, 2020.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Exhibit A

FINANCIAL STATEMENT (REQUIRED FOR DISSOLUTION OF INACTIVE DISTRICTS) FOR THE SHADY DELL WATER CONTROL DISTRICT

FINANCIAL STATEMENT (ORS 198.350):

1. The District was formed in 1958.
2. The Clackamas County Clerk's Office records indicate that the last election of officers was May 21, 2013. The names of the people last serving as members of the governing board of the District are as follows by position: 1. Gary Oedell, 2. Janice Baylor, 3. Jim Harold, 4. Darby Pereira, 5. Patricia Ross, 6. Patricia Cronin, 7. Mitchell Ross, 8. Margaret Rickles, and 9. Cheryl Cruikshank. Only Patricia Cronin filed for the May 19, 2015 election. No candidates have filed since. All terms of board members would have expired in May 2017.
3. There is no known outstanding bond, coupon or other indebtedness of the District.
4. There are no known parcels of real property or interest in real property owned by the District.
5. There are no known uncollected charges, taxes and assessments levied by the District.
6. There is no known personal property of the District. The District currently has \$564.89 in an account at Columbia Bank.
7. There are no significant costs for dissolution of the District. Pursuant to the applicable statutes, ORS 198.335 to ORS 198.365, dissolution of the District can be accomplished without an election (and the resultant election costs). It is expected that Clackamas County will absorb the administrative costs of the dissolution.