



Elizabeth Comfort
Finance Director, Interim

Department of Finance

Public Services Building
2051 Kaen Road, Suite 490 | Oregon City, OR 97045

June 23, 2022

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of Lease Amendment #1 for the Clackamas County Extension and
4-H Service District Buildings with Clackamas County

Purpose/Outcomes	Approval of a two (2) year Lease Amendment #1 for the Extension Services Buildings
Dollar Amount and Fiscal Impact	Monthly rent of \$2,739.80, total annual cost of \$32,877.60 per year for FY2022-2023 and FY 2023-2024.
Funding Source	The Extension and 4-H Service District tax base provides funding to pay all lease and allocated facility costs.
Duration	Lease term is for July 1, 2022, through June 30, 2024
Previous Board Action	Current lease approved on June 25, 2020, Consent Item C.2
County Counsel Review	ARN approved by signature on June 14, 2022
Strategic Plan Alignment	1. Supports adult and youth education activities. 2. Supports economic vitality and environmental health.
Contact Person	Jeff Jorgensen, Director, Facilities Management, 971.221.8033

BACKGROUND:

Clackamas County currently leases two buildings at 200 and 174 Warner Milne Road, Oregon City, to house the Oregon State University Extension Service faculty, staff, and volunteers which work alongside their local partners to provide educational workshops, activities, and services tailored to the unique industries, natural resources and citizens of Clackamas County.

The Extension Service conducts research and shares research-based education to improve economic vitality and promote personal and environmental health. Vital services and educational activities include 4-H youth services, family and community health, forestry and natural resources outreach. These current facilities continue to provide basic support for these programs by providing offices, training areas, and storage space with convenient access to volunteers, clients, and the public.

The current lease expires on June 30, 2022. The Extension Service continues to plan and investigate options to construct a new facility to house current and future programs and support critical county recovery services in the event of major disasters and catastrophes.

RECOMMENDATION:

Staff recommends that the Board approves and authorizes the Chair of the Board to execute this lease.

Sincerely,

Elizabeth Comfort

Elizabeth Comfort,
Director, Finance

LEASE AMENDMENT #1

This lease amendment #1 ("Amendment #1") is entered into between Clackamas County Extension and 4-H Service District, a county service district ("Lessee") and Clackamas County ("Lessor") and shall become part of the lease entered into between both parties June 25, 2020 ("Lease").

The purpose of this Amendment #1 is to make the following changes to the Lease:

1. Lease Term

The lease term is hereby extended for a period of two (2) years, beginning July 1, 2022, and ending at midnight on June 30, 2024.

2. Base Rent

For the extended lease term, beginning July 1, 2022, Lessee agrees to pay monthly rent for two thousand seven hundred and thirty nine dollars and eighty cents (\$2,739.80) per month.

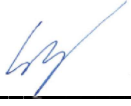
Except as expressly amended above, all other terms and conditions of the Lease shall remain in full force and effect.

3. Liability Insurance

The paragraph titled "Liability Insurance" on page 3 of the Lease is hereby deleted and the parties agree that the Lessee shall have no obligation to independently procure and maintain commercial general liability insurance.

[Signature Pages to Follow]

By their signatures below, the parties to this Amendment #1 agree to the terms, conditions, and content expressed herein.

<p>LESSOR CLACKAMAS COUNTY:</p> <p>_____</p> <p>Tootie Smith, Chair</p> <p>_____</p> <p>Date</p> <p>Approved as to form:</p> <p></p> <p>_____</p> <p>Office of County Counsel</p> <p><u>06/14/2022</u></p> <p>_____</p> <p>Date</p>	<p>LESSEE Clackamas County Extension and 4-H Service District</p> <p>_____</p> <p>Tootie Smith, Chair</p> <p>_____</p> <p>Date</p>
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STATE OF OREGON)
) ss
County of Clackamas)

This record was acknowledged before me on (date) _____ by Tootie Smith as the Chair of the Clackamas County Board of Commissioners.

Stamp:

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss
County of Clackamas)

This record was acknowledged before me on (date) _____ by Tootie Smith as the Chair of the Clackamas County Extension and 4-H Service District.

Stamp:

Notary Public for Oregon
My Commission Expires: _____

**Form
OR-AP-RPPT-EB**

Application for Real and Personal Property Tax Exemption
For property owned by an exempt body and leased or subleased to another exempt body
ORS 307.166.

- The lessee, sublessee or entity in possession of the property must file with the **county assessor** on or before April 1 for the upcoming tax year. See page 3 of this form for late filing information.
- The applicant is obligated to prove the property meets the requirements for exemption. Include all documents or information that show the exemption is appropriate.
- See ORS 307.166 on the page 3 of this form.
- Complete both sides of this form.
- This form is available online on the Department of Revenue’s website at: www.oregon.gov/dor.

Name of organization Clackamas County			For assessor’s use only	
Mailing address 1710 Red Soils Court		Phone (503) 557-6416	Date received	Account number
City Oregon City	State OR	ZIP code 97045	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Late filing fee
Email jeffjorgensen@clackamas.us		By _____		\$
			Exemption applies to tax year 20 ____ - ____	Lease expiration date

A property tax exemption is requested under the following Oregon Revised Statute (mark **one** box):

Note: If applying for exemption for affordable housing owned by a religious organization under 307.140(4) use Form OR-A-PTE, *Application for Property Tax Exemption*, 150-303-006.

- | | |
|---|--|
| <input type="checkbox"/> 307.040 United States government | <input checked="" type="checkbox"/> 307.136 Fraternal organizations* |
| <input type="checkbox"/> 307.092 Housing authority* | <input type="checkbox"/> 307.140 Religious organizations* |
| <input type="checkbox"/> 307.090 State of Oregon, county, city, and other public or municipal corporations | <input type="checkbox"/> 307.145 Child care facilities, schools, student housing* |
| <input type="checkbox"/> 307.115 Nonprofit corporation public parks* | <input type="checkbox"/> 307.147 Senior services centers* |
| <input type="checkbox"/> 307.130 Literary, benevolent, charitable, scientific institutions or organizations, volunteer fire departments, art museums* | <input type="checkbox"/> 307.150 Burial grounds, cemeteries, crematory associations, alternative disposition facilities* |
| | <input type="checkbox"/> 307.160 Public libraries* |
| | <input type="checkbox"/> Other (provide ORS number)* _____ |

***You must attach current copies of your organization’s Articles of Incorporation, By-Laws, and proof of your status as a non-profit corporation.**

Property description	
Account number (as shown on owner’s property tax statement) #05023723 Tax Map: 32E05C 00812E1	Name of property owner Clackamas County
Physical address (street address, city) 174 and 200 Warner Milne Road., Oregon City, OR 97045	

List all real and personal property for which an exemption is claimed. Attach a list of personal property. Include description, cost, and purchase date.

Property use	
To qualify for this exemption, the lessee, sublessee, or entity in possession of the property must be using the property for their exempt purposes. Property not used for qualified purposes before July 1 is taxable.	
Describe the purpose of this organization: Clackamas County	
Describe how you will use the property, such as, church services, offices, classrooms, student housing, etc.: Clackamas County Extension and 4-H Service District Buildings	

Does the property include a parking area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	What is the fee for using the parking area?	\$ 0.00
Is any portion of the property leased to or used by others?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, what is the square footage of the area used by others:	0 _____ square feet

If yes, explain and identify the area that is used by others:
Not applicable.

Complete both sides of this form.

Lease or sublease

Is property under: Lease Sublease Lease-purchase Type of lease: Modified gross Net Triple-net
Beginning date: 07/01/22 Expiration date: 06/30/24 Square footage of area leased, subleased, or lease-purchased: 5,212

You must attach a current signed copy of your lease, sublease, or lease-purchase agreement.

Late fee

If this form is filed after April 1, a late filing fee **must** accompany the form. See page 2 of this form for late filing information.

A late fee is attached: Yes No

Exemption requested for tax years: _____

Declaration

I declare under the penalties for false swearing [ORS 305.990(4)] that I have examined this document (and attachments) and to the best of my knowledge they are true, correct, and complete.

Must be signed by the president, proper officer, head official, or authorized delegate of the organization.

Name (print or type)	Title	Phone	Signature	Date
Tootie Smith	BCC Chair	(503) 742-5923	X	/ /

Oregon Revised Statute (ORS) and Oregon Administrative Rule (OAR)

ORS 307.166. (1) If property is owned or being purchased by an institution, organization or public body that is granted exemption or the right to claim exemption for any of its property under a provision of law contained in this chapter, and the institution, organization or public body leases or otherwise grants the use and possession of the property to another institution, organization or public body that is likewise granted exemption or the right to claim exemption for property under a provision of law contained in this chapter, the property is exempt from taxation if used by the lessee or possessor in the manner, if any, required by law for the exemption of property owned or being purchased by the lessee or possessor and any tax savings resulting from the exemption from taxation granted under this section will inure solely to the benefit of the lessee or possessor. Likewise, if the property is sublet or otherwise the use and possession of the property is granted to another institution, organization or public body of the kind described in this subsection, the property is exempt if used by the sublessee or possessor in the manner, if any, required by law for the exemption of property owned or being purchased by the sublessee or possessor and any tax savings resulting from the exemption from taxation granted under this section will inure solely to the benefit of the sublessee or possessor.

(2) Except as provided in subsection (4) of this section, to obtain the exemption under this section, the lessee, sublessee or entity in possession must file a claim for exemption with the county assessor, verified by the oath or affirmation of the president or other proper officer of the institution or organization, or head official of the public body or the legally authorized delegate of the head official, showing:

- (a) A complete description of the property for which exemption is claimed.
- (b) All facts relating to the ownership or purchase of the property.
- (c) All facts relating to the use of the property by the lessee, sublessee or entity in possession.
- (d) A true copy of the lease, sublease or other grant of use and possession covering the property for which exemption is claimed.
- (e) Any other information required by the claim form.

(3)(a) The claim required under subsection (2) of this section must be filed on or before April 1 preceding the tax year for which the exemption is claimed, except:

(A) If the lease, sublease or other grant of use and possession is entered into after March 1 but not later than June 30, the claim must be filed within 30 days after the date the lease, sublease or other grant of use and possession is entered into if the exemption is claimed for the assessment year beginning on the preceding January 1; or

(B) If a late filing fee is paid in the manner provided in ORS 307.162 (2), the claim may be filed within the time specified in ORS 307.162 (2).

(b) The exemption first applies for the tax year beginning July 1 of the year for which the claim is filed. The exemption continues as long as the ownership and use of the property remain unchanged and during the period of the lease, sublease or other grant of use and possession. If either the ownership or use changes, a new claim must be filed as provided in this section. If the lease, sublease or other grant of use and possession expires before July 1 of any year, the exemption terminates as of January 1 of the same calendar year.

(4)(a) In lieu of filing a claim under subsection (2) of this section, the lessor, sublessor or person granting the use and possession of property that is exempt from taxation under ORS 307.040

or 307.090 to a lessee, sublessee or entity the property of which is eligible for exemption under ORS 307.040 or 307.090 must provide the assessor of the county in which the property is located with the following information as soon as practicable after execution of a lease, sublease or other grant of use and possession of the property:

- (A) The name and address of the lessee, sublessee or possessor;
 - (B) Upon request of the assessor, a copy of the lease, sublease or other grant of use and possession of the property; and
 - (C) The location of the property.
- (b) Upon compliance with paragraph (a) of this subsection, the property is exempt from taxation under this section during the term of the lease, sublease or other grant of use and possession.

OAR 150-307-0200

Property of Exempt Entities Leased to Other Exempt Entities

(1) For purposes of ORS 307.166, a lease or other agreement means any written document that communicates the terms and conditions of tenancy. A verbal agreement will not qualify in an exemption claim.

(2) Public body property which is leased or used by another public body is exempt from property taxes when the property is used by the lessee for a qualifying exempt purpose on July 1 of the assessment year to be exempted. The public body granting possession and use of their property must provide notice of the lease or other agreement to the assessor after entering the agreement. If requested by the assessor, a copy of the lease or other agreement must be provided.

(3) When public body property is subsequently leased to another entity other than a public body whose property is exempt from taxation, filing a timely application for a property tax exemption is required.

(4) When property of entities that are not public bodies but whose property is exempt from taxation is leased to a public body, an application for a property tax exemption is also required.

(5) When application is required, late filing is permitted. Payment of the late filing fee must be submitted with the application. The late filing fee cannot be excused or waived.

Late filing information:

ORS 307.162 provides for late filing as follows:

1. If you are filing before December 31 for the current tax year, the late filing fee is \$200.00 or one-tenth of one percent of the real market value of the property, whichever is greater.
2. If you are filing before April 1 of the current tax year, for the current tax year only, and you are a first-time filer, have good and sufficient cause for filing late, or are a government entity described in ORS 307.090, the late filing fee is \$200.00.
3. If you are filing for the current tax year and up to five prior tax years and you are a first-time filer, have good and sufficient cause for filing late, or are a government entity described in ORS 307.090, **and** are either filing within 60 days of the mailing date of a notice of additional tax or are filing at any time if no notice was mailed, then the late filing fee is the greater of \$200.00 or one-tenth of one percent of the real market value as of the most recent assessment date, multiplied by the number of prior years claimed.