



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

June 22, 2023

BCC Agenda Date/Item: \_\_\_\_\_

Board of County Commissioners  
Clackamas County

**Approval of Grant Agreement #8097 Amendment #1 with the State of Oregon to provide funding for the construction of the Oak Lodge Library. Total value is \$750,000. Funding through State of Oregon American Rescue Plan Act Coronavirus State Fiscal Recovery Fund, acting by and through its Department of Administrative Services. County General Funds are involved.**

<b>Previous Board Action/Review</b>	<ul style="list-style-type: none"> <li>January 14, 2021 Policy Session: Board approved the Oak Lodge Library &amp; Community Center Concord Property Master Plan</li> <li>November 23, 2021 Policy Session: Board approved pausing the project to further deliberate with community stakeholders regarding options for the library, community center, and park.</li> <li>May 2022, Board put a hold on construction for up to one year.</li> <li>June 23, 2022: Board approved grant agreement #8097</li> </ul>		
<b>Performance Clackamas</b>	<ol style="list-style-type: none"> <li>This agreement directly supports the BCS Gladstone Library Strategic Result: By 2024, residents of the Gladstone community will have access to a new library which provides library services and facilities at or above the "Essential" level recommended by the Oregon Library Association.</li> <li>This agreement provides essential funding for the construction of the new Gladstone Library, and supports the Board's goal of Building Public Trust through Good Government. Proceeding with the project supports the goal: By 2024, County policies and decisions, service</li> </ol>		
<b>Counsel Review</b>	6/12/2023, JM	<b>Procurement Review</b>	No. Grants office notified of amendment.
<b>Contact Person</b>	Diedre Landon	<b>Contact Phone</b>	503-742-4411

**EXECUTIVE SUMMARY:**

The construction of a new Oak Lodge Library is part of a plan for the redevelopment of the Concord School property which is owned by the North Clackamas Parks and Recreation District.

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The project began in fall 2019 with extensive community engagement to develop the master plan. The Board decided in the Spring of 2023 to proceed with construction of the Oak Lodge Library.

The funding package for the library includes \$750,000 in State of Oregon American Rescue Plan Act Coronavirus State Fiscal Recovery Fund dollars, which was awarded through State Representative Karin Power's office in July 2021. This funding is a critical component of the overall funding package, combining State and County ARPA and County General Funds, to provide financial support towards this essential community facility.

The attached amendment removes sub-recipient language from the original funding agreement to provide clarity and align with updated guidance from the U.S. Treasury. The effective date for these changes is retroactive to July 1, 2022.

**RECOMMENDATION:**

Staff recommends approval of this amendment.

Respectfully submitted,

*Dan Johnson*

Dan Johnson, Director  
Department of Transportation & Development

Attachment: State of Oregon Grant Agreement No. 8097 Amendment No. 1

**STATE OF OREGON  
GRANT AGREEMENT NO. 8097**

Amendment No. 1

This is Amendment Number 1 ("Amendment") to Grant Agreement No. 8097 (the "Agreement") between the State of Oregon, acting by and through the Department of Administrative Services ("DAS"), and Clackamas County ("Grantee"), each a "Party" and, together, the "Parties". This Amendment amends the Agreement to delete certain federal subaward requirements pursuant to the U.S. Office of Management and Budget's 2 CFR PART 200, APPENDIX XI COMPLIANCE SUPPLEMENT (May 2023) ("OMB 2023 Compliance Supplement").

1. Effective Date. This Amendment shall become effective when fully signed and approved as required by applicable law.
2. Amendments to Agreement:

Exhibit C and the reference thereto on the first page of the Agreement are deleted in their entirety.

Amendments elsewhere in the Agreement: New Language is indicated by **bolding** and underlining and deleted language is indicated by **bolding** and ~~striking~~:

**SECTION 6: Covenants of Recipient**

Recipient covenants as follows:

- C. ~~Federal Audit Requirements. The Grant is federal financial assistance, and the associated Assistance Listings number is 21.027. Recipient is a subrecipient.~~
  - (1) Pursuant to the OMB 2023 Compliance Supplement, and effective July 1, 2022, the category of federal financial assistance from which the Grant is drawn does not give rise to "subrecipient" relationships for purposes of 2 CFR part 200. Accordingly, the Grant is not subject to the audit requirements of 2 CFR part 200, subpart F from and after July 1, 2022. If Recipient receives expends federal funds in excess of \$750,000 or more during Recipient's fiscal year in federal awards, it is subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Recipient, if subject to this requirement, shall at its own expense submit to DAS a copy of, or electronic link to, its annual audit subject to this requirement covering the funds expended under this Contract and shall submit or cause to be submitted to DAS the annual audit of any subrecipient(s), contractor(s), or subcontractor(s) of Recipient responsible for the financial management of funds received under this Contract. Subject to the limitations in 2 CFR 200.425, a reasonably proportionate share of the costs of any audits required by, and performed in accordance with, the Single Audit Act Amendments of 1996 (31 USC 5701-7507) (the "Single Audit Act"), are allowable costs payable with Grant funds.
- F. Compliance with 2 CFR Part 200. Recipient must comply with all applicable provisions of 2 CFR Part 200, Uniform Administrative Requirements, which include Cost Principles, ~~but not and Audit Requirements for Federal Awards, including the Cost Principles and~~ Single Audit Act requirements, pursuant to the OMB 2023 Compliance Supplement.
- P. Administrative Costs. Recipient may use a negotiated indirect cost rate or an approved cost allocation plan to recover administrative costs in administering the grant. If Recipient does not have a

**negotiated rate or approved cost allocation plan, it is allowable to use the federal de minimis rate of 10%.**

3. This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. Except as expressly amended above, all other terms and conditions of the original Agreement remain in full force and effect.
5. The parties expressly affirm and ratify the Agreement as herein amended.
6. Parties certify that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

IN WITNESS WHEREOF, the Parties have executed this Grant as of the dates set forth below.



**STATE OF OREGON**  
acting by and through its  
Department of Administrative Services

**CLACKAMAS COUNTY**

By: \_\_\_\_\_  
Kate Nass, Chief Financial Officer

By: \_\_\_\_\_  
Tootie Smith, Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:**

*s/ Samuel B. Zeigler*      6/6/2023  
\_\_\_\_\_  
Samuel B. Zeigler, Senior Assistant Attorney General