

AGENDA

Thursday December 14, 2017 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2017-146

***Revised**

Added Consent Item C.2

CALL TO ORDER

- Roll Call
- Pledge of Allegiance

I. 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 meeting. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

II. PREVIOUSLY HEARD LAND USE ISSUE

(No public testimony on this item)

1. Board Order No. ____ Adopting a Previously Denied Comprehensive Plan Map Amendment and Zone Change Application (Nate Boderman, County Counsel)

III. PUBLIC HEARINGS *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the department or organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

1. Final Board Order No. ____ for Boundary Change Proposal No. CL 17-017 Proposed Withdrawal From Clackamas County Service District No. 1 (Chris Storey, County Counsel, Ken Martin, Boundary Change Consultant) *1st hearing was 11-22-17*
2. Resolution No. ____ for a Clackamas County Supplemental Budget Greater than 10% and Budget Reduction for Fiscal Year 2017-2018 (Diane Padilla, Budget Manager)

IV. 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 Work Sessions. 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. Approval of a Sub-recipient Grant Agreement with Northwest Housing Alternatives, Inc. for Rent/Mortgage Assistance for Eviction Prevention – *Social Services*
2. Approval of Amendment No. 2 to the Revenue Agreement with FamilyCare Inc., for Partnering with Clackamas County Health Centers for the Group Provider Agreement for Calendar year 2018 – *Health Centers*

B. Finance Department

1. Resolution No. _____ for a Clackamas County Supplemental Budget Less than 10% for Fiscal Year 2017-2018
2. Resolution No. _____ for Clackamas County for Transfer of Appropriations for Fiscal Year 2017-2018

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
- *2. Approval to Apply for a Grant Application to Benefit A Safe Place Family Justice Center - CCSO

D. Business & Community Services

1. Approval of the Ready to Read Grant with the State of Oregon for the Clackamas County Oak Lodge Library
2. Resolution No. _____ for the Designation of the Clackamas Soil and Water Conservation District as Weed Entity

V. ENHANCED LAW ENFORCEMENT DISTRICT

1. Resolution No. _____ for an Enhanced Law Enforcement District Supplemental Budget Less than 10% for Fiscal Year 2017-2018 - Finance

VI. LIBRARY SERVICE DISTRICT

1. Resolution No. _____ for the Library Service District for a Supplemental Budget Less than 10% for Fiscal Year 2017-2018 – Business & Community Services

VII. COUNTY ADMINISTRATOR UPDATE

VIII. 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. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel. www.clackamas.us/bcc/business.html



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD OREGON CITY, OR 97045

December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

A Board Order Adopting a Previously Denied Comprehensive Plan Map
Amendment and Zone Change Application

Stephen L. Madkour
County Counsel

Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Shawn Lillegren
Jeffrey D. Munns
Assistants

Purpose/Outcomes	Adopt a board order related to a previously denied land use action.
Dollar Amount and Fiscal Impact	None identified
Funding Source	N/A
Duration	Indefinitely
Previous Board Action	Board of County Commissioners ("Board" or "BCC") held a public hearing on November 1, 2017, at which time the BCC voted 4-0 to deny the application, and directed staff to draft the board order and the findings of fact, both of which are included with this report.
Strategic Plan Alignment	Build public trust through good government
Contact Person	Nate Boderman, 503-655-8364
Contract No.	None

BACKGROUND:

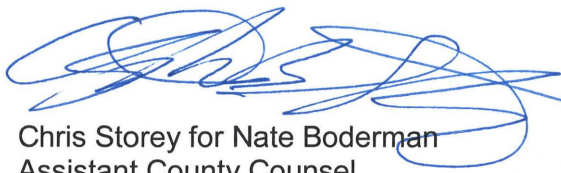
On November 1, 2017, a public hearing was conducted before the BCC to consider a Comprehensive Plan map change from Rural (R) to Rural Commercial (RC) and a corresponding zone change from Rural Residential Farm Forest, 5-acre (RRFF-5) to Rural Commercial (RC) for a 5-acres parcel of land on the northwest of the SW Stafford Road and I-205 intersection, during which the BCC orally voted 4-0 to deny the application. The most notable reason for the denial was that the property is located within a designated Urban Reserve for the Portland metropolitan area and both state law and the County's Comprehensive Plan policies prohibit the changing of the zoning designation to allow for new uses in a Reserve.

The Board then directed staff to draft and order and findings consistent with its decision. A copy of the board order implementing the oral decision, and findings and conclusions to be adopted by the Board has been attached.

RECOMMENDATION:

Staff recommends the Board approve the attached Board Orders on the consent agenda.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Chris Storey", written over the typed name and title.

Chris Storey for Nate Boderman
Assistant County Counsel

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

In the Matter of a Comprehensive
Plan Map Amendment and Zone
Change from Stafford Investments,
LP, on Property Described as T2S
R1E Section 29A Tax Lot 01000



ORDER NO.
Page 1 of 2

File Nos.: Z0373-17-CP and Z0374-17-Z

WHEREAS, this matter coming regularly before the Board of County Commissioners, and it appearing that Stafford Investments, LP made an application for a Comprehensive Plan designation amendment from Rural (R) to Rural Commercial (RC), with a corresponding zone change from Rural Residential Farm Forest (RRFF-5) to Rural Commercial (RC) for 5.0 acres of land located on the northwest corner of SW Stafford Rd and I-205 intersection, on the property described as T2S R1E Section 29A, Tax Lot 01000; and

WHEREAS, it further appearing that the subject property is located within a Portland metropolitan area Urban Reserve, designated pursuant to OAR 660, Division 27, and as such, is subject to the regulations in OAR 660, Division 27 and Chapter 4 of the Clackamas County Comprehensive Plan which prohibit the County from amending comprehensive plan provisions or land use regulations within an Urban Reserve to allow for new uses that were not allowed at the time of the Reserve designation, except under specific circumstances, none of which would apply to the subject property; and

WHEREAS, it further appearing that after appropriate notice, a public hearing was held before the Planning Commission on October 9, 2017, at which testimony and evidence was presented, and that, at this hearing, the Commission, by the vote of 5-1, recommended approval of this request; and

WHEREAS, It further appearing that after appropriate notice, a public hearing was held before the Board of County Commissioners on November 1, 2017, at which testimony and evidence were presented, and that, at that hearing, a decision was made by the Board, by the vote of 4-0 to deny the application.

Based upon the evidence and testimony presented this Board makes the following findings and conclusions:

1. The applicant requests a Comprehensive Plan designation amendment from Rural (R) to Rural Commercial (RC); with a corresponding zone change from Rural Residential Farm Forest (RRFF-5) to Rural Commercial (RC) for 5.0 acres of land located within a designated Urban Reserve area.
2. This Board adopts as its findings and conclusions the *Findings of Fact for Z0373-17-CP & Z0374-17-C* document attached hereto and incorporated herein as

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

In the Matter of a Comprehensive
Plan Map Amendment and Zone
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R1E Section 29A Tax Lot 01000



ORDER NO.
Page 2 of 2

File Nos.: Z0373-17-CP and Z0374-17-Z

Order Exhibit A, which finds the application not to be in compliance with the applicable criteria.

NOW, THEREFORE, IT IS HEREBY ORDERED that the requested Comprehensive Plan designation amendment from Rural (R) to Rural Commercial (RC) and with a corresponding zone change from Rural Residential Farm Forest (RRFF-5) to Rural Commercial (RC) are hereby DENIED.

DATED this 14th day of December, 2017.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



MIKE MCCALLISTER
PLANNING AND ZONING DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

ORDER EXHIBIT A
FINDINGS OF FACT FOR Z0373-17-CP & Z00374-17-Z:
STAFFORD INVESTMENTS, LP
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE

SECTION 1- GENERAL INFORMATION

Planning File No: Z0373-17-CP, Z0374-17-Z

Decision Date: December 14, 2017

Applicant: Stafford Investments, LP, PO Box 941, Lake Oswego, OR 97034

Owner: Stafford Investments Ltd Partnership, PO Box 941, Lake Oswego, OR 97034

Proposal: A Comprehensive Plan designation amendment from Rural (R) to Rural Commercial (RC); with a corresponding zone change from Rural Residential Farm Forest (RRFF-5) to Rural Commercial (RC) for 5.0 acres of land located on the northwest corner of SW Stafford Rd and I-205.

Property Location: At the northwest corner of the intersection of SW Stafford Road and I-205

Legal Description: T2S, R1E, Section 29A, Tax Lot(s) 01000, W.M.

Site Address: 20383 SW Stafford Rd, West Linn, OR 97068

Comprehensive
Plan Designation: Rural (R)

Zone: Rural Residential Farm Forest, 5 acre (RRFF-5)

Total Area: 5.0 acres

SECTION 2 – DECISION

The Board finds that this application does not satisfy all the applicable state, regional and county criteria for the proposed change in the Comprehensive Plan and zoning designation for the subject property. Specifically:

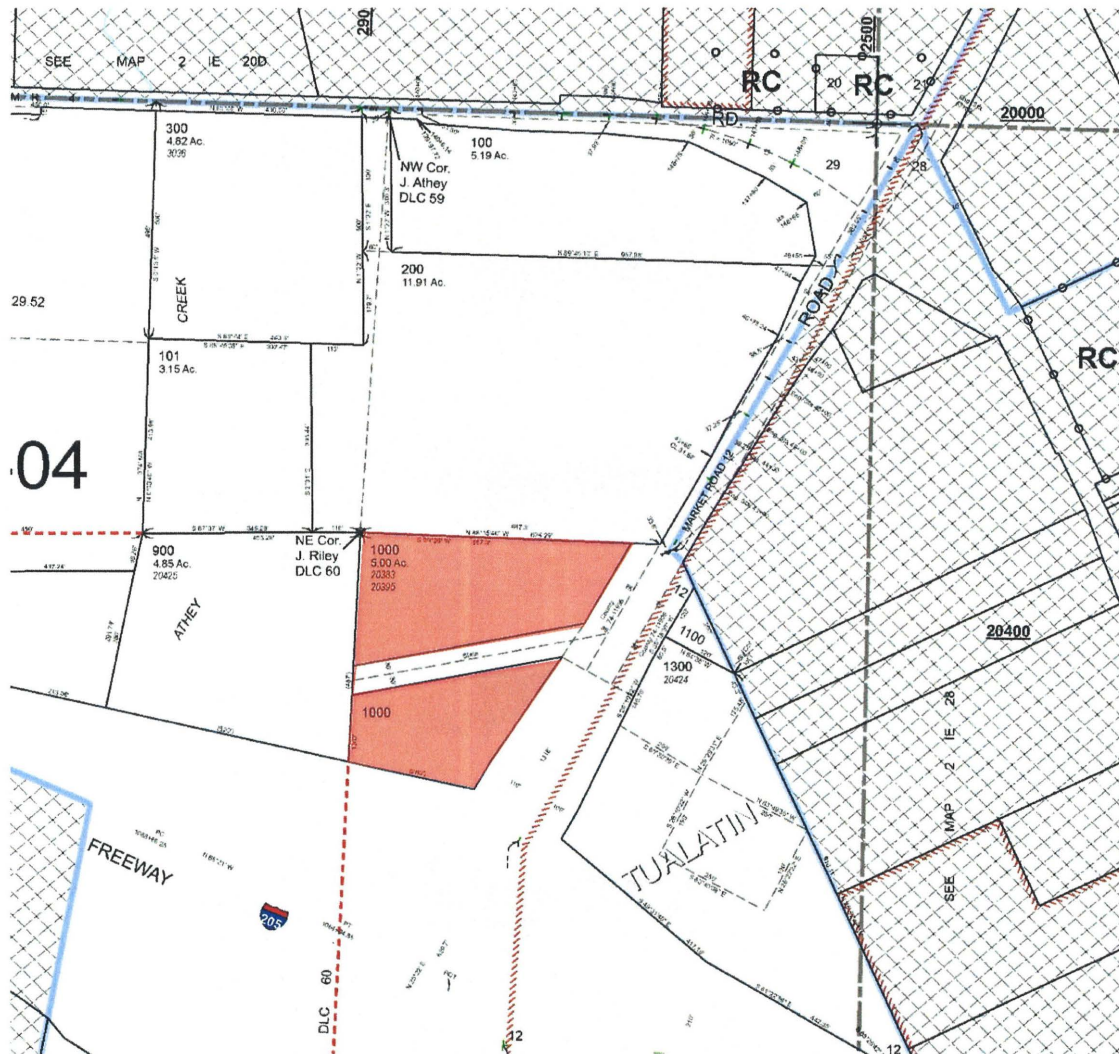
1. The property is located within a designated Urban Reserve area and both state law and the county's Comprehensive Plan policies prohibit the changing of the zoning designation to allow for new uses in a Reserve.
2. The property fails to meet the "historical commitment to commercial uses" criteria required by the county's Comprehensive Plan for a Rural Commercial (RC) designation (Policy 4.LL.3).
3. The applicant's traffic analysis is inadequate to conclude that the proposal meets the criteria under the Transportation Planning Rule (OAR 660-012-0060) that requires that a Plan or zone change not generate a significant impact on the transportation system, unless mitigation is proposed.

Therefore, the Board denies the Plan designation change from Rural (R) to Rural Commercial (RC) and corresponding zone change from Rural Residential Farm Forest (RRFF5) to Rural (RC), as proposed in Planning files Z0373-17-CP and Z0374-17-Z.

SECTION 3 – BACKGROUND INFORMATION AND LAND USE HISTORY

1. Site Description: The subject site includes a total of 5.0 acres and is located on the west side of SW Stafford Road, at the northwest corner of the intersection of I-205 and SW Stafford Road. It lies within a Rural Residential Farm Forest (RRFF-5) zoning district in an area designated Rural on the Comprehensive Plan. There are no wetlands, streams, creeks or other significant natural features on the subject property and the site is relatively flat, sloping less than 10 feet from east to west across the five acres.

The site is bordered on the east by SW Stafford Road and to the south by I-205 and divided into two portions by a roughly horizontal right-of way that provides vehicular access to the property immediately west of the subject property, which is developed with a single-family dwelling.



Properties in the vicinity of the subject are primarily zoned RRFF-5 and developed with rural residences and agricultural operations; a large church and a school approximately one-quarter mile to the north/northwest; and a nursery/landscape supply use across SW Stafford Road. Approximately one-quarter mile to the north/northeast, near the intersection of Stafford and Borland Roads are two small areas of Rural Commercial (RC) zoning that are developed with commercial uses (a bar/saloon, general store and lumber store).

The subject site currently contains one (1) single-family dwelling; a nursery and landscape supply business; and a landscape contracting business. Historic uses and past land use approvals are discussed in #2, below.



2. History of Land Use Applications and Violations:

The subject property has an extensive history of land use files; those files pertinent to this application are summarized below. It should be noted that most of the past violation files are not pertinent and all have been resolved, except V00314-14, which this application attempts to resolve with the proposed zone change.

1. File Nos. Z0352-87, Z0039-90, Z0205-92 and Z0207-91: Home occupation permit for electrical contractor “with shop used to warehouse material – no public sales”. Associated with this temporary permit was “one orange-colored utility van with “bubble” lights on top and one lg. truck with “scissors” bucket.” The home occupation approvals included the use of approximately 1,000 square feet of an accessory structure space for the storage of materials. The business apparently closed sometime around 1993, after the last renewal of the home occupation permit expired.

2. File No. Z1798-97: A conditional use permit application to add storage, “weathering” and retail sales of landscaping rock in conjunction with an existing plant nursery on the property. This application was denied; however, the reason for the denial was that the Hearings Officer determined that a conditional use permit was not needed – that the proposed use was an allowed accessory use under the RRFF-5 zoning.

In this decision it is noted that the property comprises a commercial nursery: *The southern portion of the subject property will apparently be (or perhaps already has been) placed in nursery stock, while the northern portion will apparently utilize various existing structures for the nursery business and maintenance.*

The proposal in this file was to establish and maintain a facility in the northwest corner of the property for the storage and "weathering" of landscaping rock in conjunction with the existing nursery, as well as for the storage of other related landscaping materials. The "raw" ("unweathered") rock was to be obtained from a nearby rural area and there would be no surface excavation at the property itself with respect to the proposed use. It was estimated that the rock itself will comprise approximately two percent of the subject property and will likely generate less than ten percent of the applicants' revenues. In this case the Hearing's Officer made two important findings:

- 1) A nursery is a primary “farm” use in the RRFF-5 zone: *There exists little question that the Applicant's primary business constitutes a "nursery", as defined in ZDO Section 202. The Hearings Officer concludes -albeit with some hesitation - that the language in ZDO Section 309 proves sufficiently broad to describe Applicant's nursery business. Staff confirmed that the County has historically acquiesced in that result and interpretation, primarily because nursery activities commonly occur in rural areas.*
 - 2) Incidental sales of landscape supply materials are an allowed accessory use to the “primary” nursery in the RRFF-5 zone: *Thus, Applicant's existing nursery operations comprise the requisite "primary" use, the Hearings Officer finds that the proposed use on the subject property falls within the definition of "accessory building or use" in ZDO Section 202, and further finds that the proposed use comprises a recognized and commercially-viable use "customarily incidental" to the primary nursery business, and, therefore qualifies as an "accessory" use allowed outright under the circumstances pursuant to ZDO Section 309.04(8)[now ZDO Section 316.03].*
3. File Nos. Z0696-06 and Z0776-07: Both provided a temporary (one-year) permit for a “use otherwise not allowed” in the RRFF-5 zoning district. Specifically, the permits allowed for the storage of equipment and supplies used by ODOT for I-205 improvements. This storage was approved for the southern portion of the property and, as noted in the file: *No permanent structures will be needed nor built with regards to this application... There will be no additional graveled road/parking added to the existing areas now on the property. There will be no additional use of this part of the property for other than storage of equipment and supplies and the vehicles used in the I205*

project.” This use was removed from the property sometime before 2009, upon expiration of the temporary permits.

4. File No. V0326-08: A violation file, citing “operating landscaping business”. In 2008, the County had a policy – referred to as the “10 year policy” - whereby the county would not enforce a violation if it could be proven to have existed for the previous 10 years without a complaint and without involving any life-safety issues. In closing a file under this policy, it was understood that the violation was not abated and any subsequent complaints could be enforced.

It appears that this violation file was closed based on the “10-year policy”, an action which, again, does not abate or legalize the violation, it simply meant that the County was not going to proceed with enforcement actions that time. Supposedly, the property had been “in use” with this business since September 1997.

The “10-year policy” was repealed by the Clackamas County Board of Commissioners on October 29, 2009.

5. File No. V0315-14: A violation file that is still pending, which cites two commercial businesses on the property – a commercial landscape supply business and a landscape contracting and maintenance business - presumably the same businesses that existed on the property in 2008, when the previous violation file was closed. As determined in Z1798-97, the nursery and accessory use of a small amount of landscape supplies is an allowed use under the RRFF-5 zoning; the landscape contracting and maintenance business, however, is not allowed under the RRFF-5 zoning. The applicant is attempting to resolve this violation with this proposed Comp Plan/zone change to Rural Commercial (RC), which would allow for the landscape contracting and maintenance business.
3. Service Providers:
 - a. Sewer: The subject property is not located in a public or private sewer district. Sewage disposal is accommodated by an on-site sewage disposal system.
 - b. Water: The subject property is not located in a public or private water district.
 - c. Surface Water: The subject property is not located in surface water district. Surface and storm water is regulated pursuant to Section 1008 of the ZDO.
 - d. Fire Protection: Tualatin Valley Fire District
 4. Responses Requested:
 - a. Cities of West Linn, Lake Oswego, Rivergrove, and Tualatin
 - b. Tualatin Valley Fire District
 - c. Oregon Department of Transportation (ODOT)
 - d. Stafford-Tualatin Valley CPO
 - e. Stafford Hamlet
 - f. DTD, Traffic Engineering
 - g. Dept. of Land Conservation and Development (DLCD)
 - h. Metro
 - i. Property Owners within 500'

SECTION 4 – ANALYSIS AND FINDINGS

This proposal is subject to the relevant Statewide Planning Goals; Oregon Revised Statutes (ORS); Oregon Administrative Rules (OARs); Metro’s Urban Growth Management Functional Plan; County Comprehensive Plan (Plan) policies, and the County’s Zoning and Development Ordinance (ZDO).

1. Urban Reserve Designation

The Board finds that the subject property is located within Portland Metropolitan area Urban Reserve, designated pursuant to OAR 660, Division 27. This designation was originally adopted into the County’s Comprehensive Plan on August 25, 2010 and into Metro’s Urban Growth Management Functional Plan (UGMFP) on June 3, 2010. Metro has made subsequent re-adoptions of the Reserves map, but none have included revisions to the mapped Reserve areas in Clackamas County (changes were limited to Washington County). Title 14 of Metro’s UGMP contains the Reserves map that is currently effective; it was adopted in October 2014.

With the 2010 adoption of the Reserves map (Map 4-9) into the County’s Plan, policies were included into the Plan that effectively prohibit changes to Comprehensive Plan and zoning designations within the adopted Urban and Rural reserve areas that would allow or uses different than what a property’s current zoning would allow. These policies were adopted under specific direction from OAR 660-027-0070.

The applicant in this proposal argues that the subject property is not designated yet as an Urban Reserve because *the area had been the subject of a land use appeal and is presently depicted as a subject to dispute on the Metro Urban Reserves Map... and that Map 4-9 of the County’s Comprehensive Plan is invalid as is was not amended to reflect the disputed nature of the Urban Reserves in the Stafford area.* The applicant further asserts that because Metro’s “Urban and Rural Reserves” map *applicable at the time of the filing of this application designates the subject property and the surrounding Stafford area as “unresolved areas remanded to LCDC,” ...Map 4-9 is in error and should not be enforced,* and, therefore, any Comprehensive Plan goals related to the Urban Reserve areas would not be applicable.

With respect to this issue, the Board finds that the applicant is incorrect. The Urban and Rural Reserves map in effect at the time of this application is Map 4-9 in the County’s Comprehensive Plan and the “Title 14, Urban Growth Boundary” map found in Title 14 of the Metro Urban Growth Management Functional Plan (UGMFP). The map that the applicant is referring to, which identifies the Stafford area Urban Reserves and “unresolved areas remanded to LCDC” is a map developed by Metro and posted on their website for reference purposes. Further, the Court’s decision did not have the effect of “un-designating” the Urban and Rural Reserve areas; rather it has delayed “acknowledgement” of the decision.

Indeed, OAR 660-018-0085 and ORS 197.625 clearly contemplate this type of situation and provide direction to jurisdictions regarding the interim period between adoption of a Plan amendment and acknowledgement of that amendment.

OAR 660-018-0085 (Acknowledgement of a Change to a Plan or Land Use Regulation)

(1) Pursuant to ORS 197.625, an adopted change to a comprehensive plan or a land use regulation is deemed to be acknowledged when the local government has complied with the requirements of ORS 197.610 and 197.615, the applicable requirements of this division, and either:

(a) The 21-day appeal period set out in ORS 197.830(9) has expired and a notice of intent to appeal has not been filed; or

(b) If an appeal has been timely filed, the Land Use Board of Appeals affirms the local decision or, if an appeal of the decision of the board is timely filed, an appellate court affirms the decision.

(2) Pursuant to ORS 197.625(3), prior to acknowledgment of an adopted change to an acknowledged comprehensive plan or a land use regulation as provided in section (1) of this rule, the adopted change is effective at the time specified by local government charter or ordinance. [emphasis added]

197.625 Acknowledgment of comprehensive plan or land use regulation changes; application prior to acknowledgment.

(1) A local decision adopting a change to an acknowledged comprehensive plan or a land use regulation is deemed to be acknowledged when the local government has complied with the requirements of ORS 197.610 and 197.615 and either:

(a) The 21-day appeal period set out in ORS 197.830 (9) has expired and a notice of intent to appeal has not been filed; or

(b) If an appeal has been timely filed, the Land Use Board of Appeals affirms the local decision or, if an appeal of the decision of the board is timely filed, an appellate court affirms the decision.

(2) If the local decision adopting a change to an acknowledged comprehensive plan or a land use regulation is affirmed on appeal under ORS 197.830 to 197.855, the comprehensive plan or the land use regulation, as modified, is deemed to be acknowledged upon the date the decision of the board or the decision of an appellate court becomes final.

(3) Prior to acknowledgment of a change to an acknowledged comprehensive plan or a land use regulation:

(a) The change is effective at the time specified by local government charter or ordinance; and

(b) If the change was adopted in substantial compliance with ORS 197.610 and 197.615, the local government shall apply the change to land use decisions, expedited land divisions and limited land use decisions unless a stay is granted under ORS 197.845. [emphasis added]

Based on these regulations, it is clear to the Board that the County's Plan policies related to the Portland Metropolitan area Urban and Rural Reserves, which were adopted in 2010 but

have yet to be acknowledged are none-the-less in effect and the County is required to regulate to these policies.

To that end, the County's Comprehensive Plan specifically prohibits the County from changing the Plan designation and/or the zoning district designation of a property located within a designated Urban Reserve to "*allow for uses not allowed at the time of designation....*" (Policy 4.E.2.3).

Further, the Intergovernmental Agreement (IGA) between Clackamas County, Metro, City of Lake Oswego, City of Tualatin and City of West Linn, signed June 28, 2017: Section 2d of this IGA contains language prohibiting such a zone change; the language is identical to that found in the County's Comprehensive Plan.

The applicant's attorney also asserted that the Board of County Commissioners has the authority to approve a zone change in this area, largely because of language found in OAR 660-27-0070(4) that identifies instances in which an exception could be made an a zone change approved within a Reserve. However, the Board and County Counsel concur that this proposal does not meet any of the listed exceptions, which include significant Goal 5 resources, public park uses, transportation facilities and certain uses that could have been allowed on agricultural land at the time of Reserves adoption.

Based on testimony submitted, the City of Tualatin, ODOT and DLCD all concur that the County is prohibited from changing the zoning of this property within the Urban Reserve.

Therefore, the Board finds that these applications must be denied based on that fact that the property is located within an adopted Urban Reserve.

Further analysis of criteria applicable to this proposal finds additional cause to deny this application, as discussed below. The Board sees no benefit responding to inapplicable portions of the Statewide Planning Goals and Metro's Urban Growth Management Functional Plan (UGMFP) and County Comprehensive Plan policies and has instead culled through the language and addresses only provisions relevant to this proposal.

2. Statewide Planning Goals and Guidelines

- a. Goal 1: Citizen Involvement. The zone change and map amendment does not propose to change the structure of the county's citizen involvement program. Section 1307 of the Zoning and Development Ordinance (ZDO) contains adopted and acknowledged procedures for citizen involvement and public notification for legislative actions. This application has been processed consistent with the notification requirements in Subsection 1307.11, including public notice to local media sources and newspapers. Notice of the proposed amendment was provided to the relevant Community Planning Organization, all property owners within 500 feet of the subject properties and a list of interested parties and agencies. Also, notice of the Planning Commission and Board of County Commissioners hearings was published in the newspaper and posted on the county's website. The Department of Land Conservation and Development (DLCD) was notified of this proposal, but no response has been received.

The relevant requirements of Statewide Planning Goal 1 are related provisions of the ZDO have been satisfied.

- b. Goal 2: Land Use Planning. The zone change and map amendment does not propose to change the county's land use planning process. The county will continue to have a comprehensive land use plan and implementing regulations that are consistent with the plan. No exceptions from the Goals are required.

Goal 2 requires coordination with affected governments and agencies. Notice of this application has been provided to potentially affected agencies and governments.

Goal 2 also requires that all land use actions be consistent with the acknowledged Comprehensive Plan. As noted above and again in Subsection 4 of this document, this proposal is not consistent with the Urban Reserve policies and the Rural Commercial policies in the County's Comprehensive Plan.

The relevant requirements of Statewide Planning Goal 2 have not been satisfied.

- c. Goal 12: Transportation: Goal 12 is implemented by Oregon Administrative Rules Chapter 660, Division 12, the Transportation Planning Rule (TPR). Regulations described in the TPR are largely directed at the development of a jurisdiction's Transportation System Plan (TSP) as a whole or at a land use regulation and land use changes that affect the transportation system.

However, OAR 660-012-0060 outlines the TPR requirements that are applicable in consideration of a proposed change in Comprehensive Plan and zoning designations. This section requires that a proposed change not significantly affect an existing or planned transportation facility unless mitigation measures are put into place.

As discussed in more detail in Subsection 4 (Comprehensive Plan Policies) of this document and in comments provided by ODOT, the traffic analysis provided by the applicant is not sufficient to determine whether the zone change will have a significant effect on the transportation system.

The relevant requirements of Statewide Planning Goal 12 have not been satisfied.

The Board finds that this application is not consistent with all applicable Statewide Planning Goals.

3. Metro Urban Growth Management Functional Plan:

The subject property is located within the Metro service district boundary and within a Metro Urban Reserve and therefore the Metro Urban Growth Management Functional Plan (UGMFP) is applicable. However, most of the requirements in the UGMFP pertain only to areas that are already within the Portland Metropolitan Urban Growth Boundary (PMUGB). The only section that contains regulation related to this property are found in *Title 11*.

Planning for New Areas.

Title 11 of the UGMFP generally contains direction for jurisdictions who are responsible for planning new areas for urban development and contains regulations related to planning for Urban Reserve areas. This section contains only direction of concept planning of Urban Reserve areas, and therefore contains nothing that is inconsistent with this application.

This application is consistent with the applicable requirements in Metro's Urban Growth Management Functional Plan.

4. County Comprehensive Plan Policies

- a. Chapter 11 (The Planning Process): This section of the Comprehensive Plan (Plan) contains a section titled *City, Special District and Agency Coordination*. The Oregon Department of Transportation, the Oregon Department of Land Conservation and Development, several special service districts and all cities within the county are on a standing list to receive notice of all proposed amendments. This level of notification furthers the goals and policies of this section of the Plan.

Chapter 11 of the Plan also contains a section entitled *Amendments and Implementation*. This section contains procedural standards for Plan amendments, requires the Plan and the ZDO to be consistent with Statewide Planning Goals and Guidelines and Metro's Urban Growth Management Functional Plan, and requires the ZDO to be consistent with the Plan. Policy 3.0 establishes the procedural standards. The process followed for Z0373-17-CP and Z0374-17-Z is in compliance with these standards. Specifically, notice was mailed to potentially affected Community Planning Organizations and Hamlets at least 35 days before the scheduled public hearing, and the Department of Land Conservation and Development, ODOT, and nearby cities were provided with an opportunity to review and comment on the proposed amendments. Advertised public hearings are scheduled before the Planning Commission and the Board of County Commissioners to consider the proposed amendments.

The applicable policies in Chapter 11 are met.

- b. Chapter 4 (Land Use): This section of the Plan includes the definitions of urban and rural land use categories and outlines policies for determining the appropriated Comprehensive Plan land use designations for all lands within the County.

Urban Reserve Policies

Relevant policies relating to the Urban Reserve designation follow:

4.E.1. *The following policies apply to Urban Reserve areas established pursuant to OAR 660, Division 27, as shown on Map 4-9:*

4.E.2.1 The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance or the Comprehensive Plan Map or zoning

designations:

- a. *To allow within Urban Reserve areas, new uses that were not allowed on the date the Urban Reserve areas were designated, except those uses authorized by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserve areas.*
- b. *To allow within Urban Reserve areas, the creation of new lots or parcels smaller than allowed on the date Urban Reserve areas were designated, except as authorized by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserve areas.*

As discussed previously, the subject property is located within an adopted Urban Reserve area. As such, the zoning of this property cannot be changed to allow new uses and therefore cannot be changed to the requested Rural Commercial zoning district, which allows a wide range of commercial uses not currently allowed on the property under the current RRFF-5 zoning.

This policy is not met.

Rural Commercial Policies

Chapter 4 of the Plan contains several policies that address the designation of land for urban uses, and specifically for high density residential uses. Policies 4.LL.1 through 4.LL.4 in the Land Use Section of Chapter 4 of the Comprehensive Plan identify the policies applicable to the Rural Commercial (RC) designation.

4.LL.1. The Rural Commercial plan designation may be applied in non-urban areas to provide for commercial uses that are necessary for, and on a scale commensurate with, rural development.

The subject property is located outside of the Metro urban growth boundary (PMUGB) and boundary and is considered a non-urban area. The Rural Commercial (RC) Plan designation and implementing RC zoning district limits the type and scale of uses which are appropriate for rural development. The property is not located in a public water, sewer, or surface water district. Those services are not proposed or necessary to support the proposed Rural Commercial plan designation. Services to the area include garbage service and sheriff patrol services. The public facilities and services are appropriate to maintain the rural character of the area. If all other criteria are met, the subject could be designated as RC based on this policy.

This policy can be met.

4.LL.2. The Rural Commercial (RC) zoning district implements the Rural Commercial plan designation.

If the Comprehensive Plan Amendment is approved on all or a portion of the subject property, the RC zoning district is the only zone designation that can be applied to the

property to implement the Rural Commercial plan designation.

This policy can be met.

4.LL.3. *Areas may be designated Rural Commercial when either the first or both of the other criteria are met:*

4.LL.3.1. *Areas shall have an historical commitment to commercial uses; or*

4.LL.3.2. *Areas shall be located within an Unincorporated Community; and*

4.LL.3.3. *The site shall have direct access to a road of at least a collector classification.*

The subject property is not located within an Unincorporated Community; therefore this proposal must qualify under 4.LL.3.1 and have an historical commitment to commercial uses.

The applicant asserts that the both the subject site and the surrounding area do have an historical commitment to commercial uses. With regard to the surrounding area, the applicant notes that the “Wanker’s Corner” area, at the intersection of SW Borland and SW Stafford Roads, has historical and existing commercial uses that serve the surrounding rural community, including *a general store/post office, bar/saloon, offices, lumber yard, gas station (since closed...)* and that the area around the subject *also has a variety of major institutional uses that service the area, including 4 schools and 5 churches.* The applicant further asserts that the property across SW Stafford Road from the subject had been zoned Rural Commercial at one time, which is not accurate, and cites several other commercial-type businesses along SW Borland Road.

The Board does recognize that there are a few commercial uses nearby, including two small areas that have commercial zoning since 1979 and are developed with a bar/saloon, general store and a lumber store. However, no other properties in the vicinity have or ever have had commercial zoning. And while there are indeed institutional uses nearby (several churches and schools) and a commercial nursery/landscape products business across the street from the subject site, those are all uses allowed in the RRFF-5 zone under appropriate permitting, and do not commit either those specific properties or the larger “area” to commercial use. In fact the only areas committed to commercial uses in the vicinity of the subject are those few properties that are already zoned Rural Commercial near the intersection of SW Borland and SW Stafford Roads.

Further, for the purposes of assessing a potential zone change on a specific property and applying the Plan policy requiring an “area” to have an historical commitment to a specific type of use, the Board of County Commissioners has historically found that the appropriate “area” for consideration is the subject property or properties. In *Ooten vs. Clackamas County (LUBA no. 2014-069)*, the Land Use Board of Appeals (LUBA) confirmed this interpretation, noting that LUBA must defer to the County Commissioner’s interpretation of their own codes unless it is implausible and that the

Board's interpretation of "area" to include only the subject property(ies) is not implausible nor inconsistent with any express language in the county's Plan or land use regulations.

With regard to the historic uses on the property subject to this proposal constituting an "historic commitment to commercial uses," The Board finds the following:

1. The applicant asserts in his narrative that the original use of the subject property was a dairy farm, but the property was reduced in size fairly significantly for the construction of the I-205 freeway in the 1970's and that a portion of the property "*into the mid 1980's to ongoing maintenance programs for the surrounding freeway system.*" These assertions may or may not be true, as they are not supported with any evidence; however, given the temporary nature of such uses (as demonstrated by a similar use in 2006-2007) and the fact that for more than three decades since that time, the property has clearly been used for residential and farm-related uses that are allowed under the RRFF-5 zoning, these purported uses in the 1980's clearly did not commit the property to a commercial use.
2. A home occupation does not commit a property to commercial uses. Section 202 of the County's Zoning and Development Ordinance (ZDO) defines a "home occupation" as an *occupation or business activity which results in a product or service; is conducted, in whole or in part, in a dwelling and/or an accessory building normally associated with primary uses allowed in the underlying zoning district; is conducted by at least one family member occupying the dwelling; and is clearly subordinate to the residential use of the subject property...* The fact that there was an approved home occupation for an electrical contractor for several years on the subject property does not commit the property to a commercial use.
3. A temporary use such as that approved in 2006-2007 for ODOT to use a portion of the property for storage of construction materials during highway construction also does not commit a property to a commercial use; it is essentially making a short-term exception to the allowed list of uses found in the zoning regulations.
4. Section 202 of the County's Zoning and Development Ordinance (ZDO) defines a "commercial use" as *the use of land and/or structures for the conduct of retail, service, office, artisan, restaurant, lodging, daycare, entertainment, private recreational, professional, and similar uses.*

While there is certainly a commercial component to the nursery and landscape supply sales, it has been determined that the nursery use and the accessory sales of landscape rock and supplies are allowed "farm" uses on the subject property under the RRFF-5 zone (see Z1798-97). The types of uses contemplated in the county's definition of "commercial use" are clearly much more intensive and broad than what has been occurring on the subject site and even if one were to consider the retail sales for landscape rock as a committed commercial use, according to the 1997 land use application, this use encompasses approximately

2% of the property, thus clearly not constituting a “commitment” of the property to a commercial use.

5. The landscape contracting and maintenance business that was subject to the 2008 violation and the 2014 violation appears to be the only documented commercial use on the property. Based on the violation information from 2008, this business may have been operating since 1997; however, this business is not operating legally on the property and the only thing known about the scale of the business is that it is not operating on the entire property, as there are several other legal uses on the property. Therefore, this illegal commercial use does not constitute an “historical commitment” of the property to a commercial use.

Based on the above findings, the subject property does not meet the criteria for a Rural Commercial designation.

This policy is not met.

4.LL.4. Implement dimensional and development standards to address compatibility, function, and aesthetics.

If approved, any proposed development would be required to meet development standards, including design review standards, in the Zoning & Development Ordinance (ZDO). Those standards have been found to be consistent with Comprehensive Plan policies for Rural Commercial development.

This policy can be met.

- c. Chapter 5 (Transportation): This section of the Plan identifies transportation needs and priorities to guide the development and maintenance of a multi-modal transportation system in the county.

Integration of Land Use and Transportation Policies: Policies 5.F.1-5.F.7 in Chapter 5 (Transportation) of the Comprehensive Plan identify policies related to the ensuring a strong relationship between land use and transportation planning in the county.

Policy 5.F.6 – *Require changes in land use plan designation and zoning designation to comply with the Transportation Planning Rule (Oregon Administrative Rules (OAR) 660-012-0060).*

After reviewing the applicant’s traffic analysis, The Board finds that it is not possible to determine if the proposed zone change will have a significant effect on the transportation system because the analysis utilizes erroneous assumptions with which to complete the analysis. OAR 660-012-0060 requires that:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing*

or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

As noted by LUBA (*Ooten v. Clackamas County*, LUBA No.2014-069, p.25), a straightforward means to answer that question is to compare the most traffic-generative use reasonably allowed in the [existing] RRFF-5 zone with the most traffic-generative use reasonably allowed in the [proposed] zone. To do this, the applicant's traffic study provides as a baseline for the comparison, the potential traffic generation from a "government-owned recreation center". While this is listed as a primary use, development on privately-owned property in the RRFF-5 zone typically includes a single-family dwelling and associated accessory uses and/or farming uses.

As noted in the September 26, 2017 letter from the ODOT: *ODOT has permitting authority for this facility and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility.*

The Kittelson and Associates August 24, 2017 memo recommends implementing a trip cap to ensure the rezone complies with the Transportation Planning Rule (TPPR) 660-012-0060. The number of trips would be based on the "level associated with the existing zoning allowable development." The memo identifies government-owned recreational community center as the "reasonable worst case" development for the existing RRFF-5 zoning.

While ODOT is in agreement that a trip cap based on the "reasonable worst case" development under existing zoning would meet the intent of the TPR, ODOT does not agree that a government-owned recreational community center is a "reasonable worst case". Only government owned recreational uses are permitted outright in the RRFF-5 zone. Since the property is not owned by a government body, it is not reasonable that the private property's "reasonable worst case development" should be based on the

assumption that the property is publicly owned. Private recreational uses are only allowed as a conditional use....

The Board concurs with this analysis. Indeed, staff that was consulted in the County Parks Department are not aware of any instances in Clackamas County where a government-owned recreational use has been located on privately-owned property. While theoretically, this situation could occur, it does not appear to be a reasonable option, presumably for both financial and legal reasons.

As such, the Board finds that the applicant's traffic study likely significantly underestimates the size or extent of the significant effect of the zone change to Rural Commercial. Therefore this application does not comply with the requirements in the Transportation Planning Rule.

This policy is not met.

4. County Zoning & Development Ordinance (ZDO) Criteria

This application is subject to the zone change criteria in Section 1202 of the Clackamas County Zoning and Development Ordinance (ZDO). ZDO Section 1202.03 states that a zone change shall be subject to the following standards and criteria:

- a. **Section 1202.03(A):** *The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.*

As discussed in detail in Subsection 4 (Comprehensive Plan Policies), the proposal is not consistent with all the applicable criteria in the county's Comprehensive Plan found in Chapters 4, 5, and 11, including policies relating to Urban Reserves, transportation impacts, and criteria for designating land as Rural Commercial (RC).

This criterion is not met.

- b. **Section 1202.03(B):** *"If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under existing zoning designations shall be considered."*

The subject property is not located in a public sanitary sewer, or surface water district, nor would there be there a need to extend these services to support the proposed RC zoning district. Sewer service will be accommodated by an on-site sewage disposal system. Surface water will be accommodated by on-site detention or other facilities approved under Section 1008 of the ZDO as administered by the DTD, Engineering Division.

This criterion is met.

- c. **Section 1202.03(C):** *“The transportation system is adequate and will remain adequate with approval of the proposed zone change. For the purpose of this criterion:”*
1. *Adequate means a maximum volume-to-capacity ratio (v/c), or a minimum level of service (LOS), as established by Comprehensive Plan Tables 5-2a, Motor Vehicle Capacity Evaluation Standards for the Urban Area, and 5-2b, Motor Vehicle Capacity Evaluation Standards for the Rural Area.*
 2. *The evaluation of transportation system adequacy shall be conducted pursuant to the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).*
 3. *It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.*
 4. *The methods of calculating v/c and LOS are established by the Clackamas County Roadway Standards.*
 5. *The adequacy standards shall apply to all roadways and intersections within the impact area of the proposed zone change. The impact area shall be identified pursuant to the Clackamas County Roadway Standards.*
 6. *A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.*
 7. *Notwithstanding Subsections 1202.03(C)(4) through (6), motor vehicle capacity calculation methodology, impact area identification, and transportation impact study requirements are established by the ODOT Transportation Analysis Procedures Manual for roadways and intersections under the jurisdiction of the State of Oregon.*

As noted above, after reviewing the applicants’ traffic analysis, the Board finds that the traffic analysis submitted by the applicant is insufficient to determine if the proposal meet this standard.

This criterion is not met.

- d. **Section 1202.03(D):** *“Safety of the transportation system is adequate to serve the level of development anticipated by the zone change.”*

As noted above, after reviewing the applicants’ traffic analysis, the Board finds that the traffic analysis submitted by the applicant is insufficient to determine if the proposal meet this standard.

This criterion is not met.



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
 2051 KAEN ROAD OREGON CITY, OR 97045

December 14, 2017

Board of County Commissioners
 Clackamas County

Members of the Board:

Stephen L. Madkour
 County Counsel

Kathleen Rastetter
Chris Storey
Scott C. Ciecko
Alexander Gordon
Amanda Keller
Nathan K. Boderman
Christina Thacker
Shawn Lillegren
Jeffrey D. Munns
 Assistants

Final Approval of Withdrawal from Clackamas County Service District No.1

Purpose/Outcomes	Conduct Public Hearing/Approve Order
Dollar Amount and Fiscal Impact	None
Funding Source	Not Applicable
Duration	Permanent
Previous Board Action	None
Strategic Plan Alignment	Build Public Trust Through Good Government, hold transparent and clear public processes regarding jurisdictional boundaries
Contact Person	Ken Martin, Boundary Change Consultant - 503 222-0955 Chris Storey, Assistant County Counsel
Contract No.	Not Applicable

BACKGROUND:

The County Board is charged with making boundary change decisions (annexations, withdrawals, etc.) for many types of special districts (water, sanitary sewer, rural fire protection, etc.) within the County. One type of special district over which the Board has jurisdiction is a county service district and Clackamas County Service District No. 1 is such a district.

Proposal No. CL 17-017 is a proposed withdrawal from Clackamas County Service District No. 1 (the "District").

State statute and the Metro Code require the Board to hold a public hearing on the proposed withdrawal. Notice of this hearing invited testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice near the County hearing room 20 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.

As required by statute the Board of the District has endorsed the proposed withdrawal.

This proposal was initiated by a consent petition of property owners. The petition meets the requirement for initiation set forth in ORS 198.870, ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040(a) (lists Metro's minimum requirements for petition).

On November 22, 2017, the Board approved the withdrawal proposal and set a hearing on December 14, 2017 to allow for the possible filing of a remonstrance petition by electors within the withdrawal area. To date staff has not received any remonstrance petition nor information about efforts regarding the same. Assuming no remonstrance petition is filed the Board would enter an order approving the withdrawal.

The territory to be withdrawn is located generally in the western part of the District. The territory contains 1.52 acres, is vacant and is valued at \$86,839.

REASON FOR WITHDRAWAL

The property owners desire sewer service for a proposed 8-lot subdivision. Due to topography the District through its provider, Water Environment Services ("WES"), cannot efficiently serve the site but an adjacent unit of government, Oak Lodge Water Services District ("OLWSD") can provide service. Withdrawing the property from CCSD # 1 (as a member entity of WES) will allow for its subsequent annexation to OLWSD and acquisition of sewer service from that entity.

A proposed final order of withdrawal is included in these materials.

RECOMMENDATION:

Based on the attached Order and Findings, Staff recommends approval of Proposal No. CL-17-017, final approval of withdrawal from Clackamas County Service District No. 1.

Respectfully submitted,



Chris Storey
Assistant County Counsel

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

In the Matter of Approving
Boundary Change Proposal
No. CL 17-0017



ORDER NO. _____

WHEREAS, this matter coming before the Board at this time, and it appearing that the owner of all the land in the territory to be withdrawn has petitioned to withdraw the territory from Clackamas County Service District No. 1; and

WHEREAS, it further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

WHEREAS, it further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

WHEREAS, it further appearing that this matter came before the Board for public hearing on November 22, 2017 and that a decision of approval was made on November 22, 2017; and

WHEREAS, it further appearing that the Board is required to hold a second hearing on this proposal and that at that hearing if sufficient signatures to cause an election on the matter are not filed, the Board may approve the proposed withdrawal; and

WHEREAS, it further appearing that the Board held such required second hearing on December 14th, 2017 and no valid remonstrance petition was filed with the Board;

NOW THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL 17-017 as described in Exhibit B and depicted on Exhibit C is preliminarily approved for the reasons stated in attached Exhibit A.

ADOPTED this 14th day of December, 2017

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

FINDINGS

Based on the study and the public hearing the Board found:

1. Proposal No. CL 17-017 is a proposed withdrawal from Clackamas County Service District No. 1.

If the Board approves the proposal it must adopt an order setting a date for a final hearing not less than 20 or more than 50 days after the date of their order. The purpose of that hearing is to allow for the possible filing of a remonstrance petition by electors within the withdrawal area. Assuming no remonstrance petition is filed the Board would enter an order approving the withdrawal. Staff proposes the required second hearing take place on December 14, 2017.

2. The territory to be withdrawn contains 1.52 acres, is vacant and is valued at \$86,839.
3. The property owners desire sewer service for a proposed 8-lot subdivision. Due to topography Clackamas County Service District # 1 (CCSD # 1) through its sewer provider, Water Environment Services (WES), cannot efficiently serve the site but an adjacent unit of government, Oak Lodge Water Services District (OLWSD) can provide service. Withdrawing the property from CCSD#1 will allow for its subsequent annexation to OLWSD and acquisition of sewer service from that entity.
4. Oregon Revised Statute 198 directs the Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.”

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party¹; and
3. The proposed effective date of the boundary change.

Service availability is covered in the findings below. Staff has examined the statutes and determined that approval of this withdrawal will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date would be the date of the order adopted at the conclusion of the second hearing.

¹ A “necessary party” is another governmental entity which includes the same area or provides an urban service to the area.

To approve a boundary change, the reviewing entity [the County Board] must apply the following criteria:

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
 - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
 - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
 - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
 - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
 - (E) Any applicable comprehensive plan; and
 - (F) Any applicable concept plan.
- (2) Consider whether the boundary change would:
 - (A) Promote the timely, orderly and economic provision of public facilities and services;
 - (B) Affect the quality and quantity of urban services; and
 - (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The proposal is consistent with the Comprehensive Plan as stated in Finding No. 6 below. No concept plans cover this area.

Staff has reviewed both the ORS 198 criteria and the Metro Code requirements, and found that the subject property is eligible for withdrawal from the District.

5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states

that Metro shall “. . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195.” ORS 197.015 says “Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components.” The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

6. The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following Goal:

POLICIES

Sanitary Sewage Disposal

* * *

- 6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.

The territory is planned for Low Density Residential use and is zoned R-7. The County has approved a replat of this property which will allow for development of an 8-lot subdivision.

7. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements under ORS 195 relative to sewer service in this area of Clackamas County.
8. This territory, if withdrawn from the District, will be need to be subsequently annexed to the Oak Lodge Water Services District. OLWSD has an 8-inch sewer line SE Garland Lane which can serve the site if annexed into such district.
9. The territory to be annexed is within the boundary of the former Oak Lodge Water District (now a part of Oak Lodge Water Services District for water purposes) but was outside the boundaries of the former Oak Lodge Sanitary District, and therefore was not included in the boundaries of the new district upon formation of the combined Oak Lodge district.
10. The area receives police service from the Clackamas County Sheriff's Department.

11. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the County Service District for sanitary sewers.
12. The area to be annexed is within the North Clackamas Parks and Recreation District.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with expressly applicable provisions in any urban service provider agreements, cooperative agreements and annexation plans adopted pursuant to ORS 195. As noted in Findings 3 & 7 there are no such agreements or plans in place in this area. The Board concludes that its decision is not inconsistent with any such agreements and plans.
2. The Metro Code calls for consistency between the Board decision and any "applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services." The Board notes the original public facility plan for this area does call for sewer service by the District.
3. ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plan (Clackamas Comprehensive Plan) and concludes this proposal complies with it. All other necessary urban services can be made available.
4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The Board notes that this withdrawal will allow for the extension of sewer service to the site from the unit of government which can best serve the site.
5. The Metro Code at 3.09.050 (B) (2) requires a determination of whether the boundary change will cause withdrawal of the territory from the boundary of any necessary party. An examination of this issue found that no such withdrawals would be caused by approval of this withdrawal.

EXHIBIT B

LEGAL DESCRIPTION

A tract of land situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 2 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

PARCEL 3, PARTITION PLAT NO. 2017-038 IN THE COUNTY OF CLACKAMAS,
STATE OF OREGON.

EXHIBIT C

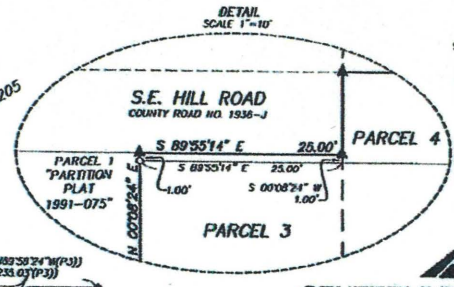
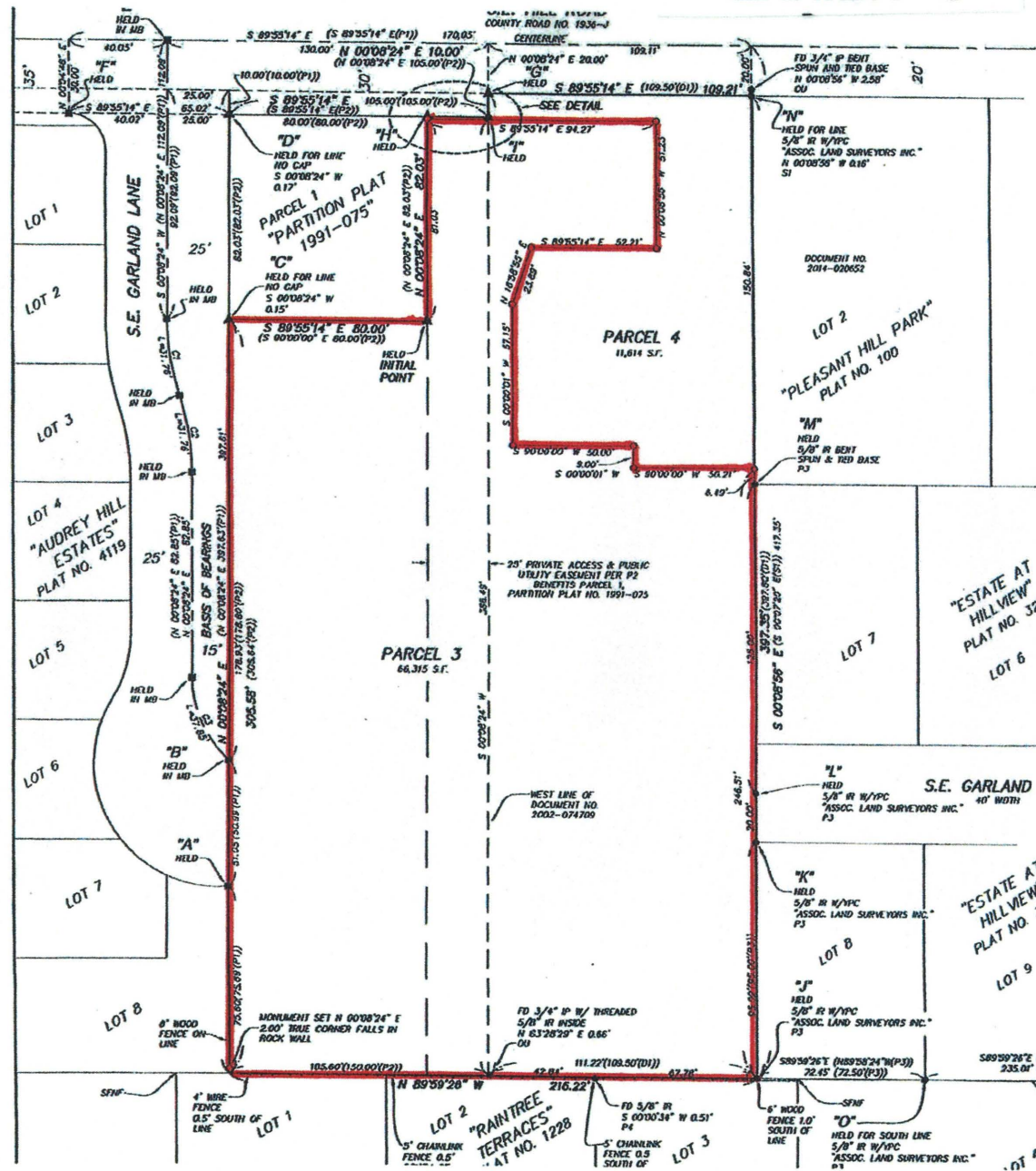
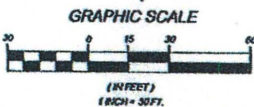
PARTITION PLAT NO. 2017-038

A REPLAT OF PARCEL 2, PARTITION PLAT NO. 1991-075 AND PART OF LOT 2, "PLEASANT HILL PARK" PLAT NO. 100, LOCATED IN THE S.E. 1/4 SECTION 1, AND THE N.E. 1/4 SECTION 12, T.2S., R.1E., W.M., CLACKAMAS COUNTY, OREGON
 MARCH 16, 2017 SCALE 1"=30'
 PLANNING FILE NO. Z0442-16-PLA
 SHEET 1 OF 2

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	31.26	100.00	18°11'42"	S 68°57'27" E	31.62
C2	31.26	100.00	18°11'42"	N 68°57'27" W	31.62
C3	37.65	45.00	48°11'22"	S 23°57'17" E	36.74

LEGEND:

- SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON MARCH 15, 2017
- FOUND MONUMENT AS NOTED
- FOUND 5/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED "AKS ENGR." FROM "MURKEY HILL ESTATES" PLAT NO. 4118
- ▲ FOUND 5/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED "GAYLORD PLS 829" FROM PARTITION PLAT NO. 1991-075
- () = RECORD DISTANCES & BEARINGS
- IR = IRON ROD IP = IRON PIPE
- FD = FOUND
- W/F = WITH
- YPC = YELLOW PLASTIC CAP
- R/W = RIGHT OF WAY
- SH = SURVEY NUMBER
- CLACKAMAS COUNTY SURVEYOR'S OFFICE
- SPFH = RECORD MONUMENT SEARCHED FOR, NOT FOUND
- MB = MONUMENT BOX
- OU = OUGH OUGHTON
- S.F. = SQUARE FEET
- P1 = "AUDREY HILL ESTATES" PLAT NO. 4119
- P2 = PARTITION PLAT NO. 1991-075
- P3 = "ESTATE AT HILLVIEW" PLAT NO. 3205
- P4 = "RAINTREE TERRACES" PLAT NO. 1228
- S1 = SH 28423
- D1 = DEED DOCUMENT NO. 2002-074709



SIGNED ON: 12 MAY 17
 REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377AS
 REVISIONS: DECEMBER 31, 2017

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189



MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for a Clackamas County Supplemental Budget
(Greater Than Ten Percent and Budget Reduction) for Fiscal Year 2017-2018

Purpose/Outcome	Supplemental budget change FY 2017-2018
Dollar Amount and Fiscal Impact	The effect is an increase in appropriations of \$36,299,821
Funding Source	Includes Prior Year Revenue, Fund Balance, Federal and State Operating Grants, Charge for Services and Other Financing Sources
Duration	July 1, 2017-June 30, 2018
Previous Board Action/Review	Budget Adopted June 29, 2017 and amended August 10, 2017
Strategic Plan Alignment	Build public trust through good government
Contact Person	Diane Padilla, 503-742-5425

BACKGROUND:

Each fiscal year it is necessary to reduce allocations or allocate additional sources of revenue and appropriate additional expenditures to more accurately meet the changing requirements of the operating departments. The attached resolution reflects such changes requested by departments in keeping with a legally accurate budget. These changes are in compliance with ORS 294.471, which allows for governing body approval of supplemental budget changes for items ten percent or greater of the qualifying expenditures of the budget funds(s) being adjusted. The required notices have been published.

The General Fund – Not Allocated to Organizational Unit is recognizing fund balance and budgeting it in special payments to better reflect actual costs and adjusting contingency and reserves accordingly.

The General Fund – Clerk is recognizing fund balance and appropriating it in reserves.

The General Fund – Public and Government Affairs is recognizing fund balance and internal county revenue and budgeting for program costs.

The County School Fund and recognizing fund balance and budgeting for special payments.

The Public Safety Local Option Levy Fund is recognizing FY 2016-17 ending fund balance and budgeting an interfund transfer to the Sheriff's fund.

The Law Library Fund is recognizing fund balance and appropriating it in contingency.

The Parks Fund is recognizing fund balance and budgeting for Culture, Education and Recreation Program costs and reserves for future capital needs.

The Code Enforcement, Resource Conservation and Solid Waste and Septic and Onsite Wastewater Program Fund is recognizing additional fund balance, appropriating it in contingency and adjusting budget to reflect actual costs.

The Property Resources Fund is recognizing fund balance and other financing sources and budgeting for program costs.

The Justice Court Fund is recognizing additional fund balance, budgeting an interfund transfer to the General Fund and realigning personnel costs to better reflect year to date expenses.

The Countywide Transportation SDC fund is recognizing fund balance and appropriating it in contingency.

The Public Land Corner Preservation Fund is recognizing fund balance and appropriating it in contingency.

The Happy/Valley Clackamas Joint Transportation Fund is recognizing fund balance and budgeting for special payments and contingency.

The Behavioral Health Fund is recognizing actual fund balance and prior year revenue, adjusting federal and state grant revenues and budgeting for program costs and contingency.

The Dog Services Fund is recognizing additional fund balance and budgeting to add a full-time veterinarian and a full-time animal control officer and increase contingency.

The Employer Contribution Reserve Fund is recognizing fund balance and appropriating it in contingency.

The Safety Net Local Projects Fund is recognizing prior year revenue and lower than anticipated fund balance and adjusting special payments accordingly.

The Transient Room Tax Fund is recognizing fund balance and increasing an interfund transfer to the Tourism Fund.

The DTD Capital Projects Fund is recognizing additional fund balance and appropriating it in contingency.

The Telecommunication Fund is recognizing additional fund balance and budgeting for higher personnel costs and capital equipment replacement and upgrade costs.

The Technology Services Fund is recognizing additional fund balance from carryover projects and budgeting for completion of those projects and equipment replacement costs.

The Records Management Fund is recognizing additional fund balance and appropriating it in contingency.

The Risk Management Claims Fund is recognizing additional fund balance and budgeting for claim expenses and contingency.

The Damascus Successor Private Purpose Trust Fund is recognizing fund balance and budgeting for program costs.

The effect of this Resolution is an increase in appropriations of \$36,299,821 including revenues as detailed below:

Prior Year Revenues	\$ 6,142,228.
Fund Balance	29,758,230.
Federal Operating Grants	(179,375.)
State Operating Grants	269,425.
Charge for Services	192,641.
Other Financing Sources	<u>116,672.</u>
Total Recommended	<u>\$ 36,299,821.</u>

RECOMMENDATION:

Staff respectfully recommends adoption of the attached Resolution Order and Exhibit A in keeping with a legally accurate budget.

Sincerely,

Diane Padilla
Budget Manager

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

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget for Items Greater Than 10
Percent of the Total Qualifying Expenditures
and Making Appropriations for Fiscal
Year 2017-18



Resolution No
1 of 2 pages

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, a supplemental budget for the period of July 1, 2017 through June 30, 2018, inclusive, has been prepared, published and submitted to the taxpayers as provided by statute;

WHEREAS; a hearing to discuss the supplemental budget was held before the Board of County Commissioners on December 14, 2017.

WHEREAS; the funds being adjusted are:

- . General Fund – Not Allocated to Organizational Unit
- . General Fund – Clerk
- . General Fund – Public and Government Affairs
- . County School Fund
- . Public Safety Local Option Levy Fund
- . Law Library Fund
- . Parks Fund
- . Code Enforcement, RCSW & SOWP Fund
- . Property Resources Fund
- . Justice Court Fund
- . Countywide Transportation SDC Fund
- . Public Land Corner Preservation Fund
- . Happy/Valley Clackamas Joint Transportation Fund
- . Behavioral Health Fund
- . Dog Services Fund
- . Employers Contribution Fund
- . Safety Net Local Projects Fund
- . Transient Room Tax Fund
- . DTD Capital Projects Fund
- . Telecommunication Fund
- . Technology Services Fund
- . Records Management Fund
- . Risk Management Claims Fund
- . Damascus Successor Private Purpose Fund;

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

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget for Items Greater Than 10
Percent of the Total Qualifying Expenditures
and Making Appropriations for Fiscal
Year 2017-18



Resolution No
2 of 2 pages

It further appearing that it is in the best interest of the County to approve this greater than 10 percent change in appropriations for the period of July 1, 2017 through June 30, 2018.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.473, the supplemental budget be adopted and appropriations established as shown in the attached Exhibit A which by this reference is made a part of this Resolution.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

SUMMARY OF SUPPLEMENTAL BUDGET
Exhibit A
CHANGES OF GREATER THAN 10% OF BUDGET
December 14, 2017

Recommended items by revenue source:

Prior Year Revenue	\$ 6,142,228
Fund Balance	29,758,230
Federal Operating Grants	(179,375)
State Operating Grants	269,425
Charge for Services	192,641
Other Financing Sources	116,672
Total Recommended	<u>\$ 36,299,821</u>

GENERAL FUND - NOT ALLOCATED TO ORGANIZATIONAL UNIT

Revenues:	
Fund Balance	\$ 17,914,630
Total Revenue	<u>\$ 17,914,630</u>
Expenses:	
Not Allocated to Organizational Unit	
Special Payments	\$ 16,163,000
Reserves	(326,568)
Contingency	2,078,198
Total Expenditures	<u>\$ 17,914,630</u>

General Fund – Not allocated to Organizational Unit is recognizing fund balance and budgeting it in special payments to better reflect actual costs and adjusting contingency and reserves accordingly.

GENERAL FUND - CLERK

Revenues:	
Fund Balance	\$ 25,863
Total Revenue	<u>\$ 25,863</u>
Expenses:	
Clerk	\$ 25,863
Total Expenditures	<u>\$ 25,863</u>

General Fund – Clerk is recognizing fund balance and appropriating it in reserves.

GENERAL FUND - PUBLIC AND GOVERNMENT AFFAIRS

Revenues:	
Fund Balance	\$ 51,958
Charge for Services	220,000
Total Revenue	<u>\$ 271,958</u>
Expenses:	
Public and Government Affairs	\$ 271,958
Total Expenditures	<u>\$ 271,958</u>

General Fund – Public and Government Affairs is recognizing fund balance and internal county revenue and budgeting for program costs.

COUNTY SCHOOL FUND

Revenues:	
Fund Balance	\$ 64,303
Total Revenue	<u>\$ 64,303</u>
Expenses:	
Not Allocated to Organizational Unit	
Special Payments	\$ 64,303
Total Expenditures	<u>\$ 64,303</u>

County School Fund and recognizing fund balance and budgeting for special payments.

PUBLIC SAFETY LOCAL OPTION LEVY FUND

Revenues:	
Fund Balance	\$ 516,672
Total Revenue	<u>\$ 516,672</u>
Expenses:	
Not Allocated to Organizational Unit	
Interfund Transfer	\$ 516,672
Total Expenditures	<u>\$ 516,672</u>

Public Safety Local Option Levy Fund is recognizing FY 2016-17 ending fund balance and budgeting an interfund transfer to the Sheriff's fund

LAW LIBRARY

Revenues:	
Fund Balance	\$ 64,907
Total Revenue	<u>\$ 64,907</u>
Expenses:	
Not Allocated to Organizational Unit	
Contingency	\$ 64,907
Total Expenditures	<u>\$ 64,907</u>

Law Library Fund is recognizing fund balance and appropriating it in contingency.

PARKS FUND

Revenues:

Fund Balance	\$ 399,824
Total Revenue	<u>\$ 399,824</u>

Expenses:

Culture, Education and Recreation	\$ 200,000
Not Allocated to Organizational Unit Reserve	199,824
Total Expenditures	<u>\$ 399,824</u>

Parks Fund is recognizing fund balance and budgeting for Culture, Education and Recreation Program costs and reserves for future capital needs.

CODE ENFORCEMENT, RCSW & SOWP FUND

Revenues:

Fund Balance	\$ 804,580
Charge for Services	(27,359)
Total Revenue	<u>\$ 777,221</u>

Expenses:

General Government	\$ (27,359)
Not Allocated to Organizational Unit Contingency	804,580
Total Expenditures	<u>\$ 777,221</u>

Code Enforcement, Resource Conservation and Solid Waste and Septic and Onsite Wastewater Program Fund is recognizing additional fund balance, appropriating it in contingency and adjusting budget to reflect actual costs.

PROPERTY RESOURCES FUND

Revenues:

Fund Balance	\$ 423,746
Other Financing Sources	116,672
Total Revenue	<u>\$ 540,418</u>

Expenses:

General Government	\$ 340,418
Not Allocated to Organizational Unit Special Payments	200,000
Total Expenditures	<u>\$ 540,418</u>

Property Resources Fund is recognizing fund balance and other financing sources and budgeting for program costs.

JUSTICE COURT

Revenues:	
Fund Balance	\$ 909,177
Total Revenue	<u>\$ 909,177</u>
Expenses:	
Public Protection	\$ (238,089)
Not Allocated to Organizational Unit	
Interfund Transfer	1,147,266
Total Expenditures	<u>\$ 909,177</u>

Justice Court Fund is recognizing additional fund balance, budgeting an interfund transfer to the General Fund and realigning personnel costs to better reflect year to date expenses.

COUNTYWIDE TRANSPORTATION SDC FUND

Revenues:	
Fund Balance	\$ 242,865
Total Revenue	<u>\$ 242,865</u>
Expenses:	
Not Allocated to Organizational Unit	
Contingency	\$ 242,865
Total Expenditures	<u>\$ 242,865</u>

Countywide Transportation SDC fund is recognizing fund balance and appropriating it in contingency.

PUBLIC LAND CORNER PRESERVATION FUND

Revenues:	
Fund Balance	\$ 187,655
Total Revenue	<u>\$ 187,655</u>
Expenses:	
Not Allocated to Organizational Unit	
Contingency	\$ 187,655
Total Expenditures	<u>\$ 187,655</u>

Public Land Corner Preservation Fund is recognizing fund balance and appropriating it in contingency

HAPPY VALLEY/CLACKAMAS JOINT TRANSPORTATION FUND

Revenues:	
Fund Balance	\$ 599,531
Total Revenue	<u>\$ 599,531</u>
Expenses:	
Not Allocated to Organizational Unit	
Special Payments	\$ 400,000
Contingency	199,531
Total Expenditures	<u>\$ 599,531</u>

Happy/Valley Clackamas Joint Transportation Fund is recognizing fund balance and budgeting for special payments and contingency.

BEHAVIORAL HEALTH FUND

Revenues:	
Prior Year Revenue	\$ 5,826,456
Fund Balance	(271,118)
Federal Operating Grants	(179,375)
State Operating Grants	269,425
Total Revenue	<u>\$ 5,645,388</u>
Expenses:	
Health and Human Services	\$ 622,418
Not Allocated to Organizational Unit	
Special Payments	370,554
Contingency	4,652,416
Total Expenditures	<u>\$ 5,645,388</u>

Behavioral Health Fund is recognizing actual fund balance and prior year revenue, adjusting federal and state grant revenues and budgeting for program costs and contingency

DOG SERVICES FUND

Revenues:	
Fund Balance	\$ 279,936
Total Revenue	<u>\$ 279,936</u>
Expenses:	
Health and Human Services	\$ 98,123
Not Allocated to Organizational Unit	
Contingency	181,813
Total Expenditures	<u>\$ 279,936</u>

Dog Services Fund is recognizing additional fund balance and budgeting to add a full-time veterinarian and a full-time animal control officer and increase contingency.

EMPLOYER CONTRIBUTION RESERVE FUND

Revenues:	
Interfund Transfer	\$ 564
Total Revenue	<u>\$ 564</u>
Expenses:	
Not Allocated to Organizational Unit	
Contingency	\$ 564
Total Expenditures	<u>\$ 564</u>

Employer Contribution Fund is recognizing fund balance and appropriating it in contingency.

COUNTY SAFETY NET LEGISLATION LOCAL PROJECTS FUND

Revenues:	
Prior Year Revenue	\$ 315,772
Fund Balance	(392,242)
Total Revenue	<u>\$ (76,470)</u>
Expenses:	
Not Allocated to Organizational Unit	
Special Payments	\$ (76,470)
Total Expenditures	<u>\$ (76,470)</u>

Safety Net Local Projects Fund is recognizing prior year revenue and lower than anticipated fund balance and adjusting special payments accordingly.

TRANSIENT ROOM TAX FUND

Revenues:	
Fund balance	\$ 197,560
Total Revenue	<u>\$ 197,560</u>
Expenses:	
Not Allocated to Organizational Unit	
Interfund Transfer	\$ 197,560
Total Expenditures	<u>\$ 197,560</u>

Transient Room Tax Fund is recognizing fund balance and increasing an interfund transfer to the Tourism Fund.

DTD CAPITAL PROJECTS FUND

Revenues:	
Fund Balance	\$ 2,874,021
Total Revenue	<u>\$ 2,874,021</u>
Expenses:	
Not Allocated to Organizational Unit	
Contingency	\$ 2,874,021
Total Expenditures	<u>\$ 2,874,021</u>

DTD Capital Projects Fund is recognizing additional fund balance and appropriating it in contingency.

TELECOMMUNICATIONS SERVICES FUND

Revenues:	
Fund Balance	\$ 628,259
Total Revenue	<u>\$ 628,259</u>
General Government	\$ 628,259
Total Expenditures	<u>\$ 628,259</u>

Telecommunication Fund is recognizing additional fund balance and budgeting for higher personnel costs and capital equipment replacement and upgrade costs.

TECHNOLOGY SERVICES FUND

Revenues:	
Fund Balance	\$ 2,142,608
Total Revenue	<u>\$ 2,142,608</u>
Expenses:	
General Government	\$ 2,142,608
Total Expenditures	<u>\$ 2,142,608</u>

Technology Services Fund is recognizing additional fund balance from carryover projects and budgeting for completion of those projects and equipment replacement costs.

RECORDS MANAGEMENT FUND

Revenues:	
Fund Balance	\$ 71,208
Total Revenue	<u>\$ 71,208</u>
Expenses:	
Not Allocated to Organizational Unit	
Contingency	\$ 71,208
Total Expenditures	<u>\$ 71,208</u>

Records Management Fund is recognizing additional fund balance and appropriating it in contingency.

RISK MANAGEMENT CLAIMS FUND

Revenues:	
Fund Balance	\$ 924,806
Total Revenue	<u>\$ 924,806</u>
Expenses:	
General Government	\$ 103,254
Not Allocated to Organizational Unit	
Reserves	(109,377)
Contingency	930,929
Total Expenditures	<u>\$ 924,806</u>

Risk Management Claims Fund is recognizing additional fund balance and budgeting for claim expenses and contingency.

DAMASCUS SUCCESSOR PRIVATE PURPOSE TRUST FUND

Revenues:

Fund Balance	\$ 1,096,917
Total Revenue	<u>\$ 1,096,917</u>

Not Allocated to Organizational Unit

Materials & Services	\$ 1,096,917
Total Expenditures	<u>\$ 1,096,917</u>

Damascus Successor Private Purpose Trust Fund is recognizing fund balance and budgeting for program costs.

December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Subrecipient Grant Agreement with
Northwest Housing Alternatives, Inc. for Rent/Mortgage Assistance for Eviction Prevention

Purpose/Outcomes	Contractor will provide rent/mortgage assistance for eviction prevention to residents of Clackamas County to prevent homelessness.
Dollar Amount and Fiscal Impact	\$19,647
Funding Source	Emergency Food and Shelter Program (EFSP) grant funds. No County General Funds are involved.
Duration	April 1, 2017 through January 31, 2018
Previous Board Action	None
Strategic Plan Alignment	1. This funding aligns with H3S's strategic priority to increase self-sufficiency for our clients. 2. This funding aligns with the County's strategic priority to ensure safe, healthy and secure communities.
Contact Person	Brenda Durbin, Director – Social Services Division – (503) 655-8641
Contract No.	8554

BACKGROUND:

Social Services Division of the Health, Housing and Human Services Department requests approval of a Subrecipient Grant Agreement with Northwest Housing Alternatives, Inc. (NHA). NHA will provide rent/mortgage assistance for eviction prevention to residents of Clackamas County to prevent homelessness.

This agreement is funded with Emergency Food and Shelter Program (EFSP) grant funds from the Federal Department of Homeland Security for the express purpose to serve the hungry and homeless population.

This Subrecipient Agreement is effective April 1, 2017 through January 31, 2018. The reason for the retroactive effective date is the funding received allows for expenses to be paid back to April 1, 2017. The value of the agreement is \$19,647. There are no County General Funds involved.

RECOMMENDATION:

Staff recommends approval of this Subrecipient Agreement and that Richard Swift, H3S Director, be authorized to sign on behalf of Clackamas County.

Respectfully submitted,

Richard Swift, Director
Health, Housing and Human Services Department

**CLACKAMAS COUNTY, OREGON
SUBRECIPIENT GRANT AGREEMENT 18-027**

Project Name: **Emergency Food And Shelter Program Phase 34**
Project Number:

This Agreement is between **Clackamas County**, Oregon, acting by and through its Department of Health, Housing and Human Services, Social Services Division, and **Northwest Housing Alternatives, Inc.**, an Oregon Nonprofit Corporation.

Clackamas County Data

Grant Accountant: Sue Aronson	Program Manager: Teresa Christopherson
Clackamas County – Finance 2051 Kaen Road Oregon City, OR 97045 (503) 742-5421 suea@clackamas.us	Clackamas County – H3S Social Services Division PO Box 2950 Oregon City, OR 97045 (503) 650-5718 teresachr@co.clackamas.or.us

Subrecipient Data

Finance/Fiscal Representative: Tam Gardner	Program Representative: Angela Trimble
Northwest Housing Alternatives, Inc. 2316 SE Willard Street Milwaukie, Oregon 97222 (503) 654-1007 x103 gardner@nwhousing.org	Northwest Housing Alternatives, Inc. 2316 SE Willard Street Milwaukie, Oregon 97222 (503) 654-1007 x103 trimble@nwhousing.org
DUNS 180757437	

RECITALS

- Homelessness remains a persistent problem in most of Clackamas County, including urban, rural and suburban areas. Homelessness affects some of the most vulnerable Clackamas County residents, with almost half of the identified homeless being children under the age of 18, and significant numbers of veterans, people with disabilities, women fleeing domestic violence and older adults suffering homelessness. Homeless individuals are frequent victims of crime and often experience health problems. Whereas individuals and families at risk of homelessness require supportive services, including rent/mortgage assistance, to prevent eviction and allow them to remain in stable housing.
- Clackamas County ("COUNTY") has received federal funding under the Emergency Food and Shelter Program ("EFSP"), authorized by the Stewart B. McKinney Homeless Assistance Act of 1987, as amended, Title 3, Section 301, Public Law 100-77, 42 U.S.C 11331-11346. The EFSP was created in 1983 to supplement and expand the work of local social service agencies, both nonprofit and governmental, in an effort to help people with economic (rather than disaster-related) emergencies.
- Funding provided in this award is intended to supplement costs associated with the provision of rent/mortgage assistance for eviction prevention for individuals and families in danger of being evicted in Clackamas County, Oregon, through the Homebase Stabilization Services program, operated by Northwest Housing Alternatives ("SUBRECIPIENT"), which provides services to adults

and families who require rent/mortgage assistance to prevent eviction, along with case management and supportive services to allow them to remain in permanent, stable housing.

4. This Grant Agreement of Federal financial assistance sets forth the terms and conditions pursuant to which SUBRECIPIENT agrees on delivery of the Program.

NOW THEREFORE, according to the terms of this Subrecipient Grant Agreement the COUNTY and SUBRECIPIENT agree as follows:

AGREEMENT

1. **Term and Effective Date.** This Agreement shall become effective on the date it is fully executed and approved as required by applicable law. Funds issued under this Agreement may be used to reimburse subrecipient for expenses relating to the project incurred no earlier than **April 1, 2017** and not later than **January 31, 2018**, unless this Agreement is sooner terminated or extended pursuant to the terms hereof. No grant funds are available for expenditures after the expiration date of this Agreement.
2. **Program.** The Program is described in Attached Exhibit A: Subrecipient Statement of Program Objectives. SUBRECIPIENT agrees to carry out the program in accordance with the terms and conditions of this Agreement.
3. **Standards of Performance.** SUBRECIPIENT shall perform all activities and programs in with the requirements of the EFSP award number 34-7080-00 005 (Federal award date: 10/03/17) that is the source of the grant funding, in addition to Award Special Terms and Conditions, Program Information, and EFSP Manuals, Addenda, and other required information in Exhibits A-F, which are attached to and made a part of this agreement by this reference.
4. **Grant Funds.** The COUNTY's funding for this Agreement is the EFSP 34 (Catalogue of Federal Domestic Assistance #97.024) issued to the COUNTY by the United Way on behalf of the U.S. Department of Homeland Security. The maximum, not to exceed, grant amount that the COUNTY will pay is **\$19,647.00**. Disbursements will be made in accordance with the schedule and requirements contained in Exhibit D: Required Financial Reporting and Request for Reimbursement and Exhibit E: Performance Reporting. Failure to comply with the terms of this Agreement may result in withholding of payment
5. **Amendments.** The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by both parties. **SUBRECIPIENT must submit a written request including a justification for any amendment to the COUNTY in writing at least forty-five (45) calendar days before this Agreement expires.** No payment will be made for any services performed before the beginning date or after the expiration date of this Agreement. If the maximum compensation amount is increased by amendment, the amendment must be fully executed before SUBRECIPIENT performs work subject to the amendment.
6. **Termination.** This Agreement may be terminated by the mutual consent of both parties or by a party upon written notice from one to the other upon thirty (30) business days notice. This notice may be transmitted in person, by certified mail, facsimile, or by email.
7. **Funds Available and Authorized.** COUNTY certifies that it has received an award sufficient to fund this Agreement. SUBRECIPIENT understands and agrees that payment of amounts under this Agreement is contingent on the COUNTY receiving appropriations or other expenditure authority sufficient to allow COUNTY, in the exercise of its sole administrative discretion, to continue to make payments under this Agreement.

8. **Future Support.** COUNTY makes no commitment of future support and assumes no obligation for future support for the activity contracted herein except as set forth in Section 7.
9. **Administrative Requirements.** SUBRECIPIENT agrees to its status as a subrecipient, and accepts among its duties and responsibilities the following:
 - a) **Financial Management.** SUBRECIPIENT shall comply with 2 CFR Part 200, Subpart D—*Post Federal Award Requirements*, and agrees to adhere to the accounting principles and procedures required therein, use adequate internal controls, and maintain necessary sources documentation for all costs incurred.
 - b) **Revenue Accounting.** Grant revenue and expenses generated under this Agreement should be recorded in compliance with generally accepted accounting principles and/or governmental accounting standards. This requires that the revenues are treated as unearned income or “deferred” until the compliance requirements and objectives of the grant have been met. Revenue may be recognized throughout the life cycle of the grant as the funds are “earned.” All grant revenues not fully earned and expended in compliance with the requirements and objectives at the end of the period of performance must be returned to the County within 15 days.
 - c) **Personnel.** If SUBRECIPIENT becomes aware of any likely or actual changes to key systems, or grant-funded program personnel or administration staffing changes, SUBRECIPIENT shall notify COUNTY in writing within 30 days of becoming aware of the likely or actual changes and a statement of whether or not the SUBRECIPIENT will be able to maintain compliance at all times with all requirements of this Agreement.
 - d) **Cost Principles.** SUBRECIPIENT shall administer the award in conformity with 2 CFR 200, Subpart E. These cost principles must be applied for all costs incurred whether charged on a direct or indirect basis. Costs disallowed by the Federal government shall be the liability of the SUBRECIPIENT.
 - e) **Period of Availability.** SUBRECIPIENT may charge to the award only allowable costs resulting from obligations incurred during the funding period.
 - f) **Match.** Matching funds are not required for this Agreement.
 - g) **Budget.** SUBRECIPIENT use of funds may not exceed the amounts specified in Exhibit B: Subrecipient Program Budget. SUBRECIPIENT may not transfer grant funds between budget lines without the prior written approval of the COUNTY. At no time may budget modification change the scope of the original grant application or Agreement.
 - h) **Indirect Cost Recovery.** Indirect cost recovery is statutorily unavailable for this award.
 - i) **Research and Development.** SUBRECIPIENT certifies that this award is not for research and development purposes.
 - j) **Payment.** SUBRECIPIENT must submit a final request for payment no later than fifteen (15) days after the end date of this Agreement. Routine requests for reimbursement should be submitted as specified in Exhibit D: Required Financial Reporting and Reimbursement Request.
 - k) **Performance Reporting.** SUBRECIPIENT must submit Performance Reports as specified in Exhibit E during the term of this Agreement.

- l) **Financial Reporting.** Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or SUBRECIPIENT, in accordance with Treasurer regulations at 31 CFR Part 205. Therefore, upon execution of this Agreement, SUBRECIPIENT will submit completed Exhibit D: Required Financial Reporting and Reimbursement Request on a monthly basis.
- m) **Closeout.** COUNTY will closeout this award when COUNTY determines that all applicable administrative actions and all required work have been completed by SUBRECIPIENT, pursuant to 2 CFR 200.343—*Closeout*. SUBRECIPIENT must liquidate all obligations incurred under this award and must submit all financial (Exhibit D), performance (Exhibit E), and other reports as required by the terms and conditions of the Federal award and/or COUNTY, no later than 90 calendar days after the end date of this agreement.
- n) **Universal Identifier and Contract Status.** SUBRECIPIENT shall comply with 2 CFR 25.200-205 and apply for a unique universal identification number using the Data Universal Numbering System (DUNS) as required for receipt of funding. In addition, SUBRECIPIENT shall register and maintain an active registration in the Central Contractor Registration database, now located at <http://www.sam.gov>.
- o) **Suspension and Debarment.** SUBRECIPIENT shall comply with 2 CFR 180.220 and 901. This common rule restricts subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities. SUBRECIPIENT is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. SUBRECIPIENT may access the Excluded Parties List System at <http://www.sam.gov>. The Excluded Parties List System contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Orders 12549 and 12689. Awards that exceed the simplified acquisition threshold shall provide the required certification regarding their exclusion status and that of their principals prior to award.
- p) **Lobbying.** SUBRECIPIENT certifies (Exhibit C: Lobbying) that no portion of the Federal grant funds will be used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law and shall abide by 2 CFR 200.450 and the Byrd Anti-Lobbying Amendment 31 U. S. C. 1352. In addition, SUBRECIPIENT certifies that it is a nonprofit organization described in Section 501(c) (4) of the Code, but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.
- q) **Audit.** SUBRECIPIENT shall comply with the audit requirements prescribed in the Single Audit Act Amendments and the new Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, located in 2 CFR 200.501. SUBRECIPIENT expenditures of \$750,000 or more in Federal funds require an annual Single Audit. SUBRECIPIENT is required to hire an independent auditor qualified to perform a Single Audit. Subrecipients of Federal awards are required under the Uniform Guidance to submit their audits to the Federal Audit Clearinghouse (FAC) within 9 months from SUBRECIPIENT'S fiscal year end or 30 days after issuance of the reports, whichever is sooner. The website for submissions to the FAC is <https://harvester.census.gov/facweb/>. At the time of submission to the FAC, the SUBRECIPIENT will also submit a copy of the audit to the COUNTY. If requested and if SUBRECIPIENT does not meet the threshold for the Single Audit requirement, SUBRECIPIENT shall submit to COUNTY a financial audit or independent review of financial statements within 9 months from the SUBRECIPIENT'S fiscal year end or 30 days after issuance of the reports, whichever is sooner.
- r) **Monitoring.** SUBRECIPIENT agrees to allow COUNTY access to conduct site visits and inspections of financial records for the purpose of monitoring in accordance with 2 CFR 200.331. COUNTY, the Federal government, and their duly authorized representatives shall have access to such financial records and other books, documents, papers, plans, records of shipments and

payments and writings of SUBRECIPIENT that are pertinent to this Agreement, whether in paper, electronic or other form, to perform examinations and audits and make excerpts and transcripts. Monitoring may be performed onsite or offsite, at COUNTY's discretion. Depending on the outcomes of the financial monitoring processes, this Agreement shall either a) continue pursuant to the original terms, b) continue pursuant to the original terms and any additional conditions or remediation deemed appropriate by COUNTY, or c) be de-obligated and terminated.

- s) **Record Retention.** SUBRECIPIENT will retain and keep accessible all such financial records, books, documents, papers, plans, records of shipments and payments and writings for a minimum of three (3) years, or such longer period as may be required by the Federal agency or applicable state law, following final payment and termination of this Agreement, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later, according to 2 CFR 200.333-337.
- t) **Fiduciary Duty.** SUBRECIPIENT acknowledges that it has read the award conditions and certifications for EFSP Phase 34, that it understands and accepts those conditions and certifications, and that it agrees to comply with all the obligations, and be bound by any limitations applicable to the Clackamas County, as grantee, under those grant documents.
- u) **Failure to Comply.** SUBRECIPIENT acknowledges and agrees that this Agreement and the terms and conditions therein are essential terms in allowing the relationship between COUNTY and SUBRECIPIENT to continue, and that failure to comply with such terms and conditions represents a material breach of the original grant and this Agreement. Such material breach shall give rise to the COUNTY's right, but not obligation, to withhold SUBRECIPIENT grant funds until compliance is met or to terminate this relationship including the original Agreement and all associated amendments.

10. Compliance with Applicable Laws

- a) **Public Policy.** SUBRECIPIENT expressly agrees to comply with all public policy requirements, laws, regulations, and executive orders issued by the Federal government, to the extent they are applicable to the Agreement: (i) Titles VI and VII of the Civil Rights Act of 1964, as amended; (ii) Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; (iii) the Americans with Disabilities Act of 1990, as amended; (iv) Executive Order 11246, "Equal Employment Opportunity" as amended; (v) the Health Insurance Portability and Accountability Act of 1996; (vi) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended; (vii) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; (viii) all regulations and administrative rules established pursuant to the foregoing laws; and (ix) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations; and 2 CFR Part 200 as applicable to SUBRECIPIENT.
- b) **Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.).** SUBRECIPIENT agrees that if this Agreement is in excess of \$150,000, the recipient agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, 42 U.S.C. 7401 et seq., and the Federal Water Pollution Control Act, as amended 33 U.S.C. 1251 et seq. Violations shall be reported to the awarding Federal Department and the appropriate Regional Office of the Environmental Protection Agency.
- c) **State Statutes.** SUBRECIPIENT expressly agrees to comply with all statutory requirements, laws, rules, and regulations issued by the State of Oregon, to the extent they are applicable to the Agreement.
- d) **Conflict Resolution.** If potential, actual or perceived conflicts are discovered among federal, state and local statutes, regulations, administrative rules, executive orders, ordinances or other laws applicable to the Services under the Agreement, SUBRECIPIENT may in writing request

County to resolve the conflict. SUBRECIPIENT shall specify if the conflict(s) create a problem for the design or other Services required under the Agreement. COUNTY shall undertake reasonable efforts to resolve the issue but is not required to deliver any specific answer or product. SUBRECIPIENT shall remain obligated to independently comply with all applicable laws and no action by the County shall be deemed a guarantee, waiver, or indemnity for non-compliance with any law.

- e) **Disclosure of Information.** Any confidential or personally identifiable information (2 CFR 200.82) acquired by SUBRECIPIENT during the execution of the project should not be disclosed during or upon termination or expiration of this Agreement for any reason or purpose without the prior written consent of COUNTY. SUBRECIPIENT further agrees to take reasonable measures to safeguard such information (2 CFR 200.303) and to follow all applicable federal, state and local regulations regarding privacy and obligations of confidentiality.
- f) **Mileage reimbursement.** If mileage reimbursement is authorized in SUBRECIPIENT budget or by the written approval of COUNTY, mileage must be paid at the rate established by SUBRECIPIENT'S written policies covering all organizational mileage reimbursement or at the IRS mileage rate at the time of travel, whichever is lowest.
- g) **Human Trafficking.** In accordance with 2 CFR Part 175, SUBRECIPIENT, its employees, contractors and subrecipients under this Agreement and their respective employees may not:
 - Engage in severe forms of trafficking in persons during the period of the time the award is in effect;
 - Procure a commercial sex act during the period of time the award is in effect; or
 - Used forced labor in the performance of the Agreement or subaward under this Agreement.

SUBRECIPIENT must inform COUNTY immediately of any information SUBRECIPIENT receives from any source alleging a violation of any of the above prohibitions in the terms of this Agreement. COUNTY may terminate this Agreement, without penalty, for violation of these provisions. COUNTY's right to terminate this Agreement unilaterally, without penalty, is in addition to all other remedies under this Agreement. SUBRECIPIENT must include these requirements in any subaward made to public or private entities under this Agreement.

11. Federal and State Procurement Standards

- a) All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. All sole-source procurements must receive prior written approval from COUNTY in addition to any other approvals required by law applicable to SUBRECIPIENT. Justification for sole-source procurement should include a description of the project and what is being contracted for, an explanation of why it is necessary to contract noncompetitively, time constraints and any other pertinent information. Interagency agreements between units of government are excluded from this provision.
- b) COUNTY's performance under the Agreement is conditioned upon SUBRECIPIENT's compliance with, and SUBRECIPIENT shall comply with, the obligations applicable to public contracts under the Oregon Public Contracting Code and applicable Local Contract Review Board rules, which are incorporated by reference herein.
- c) SUBRECIPIENT must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. If SUBRECIPIENT has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, SUBRECIPIENT must also maintain written standards of conduct covering organizational conflicts of interest. SUBRECIPIENT shall be alert to

organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFP) for a proposed procurement must be excluded by SUBRECIPIENT from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to COUNTY.

- d) SUBRECIPIENT agrees that, to the extent they use contractors or subcontractors, such recipients shall use small, minority, women-owned or disadvantaged business concerns and contractors or subcontractors to the extent practicable.

12. General Agreement Provisions.

- a) **Non-appropriation Clause.** If payment for activities and programs under this Agreement extends into the COUNTY's next fiscal year, COUNTY's obligation to pay for such work is subject to approval of future appropriations to fund the Agreement by the Board of County Commissioners.
- b) **Indemnification.** SUBRECIPIENT agrees to indemnify and hold COUNTY and its elected officials, officers, employees, and agents harmless with respect to any claim, cause, damage, action, penalty or other cost (including attorney's and expert fees) arising from or related to SUBRECIPIENT's negligent or willful acts or those of its employees, agents or those under SUBRECIPIENT's control. SUBRECIPIENT is responsible for the actions of its own agents and employees, and COUNTY assumes no liability or responsibility with respect to SUBRECIPIENT's actions, employees, agents or otherwise with respect to those under its control.
- c) **Insurance.** During the term of this Agreement, SUBRECIPIENT shall maintain in force, at its own expense, each insurance noted below:
 - 1) **Commercial General Liability.** SUBRECIPIENT shall obtain, at SUBRECIPIENT's expense, and keep in effect during the term of this Agreement, Commercial General Liability Insurance covering bodily injury and property damage on an "occurrence" form in the amount of not less than \$1,000,000 per occurrence/ \$2,000,000 general aggregate for the protection of COUNTY, its officers, elected officials, and employees. This coverage shall include Contractual Liability insurance for the indemnity provided under this Agreement. This policy(s) shall be primary insurance as respects to the COUNTY. Any insurance or self-insurance maintained by COUNTY shall be excess and shall not contribute to it.
 - 2) **Commercial Automobile Liability.** If the Agreement involves the use of vehicles, SUBRECIPIENT shall obtain at SUBRECIPIENT expense, and keep in effect during the term of this Agreement, Commercial Automobile Liability coverage including coverage for all owned, hired, and non-owned vehicles. The combined single limit per occurrence shall not be less than \$1,000,000, or SUBRECIPIENT shall obtain at SUBRECIPIENT expense, and keep in effect during the term of the agreement, Personal auto coverage. The limits shall be no less than \$250,000/occurrence, \$500,000/aggregate, and \$100,000 property damage.
 - 3) **Professional Liability.** If the Agreement involves the provision of professional services, SUBRECIPIENT shall obtain and furnish COUNTY evidence of Professional Liability Insurance in the amount of not less than \$1,000,000 combined single limit per occurrence/\$2,000,000 general annual aggregate for malpractice or errors and omissions coverage for the protection of COUNTY, its officers, elected officials and employees against liability for damages because of personal injury, bodily injury, death, or damage to property, including loss of use thereof, and damages because of negligent acts, errors

and omissions in any way related to this Agreement. COUNTY, at its option, may require a complete copy of the above policy.

- 4) **Workers' Compensation.** Insurance in compliance with ORS 656.017, which requires all employers that employ subject workers, as defined in ORS 656.027, to provide workers' compensation coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). If contractor is a subject employer, as defined in ORS 656.023, contractor shall obtain employers' liability insurance coverage limits of not less than \$1,000,000.
 - 5) **Additional Insured Provisions.** All required insurance, other than Professional Liability, Workers' Compensation, and Personal Automobile Liability and Pollution Liability Insurance, shall include "Clackamas County, its agents, elected officials, officers, and employees" as an additional insured.
 - 6) **Notice of Cancellation.** There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 60 days written notice to COUNTY. Any failure to comply with this provision will not affect the insurance coverage provided to COUNTY. The 60 days notice of cancellation provision shall be physically endorsed on to the policy.
 - 7) **Insurance Carrier Rating.** Coverage provided by SUBRECIPIENT must be underwritten by an insurance company deemed acceptable by COUNTY. Insurance coverage shall be provided by companies admitted to do business in Oregon or, in the alternative, rated A- or better by Best's Insurance Rating. COUNTY reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.
 - 8) **Certificates of Insurance.** As evidence of the insurance coverage required by this Agreement, SUBRECIPIENT shall furnish a Certificate of Insurance to COUNTY. The COUNTY and its, elected officials, employees and officers must be named as an additional insured on the Certificate of Insurance. No Agreement shall be in effect until the required certificates have been received, approved, and accepted by COUNTY. A renewal certificate will be sent to COUNTY 10 days prior to coverage expiration.
 - 9) **Primary Coverage Clarification.** SUBRECIPIENT coverage will be primary in the event of a loss and will not seek contribution from any insurance or self-insurance maintained by, or provided to, the additional insureds listed above.
 - 10) **Cross-Liability Clause.** A cross-liability clause or separation of insured's condition will be included in all general liability, professional liability, and errors and omissions policies required by the Agreement.
 - 11) **Waiver of Subrogation.** SUBRECIPIENT agrees to waive their rights of subrogation arising from the work performed under this Agreement.
- d) **Assignment.** This Agreement may not be assigned in whole or in part without the prior express written approval of the COUNTY.

- e) **Independent Status.** SUBRECIPIENT is independent of COUNTY and will be responsible for any federal, state, or local taxes and fees applicable to payments hereunder. SUBRECIPIENT is not an agent of COUNTY and undertakes this work independent from the control and direction of COUNTY excepting as set forth herein. SUBRECIPIENT shall not seek or have the power to bind the COUNTY in any transaction or activity.
- f) **Notices.** Any notice provided for under this Agreement shall be effective if in writing and (1) delivered personally to the addressee or deposited in the United States mail, postage paid, certified mail, return receipt requested, (2) sent by overnight or commercial air courier (such as Federal Express), (3) sent by facsimile transmission, with the original to follow by regular mail; or, (4) sent by electronic mail with confirming record of delivery confirmation through electronic mail return-receipt, or by confirmation that the electronic mail was accessed, downloaded, or printed. Notice will be deemed to have been adequately given three days following the date of mailing, or immediately if personally served. For service by facsimile or by electronic mail, service will be deemed effective at the beginning of the next working day.
- g) **Governing Law.** This Agreement is made in the State of Oregon, and shall be governed by and construed in accordance with the laws of that state without giving effect to the conflict of law provisions thereof. Any litigation between COUNTY and SUBRECIPIENT arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Clackamas County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.
- h) **Severability.** If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken.
- i) **Counterparts.** This Agreement may be executed in any number of counterparts, all of which together will constitute one and the same Agreement. Facsimile copy or electronic signatures shall be valid as original signatures.
- j) **Third Party Beneficiaries.** Except as expressly provided in this Agreement, there are no third party beneficiaries to this Agreement. The terms and conditions of this Agreement may only be enforced by the parties.
- k) **Binding Effect.** This Agreement shall be binding on all parties hereto, their heirs, administrators, executors, successors and assigns.
- l) **Integration.** This Agreement contains the entire Agreement between COUNTY and SUBRECIPIENT and supersedes all prior written or oral discussions or Agreements.

(Signature Page Follows)

SIGNATURE PAGE TO SUBRECIPIENT GRANT AGREEMENT

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized officers.

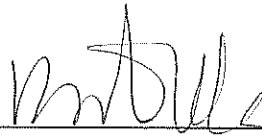
CLACKAMAS COUNTY

NORTHWEST HOUSING ALTERNATIVES, INC.

Commissioner: Jim Bernard, Chair
Commissioner: Sonya Fischer
Commissioner: Ken Humbertson
Commissioner: Paul Savas
Commissioner: Martha Schrader

Signing on Behalf of the Board:

By: _____
Richard Swift, Director

By:  _____
Martha McLennan, Executive Director

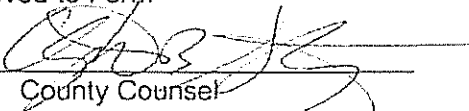
Dated: _____

Dated: 11-28-17

By: _____
Recording Secretary

Dated: _____

Approved to Form

By:  _____
County Counsel

Dated: 16 Nov 2017

- Exhibit A: SUBRECIPIENT Statement of Program Objectives
- Exhibit B: SUBRECIPIENT Program Budget
- Exhibit C: Lobbying Certificate
- Exhibit D: Required Financial Reporting and Request for Reimbursement
- Exhibit E: Performance Reporting
- Exhibit F: Award Special Terms and Conditions
- Exhibit G: EFSP Phase 34 Manual

December 14, 2017

Board of County Commissioner
Clackamas County

Members of the Board:

Approval of Amendment #02 to the Revenue Agreement with FamilyCare Inc.,
partnering with Clackamas County Health Centers Division
for the Group Provider Agreement for calendar year 2018.

Purpose/Outcomes	Outline the reporting requirements and deadlines for meeting the quality incentives assigned for the calendar year of 2018.
Dollar Amount and Fiscal Impact	There is no contract maximum. This is revenue generating for the County based on meeting reporting requirements, up to \$3.00 Per Member Per Month (PMPM).
Funding Source	No County General Funds are involved. Fees for services.
Duration	Effective upon signature and terminates on December 31, 2018
Strategic Plan Alignment	1. Individuals and families in need are healthy and safe 2. Ensure safe, healthy and secure communities
Previous Board Action	There has been no previous Board action.
Contact Person	Deborah Cockrell, FQHC Director – 503-742-5495
Contract No.	7517_02

BACKGROUND:

The Clackamas County Health Centers Division (CCHCD) of the Health, Housing & Human Services Department requests the approval of the Professional Services Agreement with FamilyCare, Inc., for coordinated care services offered or administered through one or more health plans.

CCHCD partners with FamilyCare, Inc., to administer primary care and mental health services to those clients that are enrolled through the Oregon Health Plan, administered by Oregon Health Authority. These clients receive treatment at CCHCD clinics and are reimbursed through claims submitted to insurance providers.

FamilyCare Inc., sets reporting requirements for meeting the quality incentives identified each calendar year. The Per Member Per Month (PMPM) will be calculated based on the number of patients assigned to CCHCD clinics on the 15th of each month for the calendar year of 2018. The measurement period is January 1, 2018 to December 31, 2018.

This Agreement is effective upon signature and continues through June 30, 2019. County Counsel approved this Agreement on November 30, 2017.

RECOMMENDATION:

Staff recommends the Board's approval of this agreement and authorizes Richard Swift, H3S Director to sign on behalf of Clackamas County.

Respectfully submitted,

Richard Swift, Director
Health, Housing, and Human Services

**2018 Quality Metrics Addendum
To Attachment A Services and Compensation Attachment**

**Clackamas County, acting by and through its Health, Housing and Human Services
Department, Health Centers Division**

EFFECTIVE DATE: January 1, 2018

#7517_02

This Addendum is appended to the Attachment A of the Group Provider Agreement between FamilyCare and Clackamas County, acting by and through its Health, Housing and Human Services Department, Health Centers Division (hereafter “Group”). For the calendar year 2018, Group may earn up to a \$3.00 PMPM for meeting the quality incentives identified below. The PMPM will be calculated based on the number of Members assigned to Group on the 15th of each month for the calendar year 2018. The measurement period is January 1, 2018 to December 31, 2018.

Metric	2017 Baseline	2018 Target	Incentive Payment
(1) Adolescent Well Care	34.2%	37.4%	\$0.30 pmpm
(2) Childhood Developmental Screen	41.0%	44.3%	\$0.30 pmpm
(3) Colorectal Cancer Screening	37.7%	39.7%	\$0.30 pmpm
(4) Effective Contraceptive Use	28.6%	31.6%	\$0.30 pmpm
(5) Emergency Department Utilization	40.2	40.2	\$0.30 pmpm
(6) EHR: Timely data submission to FamilyCare	2017 Submission due 12/31/17	See below Requirements	\$0.30 pmpm
(6)(a) EHR: Controlling High Blood Pressure – HTN	Pending receipt of data	As determined on 2/15/18	\$0.30 pmpm
(6)(b) EHR: Diabetes HbA1c Poor Control	Pending receipt of data	As determined on 2/15/18	\$0.30 pmpm
(6)(c) EHR: Screening Clinical Depression/Follow-Up Plan	Pending receipt of data	As determined on 2/15/18	\$0.30 pmpm
(6)(d) EHR: Cigarette Smoking Prevalence	Pending receipt of data	As determined on 2/15/18	\$0.30 pmpm

Baseline. The baseline percentage is determined by service dates for claim procedures occurring between July 1, 2016 and June 30, 2017 (claims submitted by August 23, 2017), and is based on the 2017 OHA technical specifications and guidance documents for each metric.

Improvement Target Methodology. The 2018 Targets are calculated using the Minnesota method with the minimum percentage floor determined by OHA. The 2018 Targets are capped at the applicable 2018 CCO Incentive Measure Benchmark; however, if a metric baseline exceeds the 2018 CCO Incentive Measure Benchmark, Group shall maintain, at a minimum, its 2017 baseline performance. The Metrics & Scoring Committee’s 2018 CCO Incentive Measure Benchmarks and improvement calculation methodology is published on the OHA website.

FamilyCare will use Group's 2017 EHR data submitted on or prior to December 31, 2017 to determine a baseline for the four EHR metrics. FamilyCare will apply the improvement target methodology as referenced in the preceding paragraph and will notify Group of its baseline and improvement target for each EHR metric by February 15, 2018.

Final Adjudication. The incentive payment is contingent on Group meeting the 2018 Target for each metric outlined in the above table. In the event Group does not meet the Target for one or more metrics, FamilyCare shall retain any funds allocated to such Metric. FamilyCare is the sole and final adjudicator of Group's quality metrics and quality incentive payment. FamilyCare will calculate performance of each metric and determine final payment based on 2018 claims data received by FamilyCare no later than May 31, 2019. Any quality incentive payment earned will be paid to Group by June 30, 2019.

Metric Specifications. To measure Group's performance for Metrics (1) through (6) as may be applicable, FamilyCare will utilize the 2018 OHA technical specifications and guidance documents for each metric, as such specifications and guidance documents may be updated from time to time during the measurement period. The technical specifications and guidance documents are located on the OHA website: <http://www.oregon.gov/oha/HPA/ANALYTICS/Pages/CCO-Baseline-Data.aspx>. Notwithstanding the foregoing, Group shall provide patient-level and aggregate level EHR-Based Measure Data to FamilyCare on a quarterly basis, or more frequently as may be requested by FamilyCare.

Reporting. Group shall submit to FamilyCare an outline of all programs and initiatives in place to achieve the above quality metrics. Group shall provide quarterly updates on the progress of such programs and initiatives toward achieving the metrics.

The parties agree to append this 2018 Quality Metrics Addendum to the Attachment A of the Group Provider Agreement between FamilyCare and Clackamas County, acting by and through its Health, Housing and Human Services Department, Health Centers Division as evidenced by their duly authorized signatures below. Except as modified by this Addendum, the Agreement shall remain in full force and effect in accordance with its terms. This Addendum is effective for the calendar year 2018.

**Clackamas County, acting by and through
its Health, Housing and Human Services
Department, Health Centers Division**

FamilyCare, Inc.

By: _____
[signature]

By: _____
[signature]

Name: _____

Name: William Murray

Title: _____

Title: Chief Operating Officer

Date: _____

Date: _____



MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for a Clackamas County Supplemental Budget
(Less Than Ten Percent) for Fiscal Year 2017-2018

Purpose/Outcome	Supplemental Budget changes for Clackamas County FY 2017-2018
Dollar Amount and fiscal Impact	The effect has an increase in appropriation of \$16,810,075
Funding Source	Prior Year Revenue, Fund Balance, License and Permits, Federal and State Operating Grants, Local Government and Other Agencies, Charge for Services, Miscellaneous Revenue and Interfund Transfer
Safety Impact	N/A
Duration	July 1, 2017-June 30, 2018
Previous Board Action/Review	Budget Adopted June 29, 2017, and amended August 10 and October 12, 2017
Strategic Plan Alignment	Build public trust through good government
Contact Person	Diane Padilla, 503-742-5425

BACKGROUND:

Each fiscal year it is necessary to allocate additional sources of revenue and appropriate additional expenditures to more accurately meet the changing requirements of the operating departments. The attached resolution reflects such changes requested by departments in keeping with a legally accurate budget. These changes are in compliance with O.R.S. 294.480 which allows for governing body approval of supplemental budget changes of less than ten percent of qualifying expenditures in the fund(s) being adjusted.

The General Fund – Not Allocated to Organizational Unit is recognizing an interfund transfer from the Justice Court Fund, budgeting an interfund transfer to the Sheriff's Fund and increasing in contingency.

The County Fair Fund is recognizing fund balance and budgeting for unanticipated building expenses.

The Building Codes Fund is recognizing lower than anticipated fund balance and adjusting contingency accordingly.

The Resolution Services Fund is recognizing additional fund balance and reduced Oregon State mediation revenue and adjusting program costs accordingly.

The Business and Economic Development Fund is recognizing additional fund balance and higher video lottery revenue, budgeting for potential economic opportunity projects and increasing contingency.

The Disaster Management Fund is recognizing additional fund balance and budgeting for program costs and increasing contingency.

The Library Services Fund is recognizing additional fund balance and budgeting for costs associated with the new RFID system, and increasing reserve and contingency.

The Planning Fund is recognizing additional fund balance and appropriating it in contingency.

The Road Fund is recognizing additional fund balance and appropriating it in contingency.

The Sheriff Fund is recognizing additional fund balance and an interfund transfer from the Public Safety Local Option Levy Fund and budgeting to increase a part-time position to full-time, program expense and capital outlay. This fund is also making an interfund transfer to the Juvenile Fund to help support a juvenile services program coordinator position.

The Community Corrections Fund is recognizing additional fund balance and fee for services revenue and budgeting for building improvements at the Residential Services Women's Center for program costs.

The District Attorney Fund is recognizing additional fund balance and prior year revenue and budgeting to increase professional services program costs.

The Health, Housing and Human Services Administration Fund is recognizing additional fund balance and budgeting an interfund transfer to the Juvenile Fund and miscellaneous program costs.

The Social Services Fund is recognizing additional revenue from fund balance, Oregon Housing & Community Services and Oregon State Department of Human Services and budgeting to add six full-time case manager positions and program costs. This fund is also recognizing an interfund transfer from the Health, Housing and Human Services Administration Fund and budgeting it for HomeBase program costs.

The Community Development Fund is recognizing additional fund balance and budgeting for program expenses. This fund is also updating the HomeBase program budget.

The Community Solutions for Clackamas County Fund is recognizing additional fund balance and budgeting to better align with actual costs.

The Children, Youth and Families Fund is recognizing additional fund balance, reducing state grant revenue and budgeting to realign actual program costs.

The Public Health Fund is recognizing lower than anticipated fund balance and an increase in various grant funding revenues and adjusting for program costs.

The Clackamas Health Centers Fund is recognizing additional fund balance, grant revenue and charges for services and adding a mental health specialist, job development specialist, program costs and contingency.

The Tourism Fund is recognizing additional fund balance and an interfund transfer from the Transient Room Tax Fund and budgeting for program expenses.

The Juvenile Fund is recognizing additional fund balance and interfund transfers from the Health, Housing and Human Services Administration Fund and the Sheriff Fund and budgeting to add a full-time juvenile services program coordinator, a full-time business program coordinator and increasing program costs.

The Clackamas County Debt Service Fund is recognizing additional fund balance and budgeting for bond interest payments.

The Capital Projects Reserve Fund is recognizing additional fund balance and budgeting it in contingency.

The Local Improvement District Construction Fund is recognizing a decrease in fund balance and adjusting contingency accordingly.

The Stone Creek Golf Course Fund is recognizing a decrease in fund balance and decreasing contingency.

The Clackamas Broadband Utility Fund is decreasing fund balance and recognizing connection fee revenue and budgeting for construction costs.

The Facilities Management Fund is recognizing additional fund balance and budgeting for maintenance, computer software and vehicle costs.

The Central Dispatch Fund is recognizing additional fund balance and appropriating it in contingency.

The Self Insurance Fund is recognizing additional fund balance and appropriating it in contingency.

The effect of this Resolution is an increase in appropriations of \$16,810,075 including revenues as detailed below:

Prior Year Revenue	\$ 308,767.
Fund Balance	11,240,373.
License and Permits	(76,366.)
Federal Operating Grants	536,317.
State Operating Grants	1,675,941.
Local Government and Other Agencies	(255,659.)
Charge for Services	1,410,622.
Miscellaneous Revenue	55,582.
Interfund Transfer	<u>1,914,498.</u>
Total Recommended	<u>\$ 16,810,075.</u>

RECOMMENDATION:

Staff respectfully recommends adoption of the attached Resolution Order and Exhibit A in keeping with a legally accurate budget.

Sincerely,



Diane Padilla
Budget Manager

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

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget for Items Less Than 10
Percent of the Total Qualifying Expenditures
and Making Appropriations for Fiscal
Year 2017-18



Resolution No
1 of 2 pages

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, a supplemental budget for the period of July 1, 2017 through June 30, 2018 inclusive, has been prepared, published and submitted to the taxpayers as provided by statute;

WHEREAS; the funds being adjusted are:

- . General Fund – Not Allocated to Organization Unit
- . County Fair Fund
- . Building Codes Fund
- . Resolution Services Fund
- . Business and Economic Development Fund
- . Disaster Management Fund
- . Library Services Fund
- . Planning Fund
- . Road Fund
- . Sheriff Fund
- . Community Corrections Fund
- . District Attorney Fund
- . Health, Housing and Human Services Administration Fund
- . Social Services Fund
- . Community Development Fund
- . Community Solutions for Clackamas County Fund
- . Children, Youth and Families Fund
- . Public Health Fund
- . Clackamas Health Centers Fund
- . Tourism Fund
- . Juvenile Fund
- . Clackamas Debt Service Fund
- . Capital Projects Reserve Fund
- . Local Improvement District Construction Fund
- . Stone Creek Golf Course Fund
- . Clackamas Broadband Utility Fund
- . Facilities Management Fund
- . Central Dispatch Fund
- . Self-Insurance Fund;

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

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget for Items Less Than 10
Percent of the Total Qualifying Expenditures
and Making Appropriations for Fiscal
Year 2017-18



Resolution No
2 of 2 pages

It further appearing that it is in the best interest of the County to approve this less than 10 percent appropriations for the period of July 1, 2017 through June 30, 2018.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.471, the supplemental budget be adopted and appropriations established as shown in the attached Exhibit A which by this reference is made a part of this Resolution.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

SUMMARY OF SUPPLEMENTAL BUDGET
Exhibit A
CHANGES OF LESS THAN 10% OF BUDGET
December 14, 2017

Recommended items by revenue source:

Prior Year Revenue	\$ 308,767
Fund Balance	11,240,373
Licenses and Permits	(76,366)
Federal Operating Grants	536,317
State Operating Grants	1,675,941
Local Government and Other Agencies	(255,659)
Charge for Services	1,410,622
Miscellaneous Revenue	55,582
Interfund Transfers	1,914,498
Total Recommended	<u><u>\$ 16,810,075</u></u>

GENERAL FUND- NOT ALLOCATED TO ORGANIZATIONAL UNIT

Revenues:

Interfund Transfer	\$ 1,147,266
Total Revenue	<u><u>\$ 1,147,266</u></u>

Expenses:

Not Allocated to Organizational Unit	
Interfund Transfer	\$ 824,517
Contingency	322,749
Total Expenditures	<u><u>\$ 1,147,266</u></u>

General Fund – Not Allocated to Organizational Unit is recognizing an interfund transfer from the Justice Court Fund, budgeting an interfund transfer to the Sheriff's Fund and increasing in contingency.

COUNTY FAIR FUND

Revenues:

Fund Balance	\$ 164,886
Total Revenue	<u><u>\$ 164,886</u></u>

Expenses:

Culture, Education and Recreation	\$ 164,886
Total Expenditures	<u><u>\$ 164,886</u></u>

County Fair Fund is recognizing fund balance and budgeting for unanticipated building expenses.

BUILDING CODES FUND

Revenues:	
Fund Balance	\$ (127,141)
Total Revenue	<u>\$ (127,141)</u>
Expenses:	
Not Allocated to Organizational Unit	
Contingency	(127,141)
Total Expenditures	<u>\$ (127,141)</u>

Building Codes Fund is recognizing lower than anticipated fund balance and adjusting contingency accordingly.

RESOLUTION SERVICES FUND

Revenues:	
Fund Balance	\$ 29,176
Charge for Services	(58,711)
Total Revenue	<u>\$ (29,535)</u>
Expenses:	
General Government	\$ (29,535)
Total Expenditures	<u>\$ (29,535)</u>

Resolution Services Fund is recognizing additional fund balance and reduced Oregon State mediation revenue and adjusting program costs accordingly.

BUSINESS AND ECONOMIC DEVELOPMENT FUND

Revenues:	
Fund Balance	\$ 317,035
State Operating Grant	80,935
Total Revenue	<u>\$ 397,970</u>
Expenses:	
Economic Development	\$ 305,650
Not Allocated to Organizational Unit	
Contingency	92,320
Total Expenditures	<u>\$ 397,970</u>

Business and Economic Development Fund is recognizing additional fund balance and higher video lottery revenue, budgeting for potential economic opportunity projects and increasing contingency.

DISASTER MANAGEMENT FUND

Revenues:

Fund Balance	\$ 190,925
Total Revenue	<u>\$ 190,925</u>

Expenses:

Public Protection	\$ 52,925
Not Allocated to Organizational Unit	
Contingency	138,000
Total Expenditures	<u>\$ 190,925</u>

Disaster Management Fund is recognizing additional fund balance and budgeting for program costs and increasing contingency.

LIBRARY SERVICES FUND

Revenues:

Fund Balance	\$ 304,203
Total Revenue	<u>\$ 304,203</u>

Expenses:

Culture, Education and Recreation	\$ 56,929
Not Allocated to Organizational Unit	
Reserve	226,033
Contingency	21,241
Total Expenditures	<u>\$ 304,203</u>

Library Services Fund is recognizing additional fund balance and budgeting for costs associated with the new RFID system, and increasing reserve and contingency

PLANNING FUND

Revenues:

Fund Balance	\$ 330,153
Total Revenue	<u>\$ 330,153</u>

Expenses:

Not Allocated to Organizational Unit	
Contingency	\$ 330,153
Total Expenditures	<u>\$ 330,153</u>

Planning Fund is recognizing additional fund balance and appropriating it in contingency.

ROAD FUND

Revenues:

Fund Balance	\$ 885,554
Total Revenue	<u>\$ 885,554</u>

Expenses:

Not Allocated to Organizational Unit	
Contingency	\$ 885,554
Total Expenditures	<u>\$ 885,554</u>

Road Fund is recognizing additional fund balance and appropriating it in contingency.

SHERIFF FUND

Revenues:	
Fund Balance	\$ 760,339
Miscellaneous Revenue	54,641
Interfund Transfer	516,672
Total Revenue	<u>\$ 1,331,652</u>
Expenses:	
Public Protection	\$ 1,401,652
Not Allocated to Organizational Unit	
Interfund Transfer	10,000
Special Payments	(80,000)
Total Expenditures	<u>\$ 1,331,652</u>

Sheriff Fund is recognizing additional fund balance and an interfund transfer from the Public Safety Local Option Levy Fund and budgeting to increase a part-time position to full-time, program expense and capital outlay. This fund is also making an interfund transfer to the Juvenile Fund to help support a juvenile services program coordinator position

COMMUNITY CORRECTIONS FUND

Revenues:	
Fund Balance	\$ 959,740
Charge for Services	36,855
Total Revenue	<u>\$ 996,595</u>
Expenses:	
Public Protection	\$ 996,595
Total Expenditures	<u>\$ 996,595</u>

Community Corrections Fund is recognizing additional fund balance and fee for services revenue and budgeting for building improvements at the Residential Services Women's Center for program costs.

DISTRICT ATTORNEY FUND

Revenues:	
Prior Year Revenue	\$ 308,767
Fund Balance	56,659
Total Revenue	<u>\$ 365,426</u>
Expenses:	
Public Protection	\$ 365,426
Total Expenditures	<u>\$ 365,426</u>

District Attorney Fund is recognizing additional fund balance and prior year revenue and budgeting to increase professional services program costs.

HEALTH, HOUSING AND HUMAN SERVICES ADMINISTRATION FUND

Revenues:

Fund Balance	\$ 67,425
Total Revenue	<u>\$ 67,425</u>

Expenses:

Health and Human Services	\$ 24,425
Not Allocated to Organizational Unit	
Interfund Transfer	43,000
Total Expenditures	<u>\$ 67,425</u>

Health, Housing and Human Services Administration Fund is recognizing additional fund balance and budgeting an interfund transfer to the Juvenile Fund and miscellaneous program costs.

SOCIAL SERVICES FUND

Revenues:

Fund Balance	\$ 1,072,586
Federal Operating Grant	49,876
State Operating Grant	2,080,926
Local Government and Other Agencies	(381,112)
Charge for Services	168,745
Interfund Transfer	100,000
Total Revenue	<u>\$ 3,091,021</u>

Expenses:

Health and Human Services	\$ 2,379,457
Not Allocated to Organizational Unit	
Special Payments	133,963
Contingency	577,601
Total Expenditures	<u>\$ 3,091,021</u>

Social Services Fund is recognizing additional revenue from fund balance, Oregon Housing & Community Services and Oregon State Department of Human Services and budgeting to add six full-time case manager positions and program costs. This fund is also recognizing an interfund transfer from the Health, Housing and Human Services Administration Fund and budgeting it for HomeBase program costs.

COMMUNITY DEVELOPMENT FUND

Revenues:

Fund Balance	\$ 41,724
Interfund Transfer	(100,000)
Total Revenue	<u>\$ (58,276)</u>

Expenses:

Health and Human Services	\$ (148,276)
Not Allocated to Organizational Unit	
Special Payments	90,000
Total Expenditures	<u>\$ (58,276)</u>

Community Development Fund is recognizing additional fund balance and budgeting for program expenses. This fund is also updating the HomeBase program budget.

COMMUNITY SOLUTIONS FOR CLACKAMAS COUNTY

Revenues:

Fund Balance	\$ 54,064
Total Revenue	<u>\$ 54,064</u>

Expenses:

Health and Human Services	\$ 54,064
Total Expenditures	<u>\$ 54,064</u>

Community Solutions for Clackamas Fund is recognizing additional fund balance and budgeting to better align with actual costs.

CHILDREN, YOUTH AND FAMILIES FUND

Revenues:

Fund Balance	\$ 866,253
State Operating Grant	(607,979)
Total Revenue	<u>\$ 258,274</u>

Expenses:

Health and Human Services	\$ 512,626
Not Allocated to Organizational Unit	
Special Payments	(254,352)
Total Expenditures	<u>\$ 258,274</u>

Children, Youth and Families Fund is recognizing additional fund balance, reducing state grant revenue and budgeting to realign actual program costs.

PUBLIC HEALTH FUND

Revenues:

Fund Balance	\$ (228,305)
License and Permits	(76,366)
Federal Operating Grant	310,741
State Operating Grant	117,321
Local Government and Other Agencies	110,453
Charge for Services	93,891
Miscellaneous Revenue	941
Total Revenue	<u>\$ 328,676</u>

Expenses:

Health and Human Services	\$ 430,103
Not Allocated to Organizational Unit	
Special Payments	126,878
Contingency	(228,305)
Total Expenditures	<u>\$ 328,676</u>

Public Health Fund is recognizing lower than anticipated fund balance and an increase in various grant funding revenues and adjusting for program costs.

CLACKAMAS HEALTH CENTERS FUND

Revenues:	
Fund Balance	\$ 2,046,068
Federal Operating Grant	175,700
Charge for Services	69,842
Total Revenue	<u>\$ 2,291,610</u>
Expenses:	
Health and Human Services	\$ 245,542
Not Allocated to Organizational Unit	
Contingency	2,046,068
Total Expenditures	<u>\$ 2,291,610</u>

Clackamas Health Centers Fund is recognizing additional fund balance, grant revenue and charges for services and adding a mental health specialist, job development specialist, program costs and contingency.

TOURISM FUND

Revenues:	
Fund Balance	\$ 296,744
Interfund Transfer	197,560
Total Revenue	<u>\$ 494,304</u>
Expenses:	
Cultural, Education and Recreation	\$ 494,304
Total Expenditures	<u>\$ 494,304</u>

Tourism Fund is recognizing additional fund balance and an interfund transfer from the Transient Room Tax Fund and budgeting for program expenses.

JUVENILE FUND

Revenues:	
Fund Balance	\$ 699,346
State Operating Grant	4,738
Local Government and Other Agencies	15,000
Interfund Transfer	53,000
Total Revenue	<u>\$ 772,084</u>
Public Protection	
Total Expenditures	<u>\$ 772,084</u>

Juvenile Fund is recognizing additional fund balance and interfund transfers from the Health, Housing and Human Services Administration Fund and the Sheriff Fund and budgeting to add a full-time juvenile services program coordinator, a full-time business program coordinator and increasing program costs.

CLACKAMAS COUNTY DEBT SERVICE FUND

Revenues:	
Fund Balance	\$ 69,539
Total Revenue	<u>\$ 69,539</u>

Expenses:	
Not Allocated to Organizational Unit	
Debt Service	\$ 69,539
Total Expenditures	<u>\$ 69,539</u>

Clackamas County Debt Service Fund is recognizing additional fund balance and budgeting for bond interest payments.

CAPITAL PROJECTS RESERVE FUND

Revenues:	
Fund Balance	\$ 23,685
Total Revenue	<u>\$ 23,685</u>

Expenses:	
Not Allocated to Organizational Unit	
Contingency	\$ 23,685
Total Expenditures	<u>\$ 23,685</u>

Capital Projects Reserve Fund is recognizing additional fund balance and budgeting it in contingency

LOCAL IMPROVEMENT DISTRICT CONSTRUCTION FUND

Revenues:	
Fund Balance	\$ (180)
Total Revenue	<u>\$ (180)</u>

Not Allocated to Organizational Unit	
Contingency	\$ (180)
Total Expenditures	<u>\$ (180)</u>

Local Improvement District Construction Fund is recognizing a decrease in fund balance and adjusting contingency accordingly.

STONE CREEK GOLF COURSE FUND

Revenues:	
Fund Balance	\$ (10,305)
Total Revenue	<u>\$ (10,305)</u>

Not Allocated to Organizational Unit	
Contingency	\$ (10,305)
Total Expenditures	<u>\$ (10,305)</u>

Stone Creek Golf Course Fund is recognizing a decrease in fund balance and decreasing contingency.

CLACKAMAS BROADBAND UTILITY FUND

Revenues:

Fund Balance	\$ (76,420)
Charge for Services	1,100,000
Total Revenue	<u>\$ 1,023,580</u>

Broadband Utility (Business-type Activity)	\$ 1,023,580
Total Expenditures	<u>\$ 1,023,580</u>

Clackamas Broadband Utility Fund is decreasing fund balance and recognizing connection fee revenue and budgeting for construction costs.

FACILITIES MANAGEMENT FUND

Revenues:

Fund Balance	\$ 854,077
Total Revenue	<u>\$ 854,077</u>

General Government	\$ 854,077
Total Expenditures	<u>\$ 854,077</u>

Facilities Management Fund is recognizing additional fund balance and budgeting for maintenance, computer software and vehicle costs.

CENTRAL DISPATCH FUND

Revenues:

Fund Balance	\$ 326,431
Total Revenue	<u>\$ 326,431</u>

Not Allocated to Organizational Unit Contingency	326,431
Total Expenditures	<u>\$ 326,431</u>

Central Dispatch Fund is recognizing additional fund balance and appropriating it in contingency.

SELF-INSURANCE FUND

Revenues:

Fund Balance	\$ 1,266,112
Total Revenue	<u>\$ 1,266,112</u>

Not Allocated to Organizational Unit Contingency	1,266,112
Total Expenditures	<u>\$ 1,266,112</u>

Self Insurance Fund is recognizing additional fund balance and appropriating it in contingency.



December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for Clackamas County for
Transfer of Appropriations for Fiscal Year 2017-2018

Purpose/Outcome	Budget change FY 2017-2018
Dollar Amount and Fiscal Impact	No fiscal impact. Transfer of existing appropriations.
Funding Source	Includes Interfund Transfers
Duration	July 1, 2017-June 30, 2018
Previous Board Action/Review	Budget Adopted June 29, 2017 and amended on August 10, October 12 and November 8, 2017
Strategic Plan Alignment	Build public trust through good government
Contact Person	Diane Padilla, 503-742-5425

BACKGROUND: Periodically during the fiscal year it is necessary to transfer appropriations 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 294.463. 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 accomplishes the above mentioned changes as requested by the following operating departments in keeping with a legally accurate budget.

The Sheriff Fund is recognizing an interfund transfer from the General Fund and budgeting to re-align program costs to better reflect actuals and increase contingency.

The Behavioral Health Fund is transferring from contingency and budgeting for a help line to assist older adults with mental health needs.

RECOMMENDATION:

Staff respectfully recommends adoption of the attached Resolution Order and Exhibit A in keeping with a legally accurate budget.

Sincerely,

Diane Padilla, Budget Manager

In the Matter of Providing Authorization
To Transfer Appropriations Within
the Fiscal Year 2017-18

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, 2017 through June 30, 2018, 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:

- . Sheriff Fund
- . Behavioral Health Fund;

It further appearing that it is in the best interest of the County to approve this transfer of appropriations for the period of July 1, 2017 through June 30, 2018.

BE RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.463, 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.

Dated this ____ day of _____, 2017

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

TRANSFER REQUEST
Exhibit A
December 14, 2017

SHERIFF FUND

Revenues:

Interfund Transfer	\$ 824,517
Total Revenue	<u>\$ 824,517</u>

Expenses:

Public Protection	\$ 824,517
Total Expenditures	<u>\$ 824,517</u>

The Sheriff Fund is recognizing an interfund transfer from the General Fund and budgeting to re-align program costs to better reflect actuals and increase contingency.

BEHAVIORAL HEALTH FUND

Expenses:

Health and Human Services	\$ 200,000
Not Allocated to Organizational Unit	
Contingency	(200,000)
Total Expenditures	<u>\$ -</u>

Behavioral Health Fund is transferring from contingency and budgeting for a help line to assist older adults with mental health needs.

DRAFT

Approval of Previous Business Meeting Minutes:
November 8, 2017

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.html>

Wednesday, November 8, 2017 – 10:00 AM

Public Services Building

2051 Kaen Rd., Oregon City, OR 97045

**PRESENT: Commissioner Paul Savas, Vice Chair
Commissioner Sonya Fischer
Commissioner Ken Humberston
Commissioner Martha Schrader**

EXCUSED: Commissioner Jim Bernard, Chair

CALL TO ORDER

- Roll Call

Commissioner Jim Bernard is attending another meeting today and will not be in attendance, Commissioner Paul Savas will serve as Chair for this meeting.

- Pledge of Allegiance

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

1. Veteran's Day Presentation

Erika Silver, Health, Housing & Human Services presented the staff report including a PowerPoint presentation. She introduced Maureen Thompson who spoke regarding Veterans workforce program. She then introduced Arron Henry who spoke regarding Veterans Housing program.

The Board acknowledged all the Veterans in the audience today and thanked them for their service.

II. CITIZEN COMMUNICATION

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

1. Don Kingborough, West Linn – Thanked the Board for the homeless vet housing project. He also spoke on behalf of Granges and read a resolution supporting Veterans.
2. Dick Wonker, Oregon City – importance of Granges in our community.

~Board Discussion~

III. PUBLIC HEARING

1. First Reading of **Ordinance No. 12-2017** Amending Title 11.03, Transportation System Development Charge of the Clackamas County Code and Declaring an Emergency
Diedre Landon, Department of Transportation & Development presented the staff report including a PowerPoint presentation.

~Board Discussion~

Chair Savas opened the public hearing and asked if anyone would like to speak.

1. James Adkins, Lake Oswego, Home Builders Association – spoke in support.

Chair Savas closed the public hearing and asked for a motion to read the ordinance by title only.

MOTION:

Commissioner Humberston: I move we read the ordinance by title only.

Commissioner Fischer: Second.

all those in favor/opposed:

Commissioner Fischer: Aye.

Commissioner Humberston: Aye.

Commissioner Schrader: Aye.

Chair Savas: Aye – the Ayes have it, the motion carries 4-0 – he asked the Clerk to assign a number and read the ordinance by title only.

He then announced the second reading will be at the Thursday, Nov. 30, 2017 regular scheduled Business meeting at 10 AM.

***VI. BOARD DISCUSSION ITEM** *(The following items will be individually discussed by the Board only, followed by Board action.)*

County Counsel

1. **Resolution No. 2017-120** Declaring a Local State of Emergency and Declaring Emergency Measures to Address the Housing Crisis

Stephen Madkour, County Counsel presented the staff report.

~Board Discussion~

Chair Savas asked for a motion.

MOTION:

Commissioner Schrader: I move we approve the Resolution Declaring a Local State of Emergency and Declaring Emergency Measures to Address the Housing Crisis.

Commissioner Fischer: Second.

all those in favor/opposed:

Commissioner Fischer: Aye.

Commissioner Humberston: Aye.

Commissioner Schrader: Aye.

Chair Savas: Aye – the Ayes have it, the motion carries 4-0

*Commissioner Schrader was excused for another meeting.

IV. CONSENT AGENDA

Chair Savas asked the Clerk to read the consent agenda by title, he then asked for a motion.

MOTION:

Commissioner Humberston: I move we approve the consent agenda.

Commissioner Fischer: Second.

all those in favor/opposed:

Commissioner Fischer: Aye.

Commissioner Humberston: Aye.

Chair Savas: Aye – the Ayes have it, the motion carries 3-0.

A. Health, Housing & Human Services

1. Approval of an Intergovernmental Agreement with the Estacada School district for Implementation of the Teen Mentor Program – *Children, Youth & Families*
2. Approval of an Agency Services Contract with Youth MOVE Oregon for the Youth/Young Adult Peer Support Program – *Behavioral Health*
3. Approval of a Professional Services Agreement with CompHealth Locum Tenens for Temporary Physician Staff – *Health Centers*

B. Finance Department

1. **Resolution No. 2017-121** for a Clackamas County Transfer of Appropriations for Fiscal Year 2017-2018
2. **Resolution No. 2017-122** for Clackamas County Budgeting of New Specific Purpose Revenue for Fiscal Year 2017-2018
3. Approval of Contracts with: Carlson Testing, Inc., Columbia West Engineering, Inc., KPFF, Inc., Materials Testing and Inspection, Inc., and Professional Service Industries, Inc., for Materials Testing and Special Inspection Services - *Procurement*

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – *BCC*

D. Disaster Management

1. Approval of Fiscal Year 2016 Flood Migration Assistance Repetitive Loss Home Acquisition Intergovernmental Grant Agreement with Oregon Emergency Management

V. WATER ENVIRONMENT SERVICES

(Service District No. 1, Tri-City Service District & Surface Water Management Agency of Clackamas County)

1. Approval of the Goods and Services Contract between Clackamas County Service District No. 1 and Waste Management Disposal of Oregon for Biosolids and Grit Disposal - *Procurement*
2. Approval of the Goods and Services Contract between Water Environmental Services and Waste Management Disposal of Oregon for Biosolids and Grit Disposal - *Procurement*
3. Approval of the Goods and Services Contract between Clackamas County Service District No. 1 and Hillsboro Landfill, Inc. for Biosolids and Grit Disposal – *Procurement*
4. Approval of the Goods and Services Contract between Water Environment Services and Hillsboro Landfill, Inc. for Biosolids and Grit Disposal – *Procurement*
5. Approval of the Goods and Services Contract between Clackamas County Service District No. 1 and Wasco County Landfill for Biosolids and Grit Disposal – *Procurement*
6. Approval of the Goods and Services Contract between Water Environment Services and Wasco County Landfill for Biosolids and Grit Disposal – *Procurement*

VII. COUNTY ADMINISTRATOR UPDATE

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

VIII. COMMISSIONERS COMMUNICATION

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

MEETING ADJOURNED – 11:18 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. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel. www.clackamas.us/bcc/business.html



Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval to Apply for Grant Application to Benefit A Safe Place Family Justice Center

<p>Purpose/Outcomes</p>	<p>The Office on Violence Against Women (OVW) 2018 Justice for Families Grant Program provides an opportunity for Clackamas County through A Safe Place Family Justice Center (ASP-FJC) to improve the response of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, and stalking, or in cases involving allegations of child sexual abuse.</p> <p>Partners with the Clackamas County Sheriff's Office (CCSO) on this grant include: Clackamas Women's Services (CWS) Clackamas County District Court, Clackamas County Bar Association (CCBA), Clackamas County Law Library, Lewis & Clark Law School, and the Legal Empowerment Accelerator Program (LEAP) Steering Committee.</p> <p>This grant will fund a full-time (40 hr/wk) bi-lingual CCSO DVERT Human Services Assistant (Advocate) and a CWS employee .5 FTE Managing Attorney for LEAP. The Legal Empowerment Accelerator Program (LEAP) is an innovative solo practitioner accelerator program in which participating attorneys provide pro-bono and sliding scale representation to clients referred exclusively from ASP-FJC.</p> <p>The proposed grant award total is \$550,000 and CWS is the lead applicant. CCSO will be a subrecipient of this grant and our request is for \$227,400 of that award. The remainder of the grant will to be utilized by our grant partners.</p>
<p>Fiscal Impact</p>	<p>N/A</p>
<p>Funding Source</p>	<p>N/A</p>
<p>Duration</p>	<p>3 years (Oct 2018-Sept 2021)</p>
<p>Previous Action</p>	<p>BCC approval for a similar federal grant application/partnership February 23, 2016</p>
<p>Strategic Plan</p>	<p>1. Ensure Safe, Healthy and Secure Communities – By 2020, zero</p>

"Working Together to Make a Difference"

Alliance	domestic violence related homicides in Clackamas County 2. Sheriff's Office, A Safe Place Family Justice Center serving victims of domestic violence, sexual violence, stalking, human trafficking and elder abuse
Contact Person	Lt. Angie Brandenburg, Ph. 503-557-5872.

BACKGROUND

A Safe Place Family Justice Center for Clackamas County (ASP-FJC) opened in December 2013 with the determined financial and policy support of the BCC. Partner agencies working collaboratively at ASP-FJC continue to seek out funding sources to serve the many clients coming into the center. Our most recent collaborative federal grant application approved by the Board in February 2016 (OVW Improving the Criminal Justice Response) was awarded in October 2016 for \$450,000.

If approved, this proposal seeks to address the gaps in the current video-court program currently offered at ASP-FJC, develop the infrastructure necessary to provide culturally specific services to the Latinx community, and improve the judicial response and provision of civil-legal services for victims in our community, including underserved populations such as rural residents and individuals living with a disability.

RECOMMENDATION

FJC Director Lieutenant Angie Brandenburg recommends the Board approve this collaborative grant application to benefit the clients of A Safe Place Family Justice Center.

Respectfully submitted,

Angela Brandenburg, Lieutenant/FJC Director

Grant Application Lifecycle Form

Use this form to track your potential grant from conception to submission.

Sections of this form are designed to be completed in collaboration between department program and fiscal staff.

**** CONCEPTION ****

Section I: Funding Opportunity Information - To be completed by Requester (REQUIRED)

Grant Renewal? Yes No

Name of Funding Opportunity: OVW FY 2018 Justice for Families Grant Program

Requestor Information (Name of staff person initiating form): Angela Brandenburg

Department Fiscal Representative: Nancy Artmann

Program Name or Number (please specify): _____

Brief Description of Project:

The 2018 Justice for Families Grant Program provides an opportunity for the Clackamas County community to improve the response of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, and stalking, or in cases involving allegations of child sexual abuse. Partners with the Clackamas County Sheriff's Office (CCSO) on this grant include: Clackamas Women's Services (CWS) Clackamas County District Court, Clackamas County Bar Association (CCBA), Clackamas County Law Library, Lewis & Clark Law School, and the Legal Empowerment Accelerator Program (LEAP) Steering Committee. This grant will fund a full-time (40 hr/wk) bilingual CCSO DVERT Human Services Assistant (Advocate) and the .5 FTE Managing Attorney for LEAP. The Legal Empowerment Accelerator Program (LEAP), an innovative solo practitioner accelerator program in which participating attorneys provide pro-bono and sliding scale representation to clients referred exclusively from ASP-FJC. This program will be managed by a Managing Attorney, .5 FTE employee of Clackamas Women's Services. The proposed grant award total is \$550,000 and Clackamas Women's Services is the lead applicant. The Clackamas County Sheriff's Office will be a subrecipient of this grant and our request is for \$227,400 of that award. The remainder of the grant will to be utilized by our grant partners.

This proposal seeks to address the gaps in the current video-court program currently offered at A Safe Place Family Justice Center for Clackamas County (ASP-FJC), develop the infrastructure necessary to provide culturally specific services to the Hispanic community, and improve the judicial response and provision of civil-legal services for victims in our community, including underserved populations such as rural residents and individuals living with a disability.

Name of Funding (Granting) Agency: Office on Violence Against Women (OVW)

Agency's Web Address for Grant Guidelines and Contact Information:

Grants.gov #OVW -2018-13741

OR

Application Packet Attached: Yes No

Completed By: Angela Brandenburg, CCSO Lieutenant/Director of A Safe Place FJC of Clackamas County

Date: 11/29/2017

**** NOW READY FOR SUBMISSION TO DEPARTMENT FISCAL REPRESENTATIVE ****

Section II: Funding Opportunity Information - To be completed by Department Fiscal Rep (REQUIRED)

Competitive Grant Non-Competing Grant/Renewal Other Notification Date: 10/1/2018

Announcement Date: 11/2/2017

Announcement/Opportunity #: _____

Grant Category/Title: _____

Max Award Value: \$550,000

Allows Indirect/Rate: _____

Match Requirement: -0-

Application Deadline: 12/20/2017

Other Deadlines: NA

Grant Start Date: 10/1/2018

Other Deadline Description:

Grant End Date: 9/30/2021

Completed By: Angela Brandenburg, CCSO Lt.

Pre-Application Meeting Schedule: CCSO/FJC & CWS met 11/13/2017

Section III: Funding Opportunity Information - To be completed at Pre-Application Meeting by Dept Program and Fiscal Staff

Mission/Purpose:

1. How does the grant support the Department's Mission/Purpose/Goals?

The mission of the Clackamas County Sheriff's Office (CCSO) is to preserve life, uphold the law, prevent crime, hold offenders accountable, and promote safety while finding innovative solutions and building partnerships with the community. We fulfill this mission through teamwork and partnerships, as reflected in our motto: "Working Together to Make a Difference."

The Clackamas County Sheriff's Office takes domestic violence very seriously and was among the first two law enforcement agencies in Oregon to implement the Maryland Lethality Assessment Program (LAP). In 2002, CCSO created the Domestic Violence Enhanced Response Team (DVERT) with community partners to specifically address family violence in Clackamas County. DVERT focuses its aim on extensive coordination of domestic violence cases through staffing, advocate assignment, identification of prosecutorial needs, and promptly arresting suspects. DVERT is currently housed at A Safe Place Family Justice Center for Clackamas County. And since 2000 CCSO has coordinated and hosted the annual Child Abuse and Family Violence Summit which is attended internationally by over 750 attendees each year. Additionally, CCSO is the Lead Agency directing daily operations at A Safe Place Family Justice Center for Clackamas County including the Video Court Program.

CCSO is also the lead agency for the A Safe Place Family Justice Center High Risk Response Team (HRRT) which utilizes a multi-disciplinary team of core partners working in concert to hold offenders accountable, increase victim safety by monitoring offenders and providing comprehensive victim services. The High Risk Response Team recognizes that domestic violence homicides are both predictable and preventable. Our team is designed to work collaboratively to identify the most dangerous domestic violence cases in the community and offers a coordinated effort for domestic violence response and support for victims. Sharing information across disciplines helps close the gaps in the system and ensures that the most dangerous cases are comprehensively and strategically addressed.

2. How does the grant support the Division's Mission/Purpose/Goals? (If applicable)

See Mission/Purpose 1.

3. What, if any, are the community partners who might be better suited to perform this work?

The CCSO DVERT Unit is currently staffed by one full-time Human Services Assistant (Advocate) that is considered a systems' based law enforcement advocate. CCSO was one of the first law enforcement agencies in the state of Oregon to hire an advocate to assist victims of domestic violence, dating violence and stalking. There are no other systems' based law enforcement advocates employed in Clackamas County or other community partners suited for this work.

4. What are the objectives of this grant? How will we meet these objectives?

The objectives of this OVW Grant seeks to address the gaps in the current video-court program currently offered at A Safe Place Family Justice Center for Clackamas County (ASP-FJC), develop the infrastructure necessary to provide culturally specific services to the Hispanic community, and improve the judicial response and provision of civil-legal services for victims in our community, including underserved populations such as rural residents and individuals living with a disability. The project proposes to build on the existing success of the video-court program by creating a centralized position — a Bi-lingual Advocate through CCSO's Domestic Violence Enhanced Response Team (DVERT) — to support survivors in filing for eligible crime victim's compensation; preparing victim impact statements for sentencing; coordinating cross-training and conducting outreach to partner agencies and law enforcement; preparing applications for orders of protection; assisting with systems navigation; and providing court accompaniment, transportation, client aid, and other critical resources to victims. Additionally, the program will enhance access to civil legal assistance through the Legal Empowerment Accelerator Program (LEAP).

5. Does the grant proposal fund an existing program? If yes, which program? If no, what should the program be called and what is its purpose?

No, the grant proposal does not fund an existing program.

Organizational Capacity:

1. Does the organization have adequate and qualified staff? If yes, what types of staff are required?

If no, can staff be hired within the grant timeframe?

No. This grant would require CCSO to hire a Bi-lingual Human Services Assistant which can be accomplished once the grant is awarded.

2. Is there partnership efforts required? If yes, who are we partnering with, what are their roles and responsibilities, and are they committed to the same goals?

All of the partners on this grant proposal are currently partners working together at A Safe Place Family Justice Center (ASP-FJC). ASP-FJC is a collaboration of partners working together to provide comprehensive services to victims of domestic violence, sexual violence, elder abuse, stalking, and dating violence. Services are co-located, integrated and trauma informed. All of the partners included in this grant project have significant and integral roles in the ASP-FJC collaboration. The development of the Center was a collaborative effort that included all of the project partners for this proposal as well as many additional community partners not listed here.

Reporting Requirements

1. *What are the program reporting requirements for this grant?*

Program reporting requirements will be semi-annual progress reports and quarterly Federal Financial Reports (SF 425).

2. *What is the plan to evaluate grant performance? Are we using existing data sources? If yes, what are they and where are they housed? If not, is it feasible to develop a data source within the grant timeframe?*

ASP-FJC currently tracks performance related activity of services provided at ASP-FJC to include the Video Court Program. Data needed to report on this grant would not place additional burden or require the development of new data capture sources.

3. *What are the fiscal reporting requirements for this grant?*

Program reporting requirements will be semi-annual progress reports and quarterly Federal Financial Reports (SF 425).

Fiscal

1. *Will we realize more benefit than this grant will cost to administer?*

Yes

2. *What other revenue sources are required? Have they already been secured?*

No other revenue sources are required.

3. *Is there a match requirement? If yes, how much and what type of funding (CGF, Inkind, Local Grant, etc.)?*

No match requirement.

4. *Is this continuous or one-time funding? If one-time funding, how will program funding be sustained?*

One-time funding. Sustainability efforts will be explored during the 3 year duration of this grant award.

5. *Does this grant cover indirect costs? If yes, is there a rate cap? If no, can additional funds be obtained to support indirect expenses and what are they?*

No indirect expenses will be incurred by CCSO's portion of the grant proposal.

Program Approval:

Angela Brandenburg

11/29/2017




Name (Typed/Printed)


Date

Signature

**** NOW READY FOR PROGRAM MANAGER SUBMISSION TO DIVISION DIRECTOR ****

Section IV: Approvals

DIVISION DIRECTOR OR ASSISTANT DIRECTOR (or designee, if applicable)		
Lt. Angela Brandenburg	12/5/2017	
Name (Typed/Printed)	Date	Signature

DEPARTMENT DIRECTOR		
Sheriff Craig Roberts	12/5/2017	
Name (Typed/Printed)	Date	Signature

IF APPLICATION IS FOR FEDERAL FUNDS, PLEASE SEND COPY OF THIS DOCUMENT, BY EMAIL OR BY COURIER, TO FINANCE. ROUTE ORIGINAL OR SCANNED VERSION TO BCC.

Section V: Board of County Commissioners/County Administration (required for all grant applications)

For applications less than \$150,000:

COUNTY ADMINISTRATOR	Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>
Name (Typed/Printed)	Date	Signature

For applications greater than \$150,000 or which otherwise require BCC approval:

BCC Agenda item #:

Date:

OR



December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of Ready to Read Grant between State of Oregon and
Clackamas County Business and Community Services,
on behalf of the Clackamas County - Oak Lodge Library

Purpose/Outcome	Fund summer reading program and early literacy projects at the Clackamas County Oak Lodge Library
Dollar Amount and Fiscal Impact	\$5,748 (grant award)
Funding Source	State of Oregon (Ready to Read Grant)
Duration	From January 1, 2018 to December 31, 2018
Previous Board Action	None
Strategic Plan Alignment	Ensure Safe, Healthy and Informed Communities (ensuring community well-being by improving access to early literacy and summer reading projects)
Contact Person	Mitzi Olson, Clackamas County - Oak Lodge Library Manager Laura Zentner, BCS Interim Director

Background:

The State of Oregon Ready to Read Grant program funds summer reading programs and early literacy activities for Oregon public libraries. The purpose of the grant is for libraries to establish, develop, and improve early literacy services for children 0-6 years old and the statewide summer reading program for youth 0-14 years old.

Libraries may use the Ready to Read Grant to fund early literacy activities for young children 0-6 years old and/or summer reading programs for youth 0-14 years old. The State Library sends Ready to Read Grant applications to directors of all eligible libraries in July every year.

Research shows that early learning and summer enrichment activities have a significant impact on the achievement gap. Library early literacy services and summer reading activities support the state of Oregon's education priorities and initiatives in the following ways:

- Help children develop the six early literacy skills by the time they start kindergarten. (Early literacy projects)
- Encourage adults to read, sing, talk, write, and play with their young children regularly to help them develop early literacy skills. (Early literacy projects & Summer reading projects)
- Help youth maintain or improve their literacy skills over the summer. (Summer reading projects)

- Allow youth to demonstrate their love of reading and learning by choosing to engage in these activities during their free time. (Summer reading projects)

Grant funds will be used for the purchase of materials and resources, as well as provide programming and activities throughout the year.

Recommendation:

Staff recommends the Board of County Commissioners of Clackamas County approve the acceptance Ready to Read Grant with the State of Oregon. No signatures are required.

Attachments:

- State of Oregon – Ready to Read Grant Acceptance Letter

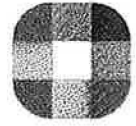
Respectfully Submitted,

Laura Zentner, Interim Director
Business and Community Services



Oregon

Kate Brown, Governor



State Library of Oregon

250 Winter St. NE
Salem, OR 97301-3950
503-378-4243
Fax 503-585-8059
www.oregon.gov/osl

October 3, 2017

Dear Library Director and Ready to Read Key Contact,

Your library's 2018 Ready to Read grant application has been accepted, pending approval of the State Library Board at their meeting on October 20, 2017. Enclosed is an updated list of proposed grants that indicates the amount of money your library will receive if the State Library Board approves it with no changes. If the State Library Board grants any appeals that change this list of proposed grant, then the amount of money you receive in December will be different than the amount in this list of proposed grants—unless you always receive a minimum grant. You will receive your 2018 grant funds in December, no later than December 31, 2017.

Enclosed are the 2017 Ready to Read grant report form and materials. Use the 2017 list of grants distributed to find out how much money you actually received because it may be different than the amount you applied for—unless you always receive a minimum grant. You received the list of grants in December 2016; it is also available online at <http://www.oregon.gov/osl/LD/youthsvcs/R2R/2017-ProjectDescriptions.pdf>.

Use the enclosed report guidelines and description of evaluation options to help you fill out the report form. No signatures are required on reports. **Your library's 2017 Ready to Read grant report must be submitted to the State Library date-stamped December 1, 2017, or earlier.**

Choose one of the following methods for submitting your report so it is date-stamped by December 1, 2017.

- Email: ferol.weyand@state.or.us
- Fax: 503-378-6439
- Mail: State Library of Oregon, Ready to Read, 250 Winter St. NE Salem, OR 97301

Please contact me if you have any questions.

Three documents are enclosed:

1. List of proposed grants for 2018
2. 2017 Ready to Read grant report form
3. 2017 report guidelines
4. Mighty Endeavor bookmarks

The State Library provides leadership and resources to continue growing vibrant library services for Oregonians with print disabilities, the Legislature and state government, and all Oregonians through local libraries.



December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for the Designation of the
Clackamas Soil and Water Conservation District as Weed Entity

Purpose/Outcomes	Recognition of Clackamas Soil and Water Conservation District (CSWCD) as Weed Entity will allow the CSWCD to qualify for grant funds from the Oregon Dept. of Agriculture in support of county weed programs through the District's WeedWise Program.
Dollar Amount and Fiscal Impact	No impact to Clackamas County
Funding Source	Oregon Department of Agriculture
Duration	On going
Previous Board Action	The Board of County Commissioners supported this action at its December 5, 2017 policy session.
Strategic Plan Alignment	1. Honor, Utilize, Promote and Invest in our Natural Resources 2. Build Public Trust through Good Government
Contact Person	Rick Gruen, Manager County Parks & Forest 503.742.4345

BACKGROUND: The Oregon Department of Agriculture recently announced a new grant program to support county weed control programs. Eligibility for these funds requires that an "applicant must be a County Noxious Weed Program or the county weed entity designated by the County Commissioners". Clackamas County currently does not operate a County Noxious Weed Control Program as defined in ORS 569.360. Although there is no county noxious weed control program, the CSWCD has affectively served this role within Clackamas County. As such, CSWCD is seeking a resolution that will formally recognize the CSWCD's WeedWise Program as the county weed entity for Clackamas County, thereby fulfilling the requirements outlined by Oregon Dept. of Agriculture for county weed program grant funds.

County Counsel has reviewed the Resolution as to form and content.

RECOMMENDATION:

Staff recommends Board approval of a Resolution for the Designation of the Clackamas Soil and Water Conservation District as Weed Entity.

Respectfully submitted,

Laura Zentner, Interim Director
Business and Community Services

A Resolution for the Designation
Of the Clackamas Soil and Water
Conservation District as Weed
Entity

RESOLUTION NO.

WHEREAS, Clackamas County recognizes the damaging impact of invasive noxious weeds on our economic viability, community livability, and integrity of our natural systems; and

WHEREAS, the State of Oregon has enacted ORS Chapter 569 declaring noxious weeds as a public nuisance; and

WHEREAS, the Oregon Department of Agriculture has found there is an estimated annual loss of almost \$83,500,000 in personal income to the State's economy from 25 selected noxious weed species; and

WHEREAS, the Oregon State Weed Board has created a grant program to support a county noxious weed program or the county weed entity designated by the County Commissioners; and

WHEREAS, the Clackamas Soil and Water Conservation District received a permanent tax rate, in part to respond to citizen demands to implement a countywide weed program focused on education and sustainable control methods; and

WHEREAS, the Clackamas Soil and Water Conservation District currently operates a county-wide noxious weed program, that serves landowners, businesses, and residents throughout Clackamas County; and

WHEREAS, Clackamas County, through its Departments, works cooperatively with the Clackamas Soil and Water Conservation District to identify and implement noxious weed control projects, programs, and practices that meet mutual goals; and

WHEREAS, the Clackamas Board of County Commissioners recognizes the current and demonstrated ability of the Clackamas Soil and Water Conservation District to act as the weed entity for Clackamas County,

NOW, THEREFORE, BE IT RESOLVED that the Clackamas Board of County Commissioners designates the Clackamas Soil and Water Conservation District as the county weed entity to improve and enhance the management of invasive noxious weeds within Clackamas County.

DATED this ____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for an Enhanced Law Enforcement District
Supplemental Budget (Less Than Ten Percent) for Fiscal Year 2017-2018

Purpose/Outcome	Supplemental Budget changes for Enhanced Law Enforcement District FY 2017-2018
Dollar Amount and fiscal Impact	The effect is an increase in appropriations of \$154,641
Funding Source	Includes Fund Balance.
Safety Impact	N/A
Duration	July 1, 2017 - June, 30 2018
Previous Board Action/Review	Budget Adopted June 29, 2017
Strategic Plan Alignment	Build public trust through good government
Contact Person.	Diane Padilla, 503-742-5425

BACKGROUND:

Each fiscal year it is necessary to allocate additional sources of revenue and appropriate additional expenditures to more accurately meet the changing requirements of the operating departments. The attached resolution reflects such changes requested by departments in keeping with a legally accurate budget. These changes are in compliance with O.R.S. 294.471 which allows for governing body approval of supplemental budget changes of less than ten percent of qualifying expenditures in the fund(s) being adjusted.

The Enhanced Law Enforcement District is recognizing fund balance and budgeting for contracted services and program expense.

The effect of this Resolution is an increase in appropriations of \$154,641 including revenues as detailed below:

Fund Balance	\$ 154,641.
Total Recommended	<u>\$ 154,641.</u>

RECOMMENDATION:

Staff respectfully recommends adoption of the attached supplemental budget and Exhibit A in keeping with a legally accurate budget.

Sincerely,

Diane Padilla
Budget Manager

In the Matter of Providing Authorization
Regarding Adoption of a Supplemental
Budget for Items Less Than 10
Percent of the Total Qualifying Expenditures
and Making Appropriations for Fiscal
Year 2017-18

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, a supplemental budget for the period of July 1, 2017 through June 30, 2018, inclusive, has been prepared, published and submitted to the taxpayers as provided by statute;

WHEREAS; a hearing to discuss the supplemental budget was held before the Board of County Commissioners on December 14, 2017.

WHEREAS; the funds being adjusted are:

. Enhanced Law Enforcement District Fund;

It further appearing that it is in the best interest of the County to approve this less than 10 percent appropriations for the period of July 1, 2017 through June 30, 2018.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.480, the supplemental budget be adopted and appropriations established as shown in the attached Exhibit A which by this reference is made a part of this Resolution.

Dated this ____ day of _____, 2017

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

SUMMARY OF SUPPLEMENTAL BUDGET
Exhibit A
CHANGES OF LESS THAN 10% OF BUDGET
December 14, 2017

Recommended items by revenue source:

Fund Balance	\$ 154,641
Total Recommended	<u>\$ 154,641</u>

ENHANCED LAW ENFORCEMENT DISTRICT FUND

Revenues:

Fund Balance	\$ 154,641
Total Revenue	<u>\$ 154,641</u>

Expenses:

Public Protection	\$ 154,641
Total Expenditures	<u>\$ 154,641</u>

Enhanced Law Enforcement District Fund is recognizing fund balance and budgeting for contracted services and program expense.



December 14, 2017

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution for the Library Service District for a Supplemental Budget (Less Than Ten Percent) for Fiscal Year 2017-2018

Purpose/Outcome	Approval of a resolution for a supplemental Budget less than ten percent for the Library Service District FY 2017-2018
Dollar Amount and fiscal Impact	Recognizing additional fund balance and increasing appropriations in the amount of \$154,542.
Funding Source	Beginning Fund Balance
Safety Impact	N/A
Duration	July 1, 2017 through June 30, 2018
Previous Board Action/Review	Original Adopted Budget June 29, 2017
Strategic Plan Alignment	Build public trust through good government
Contact Person	Laura Zentner, BCS Interim Director 503.742.4351

BACKGROUND:

Each fiscal year it is necessary to allocate additional sources of revenue and appropriate additional expenditures to more accurately meet the changing requirements of the operating departments.

A supplemental budget is a method of appropriating fund expenditures less than 10% during the fiscal year as required by state budget law per ORS 294.471. The required meeting notice has been posted.

The attached resolution reflects the above-mentioned changes by category in keeping with a legally accurate budget.

The **Library Service District Fund** - is recognizing additional beginning fund balance in the amount of \$154,542 and recognizing additional expenditures in the Special Payments Category (Payments to Local Governments and Other Special Payments) in the amount of \$154,542.

RECOMMENDATION:

Staff respectfully recommends adoption of the attached resolution and Exhibit A in keeping with a legally accurate budget.

Sincerely,

Laura L. Zentner, CPA
BCS Interim Director

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ACTING AS THE GOVERNING BODY OF THE CLACKAMAS COUNTY LIBRARY SERVICE DISTRICT REGARDING ADOPTION OF A SUPPLEMENTAL BUDGET FOR ITEMS LESS THAN 10 PERCENT OF THE TOTAL QUALIFYING EXPENDITURES AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2017-18

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, a supplemental budget for the period of July 1, 2017 through June 30, 2018, inclusive is necessary to authorize the expenditure of funds, for the needs of District residents;

WHEREAS; the funds being adjusted are:

Clackamas County Library Service District Fund

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

Pursuant to its authority under OR 294.471, the supplemental budget and appropriations established as shown in the attached Exhibit A, which by this reference is made a part of this Resolution.

DATED this 14th day of December, 2017

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

SUMMARY OF SUPPLEMENTAL BUDGET

Exhibit A

CHANGES OF LESS THAN 10% OF BUDGET

December 14, 2017

LIBRARY SERVICE DISTRICT FUND

Increase Revenues:	
Beginning Fund Balance	\$ 154,542
Total	<u>\$ 154,542</u>
 Increase Expenditures:	
Special Payments	\$ 154,542
Total	<u>\$ 154,542</u>

The Library Service District Fund is recognizing additional beginning fund balance in the amount of \$154,542 and recognizing additional expenditures in the Special Payments category (Payments to Local Governments & Other Special Payments) in the amount of \$154,542.