



Lynn Peterson  
Chair

Commissioners  
Bob Austin  
Jim Bernard  
Charlotte Lehan  
Ann Lininger

**BOARD OF COUNTY COMMISSIONERS**

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

# AGENDA

**THURSDAY, September 23, 2010 - 10:00 AM**  
**BOARD OF COUNTY COMMISSIONERS**

Beginning Board Order No. 2010-111

**I. READING AND ADOPTION OF LAND USE ORDINANCE** *(No public testimony on this item)*  
(Dan Chandler, County Counsel)

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

1. Proclaiming Monday, September 27, 2010 as Family Day – A Day to Eat Dinner with Your Children in Clackamas County (Joe Koziol, Children, Youth and Families)

**III. HOUSING AUTHORITY CONSENT AGENDA**

1. In the Matter of Writing off Uncollectible Accounts for the First Quarter of FY 2011
2. Approval of an Intergovernmental Agreement between the Housing Authority of Clackamas County and the Oregon City School District
3. Approval of Amendment #1 to the Intergovernmental Agreement with the Housing Authority of Portland

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

**V. PUBLIC HEARING** *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the 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. Public Hearing for an Exemption and Authorization to use the Request for Proposals Method for the Clackamas County Broadband Innovation Initiative Fiber Infrastructure Project (Lane Miller, Purchasing Manager)

**VI. DISCUSSION ITEMS** *(The following items will be individually presented by County staff or other appropriate individuals. Citizens who want to comment on a discussion item may do so when called on by the Chair.)*

**~NO DISCUSSION ITEMS SCHEDULED**

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

**A. Health, Housing & Human Services**

1. Approval of Amendment #2 to the Master Grant Agreement with the State of Oregon Department of Housing and Community Services for a Variety of Social Services Programs - SS
2. Approval of Amendment #6 to a Revenue Professional Services Contract #02-0803CTC with Ride Connection, Inc. to Provide Funding for Vehicle Maintenance for Vehicles Operated by Members of the Clackamas County Transportation Consortium - SS
3. Approval of Amendment #1 to the Contract with Resources Connections of Oregon for Fiscal Intermediary Services for Persons with Developmental Disabilities – SS
4. Approval of Amendment #1 to a Revenue Agreement with Oregon Health & Sciences University for the CaCoon Program - CH
5. Board Order No. \_\_\_\_\_ Approving Community Health Directors Designee to Authorize a Custody Hold Under ORS 426.233 – CH

**B. Department of Transportation & Development**

1. Board Order No. \_\_\_\_\_ Correcting Board Order No. 70-1102, Vacating Portions of Fern Street
2. Board Order No. \_\_\_\_\_ Vacating an Unused Portion of the Bluff Road Extension, County Road Number 280
3. Approval of a Utility Placement Agreement between Clackamas County and Frontier Communication Corporation
4. Approval of a Utility Placement Agreement between Clackamas County and Pleasant Valley Heights Water District
5. Approval of a Utility Placement Agreement between Clackamas County and Arrah Wanna Water Company

**C. Finance Department**

1. Approval to Purchase a New Tymco Street Sweeper from Clyde West for the Department of Transportation and Development

**D. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval for the Clackamas County Department of Transportation and Development and the Clackamas County Sheriff's Office to Apply for a Continuation Grant from the Oregon Department of Transportation (ODOT), Transportation Safety Division – CCSO
3. Approval of the Contract with Karpel Solutions for a District Attorney's Case Management System - DA

**E. Department of Emergency Management**

1. Board Order No. \_\_\_\_\_ Approving the 2010 Agricultural Emergency Declaration

**VIII. WATER ENVIRONMENT SERVICES**

1. Approval of an Intergovernmental Agreement between Clackamas County Service District No. 1 and the City of Gladstone for Monitoring and Laboratory Services

**IX. COMMISSIONERS COMMUNICATION**

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

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

## ORDINANCE NO. ZDO-219

### **An Ordinance amending Chapter 3 of the Clackamas County Comprehensive Plan and Sections 300, 400, 1000 and 1600 of the Clackamas County Zoning and Development Ordinance**

WHEREAS, a healthy forest canopy is a critical resource for the urban area of Clackamas County; and

WHEREAS, excessive tree removal in anticipation of development conflicts with the preservation of the forest canopy; and

WHEREAS, it is important to balance reasonable development with the preservation of trees; and

WHEREAS, Clackamas County deems it important to limit certain land uses based on prior excessive tree removal; and

WHEREAS, the amendments are consistent with the Statewide Planning Goals and Guidelines and the Metro Urban Growth Management Functional Plan; and

WHEREAS, after a duly-noticed public hearing, the Clackamas County Planning Commission, recommended denial of ZDO-219 on April 12, 2010; and

WHEREAS, the Clackamas County Board of County Commissioners held public hearings on June 8, 2010; June 28, 2010; and September 8, 2010; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 3 of the Clackamas County Comprehensive Plan is hereby amended as shown in Exhibit A hereto.

Section 2: Sections 300, 400, 1000 and 1600 of the Clackamas County Zoning and Development Ordinance are amended as shown in Exhibit B hereto.

Section 3: This ordinance shall be effective 5 days from the date of its adoption.

ADOPTED this 23<sup>rd</sup> day of September, 2010

BOARD OF COUNTY COMMISSIONERS

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Chair

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Recording Secretary

COPY

Cindy Becker, Director

September 23, 2010

Board of County Commissioners  
Clackamas County

Members of the Board;

**Proclamation to declare September 27<sup>th</sup> 2010  
As Family Day- A Day to Eat Dinner with Your Children  
in Clackamas County**

Each year, communities across the country celebrate Family Day-A Day to Eat Dinner with Your Family. Family Day is a national movement that honors the role of parental engagement in the lives of our youth as a protective factor for substance use and abuse through regular family dinners.

An extensive body of research conducted for over ten years by The National Center on Addiction and Substance Abuse at Columbia University has shown that frequent family dinners are an effective method in preventing youth substance abuse. Powerful outcomes have been associated with frequency of family dinners. Research shows that when compared to teens who eat dinner with family five or more times per week, teens who have fewer than three family dinners per week are:

- More than twice as likely to have used marijuana in the past 30 days
- Nearly twice as likely to have drunk alcohol or used tobacco in the past 30 days
- More than one and a half times likelier to have gotten drunk in the past 30 days

We know that the most frequently abused substance among our nation's youth is alcohol. Clackamas County youth rates of alcohol and drug use mirror that of the nation. Our most recent data indicates that 26% of eighth graders and 43% of 11<sup>th</sup> graders report using alcohol at least once in the past 30 days. Physical and social consequences of alcohol abuse among our youth are serious and range from alcohol poisoning, drunk driving, risky sexual behavior, physical aggression, sexual assault, and suicide.

There are also concerning rates of marijuana use among our county's youth. Six percent of 8<sup>th</sup> graders and 19% of 11<sup>th</sup> graders report they have used marijuana in the last 30 days.

The benefits for family dinners can begin as early as the toddler years. Toddlers learn an array of skills by eating dinner with their families. They learn that they are an important part of their families, by sitting with everyone else. Toddlers who eat dinner at the table with their families have better language development than toddlers who don't. Important social skills such as table manners, utensil use, listening skills, please and thank you, opinion sharing, discussions, helping to prepare food, helping in cleaning the kitchen as well as invaluable focused time with their parents, area all benefits of family dinners!

Clackamas County Commission on Children & Families, through the Children, Youth and Families Division is actively supporting and developing evidenced based programs and initiatives that work towards preventing youth drug and alcohol use, promoting family togetherness and beginning family dinners early. Some of the programs and initiatives underway in our County include:

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- The Clackamas County Prevention Coalition meets monthly to develop and implement effective strategies to reduce youth drug and alcohol use.
- Supporting the development of community drug and alcohol prevention coalitions including the Gladstone Youth Coalition, Estacada Community Coalition and Oregon City Together Coalition.
- Youth Photovoice Project using youth photography across Clackamas County to incorporate teen perspectives into prevention planning.
- PreventNet schools is a collaboration between the Commission, local schools and non-profits providing prevention programming for youth at the school site based on the Extended Services Schools Initiative.
- Project Alert, an evidenced-based drug and alcohol prevention program for youth in participating Clackamas County schools.
- The Healthy Start/Healthy Families home visitors discuss the importance of family dinners with new parents while their children are toddlers.

To learn more about prevention of youth drug and alcohol use, please call the Children, Youth and Families Division at 503-650-5682.

To learn more about Healthy Start/Healthy Families, please call the Healthy Start Program Manager with the Children Youth and Families Division at 503-496-3937.

**Recommendation:**

Staff recommends the Board approve the attached Family Day -- A Day to Eat Dinner with Your Family Proclamation.

Sincerely,



Cindy Becker  
Director

***Proclaiming September 27, 2010  
As Family Day in Clackamas County  
A Day to Eat Dinner with Your Children***

**WHEREAS** More than ten years of research conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

**WHEREAS** teenagers who eat dinner with their families two times a week or less are three and a half times as likely to have used prescription drugs, illegal drugs and three times more likely to have used marijuana;

**WHEREAS** teenagers who eat dinner with their families are half as likely to smoke cigarettes, smoke marijuana and drink alcohol;

**WHEREAS** the correlation between family dinners and reduced risk for teen substance abuse are well documented;

**WHEREAS** parental engagement is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers;

**WHEREAS** toddlers benefit from family dinners by learning an array of skills such as table manners, family dynamics, social skills, language development and an open mind to trying new and healthy foods;

**WHEREAS** toddlers and young children gain self esteem, learning that they are an important part of their family, sitting at the table with everyone else;

**WHEREAS** family dinners have long constituted a substantial pillar of family life in America:

**NOW, THEREFORE,** the Clackamas County Board of County Commissioners do hereby proclaim Monday the 27<sup>th</sup> day of September, 2010 as

***Family Day – A Day to Eat Dinner With Your Children***

in Clackamas County, Oregon we encourage all families to join in this observance and urge all families to sit down together and eat dinner with your children.

Dated this 23<sup>rd</sup> day of September, 2010

**Clackamas County Board of Commissioners**

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Commissioner Lynn Peterson, Chair

COPY

September 23, 2010

Board of Commissioners of the  
Housing Authority of Clackamas County

Members of the Board:

**In The Matter of Writing Off Uncollectible Accounts for the  
First Quarter of Fiscal Year 2011**

The Housing Authority of Clackamas County (HACC), a Division of the Health, Housing and Human Services Department, requests the approval to Write Off Uncollectible Rents, Late Charges and Maintenance Expenses for the First Quarter of Fiscal Year 2011 (July 1, 2010 – September 30, 2010). The uncollectible amounts are detailed on the attached worksheets.

Uncollectible amounts for the first quarter of fiscal year 2011 will be \$6,130.67 for Low Rent Public Housing and \$1,668.86 for Jannsen Road Apts. Of the total first quarter write offs, \$1,049.82 was for uncollected rents and \$6,749.71 was for maintenance repairs charged to tenants for repairs required to units before HACC could lease them to a new tenant.

The total amount proposed for transfer from Accounts Receivable to Collection Loss for the first Quarter of fiscal year 2011 will be \$7,799.53. Total collection losses for fiscal year 2010 were \$26,836.67.

**Recommendation**

HACC recommends the approval to write off uncollectible rents, late charges and maintenance expenses and for the Executive Director to be authorized to approve the transfer of these accounts from Accounts Receivable to Collection Loss.

Respectfully submitted,



Cindy Becker  
Director

For information on this issue or copies of attachments  
Please contact Toni Karter at (503) 650-3139



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September 23, 2010

Board of Commissioners of the  
Housing Authority of Clackamas County

Members of the Board:

**Approval of Intergovernmental Agreement between Housing Authority of  
Clackamas County and the Oregon City School District**

The Housing Authority of Clackamas County (HACC), A Division of Health, Housing and Human Services Department, requests approval to enter into an Intergovernmental Agreement (IGA) with the Oregon City School District (OCSD). This IGA would provide the basis for a cooperative working relationship for the purpose of providing education, sports and recreation services to school age youth living in public housing.

OCSD agrees to provide a half time employee as a Youth Advocate for 24 months to enroll youth in after school enrichment activities, conduct outreach to youth and families to maximize participation, act as a liaison between youth, families and school, and implement an afterschool homework help/tutoring program. HACC has had a long standing relationship with OCSD and this IGA is simply a renewal of these services. HACC would pay OCSD \$66,000 over the two year period for its services. No County General Funds are involved. County Counsel has reviewed and approved this agreement as part of the H3S contract standardization project.

**Recommendation**

HACC recommends the Board approve the IGA between HACC and OCSD. Furthermore, HACC recommends its Executive Director be authorized to sign all documents necessary to accomplish this action of behalf of the Board.

Respectfully submitted,



Cindy Becker  
Director

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September 23, 2010

Board of Commissioners of the  
Housing Authority of Clackamas County

Members of the Board:

**Approval of Amendment #1 to the Intergovernmental Agreement with the  
Housing Authority of Portland**

The Housing Authority of Clackamas County (HACC), a Division of the Health, Housing and Human Services Department (HHHS), requests approval of Amendment #1 to the Intergovernmental Agreement (IGA) with the Housing Authority of Portland (HAP).

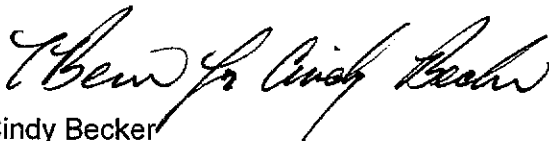
HACC originally entered into an IGA with HAP on January 21, 2010 for relocation services for Capital Fund Modernization work and Group 1 of the Scattered Site Public Housing Disposition. In addition to the relocation services outlined in the original agreement, the amendment would allow HAP to provide relocation planning and support in preparation for HACC's HOPE VI grant submission. HAP will draft the relocation plan component for HACC's HOPE VI application and provide relocation training for HACC residents living at Clackamas Heights. HAP's experience with HOPE VI developments will enable HACC to meet the relocation requirements outlined in the FY 2010 HOPE VI Notice of Funding Availability. HAP will bill HACC on an hourly basis.

The Amendment increases the compensation by no more than \$8,400. Therefore, the total IGA will have HACC pay HAP an amount for actual time and materials not to exceed \$97,024. Expenses will be paid using Capital Fund Grant and Local Project reserves. No County General Funds are involved. This IGA has no effect on staffing. County Counsel has reviewed and approved this agreement as part of the H3S contract standardization project.

**Recommendation**

HACC recommends the approval to enter into the Amended IGA with HAP. HACC further recommends that the Director of HHHS be authorized to sign all documents necessary to accomplish this action on behalf of the Board.

Respectfully submitted,



Cindy Becker  
Director

For information on this issue or copies of attachments  
Please contact Toni Karter at (503) 650-3139

*Healthy Families. Strong Communities.*



LANE MILLER  
MANAGER

**PURCHASING DIVISION**

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

September 23, 2010

Board of County Commissioners  
Clackamas County

Members of the Board:

**Request For An Exemption And Authorization To Use The Request For Proposals Method For The  
Clackamas County Broadband Innovation Initiative (CBII)  
Fiber Infrastructure Project**

In order to use the Request for Proposals method to solicit for Public Improvement projects the Board must approve, acting as the Local Contract Review Board, Findings of Fact that justify the granting of an exemption from the requirement of public contract rules and regulations which require competitively bidding the project.

The Local Contract Review Board Rule C049-0620 and ORS 279C.335 require the following process for exemptions of this nature.

Before final adoption of the findings exempting a contract for a public improvement from the requirement of competitive bidding, a public agency shall hold a public hearing. Notification of the public hearing shall be published in at least one trade newspaper of general statewide circulation a minimum of 14 days prior to the hearing.

The notice shall state that the public hearing is for the purpose of taking comments on the agency's draft findings for an exemption from the competitive bidding requirement. At the time of the notice, copies of the draft findings shall be made available to the public. At the option of the public agency the notice may describe the process by which the findings are finally adopted and may indicate the opportunity for public comment.

At the public hearing the agency shall offer an opportunity for any interested party to appear and present comment.

To meet these requirements this draft of the finding is being presented to the Board for the exemption from the competitive bidding requirement.

The Purchasing Manager caused an advertisement to be placed in the Daily Journal of Commerce on September 7, 2010 notifying interested parties of the draft findings. The advertisement states that the draft findings are available at the Office of the Purchasing Manager and that a Public Hearing will be held on September 23, 2010. This meeting will be the last opportunity for receiving comments. If no comments are received that result in a revision of the draft findings the Board of Commissioners may, at its discretion, adopt these draft findings as the final findings for the exemption at the public hearing.

## **PROPOSED FINDINGS:**

### **A. Nature of the Project:**

Clackamas County is developing a comprehensive County Communications Plan with the goal of expanding all forms of communication services, both public and private within the County. This plan includes expansion of infrastructure in the support of broadband services to public agencies, businesses and private citizens. Such expansion includes support of critical public services and partnerships with private communication providers to enhance service opportunities. The Clackamas County Broadband Innovation Initiative (CBII) project is an integral part of the plan to provide a high speed fiber backbone throughout the County and this project is the first phase in the development of the core infrastructure.

The CBII is a 180 mile ring/spur fiber optic network designed to provide low cost point to point middle / last mile network access to 158 community anchor locations throughout the County while providing backhaul abilities to any private broadband provider desiring to use the network to increase or enhance services. The long term goal is to expand the fiber infrastructure to connect other key County resources, locations and underserved areas. This expansion includes development of new partnerships with communication companies to provide essential data / communication services over the infrastructure to both public and private users.

Clackamas County, in collaboration with the awarded contractor, seeks to achieve several specific objectives with respect to this procurement. The awarded contractor will be expected to provide:

- Complete the Middle / Last Mile route engineering
- Complete the required Environmental Assessment
- Help the County develop a Fiber Allocation Model for allocating fiber resources to anchor sites and partners
- Construct the full Middle Mile Infrastructure
- Construct the full Last Mile fiber connections
- Develop a long term plan for support and emergency repair service for the Fiber infrastructure

Clackamas County has an agreement with Portland General Electric (PGE) for the use of PGE service poles whenever possible for the hanging of fiber as either part of the middle mile infrastructure or last mile delivery. The CBII route was designed:

- To maximize the use of PGE poles to minimize costs/underground and environmental impact
- To initially connect as many key population areas within the County as possible
- To maximize the number of public agencies / services that could be serviced
- To maximize the potential opportunities for economic/ business expansion
- To provide potential routes of service to underserved areas in the County
- To maximize to number of educational sites that can be connected
- To create a solid, flexible and redundant infrastructure for future growth and expansion

### **B. Estimated Cost of the Project:**

The anticipated budget for this project is between \$7,500,000 and \$8,000,000 for design and construction services. The Clackamas Broadband Innovation Initiative (CBII) is a National Telecommunication and Information Administration (NTIA) Broadband Technology Opportunity Program (BTOP) Stimulus Grant Project.

**C. Narrative Description of Anticipated Cost Savings from Exemption to Use the Request for Proposals Method:**

Under the Request for Proposals method a firm is hired to conduct both the design and construction of the project. The firm takes responsibility for the design phase of the project to assist with design and administrative coordination, scheduling, budget estimating, constructability review, and value engineering. Additionally, the firm takes responsibility for bidding and the management of construction for a guaranteed maximum price (GMP) for the full value of the design and construction, backed up by a full performance and payment bond.

Important advantages of the approach for this project are that the process ensures the proposed project can be constructed within a specific budget and on as rapid a schedule as possible. These factors are of particular importance with regard to the project for several reasons:

1. This project is complex due to a very strict and tight schedule to meet BTOP Grant requirements for design and construction of the project. There are some immediate deliverables related to project design and Environmental Assessment that will require immediate resources from the awarded contractor. The final routes need to be identified and designed early in the project and the construction must meet the completion schedule required by the BTOP Grant.
2. The selection of construction methods and sequencing will benefit significantly by involving a single contracting entity for both design and construction of the CBII project. The proposal approach provides the County with alternative approaches to the design. Therefore, it is less likely that an optimal design solution will be overlooked due to time and resource constraints.
3. Project costs may be lower because of the close working relationship between the designer and constructor. This may lead to incorporation of more economical design features and the application of cost-saving construction methods.
4. Project may proceed more efficiently because designers and constructors are members of the same team thereby fostering a cooperative exchange of ideas. This dynamic will allow for design efficiencies to be woven into the construction process and allow for resolution of design issues that arise during construction.
5. The County gains the opportunity to fix the total project cost early in the process cooperatively with the design build team.
6. The project will be able to be completed rapidly thereby minimizing the impact of construction cost escalation influences on the cost of the project.
7. Provides the opportunity for phasing the design and construction activities (fast track) when time is critical since the contractor is responsible for both design and construction. Fast track process allows for certain elements of construction to proceed in step with the design process.

The County's administrative burden for the project is reduced by conducting one solicitation for the project as opposed to multiple solicitations for the design/ bid/ build approach. The burden on the County to mediate disputes between the designer and constructor is eliminated because the design/build team is contractually accountable and responsible for the project. Having a single source of responsibility for design and construction of a facility in accordance with a performance-based specification helps ensure the County that the facility will perform as specified.

8. One of the highest potential areas for claims filed by subcontractors for excessive bid costs involves issues related to perceived schedule difficulties, delays and disruptions in the workflow. This type of project is especially prone to such problems if not continually and carefully supervised. Construction expertise and considerations for quality and constructability are incorporated into the design process because the contractor is responsible for both design and construction. Resolutions of design errors or deficiencies are the responsibility of the proposer, not the County.

**D. Proposed Alternative Contracting and Purchasing Practices:**

1. The County desires to select the firm using the following competitive process:

- a. Publicly advertise a Request for Proposal.
- b. The contractor will be selected through a two-step process. Step 1, Qualifications, will include the submittal and review of the design and construction team experience and qualification information. Step 2, Proposal, includes both the technical proposal and the price proposal.

**Step 1, Qualifications Evaluation and Selection Criteria:**

Fiber Infrastructure Experience	0 - 50 Points
Project Team and Qualifications	0 - 50 Points

- c. The submitted qualifications will be reviewed and scored by the Selection Committee. Points will be awarded based on the relative merit of the information provided in response to the solicitation. The highest rated response in each area will be given the maximum number of points available. Proposers who are best qualified will be notified and invited to submit a technical and price proposal. Those proposers not selected to submit a proposal will be so notified.

**Step 2, Proposal Evaluation and Selection Criteria**

Project Understanding	0 – 10 Points
Project Plan	0 – 25 Points
Project approach and Schedule	0 – 25 Points
Financial	0 – 40 Points

d. A Selection Committee will review the design and cost proposals, rate, and rank the proposals under the predetermined criteria contained in the RFP. The County may ask proposers to make oral presentations to discuss and clarify the submitted proposal.

e. Clackamas County will commence negotiations with the highest ranked firm. If negotiations are unsuccessful, Clackamas County staff will commence negotiations with the next ranked firm.

## **E. Statutory Tests**

### **1. Background:**

ORS279C.335 requires that the Local Contract Review Board make certain findings as a part of authorizing the use of an Alternative Contracting Method. Clackamas County desires to use a Request for Proposals solicitation method to select a contractor for this project. The Clackamas County Request for Proposals approach has been designed to fully comply with the tests of Oregon Public Contracts Statute ORS 279C.335 for alternative contracting methods:

- a. It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; and,
- b. The awarding of public improvement contract under the exemption will result in a substantial cost savings to the contracting agency or the public.

### **2. Test:**

#### **a. Maximizing Competition:**

The County will employ a competitive Request for Proposals process for selecting the vendor, where the cost of the CBII project (along with other factors) is one element of the selection criteria.

#### **b. Minimizing Favoritism:**

The Request for Proposals will be publicly advertised in the trade publication of greatest circulation in the area.

#### **c. Substantial Cost Savings:**

It is anticipated that the process of evaluating potential contractors experience with similar projects and soliciting cost proposals from those contractors will minimize the County's exposure to changes in cost. A close relationship between the designer and constructor will allow the opportunity for cost saving design choices and construction methods. Additionally, the RFP process provides that the contract will be awarded as soon as practicable to the responsible proposer whose proposal is determined to be the most advantageous to the County which will maximize cost savings. The project will be able to be completed rapidly thereby meeting the requirements of the BTOP Grant.

**RECOMMENDATION:** Staff respectfully recommends that the Board, acting as the Local Contract Review Board, considers the comments received from the public on the proposed findings and direct staff to revise the findings, if necessary. If no revisions are to be made, staff recommends that the Board adopt the findings and grant the requested exemption.

Respectfully submitted,

Lane Miller,  
Purchasing Manager

As set forth above, the Board of County Commissioners, acting as the Local Contract Review Board, by their signature below approves the Findings and Exemption.


CLACKAMAS COUNTY BOARD OF  
COUNTY COMMISSIONERS by

\_\_\_\_\_  
Commissioner Lynn Peterson, Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Date

APPROVED AS TO FORM

  
\_\_\_\_\_  
County Counsel

Placed on the Agenda of Sept. 23, 2010 by the Purchasing Division.



COPY

Cindy Becker  
Director

September 23, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**Approval of an Amendment #2 to the Master Grant Agreement between the State of Oregon, Department of Housing and Community Services, and Clackamas County for a Variety of Social Services Programs**

The Social Services Division of the Health, Housing & Human Services Department requests the approval of Amendment #2 to the Master Grant Agreement (MGA) with the State of Oregon, Department of Housing and Community Services for a variety of social service programs. The MGA covers all funding sources which emanate from the State of Oregon, Department of Housing & Community Services (both federal and state) for the biennium 2009-2011. In its entirety, this agreement speaks to the obligations the County incurs in receiving these funds. This amendment is to increase the not-to-exceed amount in the MGA and to add the State Preservation considerations (Exhibit H) under the Low-Income Energy Assistance Weatherization program. The program and funding pieces included in the agreement are as follows:

Low-Income Energy Assistance Program (LIEAP) -- Federal funds designed to assist low-income households with emphasis on elderly and disabled persons, with winter utility bills

Energy Education and Consumer Competency (E2C2) -- Program designed to give households receiving energy or weatherization assistance an opportunity to move toward economic stability through energy education and case management services.

Oregon Energy Assistance Program (OEAP) -- Portland General Electric (PGE) generated funds designed to assist Low-income households with assistance payments directed toward their PGE bills

Low-Income Energy Assistance Weatherization Program, Department of Energy Weatherization Program (DOE), Duke El Paso Settlement Funds (DEP), Bonneville Power Administration Weatherization (BPA), and Energy Conservation Helping Oregonians (ECHO) -- These programs will be operated directly by the Weatherization program

Community Services Block Grant (CSBG) -- Federal funds designed to provide services to low-income individuals, including farm workers, frail elderly, disabled citizens, and client case management services to resident clients of the County's three transitional housing programs.

State Homeless Assistance Program (SHAP) -- State of Oregon General Funds designed to provide support to emergency shelter programs. In Clackamas County these funds purchase shelter space at the two existing emergency shelters; the shelter for survivors and their children of domestic violence operated by Clackamas Women's Services, and the shelter for families with children, the Annie Ross House emergency shelter, operated by Northwest Housing Alternatives, Inc.

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Emergency Housing Account Program (EHA) -- State of Oregon General Funds designed to provide an array of housing and shelter related activities which have as their primary focus the permanent solution of a household's housing/shelter needs. Programs funded by this source include support to the emergency shelters referenced in the previous paragraph, case management services to low-income households placed in transitional housing, shelter services to homeless youth, and housing information and referral services.

Housing Stabilization Program (HSP) -- State of Oregon generated funds, designed to assist programs, which will secure stable housing for chronically homeless clients served, by the State of Oregon, Department of Human Resources, Adult and Family Services Division. Such program activities will focus on establishing clean credit histories, facilitating client understanding of resident and landlord rights and obligations, and money management skills designed to ensure the clients future capacity to maintain housing.

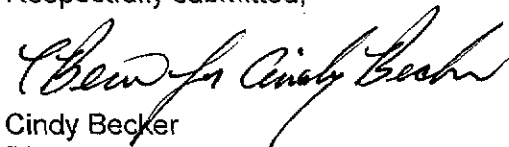
Low-Income Rental Housing Fund (LIRHF) -- State of Oregon generated funds, which are to be used to support low-income renters requiring extended rental support for a period not to exceed six months. Such support shall be limited to the direct payment of rents; however, these renters will be receiving case management and secondary services while receiving support through this program.

The total revenue increase for this amendment is \$5,315,096 for a total revenue agreement of \$15,000,000. The amount not-to-exceed is not indicative of or a guarantee of the amount SSD will receive. It is an overarching dollar figure for contractual purposes only. No County General funds are involved. The original MGA was reviewed by County Counsel July 13, 2009. Duration of this agreement is upon signature and through June 30, 2011.

**Recommendation:**

Staff recommends the approval of this amendment and that Cindy Becker, Director of Health, Housing & Human Services is authorized to sign all documents necessary to accomplish this action on behalf of the Board of Commissioners.

Respectfully submitted,



Cindy Becker  
Director

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

COPY

Cindy Becker  
Director

September 23, 2010

Board of Commissioners,  
Clackamas County

Members of the Board:

**Approval of Amendment #6 to a Revenue Professional Services  
Contract #02-0803CTC with Ride Connection, Inc. to Provide Funding for  
Vehicle Maintenance for Vehicles Operated by Members of the  
Clackamas County Transportation Consortium**

The Social Services Division of the Health, Housing & Human Services Department requests approval of Amendment #6 to Revenue Professional Services Contract #02-0803CTC with Ride Connection, Inc. to provide funding for vehicle maintenance for vehicles operated by members of the Clackamas County Transportation Consortium. This contract will provide funding to reimburse members of the Clackamas County Transportation Consortium for the routine maintenance of vehicles used for transportation services provided to seniors and persons with disabilities.

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

Ride Connection, Inc., as initiator of this contract, chose to sign after obtaining contract approval and signature from Clackamas County. Ride Connection could not release contracts/amendments to its sub-contractors until its funding source, TriMet, released their contract. This resulted in the delay of Ride Connection sending out its contracts/amendments for FY10/11.

The total amount of the amendment #6 is \$57,000; for a total contract of \$171,600. No County General Funds are involved. This amendment is effective July 1, 2010, through June 31, 2011. County Counsel reviewed the original contract on July 19, 2005.

**Recommendation**

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

Respectfully submitted,



Cindy Becker  
Director

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

*Healthy Families. Strong Communities.*

COPY

Cindy Becker  
Director

September 23, 2010

Board of County Commissioners,  
Clackamas County

Members of the Board:

**Approval of Amendment #1 to a Contract with Resource Connections of Oregon  
for Fiscal Intermediary Services for Persons with Developmental Disabilities**

The Clackamas County Social Services Division of the Health, Housing, & Human Services Department requests the approval of Amendment #1 to a Contract with Resource Connections of Oregon for fiscal intermediary services for consumers with developmental disabilities. The Oregon Department of Human Services, Office of Seniors and Persons with Disabilities (DHS – SPD) provides funding to the county for Comprehensive In-Home Support Services for Adults, and Long Term Supports for Children. The funding is used to pay employee costs for in-home care and respite services.

Amendment # 1 adds \$250,000 for a revised contract value of \$650,000. This increase is based on the additional number of clients projected to utilize the contractors' services when DHS – SPD reinstated the funds for fiscal year 2011. The contract is funded with state funds; no County General funds are involved. The amendment is effective upon signature and continues through June 30, 2011. County Counsel has reviewed and approved this contract as part of the H3S contract standardization project. The Board last reviewed and approved this agreement on June 10, 2010.

**Recommendation**

We recommend the approval of this amendment to the contract with Resource Connections of Oregon and that Cindy Becker be authorized to sign on behalf of the Board of County Commissioners.

Respectfully submitted,



Cindy Becker  
Director

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

*Healthy Families. Strong Communities.*

COPY

September 23, 2010

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval of Amendment # 1 to a Revenue Agreement with  
Oregon Health & Science University for the CaCoon Program**

The Clackamas County Community Health Division (CCCHD) of the Health, Housing and Human Services Department (H3S) requests the approval of Amendment # 1 to a Revenue Agreement with Oregon Health & Science University (OHSU), Child Development and Rehabilitation Center for the continuation of the CaCoon program. CaCoon is an abbreviation for Oregon Care Coordination Program.

The revenue from this agreement allows CCCHD to provide a Community Health Nurse to facilitate community-based and family-centered care coordination for children with special health needs. Specific services include assessment of needs, coordination of healthcare and other services, and knowledge of local comprehensive services. The Board last reviewed and approved this agreement on September 23, 2009.

Amendment # 1 extends the agreement for one year. The total revenue is increased by \$59,641.76 to an amended total of \$119,283.52. No county general funds are involved. County Counsel reviewed and approved this amendment September 9, 2010. The amendment is effective October 1, 2010 and expires September 30, 2011.

**RECOMMENDATION:**

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

Respectfully submitted,

  
Cindy Becker  
Director

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

*Healthy Families. Strong Communities.*

2051 Kaen Road #239, Oregon City, OR 97045 • Phone: 503-650-5697 • Fax: 503-655-8677 • www.clackamas.us

COPY

Cindy Becker, *Director*

September 23, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**Approval of Community Health Director's Designee  
To Authorize a Custody Hold Under ORS 426.233**

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

**Recommendation**

We recommend that the Board of Commissioners approve the designation of Michael Nomina, LCSW, as additional Clackamas County Community Health Division staff authorized to direct a peace officer to take a person into custody under ORS 426.233.

Respectfully submitted,



Cindy Becker  
Director

For information on this issue or copies of attachments,  
Please contact Sandra Stein/Office of Business Services at (503)742-5317

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

In the Matter of the Designation of  
Michael Nomina, LCSW, as  
Community Health Director Designees  
to Direct Peace Officer Custody Holds



ORDER NO.

This matter coming on at this time to be heard, and it appearing to this Board that Cindy Becker, Director of Clackamas County Department of Human Services, has recommended to this Board the approval of Michael Nomina, LCSW, as additional designees of the Community Health Division Director, authorized under ORS 426.233 to direct a peace officer to take a person into custody and remove the person to a hospital or non-hospital facility approved by the Oregon Mental Health and Developmental Disability Services Division, and

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

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

ADOPTED this 23rd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



Campbell M. Gilmour  
Director

September 23, 2010

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

Board of County Commissioners

Members of the Board:

**CORRECTION OF BOARD ORDER 70-1102 VACATING PORTIONS OF  
FERN STREET**

Board Order 70-1102, Commissioners Journal Book 76, Page 785, vacated most of Fern Street, a public road, as described in Deed Document Book 519, Page 92, Clackamas County Deed Records, within Lambert Acres, Plat Number 516, Clackamas County Plat Records. It appears that the beginning point for the area to be vacated was incorrectly described. The beginning point was described as; commencing at a point 205.9 feet north of the north property line of Alberta Street (Co. Rd. #649) and 202.8 feet west of the west property line of S.E. 67th Avenue (Co. Rd. #2439) etc.. This beginning point unintentionally left a land locked portion of road right-of-way.

The correct point of beginning should have been as follows; Beginning at a point that is 205.9 feet north of the north property line of Alberta Avenue, and 135.20 feet west of the west property line of S.E. 67th Avenue etc..

Accepting the properly described point of beginning for the vacation of a portion of Fern Street right-of-way will have no negative impact.

Scot Sideras – County Counsel has reviewed and approved this correction.

**RECOMMENDATION:**

Staff respectfully recommends that the Board adopt the attached Correction to Board Order 70-1102.

Sincerely,

Mike Bezner, PE  
Transportation Engineering Manager

For information on this issue or copies of attachments  
please contact Doug Cutshall at 503-742-4699.



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

In the matter of Correcting  
Board Order 70-1102, Vacating  
a portion of Fern Street in  
Section 29, T. 1 S., R. 2 E., W. M.,  
Clackamas County, Oregon.



Order No.  
Page 1 of 2

This matter coming before the Board of County Commissioners at this time and it appearing to the Board that Order Number 70-1102 incorrectly identified the beginning point for the vacation of a portion of Fern Street, a Public Road recorded in Book 519, Page 92, unintentionally creating a land locked piece of road right-of-way. The incorrect description was written as follows:

S.E. Fern Street, commencing at a point 205.9 feet north of the north property line of Alberta Street (Co. Rd. #649) and 202.8 feet west of the west property line of S.E. 67th Avenue (Co. Rd. 2439) and continuing west 564.5 feet to a point 205.9 feet north of the north property line of Alberta Street and 767.3 feet west of the west property line of S.E. 67th Avenue; said Fern Street being 50 feet in width and 564.5 feet in length.

IT FURTHER APPEARING to the Board that the correct description vacating a portion of Fern Street, as shown on attached Exhibit "A", is described as follows;

S.E. Fern Street, commencing at a point 205.9 feet north of the north property line of Alberta Street (Co. Rd. #649) and 135.20 feet west of the west property line of S.E. 67th Avenue (Co. Rd. 2439) and continuing west 632.1 feet to a point 205.9 feet north of the north property line of Alberta Street and 767.3 feet west of the west property line of S.E. 67th Avenue; said Fern Street being 50 feet in width and 564.5 feet in length.

The Board has read the Staff Report, and having determined that the adoption of the above corrected description is in the public interest; and

IT FURTHER APPEARING that this correction will not adversely affect the traveling public; now therefore,

IT IS HEREBY ORDERED that the attached Exhibit "A" and the above corrected description be adopted and,

IT IS FURTHER ORDERED that this Order and supporting documents be recorded free of charge with the Clackamas County Clerk when presented, with copies sent to the County Assessor, County Surveyor, and County Finance/Fixed Assets Accounts.

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

In the matter of Correcting  
Board Order 70-1102, Vacating  
a portion of Fern Street in  
Section 29, T. 1 S., R. 2 E., W. M.,  
Clackamas County, Oregon.



Order No.  
Page 2 of 2

ADOPTED this 23<sup>rd</sup> day of September, 2010.

BOARD OF COUNTY COMMISSIONERS

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Chair

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Recording Secretary

For clarification it may be necessary to list in chronological order the events of the past half century that resulted in the necessity of this action.

Plat of Lambert Acres, Plat Number 516, August 21, 1925, included "Road" (62nd Avenue) "Raymond Street" (65Th Avenue), and "Ella Street" (67th Avenue) also, "Alberta Avenue", "Hazel Avenue" and "Line Avenue" (Clatsop Street).

Deed of Gift for public road purposes July 28, 1955, Deed Book 519, Page 92, dedicated 25 feet of the north and south ends of several lots in Lambert Acres.

Court Order Number 4783, Commission Journal Book 58 Page 735, October 16, 1956, accepts dedication of fifty foot wide public road in Lambert Acres being the Deed of Gift, Deed Book 519, Page 92.

Court Order Number 4996, January 11, 1957, defect in title, grantor did not own one of the lots included in Deed of Gift, Deed Book 519, Page 92, County Court quitclaimed back to grantors.

June 28, 1963, Book 624, Page 87 and 88, dedication of property for public road, being 25 feet of the south ends of several lots in Lambert Acres.

Order Number 70-1102, Commission Journal Book 76, Page 785, December 16, 1970 vacating a 564.5 foot long portion of Fern Street, also known as, the public road described in deed document Book 519, Page 92. The order also vacated the south 361.8 feet of Raymond Street (65Th Avenue) per plat of Lambert Acres with the condition that the remaining portion of Fern Street connects to 62nd Avenue (west) and that a 50 foot radius cul-de-sac be dedicated and constructed on the east end of the remaining portion Fern Street. Ambiguous statement, two east ends of Fern Street. A portion of Lot 10, Block 3, and portions of Lots 9 and 16, Block 4, Lambert Acres.

A Deed, Document Number 74-29528, for a perpetual easement for road purposes described as Parcel one, being a portion of 62nd Avenue, Parcel two, being the north 25 feet of several lots in Lambert Acres and Parcel three, being a half of a 50 foot radius cul-de-sac. Clarifies ambiguous statement above, creates ambiguity in vacation of public road in deed document Book 519, Page 92, leaving portion of road in Lot 10, Block 3, Lambert Acres.

Order Number 78-1825, Commission Journal Book 96, Page 680, October 6, 1978, vacated Parcel three, being the half cul-de-sac as described in Deed, Document Number 74-29528.

Plat of Jack Pot Heights, Plat Number 2415, records June 6, 1979, over platted a portion of Lambert Acres.

Order Number 81-1808, August 13, 1981, accepts portions of SE 62nd Road #3310, and SE Fern Street #3311 in Jack Pot Heights as County Roads.

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

CLACKAMAS COUNTY  
FILED

DEC 17 1970

GEORGE D. POPPER, County Clerk  
By *J. Morelli*, Deputy

Order No. 70-1102

In the Matter of the Vacation of a portion of Fern Street, a recorded in Deed Book 519, Page 92, a public road, and the Vacation of a portion of S. E. 65th Avenue (Raymond Street) a public road

This matter coming before the Board of County Commissioners on the 16th day of December, 1970, upon petition previously filed in this matter on the 6th day of November, 1970, and notice of the pendency of said petition having been given for the required thirty (30) days prior to this hearing by written notice thereof, containing the following descriptions, to-wit:

135.2  
632.1

S. E. Fern Street, commencing at a point 205.9 feet north of the north property line of Alberta Street (Co. Rd. #649) and 202.8 feet west of the west property line of S. E. 67th Avenue (Co. Rd. 2439) and continuing west 564.5 feet to a point 205.9 feet north of the north property line of Alberta Street and 767.3 feet west of the west property line of S. E. 67th Avenue; said Fern Street being 50 feet in width and 564.5 feet in length. 632.1

and

Raymond Street commencing at the north property line of Alberta Avenue (Co. Rd. #649), and proceeding north 361.8 feet to a point 100 feet south of the south property line of Hazel Avenue (Co. Rd. #2377), said portion of Raymond Street being 50 feet in width and 361.8 feet long, all within the plat of Lambert Acres.

and

It further appearing to the Board that said notice was posted in the following places:

1. At the Clackamas County Courthouse.
2. On PGE pole No. 5504 at the intersection of Alberta Street and 65th Avenue.
3. On PGE pole No. 4354 at the intersection of Hazel Street and 65th Avenue.
4. ON PGE pole No. 6591 on Fern Street near the portion proposed for vacation, west of the portion of 65th Avenue proposed for vacation.

and the consent of all persons owning property immediately adjoining the public roads to be vacated having been obtained in writing and having been acknowledged before some officer authorized to take acknowledgments of deeds and having been filed with the County Clerk and the Board of Commissioners of Clackamas County being of the opinion that said vacation as requested in said petition would be for the public good, now therefore

IT IS HEREBY ORDERED and RESOLVED that said public roads, as hereinabove described, be vacated subject to the following conditions, as recommended by John McIntyre, County Engineer:

1. Dedication of additional road right-of-way along the remaining portion of Fern Street and connecting 62nd Avenue to create a 50 foot wide right-of-way. (Note attached sketch)
2. Dedicate a 50 foot radius cul-de-sac at the east end of the remaining portion of Fern Street.
3. Gravel surface the cul-de-sac.
4. Nothing contained herein shall cause or require the removal or abandonment of any sewer, water main, gas line conduit of any kind, wires or poles, which are not installed in said streets, or any other thing now installed in said streets and used or intended to be used for any public service, and the right is