



AGENDA

THURSDAY, MAY 12, 2011 - 10:00 AM BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2011-25

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

1. Proclaiming May 15th – May 21st, 2011 as public Works Week in Clackamas County
(Cam Gilmour, Dept. of Transportation and Development)

II. 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.)*

III. 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

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 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. Board Order No. _____ Approval of Mental Health Director's Designee to Authorize a Custody Hold Under ORS 426.233 – BH
2. Approval of an Agreement with CODA, Inc. for Outpatient Mental Health and Substance Abuse Treatment Services - BH
3. Approval to Submit the 2011-2012 Local Public Health Authority Annual Plan Update to the State of Oregon Public Health Division - CH
4. Approval of an Intergovernmental Agreement with Multnomah County to Provide Funding for a Regional Liaison to Region I - SSD
5. Approval of a Contract Renewal with Resource Connections of Oregon for Fiscal Intermediary Services for Persons with Developmental Disabilities - SSD

B. Department of Transportation & Development

1. Approval of a Contract with OBEC Consulting Engineers for Consulting Engineering Services for the North Fork Molalla River (Dickey Prairie Road) Bridge Replacement Project

C. Finance Department

1. Board Order No. _____ Abolishing the Budget Committee for the Estacada Area County Service District for Library Services

D. Department of Employee Services

1. Approval of the Administrative Services Agreement with Oregon Dental Services (ODS) Effective January 1, 2011
2. Approval of Changes to the Service Agreement with Kaiser Foundation Health Plan of the Northwest for 2011 Plan Year

E. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC

V. WATER ENVIRONMENT SERVICES

1. Approval of an Amendment to an Intergovernmental Agreement Regarding Sharing of Operations and Maintenance Costs between Clackamas County Service District No. 1 and the Tri-City Service District

VI. 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/>



 COPY

Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

May 12, 2011

Board of County Commissioners
Clackamas County

Members of the Board

**PROCLAMATION IN RECOGNITION OF
NATIONAL PUBLIC WORKS WEEK IN CLACKAMAS COUNTY, MAY 15-21, 2011**

The mission recently adopted by the Clackamas County Board of Commissioners is to:
Provide active and responsible leadership through focused investments, innovative partnerships, and citizen empowerment to create healthy, safe, and sustainable communities.

Healthy, safe and sustainable communities are made possible by the infrastructure and basic services that are known as public works – from roads to parks, from water treatment to solid waste disposal.

In Clackamas County these essential structures and services are provided by many hard-working men and women, including those who work in Transportation Maintenance, Transportation Engineering, Water Environment Services (WES), Parks, and Solid Waste & Recycling.

National Public Works Week recognizes the vital importance of public works in supporting healthy individuals and healthy communities, and the people that develop, provide and sustain them.

Staff Recommendation:

Staff recommends that the Board of County Commissioners adopt the attached proclamation declaring May 15-21 to be National Public Works Week in Clackamas County, and recognizing the valuable role played by public works in the lives of all Clackamas County residents.

Respectfully submitted,

Campbell M Gilmour
Director

For information on this issue or copies of attachments
please contact Ellen Rogalin at (503) 742-4274.



PROCLAMATION

NATIONAL PUBLIC WORKS WEEK IN CLACKAMAS COUNTY

May 16-22, 2011

WHEREAS, public works services provided throughout Clackamas County are an integral part of our residents' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets, highways, parks, public buildings and solid waste collection; and

WHEREAS, the health, safety and comfort of the people of this County greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of our public works officials and employees; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff our public works departments is materially influenced by the people's attitude and understanding of the work they perform;

NOW, THEREFORE, the Clackamas County Board of Commissioners do hereby proclaim the week of
May 16-22, 2011, as

NATIONAL PUBLIC WORKS WEEK IN CLACKAMAS COUNTY

And I call upon all residents and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions that public works officials and workers make every day to our health, safety, comfort and quality of life.

Dated this 12th day of May, 2011

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

May 12, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

**Board Order # _____ Approval of Mental Health Director's Designee
to Authorize a Custody Hold under ORS 426.233**

The Behavioral Health Division of the Health, Housing & Human Services Department requests the approval of the Designation of Heather Gillies, MS, Dimitri Ntatsos, LCSW, and Annie Zander, MSW by the Clackamas County Behavioral Health 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:

Staff recommends the Board approve the attached Board Order of Heather Gillies, MS, Dimitri Ntatsos, LCSW, and Annie Zander, MSW, as additional Clackamas County Behavioral 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 more information on this issue or copies of attachments,
Please contact Teri Beemer, at 503 655-8356

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

In the Matter of the Designation of
Heather Gillies, MS, Dimitri Ntatsos,
LCSW, and Annie Zander, MSW as
Mental Health Director Designee 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 Health, Housing & Human Services Department, has recommended to this Board the approval of Heather Gillies, MS, Dimitri Ntatsos, LCSW, and Annie Zander, MSW as additional designees of the Behavioral 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 Heather Gillies, MS, Dimitri Ntatsos, LCSW, and Annie Zander, MSW as additional Clackamas County Behavioral Health Division staff authorized to direct a peace officer to take a person into custody under ORS 426.233.

ADOPTED this 12th day of May, 2011.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

426.233 Authority of community mental health program director and of other persons; costs of transportation. (1)(a) A community mental health program director operating under ORS 430.610 to 430.695 or a designee thereof, under authorization of a county governing body, may take one of the actions listed in paragraph (b) of this subsection when the community mental health program director or designee has probable cause to believe a person:

(A) Is dangerous to self or to any other person and is in need of immediate care, custody or treatment for mental illness; or

(B)(i) Is a mentally ill person placed on conditional release under ORS 426.125, outpatient commitment under ORS 426.127 or trial visit under ORS 426.273; and

(ii) Is dangerous to self or to any other person or is unable to provide for basic personal needs and is not receiving the care that is necessary for health and safety and is *in need of immediate care, custody or treatment for mental illness.*

(b) The community mental health program director or designee under the circumstances set out in paragraph (a) of this subsection may:

(A) Notify a peace officer to take the person into custody and direct the officer to remove the person to a hospital or nonhospital facility approved by the Oregon Health Authority;

(B) Authorize involuntary admission of, or, if already admitted, cause to be involuntarily retained in a nonhospital facility approved by the authority, a person approved for care or treatment at a nonhospital facility by a physician under ORS 426.232;

(C) Notify a person authorized under subsection (3) of this section to take the person into custody and direct the authorized person to remove the person in custody to a hospital or nonhospital facility approved by the authority;

(D) Direct a person authorized under subsection (3) of this section to transport a person in custody from a hospital or a nonhospital facility approved by the authority to another hospital or nonhospital facility approved by the authority as provided under ORS 426.235; or

(E) Direct a person authorized under subsection (3) of this section to transport a person in custody from a facility approved by the authority to another facility approved by the authority as provided under ORS 426.060.

(2) A designee under subsection (1) of this section must be recommended by the community mental health program director, meet the standards established by rule of the authority and be approved by the county governing body before assuming the authority permitted under subsection (1) of this section.

(3) The county governing body may, upon recommendation by the community mental health program director, authorize any person to provide custody and secure transportation services for a person in custody under ORS 426.228. In authorizing a person under this subsection, the county governing body shall grant the person the authority to do the following:

(a) Accept custody from a peace officer of a person in custody under ORS 426.228;

(b) Take custody of a person upon notification by the community mental health program director under the provisions of this section;

(c) Remove a person in custody to an approved hospital or nonhospital facility as directed by the community mental health program director;

(d) Transfer a person in custody to another person authorized under this subsection or a peace officer;

(e) Transfer a person in custody from a hospital or nonhospital facility to another hospital facility or nonhospital facility when directed to do so by the community mental health program director; and

(f) Retain a person in custody at the approved hospital or nonhospital facility until a physician makes a determination under ORS 426.232.

(4) A person authorized under subsection (3) of this section must be recommended by the community mental health program director, meet the standards established by rule of the authority and be approved by the governing body before assuming the authority granted under this section.

(5) The costs of transporting a person as authorized under ORS 426.060, 426.228 or 426.235 by a person authorized under subsection (3) of this section shall be the responsibility of the county whose peace officer or community mental health program director directs the authorized person to take custody of a person and to transport the person to a facility approved by the authority, but the county shall not be responsible for costs that exceed the amount provided by the state for that transportation. A person authorized to act under subsection (3) of this section shall charge the cost of emergency medical transportation to, and collect that cost from, the person, third party payers or otherwise legally responsible persons or agencies in the same manner that costs for the transportation of other persons are charged and collected. [1993 c.484 §5; 1997 c.531 §5; 2009 c.595 §405]

May 12, 2011

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Agreement with CODA, Inc.
for Outpatient Mental Health and Substance Abuse Treatment Services**

The Clackamas County Behavioral Health Division of the Health, Housing & Human Services Department requests the approval of a Behavioral Health Services Agreement with CODA, Inc. for outpatient mental health and substance abuse treatment services.

This is a no maximum agreement. Expenditures are controlled by Clackamas Mental Health Organization staff that pre-authorize and monitor services on an ongoing basis.

The agreement is funded with State of Oregon General Funds. No County General Funds are involved. County Counsel has reviewed and approved this contract as part of the H3S contract standardization project. It is effective June 1, 2011 and terminates on December 31, 2011.

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 Emily M. 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

May 12, 2011

Board of Commissioners
Clackamas County

Members of the Board:

**Approval to submit the 2011-2012 Local Public Health Authority
Annual Plan Update to the State of Oregon Public Health Division**

The Community Health Division of the Health, Housing & Human Services Department requests approval to submit the 2011-2012 Local Public Health Authority (LPHA) Annual Plan Update.

The Oregon Public Health Division requires Local Public Health offices to submit a comprehensive plan every three years and an annual plan update each year. The plan communicates local public health issues and describes the County's proposed response to meet community needs. This is the fourth annual update to the Clackamas County 2008-2011 Triennial Plan.

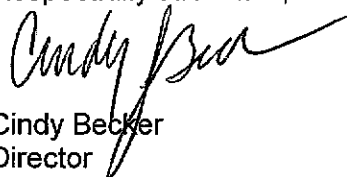
There are no significant changes to the comprehensive plan. This update notes the continuing development of oral health programs, increased activities and services at the school-based health centers and our goal of achieving Public Health Accreditation.

The County Board of Commissioners approves local public health policy in its role as the LPHA for Clackamas County.

Recommendation

The Department recommends the approval of the 2011-2012 LPHA Annual Plan as prepared.

Respectfully submitted,



Cindy Becker
Director

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

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May 12, 2011

Board of Commissioners,
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement with
Multnomah County, Oregon to provide funding for a Regional Liaison to Region One**

The Social Services Division of the Health, Housing, & Human Services Department requests the approval of an Intergovernmental Agreement with Multnomah County, Oregon for a Regional Liaison to Region One.

Region One is a partnership of Clackamas, Clatsop, Washington, Columbia, and Multnomah Counties providing regional service coordination to people with developmental disabilities. The Regional Liaison will provide coordination of services including determination of eligibility for crisis diversion services, development of short and long term plans of support, transitional services for children moving to the adult system or other state operated community programs, review of crisis plans, and present requests for crisis services at regular Region One meetings.

The total amount of the agreement is \$52,830. County Counsel reviewed and approved the agreement on June 8, 2010. No County General Funds are involved. It goes into effect on July 1, 2011 and terminates on June 30, 2012.

Recommendation

We recommend the approval of this agreement and further recommend 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.

May 12, 2011

Board of Commissioners,
Clackamas County

Members of the Board:

**Approval of a Contract Renewal with Resource Connections of Oregon
for Fiscal Intermediary Services for Persons with Developmental Disabilities**

The Social Services Division of the Health, Housing, & Human Services Department requests the approval of a contract renewal 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 for Comprehensive In-Home Support Services for Adults (DD 49), and Long Term Support Services for Children (DD 151). The contractor serves as a fiscal intermediary, handling payment of services and any related payroll taxes concerning services self-determined and selected by the developmentally disabled client.

The total amount of the contract is \$650,000. This contract is in the format approved by County Counsel as part of the H3S contract standardization project. The contract is funded with state funds; no County General funds are involved. The contract commences on July 1, 2011 and continues through June 30, 2012.

Recommendation

We recommend the approval of this contract 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.



Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Board of County Commissioners
Clackamas County

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

Members of the Board:

**Approval of a Contract with OBEC Consulting Engineers
for Consulting Engineering Services
for North Fork Molalla River (Dickey Prairie Road) Bridge Replacement Project**

Clackamas County is preparing to replace the existing bridge crossing the North Fork Molalla River on Dickey Prairie Road as a part of the State of Oregon's OTIA III program. As a result, a contract for Consulting Engineering Services with OBEC Consulting Engineers (OBEC) was approved by the Board of County Commissioners for the design of the North Fork Molalla River (Dickey Prairie Road) Bridge.

This contract is intended to provide support to County staff with inspections, technical issues that arise during construction, clarification of design details, shop drawing review, right-of-way monumentation surveying with production of final record drawings, and contract administration. OBEC has a special and unique knowledge of this project that was gained in the design process. To contract out to a different consultant would add considerable time and expense because of the complexity of the project. As the Engineer of Record for design, OBEC is the best choice to perform the required services.

The proposed contract is for \$167,302.90. The contract will expire June 30, 2012 with construction of this project being complete before May 31, 2012, except for the plant establishment period.

This contract has been reviewed and approved by County Counsel.

Recommendation

Staff respectfully recommends that the Board approve and sign the contract with OBEC for Consulting Engineering of the North Fork Molalla River (Dickey Prairie Road) Bridge Replacement project.

Sincerely,

Mike Bezner, PE
Transportation Engineering Manager

Placed on Board Agenda of May 12, 2011
By Purchasing Department

For information on this matter or copies of attachments
Please contact Kerri Whitlow (503) 742-4680



MARC GONZALES
DIRECTOR

DEPARTMENT OF FINANCE

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

May 12, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

**Board Order Abolishing the Budget Committee
for The Estacada Area County Service District for Library Services**

Attached is the Board Order to abolish the Budget Committee for the Estacada Area County Service District for Library Services.

The District was created in August 2004 by the Clackamas County Board of Commissioners, which acts as the District governing body. The District was formed with the sole purpose of presenting a ballot measure for a general obligation (G.O.) bond issue to the citizens of the District to provide partial funding for construction of a library building to serve the Estacada area. In November 2004, the voters in the District approved the G.O. bond issue and bonds were issued in May 2005. Citizens of the District began paying an annual limited term *ad valorem* tax to fund debt service on the \$1.9 million debt issued.

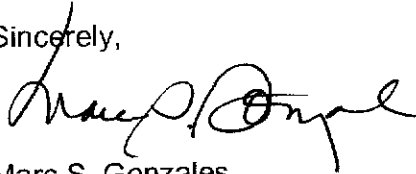
In November 2008, voters approved a countywide library service district to provide stable, long-term funding for county libraries including the Estacada library. Since taxes cannot and should not be levied by two overlapping agencies for the same purpose, the Estacada Area Service District stopped levying property taxes to pay the debt service on the bonds. Small amounts of delinquent taxes, penalties and interest will continue to be received. Instead, the debt issued to finance construction of the Estacada library was defeased during fiscal year 2009-10 using funds provided by Clackamas County. These funds were placed in escrow sufficient to retire the bonds as soon as they become callable in June 2016.

The only remaining activity for the District is to collect delinquent property tax and associated interest and penalties as may be received and hold those amounts until the bonds are extinguished and the District can be dissolved. There is no operating budget to be established and the District has no staff.

RECOMMENDATION

Staff respectfully recommends that the Board adopt the attached Board Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc S. Gonzales". The signature is fluid and cursive, with the first name "Marc" and last name "Gonzales" clearly distinguishable.

Marc S. Gonzales
Director, Finance Department

For information on this issue or copies of attachments
please contact Diane Padilla at (503) 742-5425

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

In the Matter of Abolishing the Estacada
Area County Service District for
Library Services Budget Committee



Order No.

This matter coming before the Board of County Commissioners of Clackamas County for consideration at its regularly scheduled public business meeting on May 12, 2011; and

It appearing that the Estacada Area County Service District for Library Services no longer establishes a permanent tax rate, and that the District's sole remaining function is to collect delinquent accounts, interest and penalties.

It further appearing that sufficient funds are in place to retire any bonds assumed by the District; and that the District has no expenditures, or an operating budget or staff. Therefore, the Estacada Area County Service District for Library Services local budget committee formed pursuant to ORS Chapters 294 and 451 no longer is necessary or required.

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

That the Estacada Area County Service District for Library Services budget committee is abolished.

DATED this 12th day of May, 2011

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



NANCY DRURY
DIRECTOR

DEPARTMENT OF EMPLOYEE SERVICES

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

May 12, 2011

Board of Commissioners
Clackamas County

**APPROVAL OF THE
ADMINISTRATIVE SERVICES AGREEMENT WITH
OREGON DENTAL SERVICE (ODS)
EFFECTIVE JANUARY 1, 2011**

The attached Administrative Services Agreement between Clackamas County and Oregon Dental Services (ODS) provides formal approval of the agreement negotiated with ODS for administration of the County's self-insured dental plan for the 2011 plan year.

For 2011, the administration fee increased from \$5.65 per employee per month to \$5.79 per employee per month. The original renewal rate was approved at \$5.79 per employee per month.

The renewal premium was reviewed and approved by the Board of County Commissioners on November 10, 2010. The administration fee is included in the premiums that are paid into the self-insurance fund from the operating budgets of County departments and by outside agencies contracting with the County to provide benefits administration.

The Administrative Services Agreement has been reviewed and approved by County Counsel.

RECOMMENDATION:

Approve the Administrative Services Agreement with Oregon Dental Service for the 2011 plan year.

Original documentation is too large to copy, please see original contract.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carolyn Williams".

Carolyn Williams
Benefits Manager

For information on this issue or copies of attachments please contact Carolyn Williams at (503) 742-5470.



NANCY DRURY
DIRECTOR

DEPARTMENT OF EMPLOYEE SERVICES

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

May 12, 2011

Board of Commissioners
Clackamas County

**RENEWAL OF SERVICE AGREEMENT WITH
KAISER FOUNDATION HEALTH PLAN OF THE NORTHWEST
FOR THE PERIOD OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2011.**

Each year at renewal time, Kaiser provides the County with the contract changes for the following contract (calendar) year. These contract changes are reviewed and approved where necessary by the Benefits Review Committee and by the Board of County Commissioners in a study session. It is not until several months before the actual contract documents are provided by Kaiser.

The attached face sheets update the service agreement between Clackamas County and Kaiser Foundation Health Plan of the Northwest are for the current plan year. These face sheets describe the agreement and premiums negotiated with Kaiser in the past for medical, vision and prescription drug coverage for the 2011 plan year.

The purpose of placing the face sheets on the agenda is to obtain the Chair's signature prior to recording the complete and official documents.

County Counsel has approved the face sheets and service agreement.

Due to the length of the contract documents, complete sets are on file with the Administrative Services Coordinator.

RECOMMENDATION:

Approve the changes to the service agreement with Kaiser Foundation Health Plan of the Northwest for 2011 plan year.

Sincerely,

Carolyn Williams
Benefits Manager

For information on this issue or copies of attachments please contact:
Carolyn Williams at (503) 742-5470

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/>

Thursday, April 21, 2011 – 10:00 AM

Public Services Building - 2051 Kaen Road, Oregon City, OR 97045

PRESENT: Commissioner Charlotte Lehan, Chair
Commissioner Ann Lininger
Commissioner Paul Savas
Housing Authority Commissioner Erica Allison

EXCUSED: Commissioner Jim Bernard

Chair Lehan announced the Board is sitting as the Housing Authority Board for this item.

I. HOUSING AUTHORITY CONSENT AGENDA

1. Approval of an Intergovernmental Agreement between the Housing Authority of Clackamas County and OSU Extension Office for Nutrition Education Services
2. Resolution No. 1882 – Approval to Apply for an Oregon Housing and Community Services Capacity Building Activity Grant
3. Resolution No. 1883 – Approval of the Housing Authority Choice Voucher Administrative Plan

Chair Lehan asked the Clerk to read the Housing Authority Consent Agenda by title, she then asked for a motion.

MOTION:

Commissioner Allison: I move approval of the Housing Authority Consent Agenda.

Commissioner Lininger: Second.

Chair Lehan – all those in favor:

Commissioner Allison: Aye.

Commissioner Savas: Aye.

Commissioner Lininger: Aye.

Chair Lehan: Aye.

Chair Lehan – all those opposed: - The Ayes have it and the motion is approved.

~Pledge of Allegiance~

Commissioner Bernard is attending the State Community Corrections Commission meeting in Salem and will not be in attendance today.

Chair Lehan announced that April is Earthquake Awareness Month, and at the beginning of every Business Meeting in April we will have a brief “Earthquake Properness” tip. Today Kate Fagerholm from American Red Cross spoke on why the Red Cross and many other organizations recommend the Drop, Cover and Hold On protective action over the widely circulated Triangle of Life method. Jay Wilson, Clackamas County Emergency Management spoke about Earthquake Awareness Month.

II. PREVIOUSLY APPROVED LAND USE ISSUE

1. Approval of Final Findings on Urban and Rural Reserves
Dan Chandler, County Counsel gave a brief presentation regarding this previously approved issue.

Chair Lehan asked for a motion.

MOTION:

Commissioner Lininger: I move approval the final findings on Urban and Rural Reserves as presented by staff today.

Commissioner Savas: Second.

Chair Lehan – all those in favor:

Commissioner Savas: Aye.

Commissioner Lininger: Aye.

Chair Lehan: Aye.

Chair Lehan – all those opposed: - The Ayes have it and the motion is approved.

III. PRESENTATIONS

1. Presentation of the 2011 Alcohol Compliance Operation Overview and Recognition of Chris Girard, CEO Plaid Pantry
Patty McMillan, Clackamas County Sheriff's Office and Kitty Huffstutter, Children, Youth & Families presented the staff report. They then introduced Chris Girard, CEO Plaid Pantry who thanked the County for this recognition.
2. Presentation of BRAG Awards (Business Recycling Award Group) to the Clackamas County Albertsons Stores
Susan Terry and Shannon Martin, Office of Sustainability presented the staff report. They introduced Lisa Gossett, Albertson's District Manager who accepted the award on behalf of the Clackamas County Albertsons Stores.

IV. CITIZEN COMMUNICATION - NONE

V. DISCUSSION ITEMS

~NO DISCUSSION ITEMS SCHEDULED

VI. CONSENT AGENDA

Chair Lehan asked the Clerk to read the Consent Agenda by title, she then asked for a motion.

MOTION:

Commissioner Lininger: I move we approve the Consent Agenda.

Commissioner Savas: Second.

Chair Lehan – all those in favor:

Commissioner Savas: Aye.

Commissioner Lininger: Aye.

Chair Lehan: Aye.

Chair Lehan – all those opposed: - The Ayes have it and the motion is approved.

A. Health, Housing & Human Services

1. Approval of an Intergovernmental Agreement between the Community Development Division and the City of Molalla for the Kennel Ave. Street Improvements Project - CD
2. Approval of Amendment #3 to the Revenue Intergovernmental Agreement with Lane County for Use of an Online Food Handlers Test – CH
3. Approval of an Amendment to an Intergovernmental Revenue Agreement with the State of Oregon Acting by and through its Department of Human Services for My Future My Choice Program Services - CYF

B. Department of Transportation & Development

1. Approval of an Agreement with Clackamas River Basin Council to Accept a Grant for the Replacement of Two Existing Culverts at Delph Creek on Porter Road

C. Finance Department

1. Board Order No. 2011-23 Approving the Required Resolution for the 2011-2012 Assessor's CAFFA Grant Application
2. Approval of a Contract with Harper Houf Peterson Righellis, Inc. for Construction Engineering Services for Engineering Design and Plans for the Industrial Way Construction Project

D. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval of an Intergovernmental Agreement between the Sheriff's Office and the North Clackamas School District for School Resource Officers for 2010-2011 – CCSO
3. Approval of an Intergovernmental Agreement between Clackamas County Sheriff's Office and the State of Oregon Department of Transportation to Participate in the Motor Carrier Safety Assistance Program - CCSO

E. Department of Emergency Management

1. Approval of a Local Grant Agreement with Subgrantees for the Fiscal Year 2008 Urban Areal Security Initiative (USAI) Grant

VII. WATER ENVIRONMENT SERVICES

1. Acceptance of Easements on behalf of Clackamas County Service District No. 1 for Phase 2 of the North Clackamas Revitalization Area Sanitary Sewer Project
2. Approval of a Partnership Agreement between Clackamas County Service District No. 1 and SOLV, Friends of Trees, and Clackamas River-Basin Council for Buffer Enhancement, Restoration Activities and Public Outreach

VIII. COMMISSIONERS COMMUNICATION

MEETING ADJOURNED – 10:46 AM



WATER
ENVIRONMENT
SERVICES

Beyond clean water.

Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

May 12, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

**APPROVAL OF AN AMENDMENT TO AN INTERGOVERNMENTAL
AGREEMENT REGARDING SHARING OF O&M COSTS
BETWEEN
CLACKAMAS COUNTY SERVICE DISTRICT NO. 1
AND
THE TRI-CITY SERVICE DISTRICT**

Clackamas County Service District No. 1 ("CCSD#1") and the Tri-City Service District ("TCSD") entered into an intergovernmental agreement on December 18, 2008 (the "Agreement") providing for the leasing of real property at the Tri-City Plant by CCSD#1 and providing for a payment by CCSD#1 of \$4,000,000 for the right to connect and utilize TCSD existing assets for shared wastewater treatment through 2030. The Agreement left open the methodology of how operations and maintenance costs would be shared between the two districts pending a better understanding of the operation and cost for the new membrane bio-reactor treatment system ("MBR") being constructed by CCSD#1. The MBR system is now online and WES staff, in conjunction with manufacturer representatives, have developed baseline cost projections and an operational strategy for permit compliance at the Tri-City Plant utilizing both treatment trains.

Staff presented several possible cost allocation methodologies over the last several months to both the Riverhealth Advisory Board on behalf CCSD#1 and the Tri-City Advisory Committee. After some discussion and factual development, both advisory bodies endorsed the proposal included in the attached amendment. The advisory recommendation is for cost sharing based on average annual flow contributions to the Tri-City Plant, with CCSD#1 granting TCSD a "right of expansion" to construct its own assets that can connect into CCSD#1's MBR without any additional payment. No other changes to the original IGA are proposed in the amendment.

Recommendation: Staff respectfully recommends adoption of the proposed amendment.

Sincerely,

Michael Kuenzi
Director, Water Environment Services

FOR INFORMATION ON THIS ISSUE OR COPIES OF ATTACHMENTS PLEASE CONTACT
CHRIS STOREY AT (503) 742-4623

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AMENDMENT NO. 1
TO THE
INTERGOVERNMENTAL AGREEMENT
BETWEEN
CLACKAMAS COUNTY SERVICE DISTRICT NO. 1
AND
TRI-CITY SERVICE DISTRICT

THIS AMENDMENT NO. 1 (this "Amendment") is entered into this ___ day of May, 2011 by and between CLACKAMAS COUNTY SERVICE DISTRICT NO. 1, a county service district ("CCSD#1") and TRI-CITY SERVICE DISTRICT, a county service district ("TCSD" and, together with CCSD#1, the "Parties").

WHEREAS, the Parties entered into that certain Intergovernmental Agreement dated December 18, 2008 for the leasing of real property and construction of wastewater treatment assets at the Tri-City Plant (the "Agreement"); and

WHEREAS, the Parties desire to amend the Agreement to address the sharing of operations and maintenance expenses at the Tri-City Plant that arise from the joint operation of both districts' assets in the treatment of wastewater;

NOW, THEREFORE, for good and sufficient consideration, the parties hereby agree that:

1. O&M Agreement. Section 3 of the Agreement is hereby amended in its entirety to read:

3.1 Shared Operations and Maintenance. The Parties agree that the staff of the Tri-City Plant shall operate the CCSD#1's Phase 1 treatment investments and the remainder of the Tri-City Plant as a functional whole, to provide the greatest efficiency and insure NPDES Permit compliance. In operating and maintaining the Tri-City Plant, TCSD will incur costs for the benefit of CCSD#1. To apportion such costs, the Director or his designee will use the Allocation Formula set forth in Section 3.2 and apply it to the total costs expended on the operations and maintenance of the Tri-City Plant. Capital expenditures shall be the subject of discussion between the Parties.

3.2 Allocation Formula. The Water Quality Manager or the successor position thereof shall calculate the total cost of operating and maintaining the Tri-City Plant inclusive of both the conventional and membrane systems, biosolids, and permit compliance activities during a fiscal year ("Plant O&M"). The allocation formula for Plant O&M shall be calculated as a fraction as follows: The denominator shall be the average annual flow of wastewater treated the Tri-City Plant, and the numerator shall be the amount of flow contributed to the Tri-City Plant from said Party during the same period (the "Allocation Formula"). The Allocation Formula shall be multiplied by the Plant O&M to arrive at the sharing of costs.

The Parties agree for ease of administration that staff shall create a good faith estimate of both Plant O&M and the Allocation Formula based on best available information and incorporate those numbers in setting rates and costs. For the first year of operation, the Parties agree that the Allocation Formula shall be 80% TCSD and 20% CCSD#1. The Director of WES shall annually review the Allocation Formula and available meter data and adjust as necessary for the next fiscal year to best match ongoing operations and contributions. To the extent a Party is over or under-charged by more than 10% based on those projections in a given fiscal year, there shall be a reconciliation amount incorporated in the following fiscal year to reflect such information when available, without the need to hold open fiscal year accounts or "true-up" for a given fiscal year.

2. Right of Expansion. The Parties acknowledge and agree that CCSD#1's membrane system will produce higher quality effluent and cost more to operate than TCSD's conventional treatment train. This higher level of treatment is also recognized as a benefit to both parties in meeting current and future discharge standards. The Allocation Formula may in some years cause TCSD to pay more than the actual operating costs of its conventional treatment train when not needed to meet permit requirements. To reflect that reality, CCSD#1 hereby grants TCSD an exclusive right of expansion in its Phase I membrane bio-reactor treatment system ("Right of Expansion"). At the point that TCSD requires additional treatment capacity, CCSD#1 agrees that TCSD may connect such expansions into the Phase I MBR assets and/or onto the leased land at the Tri-City Plant without any additional equity "buy-in" such as contemplated for CCSD#1 in Section 2 of the Agreement. Rather, the Parties each agree that levelized cost-sharing payments by TCSD are good and sufficient equitable buy-in into the Phase I system and no other considerations for connection are required. This Right of Expansion does not require CCSD#1 to contribute any equity or costs towards construction of capacity intended to serve TCSD. The Parties agree that CCSD#1 also holds a right to expand its facilities as needed to provide additional treatment capacity at the Tri-City Plant.

3. The Parties ratify the remainder of the Agreement and affirm that no other changes are made hereby.

In witness thereof, the Parties execute this Amendment No. 1 as of the date set forth above.

[signature page follows]

CLACKAMAS COUNTY BOARD OF COMMISSIONERS, GOVERNING BODY OF THE	CLACKAMAS COUNTY BOARD OF COMMISSIONERS, GOVERNING BODY OF
TRI-CITY SERVICE DISTRICT	CLACKAMAS COUNTY SERVICE DISTRICT NO. 1
By: _____ Title: <u>Chair</u>	By: _____ Title: <u>Chair</u>
ATTEST: _____	ATTEST: _____