



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, FEBRUARY 11, 2010 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2010-15

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

II. PUBLIC HEARINGS *(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. First Reading of Ordinance No. _____ Amending Chapter 8.02, Transient Room Tax of the Clackamas County Code and Declaring an Emergency (Marc Gonzales)
2. First Reading on Ordinance No. _____ Amending Chapter 6.06, Park Rules and a Resolution Amending Park Fees (Appendix "A"), of the Clackamas County Code, and Declaring an Emergency (Dan Zinzer)

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. Department of Transportation & Development

1. Approval of an Intergovernmental Agreement with the Lake Oswego School District (LOSD) Authorizing the County to Collect a Construction Excise Tax on LOSD's behalf for all Improvements to Real Property which result in a New Structure of Additional Square Footage to an Existing Structure Effective March 1, 2010 and Establishing Terms and Conditions for the Agreement
2. Approval of the Required Notice for Upcoming Hearings on the Proposed Tree Ordinance

B. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC

C. County Counsel

1. Approval of a Contract and Appointment of the Hearings Officer for the Clackamas County Personnel Code

D. Technology Services

1. Approval of an Intergovernmental Agreement between Clackamas County Technology Services Department and the Clackamas County Fair Board

V. 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/>



Marc Gonzales
Director

DEPARTMENT OF FINANCE

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

February 11, 2010

Board of Commissioners
Clackamas County

Members of the Board:

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 8.02, TRANSIENT ROOM TAX,
OF THE CLACKAMAS COUNTY CODE AND DECLARING AN EMERGENCY.**

Chapter 8.02 of the Clackamas County Code provides for the collection of a 6% transient room tax for occupants of a hotel. Section 8.02.060 exempts persons from paying the tax under certain circumstances, including where the rent is of a value less than \$10.00 per day. Clackamas County Code Section 8.02.060 (B).

Non-profit organizations often have lodges which are made available to members for a nominal fee. However, often that fee is more than \$10.00 per day, subjecting the non-profit group to the transient room tax in Chapter 8.02. Since non-profit groups run such lodges on a volunteer basis, collection of a transient room tax poses a substantial burden on the non-profit organization. It is in the public interest of the County to exempt such non-profit groups from paying the transient room tax. Therefore, County Code § 8.02.060 (B) should be amended to increase the exemption for paying the transient room tax to rents in excess of \$15.00 per day.

An emergency exists because the non-profit groups are being substantially burdened by having to collect and account for the transient room tax.

RECOMMENDATION

Staff respectfully recommends that the Board approve the attached amendment to Section 8.02.060 (B) of the Clackamas County Code to increase the exemption for payment of the transient room tax.

Respectfully submitted,

Marc Gonzales
Finance Director

For Information on this issue please contact Kathleen Rastetter 503-655-8362

ORDINANCE NO. _____

An Ordinance Amending Chapter 8.02, Transient Room Tax, of the Clackamas County Code and Declaring an Emergency

WHEREAS, the current code exempts any person who pays rent of less than \$10.00 per day from payment of a transient room tax; and

WHEREAS, the public interest would be better served by raising the exemption value of rent to \$15.00 per day to enable non-profit organizations to provide lodging to their members without being subject to a transient room tax; now, therefore;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Section 8.02.060(B) of the Clackamas County Code is hereby amended to read as follows:

B. Any person whose rent is of a value in excess of \$15.00 per day;

Section 2: Emergency Clause

The Board of Commissioners hereby finds and declares that an emergency exists inasmuch as the immediate effect of this Ordinance is necessary for the peace, health and welfare of the residents of the County. Accordingly, this Ordinance shall be effective upon its adoption.

ADOPTED this _____ day of _____, 2010.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



Dan Zinzer
Director

BUSINESS AND COMMUNITY SERVICES

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

February 11, 2010

Clackamas County
Board of Commissioners

Members of the Board:

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 6.06 – PARK RULES,
RESOLUTION AMENDING PARK FEES (APPENDIX "A"), OF THE CLACKAMAS COUNTY
CODE, AND DECLARING AN EMERGENCY**

In an effort to enhance security in the county parks, staff feels it is necessary to modify the rules and regulations in Chapter 6.06 of the County Code regarding the possession of alcohol in county parks. The attached Ordinance sets forth the proposed changes.

Staff also recommends that the County Park fee schedule be updated so it is more consistent with other parks in the region. The County Parks division of Business and Community Services has completed a review of the Park Rules and Regulations and current fees.

Staff requests the Board declare an emergency and implement the Ordinance amendments effective February 25, 2010, due to the immediate need to begin taking reservations for the upcoming park season which begins May 1st.

County Parks is proposing an increase of \$5.00 per vehicle for day-use park entry, bringing the fee to \$8.00, and establishing a new commercial vehicle day-use entry fee of \$20.00. The current fee is \$3.00 for all vehicle types. Staff further recommends the day-use entry fee be collected seven days a week between May and September, rather than just on Saturdays, Sundays and holidays. An increase in the day-use season pass is recommended from \$30.00 to \$50.00 for non-commercial vehicles. It is further recommended a commercial vehicle day-use season pass fee be established at \$100.00.

County Parks is proposing an increase of overnight camping fees. Current fees are:

	Weeknights	Weekends
Non-Electric campsite	\$12.00	\$16.00
Electric/H2O campsite	\$16.00	\$19.00

Staff recommends an increase to \$21.00/night for all campsites.

County Parks proposes an increase in the reservable picnic area rental fee of \$15.00 for non-covered areas, and \$25.00 for covered picnic areas. The attached fee schedule shows current and proposed rates by Park and area.

Amendments to the County Code are recommended which will ban the possession of alcohol in any County Park without a permit. At the BCC study session on January 12, 2010, the proposed amendments to the Park Rules and Regulations were approved for Public Hearing.

RECOMMENDATION

County Parks' staff respectfully recommends that the Board read the Ordinance amending Chapter 6 of the County Code by title only, assign a number to it, and schedule it for a Second Reading and consideration of adoption on February 25, 2010.

Staff further recommends that the Board approve the attached Resolution modifying the County Parks fee schedule in Appendix "A" of the County Code. A table is attached to the Resolution indicating current prices for items/services and the recommended price increases. If approved, the fee changes will go into effect on February 25, 2010.

Respectfully Submitted,



Dan Zinzer, Director

For more information on this issue or copies of attachments, please contact
Christina Van Duzer at 503/742-4663



 **COPY**
Scott Caufield
Building Codes Administrator

BUILDING CODES DIVISION

February 11, 2010

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

Board of Commissioners
Clackamas County

Members of the Board:

APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT WITH THE LAKE OSWEGO SCHOOL DISTRICT (LOSD) AUTHORIZING THE COUNTY TO COLLECT A CONSTRUCTION EXCISE TAX ON LOSD'S BEHALF FOR ALL IMPROVEMENTS TO REAL PROPERTY WHICH RESULT IN A NEW STRUCTURE OR ADDITIONAL SQUARE FOOTAGE TO AN EXISTING STRUCTURE EFFECTIVE MARCH 1, 2010 AND ESTABLISHING TERMS AND CONDITIONS FOR THE AGREEMENT

In July 2007, the Governor signed legislation which authorizes a school district to levy a Construction Excise Tax (CET) on new construction if it elects to do so by resolution. If a school district elects to impose a CET, the tax is to be assessed on certain construction permits issued within that school district. The tax is to be used solely for the purpose of funding capital improvements which are defined in the bill.

The Lake Oswego School District has elected to impose a CET, which it intends to authorize by resolution on or after February 11, 2010. Prior to adopting such a resolution however, the school district must enter into an intergovernmental agreement (IGA) with local government which establishes collection duties and responsibilities, administrative fees to offset the costs of collection and other terms.

The tax will apply to building permits for any improvement to real property which results in a new structure or additional square footage in an existing structure beginning March 1, 2010. The tax will apply to both commercial and residential structures; however, these structures will be taxed at different rates. The tax will be assessed at the rate of \$1.00 per square foot for structures intended for residential use (including multiple-unit housing) and at a rate of \$0.50 per square foot for non-residential structures. The legislation provides for a cap on the amount of tax collected for non-residential structures of \$25,000 per building permit or \$25,000 per structure whichever is less.

The legislation charges local building departments with the responsibility to collect the tax at the time affected building permits are issued. The attached IGA outlines the negotiated scope and terms of the agreement. The agreement defines the method and frequency for reporting, how remittance is to be handled and establishes an administrative fee to offset the County's costs associated with the collection of the tax. The IGA also establishes how exemptions from the tax are to be handled and how those exemptions are to be reported.

RECOMMENDATION:

Staff respectfully recommends that the Board approve the attached intergovernmental agreement with LOSD which will authorize the Clackamas County Building Codes Division to collect a construction excise tax on LOSD's behalf for all improvements to real property which results in a new structure or additional square footage in an existing structure beginning March 1, 2010.

Sincerely,

Scott Caufield
Building Codes Administrator

For more information on this issue, please contact Scott Caufield at 503-353-4747 or scottc@co.clackamas.or.us



Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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

February 11, 2010

Board of Commissioners
Clackamas County

Members of the Board:

APPROVAL OF REQUIRED NOTICE FOR THE PROPOSED TREE ORDINANCE

Prior to the first hearing on an ordinance that proposes to limit or prohibit land uses previously allowed, the County is required by ORS 215.503 to mail written individual notice to owners of the affected properties. In consultation with the Office of County Counsel, the Planning Division has determined that such a notice is required for the proposed tree ordinance. Based on the scope of the proposed ordinance, the notice will be mailed to owners of unincorporated County property inside the Portland Metropolitan Urban Growth Boundary. The statute requires that the notice must be approved by the Board of County Commissioners.

ORS 215.503 requires that the notice include substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

"This is to notify you that Clackamas County has proposed a land use regulation that may affect the permissible uses of your property and other properties."

In addition, the body of the notice must contain substantially the following language:

"Clackamas County has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property."

The Planning Commission hearing on the tree ordinance is scheduled for March 22, 2010. The required property owner notice must be mailed between 20 and 40 days prior to the hearing. In order to meet the timelines for printing and mailing, Board approval is necessary at this time, or the Planning Commission hearing must be rescheduled.

Notice for the Proposed Tree Ordinance
February 11, 2010
Page 2

In addition to providing details about the proposed tree ordinance and the Planning Commission hearing, the proposed notice announces the Board's hearing on the tree ordinance, scheduled for June 8, 2010, beginning at 6:30 p.m.

RECOMMENDATION:

Staff respectfully recommends that the Board approve the attached property owner notice regarding the proposed tree ordinance.

Sincerely,

A handwritten signature in black ink that reads "R. Scott Pemble". The signature is written in a cursive style with a large initial "R".

Scott Pemble
Planning Director

For more information on this issue or copies of attachments, please contact Jennifer Hughes at 503-742-4518.

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, January 7, 2010 – 10:00 AM

Public Services Building

2051 Kaen Road, Oregon City, OR 97045

PRESENT: Commissioner Lynn Peterson, Chair
Commissioner Bob Austin
Commissioner Jim Bernard
Commissioner Charlotte Lehan
Commissioner Ann Lininger

Chair Peterson called the January 7, 2010 Business Meeting to order.

I. CITIZEN COMMUNICATION - NONE

II. DISCUSSION ITEMS

~NO DISCUSSION ITEMS SCHEDULED

III. CONSENT AGENDA

The Board received a letter regarding Consent Agenda item E.1., which will be entered into the record.

MOTION:

Commissioner Austin: I move approval of the Consent Agenda.

Commissioner Lehan: Second.

~Discussion~

Chair Peterson – all those in favor:

Commissioner Austin: Aye.

Commissioner Bernard: Aye.

Commissioner Lehan: Aye.

Commissioner Lininger: Aye.

Chair Peterson: Aye.

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

A. Health, Housing & Human Services

1. Approval to Apply for Matching Participant Savings Funds as a Member of the Oregon Valley Independent Development Account through CASA of Oregon for Independent Development Assets Accounts in Clackamas County
2. Approval of a Mental Health Services Agreement with Concord Health Source, LLC for Outpatient Mental Health Services

B. Department of Transportation & Development

1. Approval of an Intergovernmental Agreement with Oregon Department of Transportation for Right-of-Way Services for the Barlow Road and Zimmerman Road Intersection Reconstruction
2. Approval of a Contract with OBEC Consulting Engineers for Consulting Engineering Services for the Replacement of North Fork Molalla (Dickey Prairie Rd.) Bridge

C. Technology Services

1. Approval of the ORMAP Intergovernmental Agreement Contract #2351 between Clackamas County and the State of Oregon Department of Revenue

D. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval of an Amendment to the ORMAP Intergovernmental Agreement Contract #2207 between Clackamas County and the State of Oregon Department of Revenue – COUNTY ASSESSOR

E. Public and Government Affairs

1. Board Order No. **2010-01** for an Application by Verizon Northwest Inc. for Consent to a Transfer of Control to Frontier Communications Corporation

IV. NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

1. Board Order No. **2010-02** Authorizing Refunding Outstanding Bonds of the North Clackamas Parks and Recreation District

V. COMMISSIONERS COMMUNICATION

MEETING ADJOURNED – 10:20 AM

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OFFICE OF COUNTY COUNSEL

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

STEVEN R. LOUNSBURY
COUNTY COUNSEL

DAVID W. ANDERSON
KIMBERLEY YBARRA-COLE
EDWARD S. MCGLONE III
KATHLEEN RASTETTER
SCOT A. SIDERAS
CHRIS STOREY
SCOTT C. CIECKO
D. DANIEL CHANDLER
ASSISTANTS

February 11, 2010

Board of County Commissioners
Clackamas County

Members of the Board:

**Contract with and Appointment of Hearings Officer
for County Personnel Code**

Chapter 2.05 of the County Code, entitled "Personnel Policies and Procedures," provides that a Hearings Officer appointed by the Board of County Commissioners shall preside at certain hearings authorized by the Code. The authorized hearings relate to allegations of fraud or discrimination in the hiring process, or appeals of discipline or discharge by classified employees who do not have available a grievance procedure in a collective bargaining agreement. Few employees are in this category, as most are either in a collective bargaining unit, or are "unclassified" (at-will) employees, and thus do not meet the criteria for this type of hearing.

Timothy D.W. Williams was previously selected in a competitive process and appointed to serve as the Hearings Officer for the personnel code, however his contract and appointment has expired. The attached contract will reappoint him and grant a new contract. The hearings officer serves in an on-call capacity, and there is no expense unless a case is heard. In a typical year there are no cases heard under these provisions. Mr. Williams' firm is NorthWest Resolutions, Inc.

RECOMMENDATION

Approve the attached contract and appointment of Timothy D.W. Williams / NorthWest Resolutions, Inc. as hearings officer for the County Personnel Code.

Sincerely,

David W. Anderson
Assistant County Counsel

For information on this issue please contact David W. Anderson at 503-655-8362



Dave Cummings
Chief Information Officer

INFORMATION SERVICES

February 11th, 2010

INFORMATION SERVICES BUILDING
121 LIBRARY COURT | OREGON CITY, OR 97045

Board of Commissioners
Clackamas County

Members of the Board:

**APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN
CLACKAMAS COUNTY TECHNOLOGY SERVICES DEPARTMENT
AND THE CLACKAMAS COUNTY FAIR BOARD**

The Department of Technology Services (TS) requests approval of the attached Intergovernmental Agreement with the Clackamas County Fair Board (Fair) for the purpose of providing Web Hosting resources and support to the Fair. This agreement provides the basis for a cooperative relationship between TS and the Fair. This is a new agreement by which TS provides an established scope of services and rates in the support of the Fair Webpage for the Fair.

The County Fair is looking for the County to host the Fair's Website and links as well as provide an internet connection for the website. The Fair would also utilize the County's Content Management Utility (Alfresco) to maintain the content of the website using Fair staff. The County would be responsible for maintaining the infrastructure (servers, network, database etc) required for the Fair to maintain their website. The County would also be available for training of Fair staff, assistance with technical issues and development of applications as requested by the Fair at the rates identified in the agreement.

If this agreement is approved, Technology Services has agreed to provide the specified services and resources. Development of this IGA began in November 2009 and the dates referenced reflect that time period however the Agreement becomes effective February 12th, 2010 and will automatically renew each year on November 1st unless requested to terminate by either party. Provided technical support would be charged for at the rates identified in the Agreement. Revenue from this Agreement will be added to the TS budget line 747-0216-00-341700.

RECOMMENDATION

Staff respectfully recommends approval of this Agreement and delegate authority to the Chief Information Officer to sign future amendments for additional work or service renewals for the County Fair as long as the requested work is less than \$25,000.

Respectfully submitted,

Dave Cummings
Chief Information Officer

For information on this issue or copies of attachments call Dave Devore at (503) 723-4996.