



AGENDA

Thursday, January 9, 2014 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2014-01

I. CALL TO ORDER

- Roll Call
- Pledge of Allegiance

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

1. Selection of the Board of County Commissioner's Vice Chair for 2014 (BCC)
2. Proclaiming 2014 as the Canby Ferry Centennial Celebration Year in Clackamas County (Barb Cartmill, Department of Transportation and Development)

IV. 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. Resolution No. _____ Adopting Fees for Small Claims Mediation Services through Clackamas County Resolution Services Office (Lauren MacNeill)

V. 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

VI. 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 the Agency Services Amendment No. 1 with the Oregon City/Pioneer Community Center to Provide Social Services for Clackamas County Residents – *Social Services*

- 5 2. Approval to Apply for the Oregon Community Foundation's Oregon Parenting Education Collaborative Regional Grant - *Children, Youth & Families*
- 6 3. Approval to Apply for the Oregon Department of Education Youth Development Division 2014-2016 Community Investment Requests for Proposal – *Children, Youth & Families*
- 7 4. Approval of Amendment No. 2 to a Sub-Award Agreement with Providence Health & Services of Oregon, dba - Providence Portland Medical Center for Intensive Transition Teams Project Grant Funding – *Behavioral Health*

B. Elected Officials

- 8 1. Approval of Previous Business Meeting Minutes – *BCC*
- 9 2. Request by the Clackamas County Sheriff's Office to Accept a DUII Overtime Enforcement Grant with the Oregon State Sheriff's Association - *ccso*

C. Administration

- 10 1. Approval of Amendment No. 1 to the Intergovernmental Lease between Clackamas County and the State of Oregon North Willamette Research and Extension Center

VII. DEVELOPMENT AGENCY

- 11 1. Approval of an Immediate Opportunity Fund Agreement with the the State of Oregon Department of Transportation for the Capps Road Property, also known as the Clackamas Industrial Area Opportunity Site for Funds to Construct the SE 120th Ave. Extension Road Project

VIII. COUNTY ADMINISTRATOR UPDATE

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.

www.clackamas.us/bcc/business.html



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DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

January 9, 2014

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

Board of County Commissioners
Clackamas County

Members of the Board

**PROCLAIMING 2014 AS THE
CANBY FERRY CENTENNIAL CELEBRATION YEAR IN CLACKAMAS COUNTY**

| | |
|--|---|
| Purpose/Outcomes | To commemorate and celebrate the centennial of the Canby Ferry, which has been taking residents, commuters, business people and tourists safely across the Willamette River between Canby and Wilsonville since 1914. |
| Dollar Amount and Fiscal Impact | N/A |
| Funding Source | N/A |
| Safety Impact | None |
| Duration | All of 2014 |
| Previous Board Action | None |
| Contact Person | M. Barbara Cartmill, Acting Director, Department of Transportation and Development -- 503-742-4326 |

BACKGROUND:

The Canby Ferry, owned and operated by the Clackamas County Department of Transportation and Development (DTD), Transportation Maintenance Division, annually transports more than 80,000 vehicles across the Willamette River between Canby and Wilsonville. The three-minute, 800-foot crossing saves commuters time and fuel costs, and provides a nostalgic journey for tourists, local residents, shoppers and history buffs.

This year marks the 100th anniversary of the first Canby Ferry crossing in 1914. DTD is partnering with Public & Government Affairs, Tourism and Cultural Affairs, the Canby Chamber of Commerce and the City of Canby to commemorate this historic milestone with special events and programs throughout 2014.

RECOMMENDATION:

Staff respectfully recommends that the Board of County Commissioners approve the attached resolution declaring 2014 as "Canby Ferry Centennial Celebration Year" in Clackamas County.

Sincerely,

M. Barbara Cartmill
Acting Director

Proclaiming 2014 as the Canby Ferry Centennial Celebration Year in Clackamas County

WHEREAS, the Canby Ferry began taking travelers across the Willamette River between Canby and Wilsonville in 1914; and

WHEREAS, the Canby Ferry is one of only three remaining ferries in the State of Oregon, where there were once hundreds of ferries; and

WHEREAS, the Canby Ferry provides year-round transportation service to commuters, businesses, tourists, bicyclists, pedestrians and area residents seven days a week from 6:45 AM to 9:15 PM; and

WHEREAS, community support for the Canby Ferry remains strong as shown by the results of a 2012 survey of Ferry riders and the general public, in which more than 90% of respondents urged the County to continue operating the Ferry and supported increased fares to do so; and



WHEREAS, the Canby Ferry is both living history and a modern practical way for people to travel quickly and inexpensively across the Willamette River; and

WHEREAS, this year marks the 100th anniversary of the first Canby Ferry crossing in 1914 - the Department of Transportation and Development is partnering with Public and Government Affairs, Tourism and Cultural Affairs, the Canby Chamber of Commerce and the City of Canby to commemorate this historic milestone with special events and programs throughout 2014.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, that the Clackamas County Board of Commissioners declares the year 2014 to be Canby Ferry Centennial Celebration Year in Clackamas County. We encourage all citizens to join us in celebrating this historical celebration.

Dated this 9th day of January, 2014.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

John Ludlow
Chair

Jim Bernard
Commissioner

Paul Savas
Commissioner

Martha Schrader
Commissioner

Tootie Smith
Commissioner



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LAUREN MACNEILL
DIRECTOR

RESOLUTION SERVICES

PUBLIC SERVICES BUILDING
2051 KAEN ROAD #210 | OREGON CITY, OR 97045

January 9, 2014

Board of County Commissioners
Clackamas County

Members of the Board:

A Resolution Approving Fees for Small Claims Mediation Services
through Clackamas County Resolution Services

| | |
|--|---|
| Purpose/Outcome | To establish a fee for small claims mediation. |
| Dollar Amount and Fiscal Impact | We request that the Board set the following fees for small claims mediation: \$50 per side - For matters where the amount of the claim is less than or equal to \$2500.00; and \$90 per side – For matters where the amount of the claim is greater than \$2500.00 (and up to \$10,000.00). With fee waivers available if the parties' court filing fees were waived due to indigence. Setting this fee supports sustainable funding for these services into the future. The estimate for one year of staff time to manage Small Claims mediation services is \$54,709. |
| Funding Source | By charging a user fee to county citizens and businesses, the program will be funded by those who use it. |
| Safety Impact | Small Claims Mediation services increase public safety and enhance healthy communities by allowing parties to peaceably resolve their disputes and build constructive conflict resolution skills. |
| Duration | Once approved, these fees will be ongoing. |
| Previous Board Action/Review | Consensus support for Option A BCC Study Session held November 26, 2013 |
| Contact Person | Amy Cleary, Mediation Services Supervisor Lauren Mac Neill, Director, CC Resolution Services |
| Contract No. | N/A |

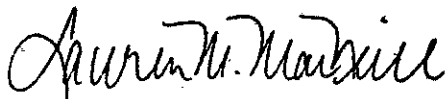
BACKGROUND: A 2012 Small Claims Mediation Pilot Program with Clackamas County Circuit Court was implemented to determine the effectiveness of adding small claims mediation to our department's array of dispute resolution services. In the pilot project, the majority of the cases referred to mediation were resolved, greatly reducing the number of cases on the court docket and assisting residents to effectively and constructively resolve

their disputes. Given this, a Supplementary Local Rule was enacted in February 2013 requiring all parties to a small claims action to mediate in advance of trial. Since the inception of small claims mediation services, of the 596 total cases referred, 70% (417) were resolved at the mediation stage, with only 30% (179) moving to trial.

After a thorough exploration of funding mechanisms for ongoing services, we determined that a user fee was the most viable option. We presented four options to the Board of County Commissioners at study session, and recommended Option A, which was subsequently approved by consensus.

RECOMMENDATION: Staff recommends the Board approve the attached Board Resolution adopting fees for Clackamas County Resolution Services for Small Claims Mediation services.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lauren Mac Neill". The signature is written in a cursive, flowing style.

Lauren Mac Neill, Director

Clackamas County Resolution Services

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

**A Resolution in the Matter of
Adopting Fees for Small Claims
Mediation Service through Clackamas
County Resolution Services Office**



Resolution No.

NOW, THEREFORE; be it Resolved by the Board of County Commissioners that:

Section 1: Pursuant to Section 1.01.090 of the Clackamas County Code, the Board adopts the following fees:

- \$50 per side - For matters where the amount of the claim is less than or equal to \$2500.00; and
- \$90 per side – For matters where the amount of the claim is greater than \$2500.00 (and up to \$10,000.00).

With fee waivers available if the parties' court filing fees were waived due to indigence. Setting this fee supports funding for these services.

Section 2: The Board hereby directs that the adoption of fees shown above shall be included in Appendix A of the Clackamas County Code.

Section 3: Pursuant to ORS 310.145, the Board classifies the fees adopted by this resolution as fees not subject to the limits of section 11b, Article XI of the Oregon Constitution.

Section 4: Effective Date. The adoption of fees authorized by Section 1 of this resolution and shown above shall become effective immediately upon passage of this resolution.

DATED this 9th day of January, 2014.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

January 9, 2014

Board of Commissioners,
 Clackamas County

Members of the Board:

Approval of the Agency Services Amendment #1 with the
 of Oregon City/Pioneer Community Center to provide Social Services for
Clackamas County Residents

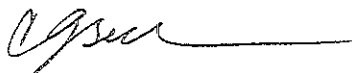
| | |
|--|--|
| Purpose/Outcomes | Agreement with the of Oregon City/Pioneer Community Center to provide mandated Older American Act (OAA) funded services for persons in the City of Oregon City. |
| Dollar Amount and Fiscal Impact | This amendment #1 adds \$17,606 for a new maximum agreement of \$123,738. The contract is funded through the Social Services Division agreement with the Oregon Dept of Human Services, State Unit on Aging. |
| Funding Source | The Older American Act - no County General Funds are involved. |
| Safety Impact | None |
| Duration | Effective July 1, 2013 and terminates on June 30, 2014 |
| Previous Board Action | None |
| Contact Person | Brenda Durbin, Director, Social Services Division 503-655-8641 |
| Contract No. | 6175 |

The Social Services Division of the Health, Housing & Human Services Department (H3S) requests the approval of an Agency Services Agreement Amendment #1 with the of Oregon City/Pioneer Community Center to provide social services to Clackamas County residents age 60 and over. This is a budget adjustment that adjusts the match rate for Medicaid service client transportation services, redistributes Title III-C funding of the nutrition program and adjusts the Ride Connection transportation funding. This results in an increase to the contract budget of \$17,606. The agreement begins July 1, 2013 and continues through June 30, 2014.

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

Contract Amendment
Health, Housing and Human Services

H3S Contract Number: 6175 Board Agenda Number: 062013-A8 Division: Social Services

Contractor City of Oregon City/Pioneer Community Center Amendment Number 1

Amendment Requested By Brenda Durbin, CCSS Director

Changes: (X) Contract Budget

Justification for Amendment: This is a budget adjustment that adjusts the match rate for Medicaid service client transportation services, redistributes Title III-C funding of the nutrition program and adjusts the Ride Connection transportation funding. This results in an increase to the contract budget of \$17,606.

I. AMEND: COMPENSATION AND RECORDS

- A. Compensation. County shall compensate the Agency for satisfactorily performing the services identified in Section I on a fixed unit rate reimbursement basis as described in Exhibit 5 - Budget and Units of Service - attached hereto. The maximum compensation allowed under this contract is \$25,909 in Older Americans Act III-B funds, \$7,533 in Older Americans Act III-C funds, \$1,517 in Older Americans Act III-D funds, \$39,330 in SPD Medicaid funds for Medicaid client Home Delivered meals, \$(3,375) in NSIP funds, \$18,117 in Ride Connection funds for in-district rides, \$3,121 in STF/Ride Connection funds for out of district rides, \$5,048 in Tri-Met funds for waived non-medical transportation match, and \$8,392 of Medicaid funds for waived client non-medical transportation services, and \$540 in LIEAP funds; for a total net compensation of \$106,132.

TO READ:

- A. Compensation. County shall compensate the Agency for satisfactorily performing the services identified in Section I on a fixed unit rate reimbursement basis as described in Exhibit 3 - Budget and Units of Service - attached hereto. The maximum compensation allowed under this contract is \$123,738:

| Funding Title | CFDA # | Funding Maximum |
|---|---------------|------------------------|
| Older Americans Act III-B | 93.044 | \$25,909 |
| Older Americans Act III-C | 93.045 | \$11,952 |
| Older Americans Act III-D | 93.043 | \$1,517 |
| NSIP Funds | 93.053 | -\$3,465 |
| Medicaid Funds: Home Delivered Meals | N/A | \$39,330 |
| Low Income Energy Assistance (LIEAP) | N/A | \$540 |
| Ride Connection – In District | N/A | \$19,394 |
| STF/Ride Connection – Out of District | N/A | \$3,841 |
| STF/Ride Connection: Vehicle Maintenance | 20.513 | \$11,280 |
| STF/Tri-Met: Medicaid Waivered Non-Medical Transportation | N/A | \$4,954 |
| Medicaid Funds: Waivered Non-Medical Transportation | N/A | \$8,486 |

AMEND: Page 3 - Unit Cost Schedule

TO READ: Page 4 – Unit Cost Schedule

Amend

1. Unit Cost Schedule
City of Oregon City - Pioneer Community Center
 Fiscal Year 2013-14

| Service Category | LIEAP Funds (1) | OAA IIIB Funds (2) | OAA IIIC Funds (3) | OAA IIID Funds (4) | OAA IIIE Funds (5) | OAA Match (6) | NSIP Funds (7) | Ride Con Funds (8) | STF Funds (9) | Medicaid Funds (10) | Program Income (13) | NO. OF UNITS (14) | TOTAL COST (15) |
|---|-----------------|--------------------|--------------------|--------------------|--------------------|---------------|----------------|--------------------|---------------|---------------------|---------------------|-------------------|-----------------|
| LIEAP Intakes | 540 | | | | | | | | | | | 83 | 540 |
| Case Management | | 4,792 | | | | 533 | | | | | | 129.5 hrs | 5,325 |
| Reassurance | | 3,770 | | | | | | | | | | 95 | 3,770 |
| Information & Assistance | | 3,359 | | | | 374 | | | | | | 117 | 3,733 |
| Transportation - OAA | | 13,988 | | | | 1,555 | | | | | 2,331 | 4,663 | 17,875 |
| Physical Activity/ Falls Prevention | | | | 812 | | 0 | | | | | | 41 | 812 |
| Preventative Screening, Counseling, & Referrals | | | | 705 | | 0 | | | | | | 18 | 705 |
| Family Caregiver Assist. | | | | | 0 | 0 | | | | | | 0 | 0 |
| OAA Meal Site Management | | | 14,513 | | | 1,614 | | | | | 25,800 | 32,250 | 41,926 |
| Medicaid HDM - SPD | | | (6,980) | | | (776) | (3,375) | | | 42,930 | (3,600) | 4,500 | 28,199 |
| Transportation - Ride Con In District | | | | | | | | 18,117 | | | 1,208 | 2,416 | 19,325 |
| Transportation - Ride Con Out-of Dist | | | | | | | | | 3,121 | | 208 | 416 | 3,329 |
| Transport - non-med T19 | | | | | | | | | 5,048 | 8,392 | | 960 | 13,440 |
| TOTALS | 540 | 25,909 | 7,533 | 1,517 | 0 | 3,300 | (3,375) | 18,117 | 8,169 | 51,322 | 25,947 | | 138,978 |

Total Cost Equals (1 + 2 + 3 + 4 + 5 + 6 + 7 + 8 + 9 + 10 + 11 + 12 + 13 = 15)

Access Services Reimbursement Rate (1 + 2 + 4 + 5 + 8 + 9 + 10 + 12 / 14 = 16)

Source of OAA Match - City of Oregon City - building utilities and maintenance.

Contract Amount: \$ 106,132

To Read

1. Unit Cost Schedule
City of Oregon City - Pioneer Community Center
 Fiscal Year 2013-14

| Service Category | LIEAP Funds (1) | OAA IIIB Funds (2) | OAA IIIC Funds (3) | OAA IIID Funds (4) | OAA IIIE Funds (5) | Required Match (6) | NSIP Funds (7) | Ride Con Funds (8) | STF Funds (9) | Medicaid Funds (10) | Program Income (13) | NO. OF UNITS (14) | TOTAL COST (15) |
|---|-----------------|--------------------|--------------------|--------------------|--------------------|--------------------|----------------|--------------------|---------------|---------------------|---------------------|-------------------|-----------------|
| LIEAP Intakes | 540 | | | | | | | | | | | 83 | 540 |
| Case Management | | 4,792 | | | | 533 | | | | | | 129.5 hrs | 5,325 |
| Reassurance | | 3,770 | | | | | | | | | | 95 | 3,770 |
| Information & Assistance | | 3,359 | | | | 374 | | | | | | 117 | 3,733 |
| Transportation - OAA | | 13,988 | | | | 1,555 | | | | | 2,331 | 4,663 | 17,875 |
| Physical Activity/ Falls Prevention | | | | 812 | | 0 | | | | | | 41 | 812 |
| Preventative Screening, Counseling, & Referrals | | | | 705 | | 0 | | | | | | 18 | 705 |
| Family Caregiver Assist. | | | | | 0 | 0 | | | | | | 0 | 0 |
| OAA Meal Site Management | | | 19,350 | | | 2,152 | | | | | 25,800 | 32,250 | 47,302 |
| Medicaid HDM - SPD | | | (7,398) | | | (823) | (3,465) | | | 42,930 | (3,600) | 4,500 | 27,644 |
| Transportation - Ride Con In District | | | | | | | | 19,394 | | | 1,293 | 2,586 | 20,687 |
| Transportation - Ride Con Out-of Dist | | | | | | | | | 3,841 | | 256 | 512 | 4,097 |
| Ride Con - Vehicle Maint | | | | | | 1,291 | | | 11,280 | | | N/A | 12,571 |
| Transport - non-med T19 | | | | | | | | | 4,954 | 8,486 | | 960 | 13,440 |
| TOTALS | 540 | 25,909 | 11,952 | 1,517 | 0 | 5,082 | (3,465) | 19,394 | 20,075 | 51,416 | 26,080 | | 158,500 |

Total Cost Equals (1 + 2 + 3 + 4 + 5 + 6 + 7 + 8 + 9 + 10 + 11 + 12 + 13 = 15)

Access Services Reimbursement Rate (1 + 2 + 4 + 5 + 8 + 9 + 10 + 12 / 14 = 16)

Source of OAA Match - City of Oregon City - building utilities and maintenance.

Contract Amount: \$ 123,738

January 9, 2014

Board of County Commissioner
Clackamas County

Members of the Board:

Approval for Clackamas County Children, Youth & Families Division to Apply for the Oregon
Community Foundation's Oregon Parenting Education Collaborative Regional Hub

| | |
|--|--|
| Purpose/Outcomes | The purpose of the Oregon Parenting Education Collaborative grant is to develop new regional Parent Education Hubs throughout Oregon. Grant funds are used to deliver parenting education programs, with a focus on programs for parents with children prenatal to age six, through home visiting and/or classes; coordination and administration costs; facilitator training and supervision; purchase of curriculum; and public awareness activities and materials. Overall outcome is to expand the access to high quality parenting programs that are coordinated through regional hubs. |
| Dollar Amount and Fiscal Impact | Funding is available for up to five years, with the possibility of additional years past year five. Up to \$100,000 per year is available for the first three years. Funding levels will step down beginning in the fourth year. A 25% match is required from community and organization support. Match is defined as: cash, in-kind resources and/or volunteer hours. At least 0.5FTE for Hub coordination is required. We plan to use grant funds to pay for current CYF staff position(s) and associated administrative cost for the duration of the grant. |
| Funding Source | Oregon Community Foundation |
| Safety Impact | None |
| Duration | Effective July 1, 2014 and terminates on June 30, 2015 renewable up to three years. |
| Previous Board Action | No previous Board action. |
| Contact Person | Rodney Cook, Director-Children, Youth & Families Division ext. 5677 |
| Contract No. | |

BACKGROUND:

The Clackamas County Children, Youth and Families Division (CYF), requests the approval to apply as the lead agency for the Clackamas County Parenting Education Hub. This Parenting Hub grant aligns with the division's role as convener of the Early Learning Collaborative. In acknowledgment of the division's current role, community partners have agreed and the Oregon Community Foundation has invited CYF to submit a grant proposal of up to \$100,000 per year for three years. CYF will work with community partners to deliver parent education services while building a stronger, coordinated parenting education system in Clackamas.

Healthy Families. Strong Communities.

RECOMMENDATION:

Staff recommends the Board approval of this amendment and authorizes Cindy Becker, H3S Director to sign on behalf of Clackamas County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cindy Becker". The signature is written in a cursive, flowing style.

Cindy Becker, Director

January 9, 2014

Board of County Commissioners
Clackamas County

Members of the Board:

Approval to Apply for the Oregon Department of Education - Youth Development Division
2014-2016 Community Investment Requests for Proposals

| | |
|--|--|
| Purpose/Outcomes | <p>The 2013 Legislature adopted HB3231 establishing the Youth Development Council as a part of a new Oregon Education system under the direction of the Oregon Education Investment Board (OEIB). The Youth Development Council will disperse funding for supporting community-based youth development programs, services, and initiatives for youth who are encountering barriers to school and work success.</p> <p>The population focus of the grants are Opportunity youth (16-24 yr old disconnected from school/work) and Priority Youth (6-16 yr old youth at high risk of drop out);</p> <p>The goals of the grant are to reconnect Opportunity youth with education and career, and establish a secure connection for Priority Youth with education and career</p> <p>Using the Collective impact model, the Children Youth & Family Division, in partnership with the Juvenile Department is spearheading the effort to bring the Youth Development Funds to Clackamas County. The result of this collaborative effort will be to develop a shared vision for change, a common understanding of the problem, and a joint approach to solving our youth's needs.</p> |
| Dollar Amount and Fiscal Impact | The total potential funding amount of all awards statewide is \$15M. |
| Funding Source | Oregon Department of Education- Youth Development Division - no County General Funds are involved. |
| Safety Impact | Services provided through this grant will reduce risk factors that lead to school drop-out, drug/alcohol use, gang violence, and homelessness. |
| Duration | Funding awards will be effective in July 2014. |
| Previous Board Action | No previous Board action. |
| Contact Person | Rodney Cook, Director – Children, Youth & Families Division – (503)650-5677 |
| Contract No. | N/A |

BACKGROUND:

With passage of HB3231 during the 2013 Legislative Session, the Youth Development Council began a process to design and develop a community investment strategy. The investment plan would need to support the strategic direction and efforts of the Oregon Education Board, align with the education system being developed for the Early Learning Council, the Oregon Department of Education,

Community Colleges and Workforce Development, as well as Post-Secondary Education Institutions through the Higher Education Coordinating Commission.

As the state continues to transform its educational system, the Youth Development Council has adopted the Collective Impact model to be the approach that local entities would use to best align with and support the work. The Collective Impact model calls for an advisory board that relies on one of the partners to act as the infrastructure/fiscal agent for the collaboration.


Historically, the Clackamas County Children, Youth & Families Division (CCCYF) has worked very closely with the Juvenile Department to create a continuum of services to address the needs of children and youth exhibiting risk factors and delinquent behaviors. Key leaders and staff from both entities are continuing this collaboration by aggregating necessary data, making an inventory of current effective programming, and reaching out to other key child-serving agencies to respond to this series of grant opportunities. Given that only one entity can act as the infrastructure/fiscal agent/convenor for the Clackamas County Youth Development Collaborative, CCCYF will be applying as the collaborative's fiscal agent for funds. Where appropriate, funds will be sub-contracted to local entities to develop programs that address barriers to education and career success for Oregon's Opportunity (16-24 yr old disconnected from school/work) and Priority Youth (6-16 yr old youth at high risk of drop out) through the following RFP opportunities:

- **The Youth and Community Grant Fund** – Total potential statewide biennial funding \$12M and is designed to assist existing efforts in improving education and workforce success for youth who are disconnected from, or at risk of disconnecting from the education system and labor market.
- **The Youth and Gangs Grant Fund** – Total potential statewide biennial funding \$750,000 and is designed to assist existing efforts in addressing youth gang violence.
- **The Youth and Innovation Grant Fund** (non-recurrent competitive grant) – Total potential statewide biennial funding \$1.6M and is designed to assist existing efforts in improving education and workforce success for youth who are disconnected from, or at risk of disconnecting from the educational system a labor market.
- **The Youth and Crime Prevention Fund** – Total potential statewide biennial funding \$688,000 and is designed to assist school safety and/or restorative justice; support delinquency prevention and intervention efforts; reduce and eliminate disproportionate minority contact in the juvenile justice system; and reduce of youth gangs-related activities.

RECOMMENDATION:

Staff recommends Board approval for CCCYF to apply for these funding opportunities and authorizes Cindy Becker, H3S Director, to sign on behalf of Clackamas County.

Respectfully submitted,



Cindy Becker, Director

January 9, 2014

Board of County Commissioner
Clackamas County

Members of the Board:

Approval of Amendment No. 2 to a Subaward Agreement with
Providence Health & Services – Oregon dba Providence Portland Medical Center for
Intensive Transition Teams (ITT) Project Grant Funding

| | |
|--|--|
| Purpose/Outcomes | Amendment No. 2 extends the grant award through June 30, 2014 and adds \$136,714 for housing support for members engaged in the Intensive Transition (ITT) program. |
| Dollar Amount and Fiscal Impact | The maximum value is increased by \$159,009 to a revised value of \$467,496. The subaward is funded by Providence Health and Services who were awarded a \$17.3 million Innovations Challenge grant from the Center for Medicaid and Medicare. |
| Funding Source | Providence Portland Medical Center subaward – no County general funds are involved. |
| Safety Impact | None |
| Duration | Effective January 1, 2014 and terminates on June 30, 2014 |
| Previous Board Action | The original agreement was approved by the Board of County Commissioners on October 11, 2012 - agenda item 101112-A3. Amendment # 1 was approved by the Board of county Commissioners on September 12, 2013 |
| Contact Person | Jill Archer, Director – Behavioral Health Division - 742-5336 |
| Contract No. | BH-41-12/13 |

BACKGROUND:

Providence Health & Services – Oregon was awarded a three year \$17.3 million Innovations Challenge grant from the Center for Medicaid and Medicare. Included within that grant is a program which links clients who are discharging from a psychiatric hospital to an outpatient behavioral health provider with the end goal of reducing future psychiatric hospitalizations. The grant is based on the premise that the multiple programs included within the grant will create up to \$32.5 million in savings of Medicaid expenses over the three years.

Amendment # 2 extends the subaward for six months effective January 1, 2014 through June 30, 2014 and adds \$159,009. The amendment is retroactive due to receiving it from Providence late.

RECOMMENDATION:

Staff recommends the Board approval of this amendment and authorizes Cindy Becker, H3S Director to sign on behalf of Clackamas County.

Respectfully submitted,



Cindy Becker, Director

Approval of Previous Business Meeting Minutes:

November 14, 2013

November 27, 2013

December 5, 2013

(Minutes attached)

BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

A complete video copy and packet including staff reports of this meeting can be viewed at

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

Thursday, November 14, 2013 - 10:00 AM

Public Services Building

2051 Kaen Rd., Oregon City, OR 97045

**PRESENT: Commissioner John Ludlow, Chair
Commissioner Jim Bernard
Commissioner Paul Savas
Commissioner Tootie Smith**

EXCUSED: Commissioner Martha Schrader

I. CALL TO ORDER

- Roll Call

Commissioner Schrader is attending another meeting and will not be in attendance today.

- Pledge of Allegiance

II. CITIZEN COMMUNICATION

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

1. Les Poole, Gladstone – spoke regarding funding for the road maintenance fee.
2. Jeff Weakley, Oregon City – please listen to the voters and stop all new taxes.

~Board Discussion~

3. Kevin Phillips, Beaver Creek – questioned the some of the recipients receiving small grant money.
4. Mack Woods, Canby – spoke regarding the ethic complaint he filed.
5. Ken Humberstom, Clackamas River Water – appreciates the Board support for CRW.
6. Hugh Kalani, Clackamas River Water – appreciates the Board support for CRW.
7. Paul Edgar, Oregon City – road maintenance is a priority in this County.
8. Herb Chow, Clackamas – concerned about the dollars for road maintenance.

III. PRESENTATION

1. Presentation for Clackamas County Mediation and Restorative Justice Services
Lauren MacNeill and Amy Cleary, Resolution Services and Matthew Hartman, Juvenile Dept.
presented the staff report. They showed a brief PowerPoint and video. Matthew
introduced Charles Foot, Principle of Billquist Elementary School. Mr. Foot shared a
successful interaction with Resolution Services through the Juvenile Department. He
wanted to thank the County for offering these services.

~Board Discussion~

IV. DISCUSSION ITEM

County Administration

1. Discussion of the County's Information Request and Position on the Effect Tolling the
Columbia River Crossing will have on Interstate 205

Dan Chandler, Strategic Policy Coordinator presented the staff report with a PowerPoint.

~Board Discussion~

Chair Ludlow announced this is a discussion item and stated there are two folks signed up to speak.

1. Joe Cortright, Economist with Impresa, Portland – has been working on the Columbia
River Crossing project for several years – he shared important data.
2. Paul Edgar, Oregon City – opposes the CRC project – should look at other
alternatives.

3. Steve Schopp, Tualatin – opposes the CRC project – asked this Board to take a stand.

~Board Discussion~

Chair Ludlow made the following motion:

MOTION:

Chair Ludlow: I move we press to get more accurate diversion numbers from ODOT, have County staff analyze impact to I-205 and County system, come back to the BCC at a study session in less than 2 weeks from now – have a discussion for a potential resolution, legislative strategy or other steps by the Dec. 5, 2013 Business meeting.

Commissioner Smith: Second.

~Board Discussion~

MOTION:

Commissioner Bernard: I call for the vote.

Commissioner Smith: Second.

Clerk took poll for the question.

Commissioner Bernard: Aye.

Commissioner Smith: Aye.

Commissioner Savas: Aye.

Chair Ludlow: Aye – it passes 4-0.

Chair Ludlow asked the Clerk to call the poll for the original motion.

Commissioner Savas: Aye.

Commissioner Bernard: Aye.

Commissioner Smith: Aye.

Chair Ludlow: Aye – the primary motion passed 4-0.

V. CONSENT AGENDA

Chair Ludlow asked the Clerk to read the consent agenda by title. He then asked for a motion.

MOTION:

Commissioner Bernard: I move we approve the consent agenda.

Commissioner Smith: Second.

Clerk to call the poll:

Commissioner Smith: Aye.

Commissioner Savas: Aye.

Commissioner Bernard: Aye.

Chair Ludlow: Aye. The motion is approved 4-0.

A. Health, Housing & Human Services

1. Approval of a Contract Amendment with Metropolitan Family Services for Family Reunification Services – *Children, Youth & Families*
2. Approval of a New Revenue Grant Award Agreement with the National Network of Public Health Institutes – *Public Health*

B. Community Corrections

1. Approval of Intergovernmental Agreement No. 4855 between Clackamas County and the State of Oregon Department of Corrections

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval of an Intergovernmental Agreement between Clackamas County District Attorney's Office and the State of Oregon Judicial Department - DA

VI. WATER ENVIRONMENT SERVICES

1. Resolution No. **2013-92** Establishing an Annual Watershed Health Grant Program for Clackamas County Service District No. 1
2. Approval of a Professional Services Agreement between Clackamas County Service District No. 1 and CH2M Hill Engineers, Inc. for Stage I of the Kellogg Creek Water Pollution Control Plant Outfall Improvement Project
3. Approval of a Joint Funding Agreement between Clackamas County Service District No. 1 and the US Geological Survey for Cooperative Hydrologic Monitoring in the Johnson Creek Watershed
4. Approval of a Joint Funding Agreement between Clackamas County Service District No. 1 and the US Geological Survey for Creek Flow Measuring Work
5. Approval of a Joint Funding Agreement between the Surface Water Management Agency of Clackamas County and the US Geological Survey for Tualatin River Monitoring

VII. COUNTY ADMINISTRATOR UPDATE – None

VIII. COMMISSIONERS COMMUNICATION - None

MEETING ADJOURNED – 12:00 PM

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.

www.clackamas.us/bcc/business.html

BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

A complete video copy and packet including staff reports of this meeting can be viewed at

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

Thursday, November 27, 2013 - 10:00 AM

Public Services Building

2051 Kaen Rd., Oregon City, OR 97045

**PRESENT: Commissioner John Ludlow, Chair
Commissioner Jim Bernard
Commissioner Paul Savas
Commissioner Martha Schrader
Commissioner Tootie Smith**

I. CALL TO ORDER

- Roll Call
- Pledge of Allegiance

II. CITIZEN COMMUNICATION

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

1. Mary Grecko, Clackamas Federal Credit Union – the Credit Union supports Clackamas County Safe Place and will be taking donations at all their branches.
2. Kevin Phillips, Beaver Creek – spoke regarding the funding of churches with grant money.

~Board Discussion~

The Board recognized County Employee David Anderson, County Counsel for his 32 years of service to Clackamas County. David is retiring at the end of this month.

III. DISCUSSION ITEMS

~NO DISCUSSION ITEMS SCHEDULED

IV. CONSENT AGENDA

Chair Ludlow asked the Clerk to read the consent agenda by title.

Commissioner Savas asked that item B.2 and V.1 be removed for *discussion.

Chair Ludlow asked for a motion for the Consent Agenda with the removal of B.2 and V.1.

MOTION:

Commissioner Schrader: I move we approve the consent agenda as amended.

Commissioner Bernard: Second.

Clerk to call the poll:

Commissioner Bernard: Aye.

Commissioner Smith: Aye.

Commissioner Schrader: Aye.

Commissioner Savas: Aye.

Chair Ludlow: Aye. The motion is approved 5-0.

A. Health, Housing & Human Services

1. Approval of a Renewal Licensing Agreement with the City of Portland to Deliver Rent Well Tenant Training to Help Individuals and Families who are Homeless or At Risk of Homelessness Find and Keep Housing – *Social Services*

2. Approval to Apply to the Oregon Department of Human Services, Oregon Money Management Program as the Regional Coordinator for the Four (4) County Metro Aging & Disabilities Resource Connection Consortium - *Social Services*
3. Approval of a Professional, Technical & Personal Service Contract with a Daily Reprieve Center, Inc. dba Iron Tribe Network (formerly Iron Tribe, Inc.) for Peer Services – *Behavioral Health*

B. Department of Transportation & Development

1. Board Order No. **2013-93** Correcting Board Order No. 2004-265, Vacation of Portions of Manape Drive, Bridge Street and Mooween Avenue
- *2. Approval of an Intergovernmental Agreement with Metro to Implement the Year 24 Annual Waste Reduction Plan and the Recycle at Work Program

~Board Discussion~

MOTION:

Commissioner Bernard: I move we approve the Intergovernmental Agreement with Metro to Implement the Year 24 Annual Waste Reduction plan and Recycle at Work Program.

Commissioner Schrader: Second.

~Board Discussion~

Clerk call the poll:

Commissioner Savas: Aye.

Commissioner Schrader: Aye.

Commissioner Smith: Aye.

Commissioner Bernard: Aye.

Chair Ludlow: Aye – it passes 5-0.

3. Approval of a Contract Amendment with Wildish Standard Paving Co. for the Clackamas River at Springwater Road Bridge Replacement Project - *Purchasing*

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – *BCC*
2. Approval of Intergovernmental Agreements between Clackamas County District Attorney's Office and the Cities of Canby, Gladstone, Lake Oswego, Milwaukie, Molalla, Oregon City and West Linn to Provide for Distribution of Civil Forfeiture Proceeds - *DA*

D. Administration

1. Approval and Adoption of Affirmative Action Hiring Goals – *Diversity and Inclusion*

E. Central Communications (C-COM)

1. Approval of Fiscal Year 2013 State Homeland Security Grant Program Agreement No. 13-204 with the State of Oregon

F. Department of Emergency Management

1. Approval of Fiscal Year 2013 State Homeland Security Grant Program Agreements No. 13-205, 206, 207 with the State of Oregon

2. Approval of Fiscal Year 2013 Emergency Management Performance Grant Agreement No. 13-503 with the State of Oregon

V. WATER ENVIRONMENT SERVICES

- *1. Approval of a Professional Services Agreement between Clackamas County Service District No. 1 and Brown and Caldwell, Inc. for the Kellogg Creek WPCP Pump Station Rehabilitation Project.

~Board Discussion~

MOTION:

Commissioner Bernard: I move we approve the Professional Services Agreement between Clackamas County Service District No. 1 and Brown and Caldwell, Inc. for the Kellogg Creek WPCP Pump Station Rehabilitation Project.

Commissioner Schrader: Second.

~Board Discussion~

Clerk call the poll:

Commissioner Smith: Aye.

Commissioner Schrader: Aye.

Commissioner Bernard: Aye.

Commissioner Savas: No.

Chair Ludlow: Aye – it passes 4-1.

VI. COUNTY ADMINISTRATOR UPDATE

www.clackamas.us/bcc/business.html

VII. COMMISSIONERS COMMUNICATION

www.clackamas.us/bcc/business.html

MEETING ADJOURNED – 11:15 AM

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www.clackamas.us/bcc/business.html

BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

A complete video copy and packet including staff reports of this meeting can be viewed at

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

Thursday, December 5, 2013 - 10:00 AM

Public Services Building

2051 Kaen Rd., Oregon City, OR 97045

**PRESENT: Commissioner John Ludlow, Chair
Commissioner Jim Bernard
Commissioner Paul Savas
Commissioner Martha Schrader
Commissioner Tootie Smith**

I. CALL TO ORDER

- Roll Call

Commissioner Schrader is running late and arrived during the presentation.

- Pledge of Allegiance

II. PRESENTATION

1. Presentation Recognizing Completion of the Clackamas Broadband Express Grant
David Cummings, Dave Devore and Duke Dexter, Technology Services presented the staff report. David Cummings acknowledged some of the people and staff who worked on this issue. He showed a PowerPoint and a film that highlights this project.

~Board Discussion~

III. CITIZEN COMMUNICATION

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

1. Barbara Kemper, Clackamas – spoke regarding DEQ letter regarding Clackamas Composting.

~Board Discussion~

2. Kevin Phillips, Beaver Creek – spoke regarding article 1 section 5 regarding the association with religious groups.
3. Les Poole, Gladstone – spoke regarding the Trolley Trail property.
4. Cyndi Lewis Wolfram, Milwaukie – spoke regarding the DEQ letter and the permit process for Clackamas Composting.

IV. DISCUSSION ITEM

County Administration

1. Approval of Resolution No. **2013-94** on the Columbia River Crossing and its Effect on Interstate 205 in Oregon

Dan Chandler, Strategic Policy Administrator presented the staff report with a PowerPoint presentation. This item was discussed at the November 14, 2013 Business meeting.

~Board Discussion~

Chair Ludlow opened this item for public comment.

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

1. Joe Cortright, Economist with Impresa, Portland – supports the proposed resolution; He has been working on the Columbia River Crossing project for several years and shared important data.
2. Anne Marie Gurney, Portland – opposes the CRC.
3. Les Poole – Gladstone – supports the Board's resolution and Joe Cortright's data.
4. Peter Welk, Molalla – this is an expensive project and he appreciates the Board's resolution.
5. Steve Schopp, Tualatin – opposes the CRC – referred to data from Clark County.
6. Maryanna Moore, Gladstone – opposes the CRC.

~Board Discussion~

Chair Ludlow asked for a motion.

MOTION:

Commissioner Smith: I move we approve the Resolution on the Columbia River Crossing and its Effect on Interstate 205 in Oregon.

Commissioner Bernard: Second.

~Board Discussion~

Clerk to call the poll:

Commissioner Smith: Aye.

Commissioner Schrader: Aye.

Commissioner Savas: Aye.

Commissioner Bernard: Aye.

Chair Ludlow: Aye. The motion is approved 5-0.

V. CONSENT AGENDA

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

MOTION:

Commissioner Bernard: I move we approve the consent agenda.

Commissioner Schrader: Second.

Clerk to call the poll:

Commissioner Bernard: Aye.

Commissioner Smith: Aye.

Commissioner Schrader: Aye.

Commissioner Savas: Aye.

Chair Ludlow: Aye. The motion is approved 5-0.

A. Health, Housing & Human Services

1. Approval of an Interagency Agreement between the Development Agency and Community Development for the Bell Road Pedestrian Street Improvements Project within the North Clackamas Revitalization Area – *Community Development*
2. Approval of a Funding Agreement with United Way of the Columbia-Willamette to Provide Short-Term Rent and Mortgage Assistance Services to Low-Income Families in Clackamas County who are at Risk of Losing their Housing – *Social Services*
3. Approval of Amendment No. 1 to a Residential Treatment Services Agreement with Youth Villages, Inc. – *Behavioral Health*
4. Approval of Amendment to the Revenue Intergovernmental Agreement with Clackamas County Community Corrections, to Provide Behavioral Health Services to Community Corrections' Consumers – *Health Centers*

B. Elected Officials

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

C. County Counsel

1. Authorization to Settle Miller v Clackamas County

D. Department of Emergency Management

1. Approval of Fiscal Year 2011 Urban Area Security Initiative Local Grant Agreement with the City of Lake Oswego
2. Approval of Fiscal Year 2012 Emergency Management Performance Grant Amendment No. 1 with the State of Oregon

VII. COUNTY ADMINISTRATOR UPDATE - None

VIII. COMMISSIONERS COMMUNICATION

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

MEETING ADJOURNED – 12:00 PM

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



Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

January 9, 2014

Board of County Commissioners
Clackamas County

Members of the Board:

Request by the Clackamas County Sheriff's Office to accept a Safety Belt Grant with the Oregon State Sheriff's Association 10/01/13 – 09/30/14

| | |
|--|--|
| Purpose/Outcome | Increase compliance with Oregon Motor Vehicle occupant restraint laws toward the State's goal of minimizing traffic crash fatalities and injuries. |
| Dollar Amount and Fiscal Impact | The total annual contract amount is \$18,938. Match for the grant is budgeted straight time. The Sheriff's Office submits monthly grant reports which would include reimbursement of any applicable staff time for the given reporting period. |
| Funding Source | The Oregon State Sheriff's Association is the source of the grant funds. |
| Safety Impact | Each participating agency is required to participate in three specific blitz periods. |
| Duration | The grant period runs from acceptance through September 30, 2014. |
| Previous Board Action/Review | This is a recurring, annual grant that is consistently approved by the County Board of Commissioners. |
| Contact Person | Sergeant John Naccarato, (503) 785-5092 |
| Contract No. | Not applicable |

BACKGROUND:

The Oregon State Sheriff's Association offers reimbursement for officer overtime for enforcement focusing on occupant restraint, speed and other traffic violations. This program is intended to meet the objective of increasing compliance with Oregon Motor Vehicle occupant restraint laws toward the State's goal of minimizing traffic crash fatalities and injuries. This is accomplished by each fund recipient participating in the following three blitz periods:

- February 10 – 23, 2014 and will have emphasis on Belts/Child Restraints, Texting and Speed.
- May 19 – June 1, 2014 and will have emphasis on Night Time/Daytime Belts, Minors in Open Pickup Beds – *Click It or Ticket* Mobilization (Nationwide).
- August 25 – September 7, 2014 and will have emphasis on Child Seats/Fitting Station Referrals, Texting and Speed.

RECOMMENDATION:

It is recommended that the Board of County Commissioners accept this Grant Agreement between the Clackamas County Sheriff's Office and the Oregon State Sheriff's Association for the 2013/2014 Safety Belt Grant.

Respectfully submitted,

Matt Ellington,
Undersheriff

Request by the Clackamas County Sheriff's Office to accept a DUII
Overtime Enforcement Grant with the Oregon State Sheriff's
Association 10/1/13 – 09/30/14

DATED THIS _____ DAY OF January 2014

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



10

OFFICE OF THE COUNTY ADMINISTRATOR

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

January 9, 2014

Board of County Commissioners
Clackamas County

Members of the Board:

Amendment No. 1 to Intergovernmental Lease between Clackamas County and the State of Oregon North Willamette Research and Extension Center

| | |
|--|---|
| Purpose/Outcomes | This lease amendment allows the North Willamette Research and Extension Center (NWREC) to install solar power arrays on site to generate power to be used for the NWREC purposes and defray expenses. |
| Dollar Amount and Fiscal Impact | N/A |
| Funding Source | N/A |
| Safety Impact | N/A |
| Duration | This amendment extends the lease until 2034 |
| Previous Board Action | The Board renewed the NWREC lease in December 2012 and extended it to 2022. |
| Contact Person | Laurel Butman |
| Contract No. | N/A |

BACKGROUND:

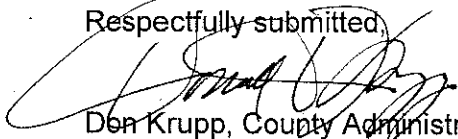
Clackamas County and NWREC currently have an intergovernmental lease agreement (lease) that extends through September 1, 2022. The lease states that NWREC will not assign, transfer, pledge, hypothecate or otherwise encumber the lease or the estate or any interest without first obtaining the County's consent.

By approving the attached lease amendment, Clackamas County will provide its consent to allow NWREC to install and use power generated from solar arrays. The amendment also extends the lease to 2034 consistent with the terms of the solar power arrangement. Additionally, the lease will be amended to reflect the County's agreement not to terminate the lease until after January 1 2020. Other terms of the Lease shall remain the same.

RECOMMENDATION:

Staff respectfully recommends the Board approve the Amendment No. 1 to the Intergovernmental Lease Agreement Between Clackamas County and the State of Oregon By and Through the State Board of Higher Education on Behalf of Oregon State University, North Willamette Research and Extension Center. Your favorable consideration is requested.

Respectfully submitted,



Don Krupp, County Administrator

Attachment B

AMENDMENT NO. 1

TO

LEASE AGREEMENT

This Amendment No. 1 to Lease Agreement (this "Amendment") is entered by and between Clackamas County ("Lessor") and the State of Oregon, acting by and through the State Board of Higher Education on behalf of Oregon State University, North Willamette Research and Extension Center ("Lessee"), pursuant to the authority granted in Oregon Revised Statutes Chapter 190.

WHEREAS, Lessor and Lessee entered into that certain Intergovernmental Lease Agreement dated December 20th, 2012 (the "Lease") dealing with certain real property near the City of Wilsonville as more fully described in the Lease (the "Property") for the purpose of agricultural research; and

WHEREAS, Lessor and Lessee desire to amend the Lease to clarify the scope of the Lease and extend the term;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is acknowledged, the parties hereto agree that:

1. Lease Paragraph 3 is amended in its entirety to read:

"Lessee shall use the Premises solely to carry on and conduct research and agricultural experimental work, and all other lawful activities incident and necessary to such work including but not limited to allowing solar power generation on a portion of the Premises to support activities thereon and defray expenses therefrom. For the purposes of this Lease, crop rotation practices and allowing the land to lie fallow are considered agricultural research and experimental work."

2. Lease Paragraph 4 is amended to extend the term of the Lease for an additional twelve years and now states in its entirety:

"The term of this Lease shall be from September 1, 2012 through August 31, 2034."

3. Lease Paragraph 6 is amended in its entirety to read:

"Lessee may place fixtures, partitions, personal property, structures, and the like, including solar power arrays, on the Premises and may make improvements and alterations at its own expense. Lessee (1) may, but shall not be required to, remove such items at any time during the term of this Lease; and (2) shall be required to remove all solar power arrays and related supporting equipment and infrastructure at Lessor's discretion and as required under Paragraph 12."

4. Lease Paragraph 16 is amended in its entirety to read:

“Lessee will not assign, transfer, pledge, hypothecate or otherwise encumber or dispose of this Lease or the estate created in this Lease or any interest in any portion of the same, or allow any other person or persons, company or corporations to occupy the Premises without first obtaining Lessor’s written consent. This Lease is personal to Lessee for the purpose of experimental work and related activities. If the Premises are used for any other purpose than that stated in Paragraph 3 or by any other person, then payment of cash rent may be required, and this Lease may be renegotiated accordingly or may be terminated at Lessor’s reasonable discretion by giving not less than 90 days’ prior written notice and Lessee shall vacate the Premises pursuant to Paragraph 12 of this Lease..”

5. The Lease is amended to add a new Paragraph 27 which reads:

“Lessor agrees that it shall not terminate the Lease pursuant to its powers set forth in Paragraph 21 until after January 1, 2020.”

6. Except as set forth herein, the Lease is ratified and no other changes have been or are made.

STATE OF OREGON, acting by and through the State Board of Higher Education on Behalf of Oregon State University, North Willamette Research and Extension Center

CLACKAMAS COUNTY, by its Board of County Commissioners

By: W. Glenn Ford
Name: W. GLENN FORD
Title: Vice President
Finance and Administration
OREGON STATE UNIVERSITY
Date: 12-4-2013

By: _____
Chair
Date: _____
Attest: _____

Approved as to Form:

[Signature]
County Counsel



DAN JOHNSON
MANAGER

DEVELOPMENT AGENCY

January 9, 2014

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

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of an Immediate Opportunity Fund (IOF) Agreement with the State of Oregon, by and through its Department of Transportation for the Capps Road Property, also known as the Clackamas Industrial Area Opportunity (CIAO) Site, for funds to construct the SE 120th Avenue Extension Road Project

| | |
|--|--|
| Purpose/Outcomes | This agreement will provide funding for the construction of an extension of SE 120 th Avenue to provide access to the Clackamas Industrial Area Opportunity (CIAO) site. |
| Dollar Amount and Fiscal Impact | The State will provide Immediate Opportunity Funds of up to \$500,000, to help finance the construction of the SE 120 th Extension, providing access into the CIAO site. |
| Funding Source | The State of Oregon Immediate Opportunity Fund will supply funds up to \$500,000. The Clackamas County Development Agency, through Clackamas Industrial Area Urban Renewal District funds, is responsible for additional Project costs. No County General Funds are involved. |
| Safety Impact | The extension of SE 120 th Avenue will provide access to the site for pedestrians and vehicular traffic meeting County Roadway Standards. The current access is unimproved. |
| Duration | The agreement will terminate upon completion of the Project and certification of the site under the State of Oregon's Certified Industrial Site program, or ten (10) calendar years, whichever is sooner. |
| Previous Board Action | The Board of County Commissioners previously approved acquisition of the property at a July 16, 2009 Business Meeting. The Board approved a consulting engineering contract with Otak Inc., for Engineering design and plans for the SE 120 th Avenue Extension Project on August 29, 2013. |
| Contact Person | Ken Itel, Senior Project Planner, Clackamas County Development Agency - 742-4324 |

BACKGROUND:

On behalf of Clackamas County, the Oregon Business Development Department (OBDD) applied to the Oregon Department of Transportation (ODOT) for a grant from the Immediate Opportunity Fund (IOF) to secure funding for the SE 120th Avenue Extension Project. The IOF was established by the Oregon Transportation Commission (OTC) on June 15, 1998 with the sole purpose of supporting economic development in Oregon through the construction and improvement of roadways. Additional guidelines were developed and adopted in 2009 which limited the use of these funds to projects of one of the following types:

- Type A; specific economic development projects that affirm job retention and job creation opportunities;

- Type B; revitalization of business or industrial centers to support economic development and quality development objectives; or
- Type C; preparation of Oregon certified development-ready industrial sites.

On June 19, 2013, the OTC awarded a \$500,000 grant to the Development Agency to fund the SE 120th Extension Project. The grant is a Type C, as it is funding a project that allows the CIAO site to become development-ready and comply with site certification requirements.

This Agreement provides significant funds for the extension of SE 120th Avenue into the CIAO site in order to provide appropriate access for future industrial users. While the work is vital to providing a developable industrial site, it is also the last element necessary for the site to meet qualifications as development-ready under Business Oregon's Industrial Site Certification program. The CIAO site has been identified by the Governor's Regional Solutions Team as one of the priority industrial sites within the state, as it is one of the few large industrial sites in the Portland metropolitan area verging on development ready.

The majority of the SE 120th extension construction will be funded by the \$500,000 IOF grant. The SE 120th extension improvements include approximately 550 feet of roadway ending in a cul-de-sac providing driveway cuts to access future industrial pad sites. The roadway will include a full width sidewalk on one side, lighting, a landscaping strip, stormwater facilities and utility extensions to provide service for future users. The road will be designed to have a maximum grade of no more than five percent (5%) in order to facilitate access by truck traffic. Design alternatives are being evaluated for storm water management.

Attached you will find a copy of the Immediate Opportunity Fund Agreement for your review and approval. Key components of the agreement are found on pages 2-6 and include Terms of Agreement, State of Oregon Obligations and Development Agency Obligations. As this is a Type C grant, most Agency obligations are centered around design, construction and bidding of the project.

This Agreement is in a format approved by County Counsel

RECOMMENDATION:

Staff respectfully recommends the Board approve and sign the IOF Agreement with the State of Oregon, by and through its Department of Transportation for \$500,000 in funds toward the construction of the SE 120th Avenue Extension Road Project.

Respectfully submitted,



Dan Johnson
Development Agency Manager

**IMMEDIATE OPPORTUNITY FUND AGREEMENT
SE 120th Avenue Extension
Clackamas County**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and the CLACKAMAS COUNTY DEVELOPMENT AGENCY, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. The Oregon Transportation Commission ("OTC") at its July 15, 1988, meeting approved establishing an Immediate Opportunity Fund ("IOF") to support primary economic development in Oregon through the construction and improvement of streets and roads. The OTC, at its meeting on April 15, 2009, revised the guidelines for the use of this fund. IOF funds are limited to: Type A) specific economic development projects that affirm job retention and job creation opportunities; Type B) revitalization of business or industrial centers to support economic development and quality development objectives; and Type C) preparation of Oregon certified project-ready industrial sites.
2. SE 120th Avenue and SE Capps Road are part of the county road system under the jurisdiction and control of Clackamas County.
3. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting Parties.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency agrees to make roadway improvements on the Clackamas Industrial Area Opportunity (CIAO) site in a manner that meets the IOF criteria. The improvements will consist of extending SE 120th Avenue into the CIAO site to provide access to up to forty (40) acres of developable industrial land, hereinafter referred to as "Project". The location of the Project is approximately as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof. Further description of the Project is included in the ODOT letter to the OTC dated May 17, 2013, which is attached hereto, marked as "Exhibit B," and by this reference made a part hereof. The OTC approved the Project June 19, 2013. The OTC meeting

Agency/State
Agreement No. 29697

minutes dated June 19, 2013, are attached hereto, marked "Exhibit C," and by this reference made a part hereof.

2. The Oregon Business Development Department (OBDD) recommends use of Immediate Opportunity Funds for this Project. State agrees to provide Immediate Opportunity Funds not to exceed \$500,000 to help finance the road construction portion of this Project. Agency and/or others will provide the remaining Project funding.
3. This Agreement is effective on the date all required signatures are obtained and shall terminate upon completion of the Project and certification under the State of Oregon's Certified Industrial Site program, as described under Agency Obligations, or ten (10) calendar years whichever is sooner.

STATE OBLIGATIONS

1. State shall, at its own expense, assign a Project liaison to monitor work performed. State shall review all environmental documents, Project plans, specifications, and cost estimates prepared by Agency or its consultants within twenty (20) working days of submittal by Agency and before advertisement of construction bids.
2. Upon completion of the Project and receipt of a final invoice, State shall reimburse Agency a lump sum in the amount of \$500,000 as State's portion of the Project.
3. State certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of State, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind State.
4. State's Project Manager for this Project is Christina Hopes, 123 NW Flanders Street, Portland, OR 97209, (503) 731-4924, christina.hopes@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

AGENCY OBLIGATIONS

1. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; obtain all required permits; arrange for all utility relocations or reconstruction; perform all construction engineering, including all required materials testing and quality documentation; prepare all bid documents; provide Project management services, and other necessary functions for sole administration of the contract.
2. Agency shall advertise and award all contracts, and pay all contractor costs. Within two (2) years after the Agreement execution date, unless granted an extension by State, Agency shall award a contract for construction of Project. Construction must be completed within five (5) years of the Agreement date. If either time limit expires, this Agreement shall terminate immediately with all Parties.

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3. Agency shall ensure that State's contribution of \$500,000 will be applied to construction only. Agency shall be responsible for funding the remaining Project costs.
4. Agency shall submit to the assigned State Project Liaison all environmental documents, Project plans, specifications and cost estimates before advertisement for construction bids.
5. Agency shall lay out and paint the necessary lane lines and erect the required directional and traffic control signing for the Project.
6. Agency shall be responsible for 100 percent of power costs associated with the luminaries installed as a part of this Project. The power company shall send power bills directly to Agency.
7. Agency shall obtain all required state and federal permits, including any environmental permits, and shall comply with all terms of said permits.
8. Agency agrees and understands that Agency will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the State Right of Way Manual if right-of-way acquisition is necessary.
9. Agency or its consultant shall acquire all necessary right of way in accordance with and in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the ODOT Right of Way Manual. Certification of right of way acquisition work must be made by the Agency (or on behalf of its consultant) doing the work. If Agency acquires the right of way, they shall provide a letter from Agency's legal counsel certifying that 1) the right of way needed for the Project has been obtained and 2) right of way acquisition has been completed in accordance with the right of way requirements contained in this Agreement. The certification form shall be routed through the State Region 1 Right of Way Office for co-signature and possible audit. If Agency elects to have State perform right of way functions, a separate agreement shall be executed between Agency and State right of way, referencing this Agreement number.
10. If Agency enters into a construction contract for performance of work on the Project, then Agency will require its contractor to provide the following:
 - a. Contractor shall indemnify, defend and hold harmless State from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of Contractor or its officers, employees, subcontractors, or agents under the resulting contract.
 - b. Contractor and Agency shall name State as a third party beneficiary of the resulting contract.

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- c. Commercial General Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverages that are satisfactory to State. This insurance will include personal and advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage will be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence will not be less than \$ 1,000,000 for each job site or location. Each annual aggregate limit will not be less than \$ 2,000,000.
 - d. Automobile Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the resulting contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence will not be less than \$1,000,000.
 - e. Additional Insured. The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, if included, required for performance of the resulting contract will include State and its divisions, officers and employees as Additional Insured but only with respect to Contractor's activities to be performed under the resulting contract. Coverage will be primary and non-contributory with any other insurance and self-insurance.
 - f. Notice of Cancellation or Change. There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from Contractor's or its insurer(s) to State. Any failure to comply with the reporting provisions of this clause will constitute a material breach of the resulting contract and will be grounds for immediate termination of the resulting contract and this Agreement.
11. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its subcontractors complies with these requirements.
12. Agency shall keep accurate cost accounting records. Agency shall prepare and submit monthly itemized, progress reports and invoices for construction directly to State's Project Manager for review and approval. Such invoices will be in a form identifying the Project, the agreement number, the invoice number or the account number or both, and will itemize all expenses for which reimbursement is claimed. Travel expenses will not be reimbursed. Agency understands that State shall provide payment to Agency as in one lump sum payment at the completion of the Project.

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13. Agency agrees that should any environmental or land-use issues arise at any time during the development or construction of the Project, State may, at its discretion and when exercised in good faith, suspend payments until it is satisfied that the issue has been resolved. However, Agency may use its own funds to continue the Project and shall be reimbursed by State as provided for in this Agreement once State is satisfied that the issue has been resolved.
14. Agency shall, at its own expense, maintain and operate the Project upon completion at a minimum level that is consistent with normal depreciation and/or service demand. Maintenance responsibilities shall survive termination of this Agreement and upon completion of Project and submission of documentation of certification described under Agency Obligation 19.
15. Agency shall submit to State any change orders that substantially change the plans and specifications or the submitted scope of work as approved by the OTC and as identified in this Agreement.
16. Agency shall provide to State permanent mylar "as constructed" plans for work on state highways.
17. Agency shall require its contractor(s) and subcontractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Department of Transportation and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Agency's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that State shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the State, be indemnified by the contractor and subcontractor from and against any and all Claims.
18. Any such indemnification shall also provide that neither Agency's contractor and subcontractor nor any attorney engaged by Agency's contractor and subcontractor shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency's contractor is prohibited from defending the State of Oregon, or that Agency's contractor is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue claims it may have against Agency's contractor if the State of Oregon elects to assume its own defense.

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19. Certification of the site served by the Project under the State of Oregon's Certified Industrial Site program must be obtained within three (3) months of completion of the Project. In the event certification of the Project site is not obtained within three (3) months of completion of the Project, Agency shall reimburse State all IOF Funds distributed to Agency.
 - a. If certification of the industrial site is not obtained within three (3) months due to an OBDD delay, an extension for the deadline may be approved through mutual agreement of the Director of OBDD and the Director of ODOT. Any extension will only be effective upon amendment to this Agreement.
 - b. In the event construction of the Project results in the discovery of previously unknown circumstances that require significant financial resources to address, the deadline for certification may be extended or the repayment requirement may be waived through a recommendation of the OBDD Business Development Officer which is mutually agreed upon by the Directors of ODOT and OBDD and referred to the OTC for approval.
20. Reimbursements resulting from a failure to provide job documentation, failure to meet job target goals or failure to obtain Project Site Certification shall be paid within three (3) months after the above stated time limit.
 - a. All said reimbursements shall include interest equal in rate for the Highway Trust Fund at the State Treasury established on the date of execution of this Agreement. Interest shall accrue from the date of the first withdrawal from the Highway Trust Fund at the State Treasury.
 - b. At Agency's request and upon consultation with OBDD, State may grant a time extension on the reimbursement or a time extension to provide additional job growth. Any extension will only be effective upon amendment to this Agreement.
21. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of Agency that are pertinent to this Agreement to perform examinations and audits and make excerpts and transcripts. Agency shall retain and keep all files and records for a minimum of six (6) years after completion of the Project.
22. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws;

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and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

23. Agency shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from State.

24. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.

25. Agency's Project Manager for this Project is Ken Itel, Senior Project Planner, Clackamas County Development Agency, 150 Beaver Creek Road, Oregon City, OR 97045, (503) 742-4324, kennethite@co.clackamas.or.us, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties.
2. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

4. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
5. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
6. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
7. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

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8. Agency agrees to refund to State all Immediate Opportunity Funds paid to Agency in connection with this Project if this Agreement is terminated for any reason prior to completion of Project and receipt of job assessment documentation. Refund to State shall be within three (3) months from termination date.
9. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
10. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
11. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2012-2015 Statewide Transportation Improvement Program, (Key #18414) that was adopted by the Oregon Transportation Commission on March 21, 2012 (or subsequently approved by amendment to the STIP).

Signature Page to Follow

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CLACKAMAS COUNTY DEVELOPMENT AGENCY, by and through its elected officials

By _____

Date _____

By _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By  _____
Agency Counsel

Date 12/30/13

Agency Contact:

Ken Itel, Senior Project Planner
Clackamas County Development Agency
150 Beaver Creek Road
Oregon City, OR 97045
(503) 742-4324
kennethite@co.clackamas.or.us

State Contact:

Christina Hopes
ODOT
123 NW Flanders Street
Portland, OR 97209
(503) 731-4924
christina.hopes@odot.state.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Region 1 Manager

Date _____

APPROVAL RECOMMENDED

By _____
District 2B Manager

Date _____

By _____
Region 1 Policy and Development
Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date _____

EXHIBIT A – Project Location Map



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EXHIBIT B – Letter to the OTC



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Office of the Director

355 Capitol St. NE

Salem, OR 97301

Phone: (503) 986-3289

Fax: (503) 986-3432

DATE: May 17th, 2013

TO: Oregon Transportation Commission

FROM: Matthew L. Garrett, Director

SUBJECT: Immediate Opportunity Fund Grant Request (Clackamas County)

Requested Action:

Consideration and approval of an Immediate Opportunity Fund (IOF) **Type C** grant request in the amount of \$500,000. The request by Clackamas County to construct the extension of 120th Avenue which will facilitate economic development at the industrial property located at 120th, south of SE Capps Road and west of SE Wilde Road.

Background:

The Clackamas County Industrial Area Opportunity (CIAO) site has been in public ownership by the Clackamas County Development Agency since 2009 and totals approximately 70 acres, of which approximately 48 are developable. The site was identified through the recent Metro Industrial Land Inventory project as one of a handful of sites that could reasonably accommodate 588 jobs with a payroll of \$26.6 million in Clackamas County. Governor Kitzhaber's metro regional solutions team selected the CIAO site as one of three to prioritize for certification prior to September of 2013.

Transportation Project:

The CIAO site is bordered to the south by the Clackamas River, to the east by Wilde Road, and to the north by SE Capps Road. While the site has superb regional access to Highway 212/224, Interstate 205 and the future Sunrise Jobs and Transportation Act project, a public road extension at 120th is needed to directly access the site.

The project will construct:

- 625 LF, 35' wide public road
- Curbs and gutters
- Sidewalk on one side
- Lighting
- Storm water sewer and catch basins
- Gas trench
- Power, phone and data conduit

Region 1 development review staff looked at the proposed improvements to determine what if any negative impact the extension could have on the state transportation system and have found no such impact.

EXHIBIT C – OTC Meeting Minutes

OREGON TRANSPORTATION COMMISSION

**Minutes of the Regular Monthly Meeting
June 19, 2013
Salem, Oregon**

On Wednesday, June 19, 2013, at 9:00 a.m., the Oregon Transportation Commission (OTC) and Oregon Department of Transportation (ODOT) staff held a premeeting briefing session in the Tillamook Room, at the Portland International Airport Conference Center, 7100 Airport Way, Portland, Oregon. Highlights of the premeeting were:

•
A review of the agenda – Matt Garrett reviewed the agenda.

•
The Commission discussed the upcoming meeting in July, with the chairs of the ACTs and advisory committees, and what the Commission wanted to see in the invitation letter.

•
Freight Rule-Making – Dale Hormann briefed the Commission that we have a draft that the stakeholders have agreed upon to comply with ORS 366.215.

• • •
The regular monthly meeting began at 10:36 a.m. in the Multnomah Room at the Portland International Airport Conference Center.

Notice of these meetings was made by press release of local and statewide media circulation throughout the state. Those attending part or all of the meetings included:

| | |
|--|--|
| Commission Chair Pat Egan | Trans. Safety Division Administrator Troy Costales |
| Commissioner Dave Lohman | Highway Division Administrator Paul Mather |
| Commissioner Mark Frohmayer | Region 1 Manager Jason Tell |
| Commissioner Mary Olson | Region 2 Manager Sonny Chickering |
| Director Matthew Garrett | Region 3 Manager Frank Reading |
| Chief of Staff Dale Hormann | Region 5 Manager Monte Grove |
| Trans. Development Div. Admin. Jerri Bohard | Central Oregon Area Manager Gary Farnsworth |
| Communication Div. Admin. Patrick Cooney | Commission Assistant Jacque Carlisle |
| DMV Division Administrator Tom McClellan | |
| Public Transit Division Administrator Hal Gard | |

• • •

Chair Egan called the meeting to order at 10:36 a.m.

• • •

Director's Report

•

Commissioner Lohman Reappointed

On June 4, 2013, Dave Lohman was confirmed by the Senate with 30 ayes, and reappointed for another 4-year term on the Oregon Transportation Commission. The new term begins July 1, 2013, and runs to June 30, 2017. Commissioner Lohman was first appointed to the Commission in February 2008.

•

LEED Certification (Leadership for Energy and Environmental Design)

Director Garrett said we just received the finalized review of the LEED Status for the T-Building Renovation. With great pride and pleasure, he announced the T-Building Renovation project was awarded 54 out of 69 possible points to attain the LEED Platinum designation. In addition, the team earned all credits that were attempted. He expressed his thanks to everyone on the team for their commitment to help make this happen.

•

Transportation Safety – DUII Rate Report

Under MAP-21, Section 405 was renamed the National Priority Safety Program, and combines the impaired driving, occupant protection, traffic records and motorcyclist safety programs authorized under SAFETEA-LU, and adds two new incentive programs – one for distracted driving and one for graduated driver licensing.

More than 52-percent of Section 405 funds are earmarked for impaired driving incentive grants to reduce the risk of driving under the influence of alcohol, drugs or a combination of the two. They are divided into low-, medium-, and high-range states based on the most recent three years of FARS (fatality) data. Low-range states do not have to satisfy specific eligibility requirements. The requirements increase for the other two types of states. Low-range states have more flexibility in the use of funds than medium- or high-range states.

On May 23, NHTSA Region Administrator in Seattle John Moffat said in a message that the State of Oregon was the only state in the Pacific Northwest Region to receive the low-range rating. It is the diligent work of ODOT staff and many professionals and volunteers around the state that combined to achieve such a stellar report card from NHTSA. Congratulations to everyone for making such significant progress.

•

TACT Operation (Ticketing Aggressive Cars and Trucks)

The ODOT Motor Carrier Transportation Division coordinated a two-day Ticketing Aggressive Cars and Trucks (TACT) operation on June 5 and 6, working with the Washington County Sheriff's

Office (WCSO) and the Tigard Police Department. ODOT provided a tractor trailer, a driver, and an ODOT supervisor. WCSO supplied ten deputies the first day and eleven the second day, along with a supervisor each day. Tigard PD provided a motor officer for the second day. The operation took place on the I-5 corridor between Haines and Miley Road. A sheriff's deputy, in the cab of the truck provided by ODOT, provided radio communication of violations he witnessed. He also videotaped the violations he could see from the truck. Deputies in patrol cars acted on the radio communications, or on other probable causes they observed on the road.

The operation focused on aggressive driving behaviors, specifically unsafe lane changes, following too closely, and speeding. The majority of citations were issued to drivers of cars, but there were several truck drivers cited, and 17 commercial vehicles were inspected, of which three were taken out of service for safety violations. One driver was also taken out of service. In total there were more than 270 stops and 212 citations issued during this two-day operation.

The Motor Carrier Transportation Division of ODOT has coordinated such efforts repeatedly over the last several years using federal funds made available through the Motor Carrier Safety Assistance Program (MCSAP).

•
Awards

Director Garrett said Region 1 received several significant awards this month.

- The Portland Chapter of Women's Transportation Seminar (WTS) named Region 1 as Employer of the Year.
- Friends of Trees chose Region 1 for the 2013 Community Partner Leadership Award.
- OR43: Willamette River Bridge (Oregon City-West Linn) received the Oregon Heritage Excellence Award for being "an extraordinary example of a successful restoration of a historically significant bridge."
- OR43: Willamette River Bridge (Oregon City-West Linn) received the International Bridge Conference's Abba G. Lichtenstein Medal for outstanding achievement in bridge engineering demonstrating artistic merit and innovation in the restoration and rehabilitation of bridges of historic or engineering significance.
- The Oregon 43 Oregon City Arch Bridge was submitted for award by Pacific Precast Inc. and Wildish Standard Paving Co. and took first place in the DJC Top Projects 2013 awards in the category of "Public works/infrastructure and Transportation."

• • •
Public Comments

Public comments: None

• • •
Immediate Opportunity Funds (IOF) Grant Requests

Region 1 Manager Jason Tell introduced Business Oregon Business Development Officer Carolyn Meece. Tell said one of ODOT's goals is to support a vibrant, viable economy, and these four IOFs are exciting because they support economic prosperity in many wide-ranging

ways. Business Oregon is one of the key partners in making this program work by helping staff assure these transportation investments are really giving the economic benefit and job creation hoped for.

Carolyn Meece gave an overview of the four IOF projects before the Commission for review and approval.

City of Beaverton IOF

The Commission considered approval of a Type B Immediate Opportunity Fund (IOF) grant, in the amount of \$250,000 to the City of Beaverton, to aid in pursuit of federal grant funds to facilitate economic development and improve transportation safety on Canyon Road (Oregon 8 between Hocken Avenue and 117th) (*Background materials in Director/Commission/History Center File, Salem.*)

Background:

The City of Beaverton seeks \$10 million in Transportation Investment Generating Economic Recovery (TIGER V) grant funds to complete the Canyon Road Safety and Complete Corridor Project. This project will provide better multimodal connections, mitigate water quality impacts by integrating green street features, and maintain the corridor's function as a critical regional freight route. This project will enable transformative change by ensuring safe pedestrian access along and across Canyon Road.

The project will upgrade Canyon Road with the following elements:

- An enhanced and enlarged pedestrian realm and landscaped buffers (including stormwater quality facilities);*
- LED street lighting appropriate for a downtown context;*
- A landscaped median to reduce turning and freight conflicts;*
- Intersection visibility, safety and accessibility improvements (exceeding the Americans with Disabilities Act (ADA) requirements);*
- A new signalized intersection that will serve the new city hall;*
- Addition of a pedestrian crossing on a long block;*
- Retrofit sidewalks and curb ramps to meet ADA standards;*
- Coordinated improvements to TriMet facilities; and,*
- Tie-ins to a low-stress, high quality parallel bike route in downtown*

The \$250,000 grant will contribute to overmatch the city's TIGER V grant application, thus making it more competitive. Ultimate disbursement of the funds to the city is conditional upon receipt of TIGER V funds.

The City of Beaverton coordinated extensively with the Oregon Department of Transportation staff on this project to sufficiently address questions and concerns about freight mobility, emergency vehicle operations, and operational impacts to Oregon 217.

Discussion:

Public comment was received from:

- o Don Mazziotti, City of Beaverton Community Development Director, spoke in support of the Canyon Road project.
- o John Charles, Cascade Policy Institute President and CEO, spoke in opposition to the grant, and urged the Commission to reject the grant request.
- o Kevin Sharp, political science major at the University of Portland, spoke in opposition to the grant, saying it will result in a negative impact on commuters, decreased transit efficiency, and increased environmental damage.
- o John Glennon, college student, spoke in opposition to the grant, citing wasteful government spending and the negative mobility consequences.
- o Brandon Maxwell, political science student, spoke in opposition to the grant, citing fiscal concerns.
- o William Newell spoke in opposition to the grant, citing concerns about the budget process and a lack of a detailed budget.

Region 1 Manager Jason Tell responded to one comment, saying that the question of mobility in the corridor is one staff looked at very closely, and that the project was run through freight stakeholders for approval. He said the City of Beaverton did considerable outreach on this project, and Don Mazziotti could respond to any further questions.

Commissioner Lohman commented that the students did a nice job of raising important issues.

Action:

Commissioner Olson moved to approve the City of Beaverton IOF. Commission members unanimously approved the motion.

Clackamas County IOF

The Commission considered approval of a Type C Immediate Opportunity Fund (IOF) grant, in the amount of \$500,000 to Clackamas County, to construct the extension of 120th Avenue to facilitate economic development at the industrial property located at 120th, south of SE Capps Road and west of SE Wilde Road, in Region 1. *(Background materials in Director/Commission/History Center File, Salem.)*

Background:

The Clackamas County Industrial Area Opportunity (CIAO) site has been in public ownership by the Clackamas County Development Agency since 2009, and totals approximately 70 acres, of which approximately 48 are developable. The site was identified through the recent Metro Industrial Land Inventory project as one of a handful of sites that could reasonably accommodate 588 jobs in Clackamas County, with a payroll of \$26.6 million. Governor Kitzhaber's Metro Regional Solutions Team selected the CIAO site as one of three to prioritize for certification before September 2013.

The CIAO site is bordered to the south by the Clackamas River, to the east by SE Wilde Road, and to the north by SE Capps Road. While the site has superb regional access to Oregon 212/224,

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Interstate 205 and the future Sunrise Jobs and Transportation Act project, a public road extension at 120th is needed to access the site directly.

Oregon Department of Transportation staff reviewed the proposed improvements to determine any potential negative impacts the extension could have on the state transportation system and found none.

Discussion:

Jason Tell introduced Dan Johnson from the Clackamas County Development Agency, saying the grant supports creating a market-ready status for a parcel of land that Clackamas County owns, and is one of those rare opportunities to create new, developable industrial land in an area with a shrinking supply of industrial land. Dan Johnson said this is an important partnership, and an important opportunity.

Action:

Commissioner Olson moved to approve the Clackamas County IOF. Commission members unanimously approved the motion.

City of Portland IOF

The Commission considered approval of a Type B Immediate Opportunity Fund (IOF) grant, in the amount of \$250,000 to the City of Portland, to construct the addition of a third metered-ramp lane to the southbound freeway onramp at the Interstate 205/NE Killingsworth interchange. *(Background materials in Director/Commission/History Center File, Salem.)*

Background:

The City of Portland's Colwood Golf Course, currently a 36-hole course bordered by Portland International Airport, is slated to be redesigned to make 90 acres available for alternate uses. In order to provide the much needed industrially zoned property in the Metro area, 48.36 of the 90 acres will be rezoned to General Industrial 2.

A traffic impact analysis determined that three intersections will be significantly impacted by the zoning change. The Killingsworth Street/Interstate 205 Southbound entrance ramp was identified as one of the three, with the proposed rezone contributing more than 50 new trips to the intersection. Rather than mitigate the impact at all three locations, ODOT, the City of Portland, and the proposed developer agreed that the Killingsworth ramp improvements would provide the greatest benefit to the proposed development and to transportation mobility in the area.

The project will consist of adding a third ramp meter lane to the southbound freeway onramp at the Interstate 205/NE Killingsworth interchange.

Oregon Department of Transportation staff worked extensively with the city on this proposal and believes that it will provide benefit to the local transportation system and the Colwood industrial site.

Discussion:

Jason Tell introduced City of Portland Bureau of Transportation, Development and Review Manager Kurt Kruger, who spoke in support of the grant, saying the project will provide significant improvement to traffic flow in the area.

Action:

Commissioner Lohman moved to approve the City of Portland IOF. Commission members unanimously approved the motion.

City of Hillsboro IOF

The Commission considered approval of a Type A Immediate Opportunity Fund (IOF) grant, in the amount of \$1 million to the City of Hillsboro, to aid necessary transportation improvements associated with the expansion of Intel Corporation's Ronler Acres Campus. *(Background materials in Director/Commission/History Center File, Salem.)*

Background:

In October 2010, Intel announced plans to invest \$6-8 billion on future generation manufacturing technology in its United States facilities, with the majority of that occurring in Hillsboro at the company's Ronler Acres Campus. The first phase of this investment included a new development fabrication facility known as DIX Mod 1 that is scheduled for start-up later this year. In 2012, Intel announced a second major expansion phase, which will construct three facilities, including a 1.1-million-square-foot research factory called DIZ Mod 2, a 330,000-square-foot materials support building, and a new, seven-story, 600,000-square-foot research and development office building.

Intel estimates that the DIX Mod2 expansion will generate "primary" jobs in the high-tech semiconductor industry. These high-skill, high-wage jobs typically pay more than twice the state average. A total of 500 additional jobs within two years of completed construction of DIX Mod 2 are being committed as part of this grant.

The transportation improvements associated with this IOF request will include the following elements:

- Construct a third southbound through lane on Cornelius Pass Road extending south from the U.S. 26 structure to Cornell Road;*
- Construct southbound right turn lanes at Imbrie Drive, Evergreen Parkway and Ronler Drive;*
- Construct an enhanced southbound bicycle facility including buffered bike lanes, cycle track or multiuse off-street path;*
- Construct center median and left-turn lane improvements;*

- *Construct a third northbound through lane on Cornelius Pass Road extending from Cornell Road to Imbrie Drive, connecting to the northbound to eastbound right turn lane to U.S. 26 Eastbound (the 2011 IOF grant funded turn lane improvement);*
- *Construct an enhanced northbound bicycle facility, including buffered bike lanes, cycle track or multiuse off-street path;*
- *Construct an eastern sidewalk between Cornell Road and U.S.26 eastbound;*
- *Install street lighting improvements between Cornell Road and U.S. 26 eastbound;*
- *Construct roadside and median landscape planter and street tree improvements; and,*
- *Modify traffic signals at Cornell Road, Ronler Drive, Evergreen Parkway, Imbrie Drive and U.S. 26 eastbound*

The Oregon Department of Transportation collaborated with the City of Hillsboro and Intel regarding the package of conditioned transportation improvements associated with the company's expansion. The improvements outlined above are consistent with the agreed upon mitigations and more important, the widening of this section of Cornelius Pass Road provides a vital link between U.S. 26 and Intel's proposed expansion and future growth in the area in general. The project will serve morning commuter traffic on U.S. 26 westbound that is projected to exceed highway lane capacity approaching the Cornelius Pass Road exit ramp, and the exit ramp itself during the morning peak hour as well as the entrance ramp during the afternoon peak hour. Both issues relate to safety concerns of ramp operations.

Discussion:

Jason Tell introduced City of Hillsboro Transportation Planning Manager Don Odermott, Jill Eiland of Intel, and Washington County Engineer Gary Stockoff. Don Odermott spoke in support of the grant, the economic benefits anticipated from the project, and the great partnerships formed.

Jill Eiland of Intel talked about some of Intel's past investments in Oregon, and Intel's proposed DIX Mod 2 expansion. She said Intel continues to stress the need for improved safety and additional capacity because of the growth.

Action:

Commissioner Lohman moved to approve the City of Hillsboro IOF. Commission members unanimously approved the motion.

• • •
2014 Oregon Traffic Safety Performance Plan

The Commission considered approval of the 2014 Oregon Traffic Safety Performance Plan and Section 405 application, and approval to authorize the Transportation Safety Division's Administrator to sign necessary agreements to carry out projects in the safety program. Transportation Safety Division Administrator Troy Costales and Oregon Transportation Safety Committee Chair Mike Laverty delivered the request. ***(Background materials in Director/Commission/History Center File, Salem.)***

Background:

The Performance Plan summarizes major safety issues, goals, how ODOT will approach the goals, and measure success. Areas analyzed include Bicycle Safety, Community Traffic Safety Programs, Impaired Driving, Motorcycle Safety, Occupant Protection, Pedestrian Safety, Police Traffic Services, Roadway Safety, Work Zone Safety, Driver Education, Speed, and Youthful Drivers. It also contains materials for Oregon's Section 405 application for Occupant Protection, Impaired Driving, Traffic Records, and Motorcycle Safety.

The Oregon Transportation Safety Committee reviewed and approved the Performance Plan on May 14, 2013, and the department will submit the plan to the National Highway Traffic Safety Administration and the Federal Highway Administration on June 30, 2013. The Governor's Advisory Committee on DUII endorsed the impaired driving program pages at its May 10, 2013, meeting, and the Governor's Advisory Committee on Motorcycle Safety endorsed the Motorcycle Safety Program pages at its May 16, 2013, meeting.

The 2014 Performance Plan includes all funding sources and projects in the Transportation Safety Division for 2014.

Discussion:

Transportation Safety Division Administrator Troy Costales said this is the 20th time Transportation Safety has come to the Commission to approve a Transportation Safety Plan. He introduced Oregon Traffic Safety Committee (OTSC) Chair Mike Lavery.

Mike Lavery asked the Commission to approve the plan, which has already been approved by OTSC, the Governor's Advisory Committee on DUII and Motorcycle Safety. The 2014 Plan has a new chapter and topic; safe and courteous driving. The chapter brings in current work efforts, and anticipates new efforts in the coming year. MAP21 creates new funding for distracted driving, which will allow Oregon to dedicate dollars toward a concentrated effort, should Oregon qualify for the funding.

Action:

Commissioner Lohman moved to approve the 2014 Oregon Traffic Safety Performance Plan and Section 405 application, and approval to authorize the Transportation Safety Division's Administrator to sign necessary agreements to carry out projects in the safety program. Commission members unanimously approved the motion.



Vehicle Titling and Registration Programs

The Commission received an informational presentation on vehicle titling and registration programs within the Driver and Motor Vehicle Services Division (DMV) from DMV Division Administrator Tom McClellan. *(Background materials in Director/Commitssion/History Center File, Salem.)*

Background:

All vehicles operated on the roads and highways of Oregon must be titled and registered with DMV unless otherwise exempt. An important component of DMV's mission is to protect vehicle ownership rights. Upon application, DMV issues title, registration and license plates to individuals and businesses for multiple vehicle types with various requirements and fees.

The report provided information about DMV's vehicle programs and statistics, and provided information about the partnerships that DMV developed to help deliver vehicle-related services. It also provided IT-related issues to consider with future investments in DMV computer systems.

Discussion:

Tom McClellan introduced DMV Vehicle Programs Manager Lori Bowman, and DMV Vehicle Policy Analyst Tracy Olander. He said vehicle programs represent two legs of the stool of DMV's mission, which includes driver licensing, vehicle registration and titling, and collection of revenue.

Lori Bowman and Tracy Olander gave the presentation on vehicle titling and registration programs. Highlights of the presentation were:

- o DMV's mission includes protecting financial and ownership interests in vehicles
- o Vehicle titling
- o Titling programs: title brands, Federal odometer, salvage, VIN inspections
- o Vehicle registration
- o Registration programs: disabled veteran, county registration, plates, farm vehicles, government exempt, and trip permits, to name a few
- o Service delivery channels: field offices, mail services, car dealers, online renewals, DEQ
- o Title statistics for 2012
- o Oregon registered vehicles
- o Registration renewals by channel
- o Total plate issuances
- o Specialty and group plates
- o DEQ partnership
- o Motor Carrier collaboration
- o Multnomah County partnership
- o Future challenges and goals

Tracy Olander and Lori Bowman answered questions from the Commission on titling, registration, and fees.



Over lunch, the Commission and staff continued discussion of the July meeting with ACT chairs.

• • •
Transportation Options Plan

The Commission received an informational presentation of the initial Oregon Department of Transportation (ODOT) Transportation Options Plan, including an overview of the plan purpose and process. Rail and Transit Division Administrator Hal Gard and ODOT Planning Manager Amanda Pietz presented the information. *(Background materials in Director/Commission/History Center File, Salem.)*

Background:

In 2011, ODOT received a Flexible Funds grant to complete work related to Transportation Demand Management (TDM). Part of that work was to develop a statewide plan to set the foundation for investments in TDM strategies. ODOT views these types of strategies as ways to increase awareness and access to transportation options (TO) in Oregon, that aid the state in preserving roadway capacity and managing demand for transportation services. With funding secured and the recent acquisition of a consultant, ODOT is ready to initiate the development of a Transportation Options Plan. The plan will establish a long-range vision for TDM within the context of the transportation system, and a policy framework to guide investments.

The Transportation Options Plan is intended to be a statewide topic plan adopted by the Oregon Transportation Commission (OTC). The process to develop it will be different than a traditional modal plan, in that TDM solutions have intermodal application and foster transportation options. Stakeholder engagement will be done throughout, but will primarily focus on application experts. ODOT and its consultants will conduct an inclusive and vetted process to develop traditional plan elements such as a needs analysis, cooperative vision and policy development, and assessment of potential statewide investment approaches. The department will brief the OTC along the way, and give opportunities to provide direction and review products.

The department has selected the consulting firm Nelson Nygaard for this project. Currently it is in the process of conducting research on existing conditions.

The department will establish a policy advisory committee to provide guidance and advice to ODOT staff and make a recommendation to the OTC. The committee will include diverse stakeholders from around the state, representing the interests of those using or affected by the transportation system. There will be committee members to represent issues of active transportation, public health, the business community, freight, and local jurisdictions, as well as existing transportation option providers and the Public Transit Advisory Committee (PTAC).

Additional stakeholders will be engaged in the process through workshops in each ODOT region, stakeholder interviews, and through informational materials presented on the Web.

The anticipated timeline for completion of this project is summer 2014.

Discussion:

Hal Gard and Amanda Pietz gave the presentation on the Transportation Options Plan.

Highlights of the presentation were:

- o ODOT received a Flexible Fund Grant in 2011 to examine three aspects of TDM and TO: vanpool, employee, and statewide
- o Partnerships to help move grant work forward
- o TDM/TO is intrinsic to implementation of the Oregon Transportation Plan and the success of Intermodal Oregon
- o TO is being developed because there is currently no vision, program, or policy for TO, and there is likely to be heavier reliance on TO solutions in the future
- o Plan development and what it will entail
- o Plan advisory committee membership will look for participants that help capture the fair amount of knowledge from practitioners and TO experts
- o The final product will be adopted by OTC
- o Periodic reporting to OTC for input and direction

Chair Egan commented that while the membership list is a good, comprehensive list, it is very stakeholder heavy. He asked if, between technology and ITS, we have the right technical people at the table.

Commissioner Olson said Transportation does not lack for acronyms, asked if both acronyms were really needed, and suggested we pick one acronym and stick with it. Amanda Pietz explained that there's not a good reason to have both TDM (transportation demand management) and TO (transportation options), but basically, different people are familiar with different terminologies. Hal Gard suggested TO (transportation options) is a clearer interpretation. Commissioner Lohman doubled down on this.

Commissioner Olson said the whole concept flows around finding out what the options are, and a critical part of the planning committee's membership will be its IT representation. People make decisions without a lot of lead time, and if we want them to use options, we've got to make it easy for them to know what those options are.

Hal Gard said he could give the Commission a preview on the technological work the Transit Division has been developing.

Chair Egan said his one comment in terms of the product would be "dollars and cents." We need to proactively be able to say these are the benefits if we invest here, and say it in a way that is credible.

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2015-2018 Statewide Transportation Improvement Program (STIP)

The Commission received an informational presentation on the 2015-2018 Statewide Transportation Improvement Program (STIP) funding allocation and project selection process. There were three components to the information presented. The first was each region's Fix-It

150-percent list. Next was the final letters from the Freight Advisory and Joint Transportation Enhancement/Oregon Bicycle and Pedestrian Advisory Committee (TE/OBPAC) addressing its review of the **Enhance** 150-percent lists. Last was to continue the discussion and preparation for the July Commission meeting with the Area Commissions on Transportation (ACTs) and Advisory Committee Chairs. Transportation Development Division Administrator Jerri Bohard and Highway Division Administrator Paul Mather led the discussion. (*Background materials in Director/Commission/History Center File, Salem.*)

Background:

The OTC approved the new **Fix-It/Enhance** process for the selection of STIP projects. The application process began in September 2012, and applications were due November 27, 2012. At that time, the OTC allocated approximately \$242 million for **Enhance** funds. Eighty percent of these funds was allocated to the regions using the regional equity split. Each of the ACTs was then required to develop its individual **Enhance** 150-percent list and to scope all these proposed projects. The next step in the process is to reduce this list in light of the scoping information to 100 percent with funds limited to \$182 million. A similar reduction is needed for the **Fix-It** portion as well. Each region's proposed 150-percent list for **Fix-It** projects and the **Enhance** project list were shared with each of the ACTs, both to look at the synergies between **Fix-It/Enhance**, but also to hear ACT members' comments on the list.

Part of the **Enhance** process was the review of the 150-percent project lists by the Oregon Freight Advisory Committee and the Joint Transportation Enhancement and Oregon Bicycle Pedestrian Advisory Committee. The information that was provided to each of the committees was similar to the information provided to the OTC last month.

Early discussions and information from advisory committee letters has highlighted some themes within these lists. For example, there has not only been a fair amount of discussion around the balance of projects between modes, but also around the amount of funds going either to the state or local system. As identified in the 150-percent list, 90 projects are proposed for the local system, totaling \$118 million, and 81 projects on the state system, totaling \$156 million.

- To arrive at lists containing only those projects most closely resembling projects in the **Enhance** process, projects from the earlier STIPs were included if they were:
 - a) Modernization on the state system,
 - b) Transportation Enhancement,
 - c) Scenic Byways,
 - d) Flex Fund projects in 2010-2012 (Transit, Bike/Ped)
- Bike/Ped projects on the state and local system, via the B/P grant program, were not in earlier STIPs, so those figures were added.
- Did the proposed projects emphasize addressing system gaps? Both advisory committee letters voiced concerns as to whether or not this was an aspect that was assessed. For example, advisory committees questioned whether anyone looked at the overall system performance when addressing smaller projects.
- Both committees expressed concern that many of these projects reflected a value to the local system not necessarily a regional approach. Linked to this concern was an

observation that perhaps instead of being strategic with the funds, projects were selected to fit funding.

- *An additional observation from both committees was the need to ensure that in improving one mode's capacity or connectivity, barriers were not created for other modes.*
- *As the scoping of these projects continues, ODOT assumed that the scoping process will result in project estimates that will overall be greater than the application amounts. Each ACT/region is discussing how to respond to these additional costs. Options being considered include either the phasing of projects or reducing the number of projects. The ACT choices will have implications for some of the observations identified above.*

The continued development of the 2015-2018 STIP includes the following next steps:

- *Discussion with ACT and advisory committee chairs at the July OTC meeting in Silverton*
- *Scoping of all the projects is to be completed by July 22*
- *Discussion with the OTC in September on the policy direction for the expenditure of the 20-percent set aside for OTC discretion*
- *Finalized 100-percent recommended list compiled at the region level is due in October*
- *The October discussion with OTC will include a recommended project list for 20-percent funds that would be incorporated into the draft STIP available for public review in December 2013.*

Discussion:

Jerry Bohard said that another step as part of this, was to hire a consultant to review the process. A survey will go out in the next week or so, asking for input from anyone involved in the application process, be that an applicant, ODOT staff, ACT members, an advisory committee member, etc. The survey is set up with different questions depending on whether you were an applicant or a reviewer. In some cases, there are people who were both, which will give us a comprehensive view from both aspects. Twenty or so interviews will also be conducted with the ACT chairs and region managers. The intent is to have a draft of the report sometime in September in preparation for the October workshop.

Chair Egan made note that there appeared to be some general gaps in terms of overall project readiness, which from a threshold standpoint, may be an issue. He also noted a pretty dramatic shift in state/local projects and in project types.

Chair Egan asked if there are any themes or batches that stand out as separate and apart from the freight focus, regional focus, or other traditional focuses. Paul Mather responded that we were seeing those kinds of things, and as we go through scoping, we'll begin to understand the projects better and where those opportunities lie.

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Consent Calendar

The Commission considered approval of the Consent Calendar. (*Background materials in Director/Commission/History Center File, Salem.*)

1. Approve the minutes of the May 15, 2013, Commission meeting in Salem.
2. Confirm the next two Commission meeting dates:
 - Wednesday, July 19, 2013, meeting in Silverton
 - Tuesday and Wednesday, August 20 and 21, 2013, meeting in Burns
3. Request approval to adopt a resolution for authority to acquire real property by purchase, condemnation, agreement or donation.
4. Request approval of the following Oregon Administrative Rules:
 - a. Amendment of 731-070-0050 relating to the submission of unsolicited proposals to the Oregon Innovative Partnerships Program.
 - b. Temporary amendment of 735-050-0120 relating to proof of compliance with financial responsibility requirements. (Electronic proof of insurance.)
 - c. Temporary amendment of 735-070-0085 relating to proof of treatment completion required for reinstatement of DUII suspension.
 - d. Adoption of 740-060-0035, 740-060-0085, 740-060-0090, amendment of 740-060-0010, 740-060-0020, 740-060-0040, 740-060-0045, 740-060-0055, 740-060-0060, 740-060-0070, 740-060-0080, 740-060-0100, 740-060-0110 and repeal of 740-060-0030 relating to intrastate household goods transportation regulations.
5. Request approval of the reappointments of Ms. Elizabeth (Betsy) Belshaw, Mr. Kim Clark, Mr. Chris Kastner and Mr. Mark Schumacher to the Winter Recreation Advisory Committee. All four individuals are active Winter Recreation Advisory Committee members and are willing to serve for an additional term, which will expire June 2017.
6. Request approval to amend the 2012-2015 Statewide Transportation Improvement Program (STIP) to add a construction phase to the Interstate 84: Celilo - Rufus project in Region 4, which is part of the current STIP as a developmental project in Region 4. The \$8,200,000 funding for construction is made up of savings in the Interstate Maintenance Program and the 1R Safety Program. The total estimated cost of this project is \$8,325,000.
7. Request approval to amend the 2012-2015 Statewide Transportation Improvement Program (STIP) to add the construction phase for the Interstate 5: Evans Creek - Rock Point project in Region 3. Funding for this project will come from savings realized in the Interstate Maintenance Financial Plan. The total estimate cost for this project is \$5,400,000.

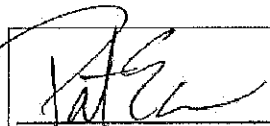

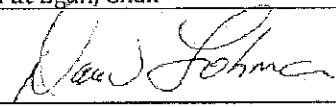
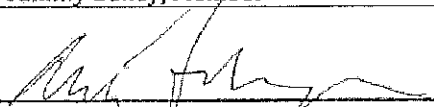

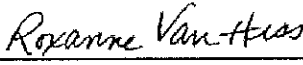
Action:

Commissioner Olson moved to approve the Consent Calendar. Commissioners unanimously approved the motion.

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Chair Egan adjourned the meeting at 2:22 p.m.

Agency/State
Agreement No. 29697

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|  Pat Egan, Chair | <i>Not present</i>  Tammy Baney, Member |
|  David Lohman, Member |  Mark Frohnmayer, Member |
|  Mary Olson, Member |  Roxanne Van Hess, Commission Support |