



Lynn Peterson  
Chair

Commissioners  
Bob Austin  
Jim Bernard  
Charlotte Lehan  
Ann Lininger

**BOARD OF COUNTY COMMISSIONERS**

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

# AGENDA

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

Beginning Board Order No. 2010-64

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

1. Recognition of the First Anniversary of Clackamas County Dog Services in its New Home and its Growing Success in Serving and Protecting the People and Animals of Clackamas County (Diana Hallmark)

**II. HOUSING AUTHORITY CONSENT AGENDA**

1. Approval of Construction Contract #C034-10 with DGS General Construction, Inc. for the Modernization of Seven Public Housing Units throughout Clackamas County

**III. 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.)*

**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. Second Hearing for Board Order No. \_\_\_\_ Approving Boundary Change Proposal CL-0308 for Withdrawal from Clackamas County Service District No. 1 and Board Order No. \_\_\_\_ Approving Boundary Change Proposal CL-0408 Annexation of Territory to the Tri-City Service District – first hearing was 5-13-10 (Ken Martin and Chris Storey)

**V. DISCUSSION ITEM** *(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.)*

**Business & Community Services**

1. Approval of an Intergovernmental Agreement Required for Designation of a Clackamas County Strategic Investment Zone (Renate Mengelberg)

**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 a Cooperation Agreement between Clackamas County Community Development Division and the Children's Center for the Construction of a Child Abuse Assessment and Prevention Facility – Community Development
2. Approval of Amendment #2 to Intergovernmental Agreement #128568 with the State of Oregon Department of Human Services, Senior and People with Disabilities Division for the Provision of Services to Clackamas County Residents Age 60 and Over for Biennium 2009-2011 – Social Services
3. Approval of an Intergovernmental Agreement Renewal with North Clackamas Parks and Recreation District/Milwaukie Center to Provide Social Services for Clackamas County Residents Age 60 and Over – Social Services
4. Approval of an Intergovernmental Agreement Renewal with the City of Oregon City/Pioneer Community Center to Provide Social Services for Clackamas County Residents Age 60 and Over – Social Services
5. Approval of a Contract Renewal with Resource Connections of Oregon for Fiscal Intermediary Service for Persons with Developmental Disabilities – Social Services
6. Approval of an Intergovernmental Agreement Renewal with the City of Sandy/Sandy Senior Center to Provide Social Services to Clackamas County Residents – Social Services

**B. County Administration**

1. Board Order No. \_\_\_\_\_ Approving the Receipts of National Forest Safety Net Payments Under P.L. 110-343 for Fiscal Year 2010-2011
2. Board Order No. \_\_\_\_\_ Approving the Receipts of O&C Land Related Safety Net Payments Under P.L. 110-343 for Fiscal Year 2010-2011

**C. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC

**D. Department of Employee Services**

1. Board Order No. \_\_\_\_\_ and \_\_\_\_\_ Authorizing the Establishment of a Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association for Clackamas County and the Housing Authority of Clackamas County Effective July 1, 2010

**E. Department of Communications (CCOM)**

1. Approval of an updated Intergovernmental Agreement for 9-1-1 Answering and Dispatch Services between CCOM and Clackamas Fire District #1

**F. Business & Community Services**

1. Approval to Execute an Oregon State Marine Board Facility Grant #1419 for the Boones Ferry Marina Pump-Out and Dump Station Replacement Project
2. Board Order No. \_\_\_\_\_ Approving the Dedication of Clackamas County Madrone Wall Property for Park Use
3. Resolution No. \_\_\_\_\_ Establishing Rural Clackamas County as a Rural Renewal Energy Development Zone

**VII. WATER ENVIRONMENT SERVICES**

1. Approval of an Amendment to the Professional Services Agreement with Perkins Cole LLP for Legal Representation

**VIII. COMMISSIONERS COMMUNICATION**

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

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



 COPY

Campbell M. Gilmour  
Director

**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

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

June 10, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**RECOGNITION OF THE FIRST ANNIVERSARY OF CLACKAMAS COUNTY DOG SERVICES IN ITS NEW HOME AND ITS GROWING SUCCESS IN SERVING AND PROTECTING THE PEOPLE AND ANIMALS OF CLACKAMAS COUNTY IN A PROFESSIONAL AND COURTEOUS MANNER**

It was just one year ago this month that Clackamas County Dog Services moved from its 51-year-old location on the Red Soils campus to a renovated warehouse building on Highway 212. Thanks to the support of the Board of County Commissioners, citizens, partner agencies, businesses and, the hard-working and dedicated staff members, this past year has been full of many successes, including continued high adoption rates and expanded services for the public.

Dog Services Manager Diana Hallmark and appropriate representatives from the shelter will share a few of those successes with you as we celebrate the first anniversary of the new shelter building.

**RECOMMENDATION:**

Staff respectfully recommends that the Board of Commissioners share in the successes and accept the appreciation of the Clackamas County Dog Shelter for its continued support.

Sincerely,

Cam Gilmour  
Director

For information on this issue or copies of attachments, please contact Diana Hallmark, Dog Services Manager, at 503-650-3944.

June 10, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**Approval of a Construction Contract #C034-10 with DGS General Construction, Inc. for the Modernization of Seven Public Housing Units throughout Clackamas County**

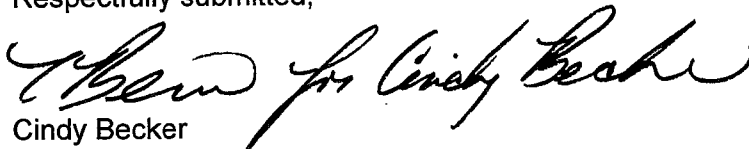
The Housing Authority of Clackamas County (HACC), a Division of Health, Housing and Human Services Department, requests the approval of a Construction Contract with DGS General Construction, Inc. for the Modernization of Seven scattered site dwelling units, Project #09004, in Clackamas County. This contract will be for the improvement and modernization of the interior and exterior of dwellings owned by HACC.

The contract amount will not exceed a firm fixed fee of \$440,400. The contract is effective when signed by both parties and continues for 180 calendar days from the date of the Notice to Proceed. The funding source is the Capital Fund Grant provided by the Department of Housing and Urban Development (HUD), grant numbers OR16P00150108 & OR16P00150109. This contract is in the H3S standard format approved by County Counsel. No County General Funds are involved.

**Recommendation:**

We recommend approval of this contract and further recommend that Cindy Becker be authorized to sign on behalf of the Board.

Respectfully submitted,



Cindy Becker  
Director

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



**OFFICE OF COUNTY COUNSEL**

June 10, 2010

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

Board of Commissioners  
Clackamas County

**STEVEN R. LOUNSBURY**  
COUNTY COUNSEL

Members of the Board:

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

**Board Orders Approving Boundary Change Proposal**  
**CL-0308 Withdrawal from Clackamas County Service District No. 1 and**  
**CL-0408 Annexation of Territory to Tri-City Service District**

Certain property owners within the City of Gladstone ("Gladstone") in the area described on the attached order Exhibit B (the "Territory") have submitted petitions to withdraw their property from Clackamas County Service District No. 1 ("CCSD#1") and simultaneously annex into the Tri-City Service District ("TCSD").


The Board of County Commissioners ("Board"), acting as the local boundary authority is required to hold hearings on the appropriateness of the withdrawal and annexation petitions. This process requires two hearings for consideration. The Board made its initial determination to allow the withdrawal and annexation at its May 13<sup>th</sup> hearing and entered preliminary orders on both the withdrawal and annexation.

This is the second hearing as required to receive any remonstrances regarding the preliminary order the Board entered. If sufficient remonstrances are received, an election is ordered. If insufficient or no remonstrances are received, then the final order of annexation and withdrawal, as attached, can be entered. Included with the proposed board order are (i) findings and reasons for decision; (ii) a boundary description, and (iii) a map of the Territory.

**RECOMMENDATION**

Staff respectfully recommends that the Board of County Commissioners issue final approval to withdrawal the Territory from Clackamas County Service District No. 1 and annexation of the Territory into the Tri-City Service District.

Sincerely,

  
For Chris Storey  
Assistant County Counsel

For information on this issue or copies of attachments,  
please contact Chris Storey at 503-742-4623

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

In the Matter of Entering an Order  
Declaring Approval of Boundary  
Change Proposal No. CL-0308



Order No.

This matter coming before the Board at this time,  
and it appearing that the Board received petitions from electors in the District requesting  
withdrawal of certain territory from Clackamas County Service District No. 1;

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

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

It further appearing that this matter came before the  
Board for public hearing on May 13, 2010 and that a decision of approval was made on May 13,  
2010; and

It further appearing that the Board held a second  
hearing as required by ORS 198.810(1) on June 10<sup>th</sup>, 2010; and

**NOW, THEREFORE, IT IS HEREBY ORDERED**  
that Boundary Change Proposal No. CL-0308 (as described in Exhibit B and depicted on Exhibit  
C) is approved for the reasons stated in attached Exhibit A effective as of this date.

ADOPTED this 10<sup>th</sup> day of June, 2010.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

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

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

In the Matter of Entering an Order  
Declaring Approval of Boundary  
Change Proposal No. CL-0408



Order No.

This matter coming before the Board at this time,  
and it appearing that the Board received petitions from electors in the District requesting  
annexation of certain territory to Tri-City Service District;

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

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

It further appearing that this matter came before the  
Board for public hearing on May 13, 2010 and that a decision of approval was made on May 13,  
2010; and

It further appearing that the Board held a second  
hearing as required by ORS 198.810(1) on June 10<sup>th</sup>, 2010; and

**NOW, THEREFORE, IT IS HEREBY ORDERED**  
that Boundary Change Proposal No. CL-0408 (as described in Exhibit B and depicted on Exhibit  
C) is approved for the reasons stated in attached Exhibit A effective as of the date hereof.

ADOPTED this 10<sup>th</sup> day of June, 2010.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

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





GARY BARTH  
DIRECTOR

**BUSINESS AND COMMUNITY SERVICES**

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

June 10, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**Intergovernmental agreements required for designation of a  
Clackamas County Strategic Investment Zone**

The Business and Economic Development Department and city economic development leaders have developed enabling documents that address the details of a proposed Urban and Rural Strategic Investment Zones (SIZ) program. The program is proposed for portions of unincorporated Clackamas County and the cities of Lake Oswego, Milwaukie, Oregon City, Happy Valley, Sandy, Estacada, Molalla and Canby.

SIZ's are a business recruitment and expansion tool designed to encourage large capital investment by traded sector businesses. A SIZ is a "pre-established" zone that standardizes the discretionary Strategic Investment Program (SIP) process in place today, providing for consistent criteria and a streamlined approval process. This provides greater certainty to new or existing companies. Highlights of the program include:

- 15 year property tax abatements on facilities and equipment to any "traded-sector" business such as production, manufacturing, high tech, and energy generation business among others.
- Applies to large capital investments in excess of \$25 million in rural areas and \$100 million in urban areas.
- Requires a community service fee paid by the company equal to 25% of the tax savings per year. The community service fee is capped at an annual maximum of \$500,000 in rural areas and \$2 million in urban areas.

Potential partners in the proposed rural zone include unincorporated Clackamas County, the cities of Canby, Sandy, Canby, and Molalla and portions of Happy Valley, and Oregon City. Potential partners in the urban area include Lake Oswego, Milwaukie, Oregon City and Happy Valley.

Two Agreements are attached that outline the specifics of the program including an Intergovernmental agreement between the City and County and a standardized agreement between the city, county and Company. The county and interested cities have provided preliminary input on businesses requirements and the distribution of community service and other fees. Staff is requesting Commission input on how the county would distribute the Community Service Fee and income tax revenue share funds in unincorporated Clackamas County. Options include a) addressing business impacts and community priorities, b) creating a community enhancement fund, or c) supporting local taxing districts.

Clackamas County staff consider changes based on public input and present a final IGA for interested cities and the county to sign in late June or early July.

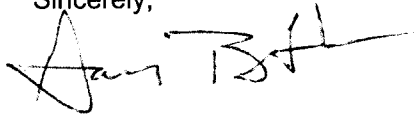
Next steps in the process include:

- Cities and county will sign final versions of the IGA's after the June 10th public hearing.
- The County submit and application for an urban and rural SIZ to the Oregon Business Development Department for approval.
- Upon such approval the SIZ will be formally launched and the city and county can begin marketing efforts.

### **RECOMMENDATION**

Staff respectfully recommends approval of the draft IGA's attached subject to changes based on input from the June public hearing and from the City of Canby.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Barth", written over a horizontal line.

Gary Barth  
Director, Business and Community Services

For more information on this item please contact Renate Mengelberg at 503-742-4327  
or via e-mail at [renatem@co.clackamas.or.us](mailto:renatem@co.clackamas.or.us)

June 10, 2010

Board of County Commissioners  
Clackamas County, Oregon

Members of the Board:

**Approval of a Cooperation Agreement between Clackamas County Community  
Development Division and the Children's Center for the Construction of a  
Child Abuse Assessment and Prevention facility**

The Community Development Division of the Health, Housing and Human Services Department requests the approval of a Cooperation Agreement with the Children's Center for the construction of a 10,340 square foot child abuse assessment and prevention facility located at 1713 Penn Lane, Oregon City.

County will act as the owner of the construction contract. In addition to the CDBG funds, the Children's Center has raised all of the other funds necessary to complete construction. These funds include donations, private foundation grant, and a loan from Lewis and Clark Bank. Due to the size of the construction contract, language has been added to the Agreement which requires that the Children's Center transfer all donated funds under their control to the County which will be placed in a Treasurer Trust Account. The Agreement further requires that construction expenses will be drawn from the various fund sources in the following order: Treasurer Trust Account, Private Grant, CDBG Funds, and Bank Loan.

As part of this Cooperation Agreement the County has agreed to enter into an Intercreditor Agreement with Lewis and Clark Bank. This agreement defines the relationship between the County and the Bank, and ensures there are adequate measures in place to secure the Bank's interest in the project.

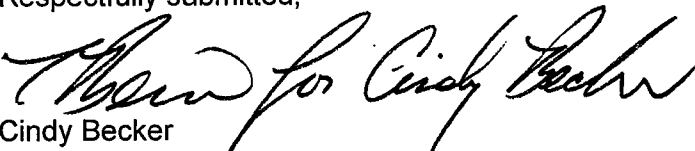
Financial Impact:	Children's Center (Treasurer Trust Account):	\$375,089
	HEDCO Grant (Private Foundation)	\$350,000
	Construction Loan (Lewis and Clark Bank)	\$650,000
	<u>CDBG Funds</u>	<u>\$800,000</u>
	Total Construction Budget	\$2,175,089

No County General Fund dollars are involved. Both Agreements were approved by County Counsel on May 27, 2010

**Recommendation:**

Approval of the attached Cooperation Agreement and Intercreditor Agreement, and that Cindy Becker be authorized to sign both Agreements on behalf of the Board of County Commissioners.

Respectfully submitted,

  
Cindy Becker  
Director

For information on this issue or copies of attachments  
Please contact Chuck Robbins/H3S 503-655-8591

COPY



Cindy Becker  
Director

**Department of Human Services**

**Public Services Building**  
2051 Kaen Road #239 Oregon City OR 97045

June 10, 2010

Board of Commissioners,  
Clackamas County

Members of the Board:

**Approval of Amendment #2 to Intergovernmental Agreement #128568  
with the State of Oregon, Department of Human Services, Senior and  
People with Disabilities Division for the Provision of Services to  
Clackamas County Residents age 60 and over for Biennium 2009-2011**

The Social Services Division of the Health, Housing & Human Services Department requests approval of Amendment #2 to Intergovernmental Agreement #128568, with the State of Oregon, acting by and through its Department of Human Services, Senior and People with Disabilities (DHS-SPD) Division for the provision of services to Clackamas County residents age 60 and over for biennium 2009-2011. This is a revenue agreement that provides funding for activities to enable residents of Clackamas County over age 60 to obtain services from Social Services Aging and Disability Services and its sub-contractors.

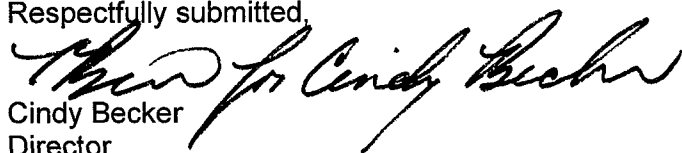
This amended agreement reflects the updated planning allocation amounts for biennium 2009/2011 for the Older Americans Act (OAA) funded programs, the Oregon Project Independence (OPI) program and Medicaid referrals. This funding will provide services for residents of Clackamas County who are age 60 and over by Social Services Division staff and/or sub-contractors. OPI funded services include case management and in-home services. The local DHS-SPD office will provide referrals of potentially Medicaid eligible residents. The OAA funded services include information and assistance, nutrition, transportation, family caregiver support, fitness, and wellness programs.

The 2009/2011 planning allocation increased from \$3,388,536 to \$4,230,835. The original agreement was reviewed and approved by County Council. No County General Funds are involved. This agreement is effective when signed by all parties and terminates on June 30, 2011.

**Recommendation:**

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

Respectfully submitted,

  
Cindy Becker  
Director

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

June 10, 2010

Board of Commissioners,  
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement Renewal with North  
Clackamas Parks and Recreation District/Milwaukie Center to Provide  
Social Services for Clackamas County Residents age 60 and over**

The Social Services Division of Health, Housing, & Human Services Department requests the approval of an Intergovernmental Agreement renewal with the North Clackamas Parks and Recreation District/Milwaukie Center to provide social services for Clackamas County residents age 60 and over. This agreement is for the Milwaukie Center to provide mandated Older American Act (OAA) funded services for persons in the North Clackamas Parks and Recreation District.

The services provided include congregate and home delivered meals, health promotion activities, transportation, and information and referral activities. These services link residents with resources to meet their individual needs. This helps them to remain independent and interactive in the community as long as possible.

Total amount of the agreement is \$415,447. This contract is in the format approved by County Counsel as part of the DHS contract standardization project. No County General Fund dollars are involved. The agreement begins July 1, 2010 and continues through June 30, 2011.

**Recommendation**

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

Respectfully submitted,



Cindy Becker  
Director

June 10, 2010

Board of Commissioners,  
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement Renewal with the City  
of Oregon City/Pioneer Community Center to Provide Social  
Services for Clackamas County Residents age 60 and Over**

The Social Services Division of the Health, Housing & Human Services Department requests the approval of the Intergovernmental Agreement renewal with the City of Oregon City/Pioneer Community Center to provide social services to Clackamas County residents age 60 and over.

This agreement provides services funded by Older Americans Act in the Oregon City area. The services provided include congregate and home delivered meals, health promotion activities, transportation, and information and referral activities. These services link residents with resources to meet their individual needs. This enables them to remain independent and interactive in the community for as long as possible.

Total amount of the agreement is \$106,359. This agreement is in the format approved by County Counsel as part of the DHS contract standardization project. No County General Fund dollars are involved. The agreement begins July 1, 2010 and continues through June 30, 2011.

**Recommendation:**

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

Respectfully submitted,

  
Cindy Becker  
Director

June 10, 2010

Board of Commissioners,  
Clackamas County

Members of the Board:

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

The Social Services Division of the Health, Housing, & Human Services department requests the approval of a Contract Renewal with Resource Connections of Oregon for fiscal intermediary services for consumers with developmental disabilities. The Oregon Department of Human Services, Office of Seniors and Persons with Disabilities (DHS – SPD) provides funding for Comprehensive In-Home Support Services for Adult (DD 49), and Long Term Supports for Children (DD 151). The funding is used to pay employee costs for in-home care. When DHS – SPD previously administered these funds directly, the state was literally the “employer” and processed payments to reimburse care providers through a state payroll system. Social Services Division – Developmental Disabilities Program determined that it did not want to request employee status for individuals who have no direct relation to the County but who were selected by the consumer or the consumer’s guardian and who work under the direction of the consumer. For this reason, a “fiscal intermediary” was deemed an appropriate way in which to proceed.

The total amount of the contract is \$400,000. This contract is in the format approved by County Counsel as part of the DHS contract standardization project. The contract is funded with state funds; no County General funds are involved. The contract commences on July 1, 2010 and continues through June 30, 2011.

**Recommendation**

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

Respectfully submitted,



Cindy Becker  
Director

June 10, 2010

Board of Commissioners,  
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement Renewal with the  
City of Sandy/ Sandy Senior Center to Provide  
Social Services to Clackamas County Residents**

The Social Services Division of the Health, Housing, & Human Services Department requests the approval of an Intergovernmental Agreement renewal with the City of Sandy/ Sandy Senior Center to provide social services to Clackamas County residents age 60 and over.

This contract provides services funded by Older Americans Act in the Sandy area. The services provided include congregate and home delivered meals, health promotion activities, transportation, and information and referral activities. These services link residents with resources to meet their individual needs. This enables them to remain independent and interactive in the community.

Total amount of the contract is \$90,063. This agreement is in the format approved by County Counsel as part of the DHS contract standardization project. No County General Fund dollars are involved. The contract begins July 1, 2010 and continues through June 30, 2011.

**Recommendation**

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

Respectfully submitted,



Cindy Becker  
Director





STEVE WHEELER  
COUNTY ADMINISTRATOR

OFFICE OF THE COUNTY ADMINISTRATOR

June 10, 2010

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

Board of County Commissioners  
Clackamas County

Members of the Board:

**Board Order Approving the Receipt of National Forest Related  
Safety Net Payments Under P.L. 110-343 for Fiscal Year 2010 - 2011**

In 1908, Congress enacted and subsequently amended a law requiring that 25% of the revenues derived from National Forest lands be paid to states for use by the counties in which the lands are situated to benefit public schools and roads. In 1937, Congress enacted and subsequently amended a law requiring that 75% of the revenues derived from revested Oregon and California Railroad grant lands be paid to counties in which the lands are situated, of which 50% has been available for use as general county funds.

The principal source of revenues from National Forest and O&C Lands is from the sale and removal of timber, which has been sharply curtailed with a corresponding precipitous decline in revenues shared with counties. In order to create stable education and road maintenance funding through predictable payments to affected counties, Congress enacted Public Law (P.L.) 106-393 in 2000, which is also known as the "Secure Rural Schools and Community Self-Determination Act of 2000." This law created guaranteed minimum payments to those counties, as well as the opportunity to invest a portion of the payments in projects on federal lands or in county projects or activities.

P.L. 106-393 allowed counties to elect to receive their traditional share of revenues from the National Forest and O&C Lands or receive the guaranteed minimum amount, also known as the "full payment amount." In 2001, Clackamas County elected to receive the full payment amount for both the National Forest and O&C Lands. Clackamas County is required to expend no less than 15 and no more than 20% of its full payment of National Forest and O&C lands as project funds. The projects are nominated by local resource advisory committees (RACs) and benefit resources on federal lands.

Clackamas County is required to designate one or more RAC to receive a percentage of Project Funds allocated to Title II of P.L. 110-343 projects and has selected the Hood/Willamette RAC to receive available project funds.

**RECOMMENDATIONS**

Adopt the attached order for the receipt and allocation of National Forest related safety-net payments. If adopted, the attached Board Order will be implemented and funds allocated in accordance with the requirements of P.L. 110-343. Your favorable consideration is requested.

Sincerely,

Steve Wheeler  
County Administrator

For information on this issue or copies of attachments,  
please contact Nancy Newton at 503-742-5918

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

In the Matter of the FFY 2010  
Elections for **National Forest**  
Related Safety-Net Payments



Order No.  
Page 1 of 2

WHEREAS, Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest lands be paid to states for use by the counties in which the lands are situated for the benefit of public schools and roads; and

WHEREAS, the principal source of revenues from National Forest lands is from the sale and removal of timber, which has been curtailed in recent years with a corresponding decline in revenues shared with counties; and

WHEREAS, the United States Congress recognized a need to stabilize education and road maintenance funding through predictable payments to the affected counties and to achieve that goal enacted the Secure Rural Schools and Community Self-Determination Act of 2000, which has been amended and re-authorized for FFY 2008 – 2011 (“SRS2008”); and

WHEREAS, SRS2008 provides for guaranteed minimum payments for the benefit of affected counties, as well as an opportunity to invest a portion of the payments in projects on federal lands or that benefit resources on federal lands, or in county projects or activities; and

WHEREAS, Title I of SRS2008 gives each eligible county the right to elect to receive either its traditional share of revenues from the National Forest lands pursuant to the Act of May 23, 1908 and Section 13 of the Act of March 1, 1911 (the “25-percent payments”), or instead to receive a share of the state payment to Sections 102(a)(1)(B) and 103 (the “full county payment amount”); and

WHEREAS, an election to receive the full county payment amount is effective for all federal fiscal years through FFY 2011, and an election to receive a 25-percent payment is binding for two years; and

WHEREAS, any county electing to receive the full county payment amount must further elect to expend an amount not less than 15 percent nor more than 20 percent of its full county payment amount as project funds; and

WHEREAS, Title I, Section 102(d) of SRS2008 requires that counties electing to receive the full county payment must allocate their project funds for expenditure between projects in accordance with Title II and Title III, and return the balance of project funds unspent under Titles II and III to the Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of Agriculture; and

WHEREAS, Title II provides for special projects on federal lands or that benefit resources on federal lands, which projects are recommended by local advisory committees (“RACs”); and

WHEREAS, RACs recommend projects for consideration by the Secretary of Agriculture, with project funding supplied in whole or in part out of monies allocated for such purposes by participating counties; and

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

In the Matter of the FFY 2010  
Elections for **National Forest**  
Related Safety-Net Payments



Order No.  
Page 2 of 2

WHEREAS, counties that allocate funding to projects under Title II, and are participants in more than one RAC, may further direct that their Title II project funds be divided between different RACs according to an allocation decided by each participating county, with such funds held in the Treasury of the United States under the name of the county with a designation of the amount allocated to each RAC; and

WHEREAS, Title III provides for county projects, some of which are associated with federal lands, with Title III authorizing expenditures for search, rescue and emergency services, fire prevention and planning under the Firewise Communities program, and development of community wildfire protection plans; and

WHEREAS, a county with a full county payment of \$350,000 or more may not allocate more than 7 percent of its full county payment amount for Title III project.

**NOW, THEREFORE, it is hereby ordered:**

1. Clackamas County has previously agreed to receive the guaranteed minimum full county payment amount pursuant to SRS2008 Sections 102(a)(1)(B) and 103.
2. Clackamas County hereby allocates 15 percent of its full county payment amount for expenditure on projects under the Title II and Title III. Clackamas County will return none (zero percent) of its full county payment amount to the Treasury of the United States.
3. Of the percent allocated to Title II and Title III projects above in paragraph 2, Clackamas County further allocates between such Titles for FFY 2010 (for expenditure after FFY 2010) on the following basis: 8 percent of the full county payment amount for expenditure on Title II projects and 7 percent of the full county payment amount for expenditure on Title III projects.
4. Of the amount of project funds allocated to Title II projects, Clackamas County further allocates between RACs as follows: 100 percent to the Hood/Willamette RAC.
5. The original or a certified copy of this Order shall be transmitted to Kevin Q. Davis, Attorney, sent to the following address: One SW Columbia Street, Suite 1600, Portland, OR 97258.

ADOPTED this 10<sup>th</sup> day of June, 2010.

**CLACKAMAS COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Chair

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



STEVE WHEELER  
COUNTY ADMINISTRATOR

OFFICE OF THE COUNTY ADMINISTRATOR

June 10, 2010

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

Board of County Commissioners  
Clackamas County

Members of the Board:

**Board Order Approving the Receipt of O&C Land Related  
Safety Net Payments Under P.L. 110-343 for Fiscal Year 2010 - 2011**

In 1908, Congress enacted and subsequently amended a law requiring that 25% of the revenues derived from National Forest lands be paid to states for use by the counties in which the lands are situated to benefit public schools and roads. In 1937, Congress enacted and subsequently amended a law requiring that 75% of the revenues derived from revested Oregon and California Railroad grant lands be paid to counties in which the lands are situated, of which 50% has been available for use as general county funds.

The principal source of revenues from National Forest and O&C Lands is from the sale and removal of timber, which has been sharply curtailed with a corresponding precipitous decline in revenues shared with counties. In order to create stable education and road maintenance funding through predictable payments to affected counties, Congress enacted Public Law (P.L.) 106-393 in 2000, which is also known as the "Secure Rural Schools and Community Self-Determination Act of 2000." This law created guaranteed minimum payments to those counties, as well as the opportunity to invest a portion of the payments in projects on federal lands or in county projects or activities.

P.L. 106-393 allowed counties to elect to receive their traditional share of revenues from the National Forest and O&C Lands or receive the guaranteed minimum amount, also known as the "full payment amount." In 2001, Clackamas County elected to receive the full payment amount for both the National Forest and O&C Lands. Clackamas County is required to expend no less than 15 and no more than 20% of its full payment of National Forest and O&C lands as project funds. The projects are nominated by local resource advisory committees (RACs) and benefit resources on federal lands.

Clackamas County is required to designate one or more RAC to receive a percentage of Project Funds allocated to Title II of P.L. 110-343 projects and has selected the Hood/Willamette RAC to receive available project funds.

**RECOMMENDATIONS**

Adopt the attached order for the receipt and allocation of O&C Land related safety-net payments. If adopted, the attached Board Order will be implemented and funds allocated in accordance with the requirements of P.L. 110-343. Your favorable consideration is requested.

Sincerely,

Steve Wheeler  
County Administrator

For information on this issue or copies of attachments,  
please contact Nancy Newton at 503-742-5918