



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, APRIL 8, 2010 - 10:00 AM**  
**BOARD OF COUNTY COMMISSIONERS**

Beginning Board Order No. 2010-31

**I. HOUSING AUTHORITY CONSENT AGENDA**

1. Resolution No. 1875: Approval of the Housing Authority's Housing Choice Voucher Administrative Plan
2. Resolution No. 1874: Final Approval of the Housing Authority's FY 2010 Annual Plan, FY 2010 Capital Fund and Five Year FY 2010-2014 Capital Fund and 2007, 2008 and 2009 Performance and Evaluation Reports

**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. PUBLIC HEARINGS** *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

1. First Reading of Ordinance No. \_\_\_\_\_ Amending Chapter 2.07, Compliance Hearings Office, of the County Code (Cam Gilmour, Scott Ciecko)
2. Board Order No. \_\_\_\_\_ Boundary Change Proposal CL-0310 for Annexation of Territory to Clackamas River Water District (Ken Martin)
3. Board Order No. \_\_\_\_\_ Boundary Change Proposal CL-0410 for Annexation of Territory to Boring Water District (Ken Martin)

**IV. 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. Board Order No. \_\_\_\_\_ to Establish Clackamas County as an American Recovery and Reinvestment Act Recovery Zone and Delegation of Authority to Sub-allocate the Recovery Zone Bond Volume Cap (Renate Mengelberg)

**V. 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 to Apply for a 3 Year Renewal of the Senior Companion Program (SCP) Grant from the Corporation for National and Community Service for the Purpose of Continued Funding of Volunteer Management and Supportive Services to Adults, Especially Older Persons, with Measurable Impact to Maintain Independent Living – *Social Services*
2. Approval to Apply for a 3 Year Renewal of RSVP Grant from the Corporation for National and Community Service for the Purpose of Continued Funding of Volunteer Management for Projects with a Measurable Impact for Homeless and Low-Income Families, Seniors and Persons with Disabilities – *Social Services*
3. Approval of a Construction Agreement between Clackamas County and Bull Mountain Heating and Air Conditioning for a Weatherization Project at the Riding Terrace Apartments in the City of Molalla – *Community Solutions*
4. Approval of the Clackamas County Comprehensive Plan for Children and Families Biennial Update 2010 – *Children, Youth and Families*

**B. Department of Transportation & Development**

1. Approval of Award Contracts for the 2009 and 2010 Certified Local Government Grants
2. Approval of Amendment #1 to the Intergovernmental Agreement between Clackamas County and the Oregon Department of Transportation for the 172<sup>nd</sup> Ave. Hwy. 212 to SE Sunnyside Road 2006-2010 Surface Transportation Program Fund Exchange

**C. Finance Department**

1. Approval of a Lease with T5 Equities, LLC for the Clackamas County District Attorney

**D. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC

**VI. COMMISSIONERS COMMUNICATION**

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

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

April 8, 2010

Board of Commissioners of the  
Housing Authority of Clackamas County

Members of the Board:

**Resolution No. 1875: Approval of the Housing Authority's Housing Choice Voucher  
Administrative Plan**

The Housing Authority of Clackamas County (HACC), a Division of the Department Health, Housing and Human Services, requests approval of Resolution No. 1875, which authorizes the approval of HACC's Housing Choice Voucher Administrative Plan (Admin Plan).

The Admin Plan is a document that outlines mandated and discretionary policy to be enforced by HACC in the administration of the Section 8 Housing Choice Voucher Program (HCV). To assist the Housing Authority of Clackamas County (HACC) to stay in compliance with the Federal Regulations, HACC has decided to convert to the Nan McKay Model for the Admin Plan. Nan McKay, as part of its service, provides updates to the model as needed with changes in Federal Regulation or U.S. Department of Housing and Urban Development (HUD) guidance. The adoption of this version of the Admin Plan will make HACC's policy consistent with the region. Currently, the following regional housing authorities use the Nan McKay Administrative Plan model: Washington County, Portland, Salem, Marion County and West Valley.

There are four reasons for the proposed changes:

1. This is a format that HUD knows and has reviewed.
2. This format is congruent with other regional housing authorities.
3. HACC must update policy to meet changes in Federal regulations and State Laws.
4. HACC is trying to reduce administrative burdens to HACC with policy changes.

The adoption of this Admin Plan only makes ten (10) significant discretionary changes. The ten changes are as follows:

1. Clarifying that only discretionary changes to the Admin Plan will require Board Approval in the future.
2. Broadening HACC Fair Housing Nondiscrimination policy by adding protected status for following: Legal Source of Income (also referred to as Type of Occupation), Sexual Orientation, Gender Identity, and Domestic Partnership.
3. Adding HUD required language regarding "Students Enrolled in Institutions of Higher Education".
4. Adding policy regarding Voucher Rescissions.
5. Revising the Criminal Background Screening and Denials Policy.
6. Revising the Verification Policy to update the language for the mandated use of the Enterprise Income Verification (EIV) system.
7. Reducing the need for third party verifications required for assets and expenses.
8. Providing clarification on the Pre-hearing Right to Discovery.

9. Adopting new policy regarding Repayment Agreements that will assure uniformity of treatment of all residents by staff.
10. Adding new Policy regarding Project Based Vouchers should HACC ever choose to apply for new or convert tenant-based vouchers.

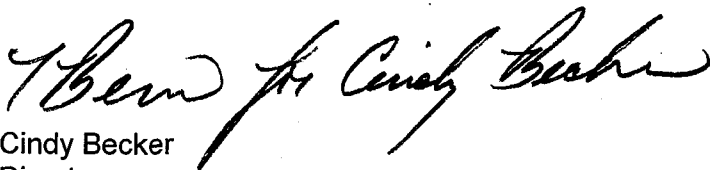
HACC worked with its Resident Advisory Board (RAB) and Mr. Ron Rubino from Legal Aid Services of Oregon to review and establish the significant changes in policy. HACC held two RAB meetings on January 13, 2010 and March 3, 2010 to discuss comments and revisions to the policy. HACC included all changes to the Admin Plan in its FY 2010 Agency Plan (Agency Plan) which was advertised in the Oregonian and open for public review and comment from January 19, 2010 through March 5, 2010. HACC Agency Plan was presented to the Board for a Public Hearing on March 18, 2010.

Approval of the Admin Plan will make the policy effective upon approval.

**Recommendation:**

Staff recommends that the Board approve and authorize the Chair to sign Resolution 1875 adopting the Admin Plan.

Respectfully submitted,



Cindy Becker  
Director

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

BEFORE THE BOARD OF COMMISSIONERS  
OF THE HOUSING AUTHORITY OF THE COUNTY OF CLACKAMAS, OREGON

In the Matter of Approving the  
Housing Authority's Adoption of the  
Section 8 Housing Choice Voucher (HCV)  
Administrative Plan

RESOLUTION NO. 1875

WHEREAS, the Housing Authority of Clackamas County (HACC), Oregon, is required to implement the Section 8 Housing Choice Voucher program (HCV Program) in accordance with the U.S. Department of Housing and Urban Development (HUD) guidance and regulations, and

WHEREAS, HACC must maintain an Administrative Plan outlining mandatory and discretionary policies used in administering the HCV Program, and

WHEREAS, HACC has updated its policy using a model plan that facilitates future updates as required by Federal Regulation or HUD guidance, and

WHEREAS, HUD requires HACC to get Board approval of the any discretionary policy changes, and

NOW, THEREFORE BE IT RESOLVED, that the HACC Board of Commissioners approves the Section 8 HCV Administrative Plan as indicated by signature of the Board Chair.

DATED this 8th day of April, 2010

BOARD OF COMMISSIONERS OF THE HOUSING  
AUTHORITY OF CLACKAMAS COUNTY, OREGON

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

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

April 8, 2010

Board of Commissioners of the  
Housing Authority of Clackamas County

Members of the Board:

**Resolution No. 1874: Final Approval of the Housing Authority's FY 2010 Annual Plan, FY 2010 Capital Fund and Five Year FY 2010-2014 Capital Fund and 2007, 2008 and 2009 Performance and Evaluation Reports**

The Housing Authority of Clackamas County (HACC), a Division of the Department Health, Housing and Human Services, requests approval of Resolution No. 1874, which authorizes the approval and submission of HACC's FY 2010 Annual Plan and Five Year Plan for FYs 2010-2014 (Agency Plan). This submission also includes the approval of the Agency Plan attachments. The attachments are the FY 2010 and Five Year FY2010-2014 Capital Fund Program Grant Action Plans (Action Plans) and the 2007, 2008 and 2009 Performance and Evaluation Reports and revised Annual Statements and the FY 2009 American Recovery Act (ARA) Performance and Evaluation Report.

As required by the Quality Housing and Work Responsibility Act of 1998, all Housing Authorities must develop and submit an Agency Plan. The Agency Plan includes eight attachments. Six of the eight attachments are related to the Capital Fund Program Grant (CFP). CFP funds are granted by the U.S. Department of Housing and Urban Development (HUD) for the development, modernization and management of public housing. Through the submission of the annual and five year CFP Action Plans, HACC is applying for and seeking Capital Funds in the amount of \$1,194,513 for FY 2010. HACC is required to report on the expenditures of any prior year CFP monies not yet fully spent. The FY 2007, 2008, and 2009 CFP Performance and Evaluation Reports show how money was spent and how much is left to be obligated or spent as December 31, 2009. The FY 2009 ARA Performance and Evaluation Report is new this year and is additional Capital Fund grant money that was awarded on a one time basis. HACC is required to report on the FY 2009 ARA expenditures until all are spent.

The Agency Plan and its attachments were developed in consultation with a Resident Advisory Board (RAB). The RAB is made up of volunteers from the Public Housing and HCV programs. The RAB met on January 13, 2010, and March 3, 2010 to review and make revisions to the Agency Plan and its attachments. HACC also worked closely with the Legal Aide Services of Oregon on behalf of its residents. The meeting minutes from the RAB process are included as one attachment to the Agency Plan.

A public review period was held January 19, 2010 through March 5, 2010. A public hearing on the revised Agency Plan was held in front of the Housing Authority Board of Commissioners on March 18, 2010. Written comments were received by the Executive Director and were provided as documentation as part of the public review process. The Agency Plan was made available at the HACC Administrative Office, HACC Property Management Offices, the Clackamas County Oak Grove Library, and posted on the Housing Authority's website.

BEFORE THE BOARD OF COMMISSIONERS  
OF THE HOUSING AUTHORITY OF THE COUNTY OF CLACKAMAS, OREGON

In the Matter of Approving the Housing  
Authority's FY 2010 Annual and FYs 2010-  
2014 Five Year Plan (Agency Plan), and  
related Certifications and Attachments

RESOLUTION NO. 1874  
(Contd)

NOW THEREFORE BE IT RESOLVED that the Agency  
Plan, its attachments and its certifications are approved, and the Executive Director of the  
Housing Authority is authorized to submit these documents to HUD.

DATED this 8<sup>th</sup> day of April, 2010

BOARD OF COMMISSIONERS OF THE HOUSING  
AUTHORITY OF CLACKAMAS COUNTY, OREGON

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

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



 **COPY**

Campbell M. Gilmour  
Director

**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

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

April 8, 2010

Board of County Commissioners  
Clackamas County

Members of the Board:

**First reading of an ordinance amending Chapter 2.07 of the County Code**

In 2009, the Oregon Legislature passed SB 915 providing (amongst other things) that local governments administering building inspection programs shall not assess civil penalties for building code violations in amounts that exceed the limits set forth in ORS 455.895. Clackamas County administers a building inspection program and therefore is now subject to the limitations on civil penalty amounts set forth in State statute.

The current schedule of civil penalties in Clackamas County is found in Section 2.07.120 of the County Code and is applicable to all code violations. That section provides maximum civil penalties as follows: \$3,500 for a Priority 1 violation; \$2,500 for a Priority 2 violation; \$1,500 for a Priority 3 violation; and \$1,000 for a Priority 4 violation. Additionally, Section 9.02.330 of the Code provides that each day a building code violation exists is a separate offense.

ORS 455.895, however, indicates that the maximum penalty for a building code violation is \$1,000 for each day of a continuing offense. As the current County Code allows for penalties greater than \$1,000 per day for Priority 1, 2, and 3 violations, it appears that the code is now in conflict with State law.

At a study session on March 30, 2010, staff discussed two options with the Board for addressing this matter: 1) the County could reduce the maximum civil penalty amounts for *all* code violations so that the amounts will not exceed \$1,000 per day for any continuing violation; or 2) the County could create a separate schedule of civil penalties only for *building code* violations in which maximum amounts would not exceed \$1,000 per day for continuing violations.

At that study session, upon recommendation by staff, the Board indicated that option number two above would be the preferred option for addressing the issues created by SB 915. The higher penalty has proven to be an effective means for gaining voluntary



compliance in cases involving zoning, roads, and solid waste, graffiti, dangerous building (separate from the Building Code), manufactured homes, septic, grading and illegal dumping violations. The maximum penalty is rarely assessed, but has expedited resolution of code enforcement cases. We also believe it has helped in our new procedure of citing alleged violators after issuance of a second letter informing them that failure to comply may lead to the assessment of civil penalties. This process has reduced the time to gain compliance by sending cases to the code enforcement hearings officer concurrently with the issuance of the citation.

We further believe that by retaining the civil penalties for non-building code violations, there will be less need to gain compliance through filing an action in Circuit Court where the County can seek injunctive or other relief. The County's ability to utilize the Circuit Court to correct code violations is not affected by SB 915.

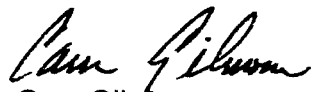
**Recommendation:**

Staff respectfully recommends that the Board adopt option number two above.

As a house-keeping matter, County Counsel also recommends that the schedule of civil penalties be removed from the County Code entirely, and maintained in Appendix B to the Code and referenced in the Operational Policies of DTD. This change will be consistent with Section 1.01.090 of the County Code. The change will also allow civil penalty amounts to be changed in the future with only a resolution of the Board rather than an ordinance and a formal code amendment.

In order to make the recommended changes, the Board will need to pass an ordinance amending Chapter 2.07 of the County Code that removes the civil penalty amounts from the section. The Board will also need to pass a resolution amending Appendix B to reflect the new civil penalty amount for Building Codes, and a board order amending DTD's Operational Policies to clarify how the penalties may be imposed. All three documents are attached for Board consideration.

Sincerely,



Cam Gilmour  
Director

**ORDINANCE NO. \_\_\_\_\_**

**An Ordinance Amending Chapter 2.07, Compliance Hearings Office, of the Clackamas County Code**

WHEREAS, in 2003 the Board of County Commissioners (the BCC) enacted Chapter 2.07 of the Clackamas County Code (the Code) establishing the Compliance Hearings Officer (the CHO) and providing for his or her jurisdiction and authority to render decisions about and impose sanctions for certain violations of the Code; and

WHEREAS, if the CHO finds that someone has violated the Code, Chapter 2.07 provides that the CHO has the authority to, among other things, impose a civil penalty against the person found in violation within the range of amounts found in Section 2.07.120 Code; and

WHEREAS, the BCC finds that removing the schedule of civil penalties from the Code and placing it in Appendix B thereto is more consistent with the manner in which fines and fees within the County are administered as provided by Section 1.01.090 of the Code; now, therefore

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Subsection 2.07.090(A) (5) of the Clackamas County Code is amended to read as follows:

5. Pay to Clackamas County a civil penalty, the amount of which shall be determined by the Compliance Hearings Officer within the range established by the Board of County Commissioners pursuant to Section 2.07.120;

**Section 2:** Section 2.07.120 of the Clackamas County Code is amended to read as follows:

2.07.120 Civil Penalty

The civil penalties for this chapter of the Code that may be imposed by the Compliance Hearings Officer shall be set by resolution of the Board of County Commissioners.

ADOPTED this \_\_\_\_\_ day of April, 2010.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

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



OFFICE OF COUNTY COUNSEL

April 8, 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

HEARING AND BOARD ORDER APPROVING BOUNDARY CHANGE  
PROPOSAL CL-0310 FOR ANNEXATION OF TERRITORY TO  
CLACKAMAS RIVER WATER

Clackamas River Water (the "District") has received petitions from more than half of the property owners and half of the electors in the proposed annexation area described on the attached order Exhibit B (the "Territory") into the District.

The Board of County Commissioners, acting as the boundary commission of Clackamas County ("Board"), is required to hold a hearing on the appropriateness of the annexation.

Proposal No. CL-0310 was initiated by a consent petition of the property owners. The petition meets the requirement for initiation set forth in ORS 198.855(3) (double majority annexation law) and ORS 198.750 (section of statute which specifies contents of petition). If the Board approves the proposal, the boundary change will become effective May 19, 2010 as required by ORS 198.747. The governing body of the District has consented to the annexation. Attached is a staff report from the Board's boundary consultant evaluating the proposal.

Also attached is a proposed board order that would approve annexation of the Territory to the District. 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, acting as the boundary commission of Clackamas County, approve the proposal for annexation of the Territory into Clackamas River Water.

Sincerely,

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 Approving  
Boundary Change Proposal  
No. CL-0310



ORDER NO.

This matter coming before the Board at this time, and it appearing that more than half the electors and owners of more than half the land in the territory to be annexed have petitioned to annex the territory to Clackamas River Water;

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

It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report; and

It further appearing that this matter came before the Board for a public hearing on April 8, 2010 and that a decision of approval was made on April 8, 2010;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0310 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Clackamas River Water.

ADOPTED this 8<sup>th</sup> day of April, 2010.

BOARD OF COUNTY COMMISSIONERS

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Chair

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Recording Secretary



**OFFICE OF COUNTY COUNSEL**

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

April 8, 2010

**STEVEN R. LOUNSBURY**  
COUNTY COUNSEL

Board of Commissioners  
Clackamas County

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

Members of the Board:

**HEARING AND BOARD ORDER APPROVING BOUNDARY CHANGE  
PROPOSAL CL-0410 FOR ANNEXATION OF TERRITORY TO  
THE BORING WATER DISTRICT**

The Boring Water District (the "District") has received petitions from more than half of the property owners and half of the electors in the proposed annexation area described on the attached order Exhibit B (the "Territory") into the District.

The Board of County Commissioners, acting as the boundary commission of Clackamas County ("Board"), is required to hold a hearing on the appropriateness of the annexation.

Proposal No. CL-0410 was initiated by a consent petition of the property owners. The petition meets the requirement for initiation set forth in ORS 198.857. If the Board approves the proposal, the boundary change will become effective May 19, 2010 as required by ORS 198.747. The governing body of the District has consented to the annexation. Attached is a staff report from the Board's boundary consultant evaluating the proposal.

Also attached is a proposed board order that would approve annexation of the Territory to the District. 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, acting as the boundary commission of Clackamas County, approve the proposal for annexation of the Territory into the Boring Water District.

Sincerely,

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 Approving  
Boundary Change Proposal  
No. CL-0410



ORDER NO.

This matter coming before the Board at this time, and it appearing that all of the owners of the land in the territory to be annexed have petitioned to annex the territory to the Boring Water District;

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

It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report; and

It further appearing that this matter came before the Board for public hearing on April 8, 2010 and that a decision of approval was made on April 8, 2010;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0410 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to the Boring Water District.

ADOPTED this 8<sup>th</sup> day of April, 2010.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

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



**Gary Barth**  
Deputy Director

**BUSINESS AND ECONOMIC DEVELOPMENT**

**SUNNYBROOK SERVICE CENTER**

9101 SE SUNNYBROOK BLVD. | CLACKAMAS, OR 97015

April 8, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**Board order approval of the resolution to establish Clackamas County as an  
ARRA Recovery Zone and delegation of authority to suballocate ARRA  
Recovery Zone Bond volume cap**

The Business & Economic Development division respectfully requests approval of the attached resolution establishing Clackamas County as a Recovery Zone for the purpose of issuing Recovery Zone Economic Development Bonds (RZEDB's) and Recovery Zone Facility Bonds (RZFB's) as established under the provisions of the American Recovery and Reinvestment Act (ARRA) with the intent to stimulate public infrastructure development and economic development projects.

Establishing a county wide Recovery Zone would enable the issuance of RZEDB's to finance certain qualified economic development purposes and RZFB's to finance certain Recovery Zone property anywhere within the County.

Clackamas County has been allocated a volume cap of \$22.198 million in bonding authority as follows:

- **Recovery Zone Facilities Bonds** - \$13.319 million in bonding authority for private sector investment to finance capital projects such as construction, renovation, reconstruction or acquisition of property that normally would not have access to tax exempt bonds. Any trade or business is eligible except residential rental projects or categorically excluded uses such as gambling facilities or massage parlors.
- **Recovery Zone Economic Development Bonds** - \$8.879 million in bonding authority for public sector investment. Eligible projects include new capital projects such as construction of public infrastructure and public facilities or working capital that promotes economic activity, job training and education programs.

Clackamas County's role is to designate and administer the Recovery Zone, promote the program to potential public and private sector applicants and facilitate issuance of Recovery Zone Bonds within the limits of the county's allocation. Each public agency and/or private sector applicant approved by Clackamas County for Recovery Zone Bond financing would be responsible for all activities related to bond issuance and bond repayment. The County has the ability to suballocate its Recovery Zone Bonding authority as necessary to facilitate issuance for qualified projects.

In early February, the county promoted the availability of Recovery Zone Bonds and solicited applications from private sector businesses and public sector agencies, cities and special districts within Clackamas County. Of the applications received a combined total of six met county and federal criteria for Recovery Zone Bonds and are being recommended for funding. Staff will work with the approved applicants to facilitate bond issuance, respond to questions and report on progress to the State of Oregon who is monitoring the use and reallocation of Recovery Zone Bonds statewide.

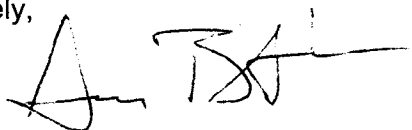
The resolution attached provides details of the Recovery Zone program. Recovery Zone Bonds need to be issued by January 1, 2011. All federal Davis Bacon prevailing wages apply.

This resolution has been reviewed by County Council.

## **RECOMMENDATION**

Staff respectfully recommends approval of the resolution establishing Clackamas County as a Recovery Zone and delegating authority to suballocate its bonding authority as necessary to facilitate issuance of ARRA Recovery Zone Bonds.

Sincerely,

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

Gary Barth  
Business and Community Services Deputy Director

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)



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

A Resolution Authorizing the Creation of a Recovery Zone Under the Provisions of the American Recovery and Reinvestment Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; Delegation of Authority to Suballocate Volume Cap; and Related Matters



RESOLUTION NO.

Page 1 of 3

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA") authorized, among other things, certain local governments to issue recovery zone economic development bonds ("RZEDBs") and recovery zone facility bonds ("RZFBs") (together "Recovery Zone Bonds"); and

WHEREAS, pursuant to Internal Revenue Service Notice 2009-50 ("Notice 2009-50") Clackamas County ("County") was allocated \$8,879,000 of RZEDB volume cap ("RZEDB Volume Cap") and \$13,319,000 of RZFB volume cap ("RZFB Volume Cap")(together the "Recovery Zone Volume Cap"); and

WHEREAS, RZEDBs may be issued by governments with RZEDB Volume Cap before January 1, 2011 to finance certain "qualified economic development purposes" for use within designated "recovery zones;" and

WHEREAS, RZFBs may be issued by governments with RZFB Volume Cap before January 1, 2011 to finance certain "recovery zone property" for use within designated "recovery zones;" and

WHEREAS, for these purposes, the Internal Revenue Code of 1986, as amended (the "Code") defines "recovery zone" to mean: (1) any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of ARRA, which effective date is February 17, 2009; and

WHEREAS, the Code defines the term "qualified economic development purpose" to mean any expenditures for purposes of promoting development or other economic activity in a recovery zone, including (1) capital expenditures paid or incurred with respect to property located in the recovery zone, (2) expenditures for public infrastructure and construction of public facilities, and (3) expenditures for job training and educational programs; and

WHEREAS, the Code defines the term "recovery zone property" generally to include certain depreciable property (1) that was

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

A Resolution Authorizing the Creation of a Recovery Zone Under the Provisions of the American Recovery and Reinvestment Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; Delegation of Authority to Suballocate Volume Cap; and Related Matters



RESOLUTION NO.

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constructed, reconstructed, renovated, or acquired after the date on which the designation of the recovery zone took effect, (2) the original use of which in the recovery zone commences with a beneficiary, and (3) substantially all of the use of which is in the recovery zone and is in the active conduct of a "qualified business" by the beneficiary in such zone; and

WHEREAS, the Code defines the term "qualified business" generally to mean any trade or business except (1) residential rental property, and (2) any trade or business consisting of the operation of any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack, or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises; and

WHEREAS, Notice 2009-50 provides that for this purpose, any local government that receives a Recover Zone Volume Cap allocation for Recovery Zone Bonds may make these designations of recovery zones in any reasonable manner as it shall determine in good faith in its discretion; and

WHEREAS, the Board of County Commissioners of the County has caused to be prepared a factual report (Attachment "A") which is attached to and incorporated by reference into this Resolution, which provides the factual basis for designating the entire geographic area of the County as a recovery zone; and

WHEREAS, pursuant to Notice 2009-50, the County is permitted to allocate a portion or all of its Recovery Zone Volume Cap to other local governments in any reasonable manner as the County shall determine in good faith in its discretion for use for qualified economic development purposes or recovery zone property, as applicable, that are located within, or attributable, to both the jurisdiction of the local government and the County; and

WHEREAS, certain local governments that are located within the County may request that the County suballocate its Recovery Zone Volume Cap in order for such local governments to issue Recovery Zone Bonds for qualifying capital projects.

NOW, THEREFORE, BE IT RESOLVED on the basis of the above findings that the Board hereby declares the entire geographic area of

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Clackamas County is experiencing significant poverty, unemployment, rate of home foreclosures, or general distress for purposes of Section 1400U-1(b) of the Code, such that the entire geographical area of Clackamas County is hereby designated as a recovery zone for purposes of Section 1400U-1(b) of the Code; and

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized on behalf of the County and without further action by the Board to allocate all or any portion of the County's RZEDB Volume Cap and RZFB Volume Cap to any state, regional, or local government, municipality, or district so that such governments may issue RZEDBs for eligible costs of a qualified economic development purpose or recovery zone projects that will promote development or other economic activity within the County, all in the manner set out in Attachment "B"; and

BE IT FURTHER RESOLVED that before allocating all or a portion of the County's RZEDB or RZFB Volume Cap, the County Administrator shall require that the local government requesting the allocation provide the County Administrator with details of the proposed project and a supporting certification that such project is a qualified economic development purpose or recovery zone property, as appropriate, and the County Administrator shall be entitled to rely of these certifications; and

BE IT FURTHER RESOLVED that the County Administrator, together with the County Finance Director; shall maintain the appropriate records to document each allocation made to a local government, and shall not allocate an aggregate amount of RZEDBs to local governments in excess of \$8,879,000, and will not allocate an aggregate amount of RZFBs to local governments in excess of \$13,319,000.

Done this 8th day of April, 2010.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

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

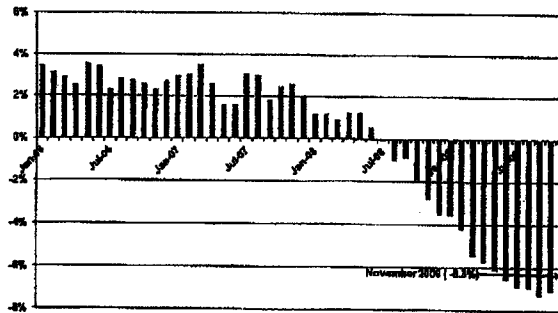
## ATTACHMENT "A"

# DATA RELATED TO DESIGNATING CLACKAMAS COUNTY AS A "RECOVERY ZONE"

### % Employment Growth Clackamas County: Year-Over-Year

November 2009	-6.3%
1 Month Ago	-7.1%
1 Year Ago	-2.8%

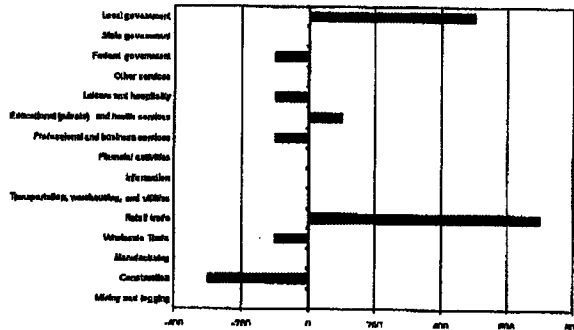
Year-Over-Year Employment Growth  
Clackamas County, 2007-2009



### Total Nonfarm Industry Employment Clackamas County

November 2009	137,700
October 2009	137,100
November 2008	146,900

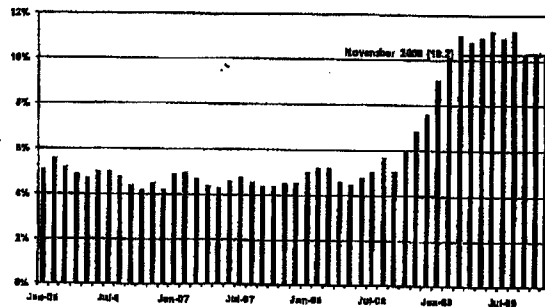
Monthly Nonfarm Employment Growth, Clackamas County  
November 2009: Comparison with One Month Ago



### Unemployment Rate Clackamas County: Not Seasonally Adj.

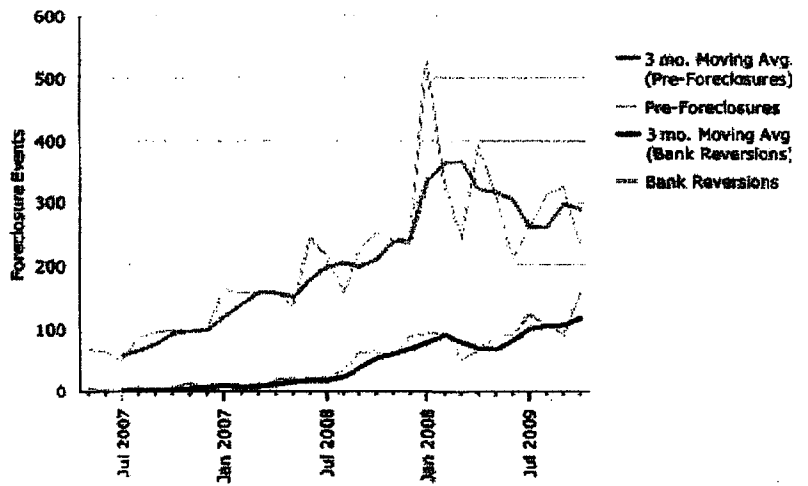
November 2009	10.2%
1 Month Ago	10.3%
1 Year Ago	6.9%

Unemployment Rate, Clackamas County  
January 2006 to November 2009



### Foreclosure Activity in Clackamas County May 2007 - October 2009

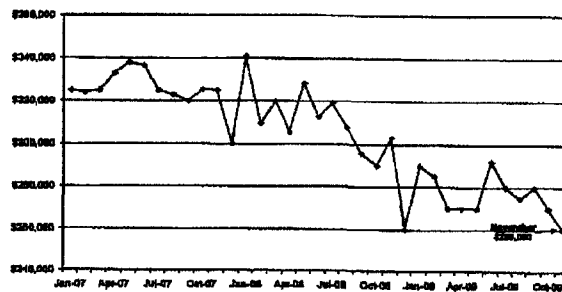
In the last quarter of 2009 Clackamas County's pre-foreclosure and bank reversion rates were the highest of all Oregon counties in the Portland Metropolitan Statistical Area. Compared to the previous year, the pre-foreclosure rate is up by almost 100%. In 2009 roughly one in every five homes sold was bank-owned.



### Median Home Price Clackamas County: Sales Price

November 2009	\$260,000
October 2009	\$269,900
November 2008	\$303,000

Home Sales - Median Price  
Clackamas County, Jan-2007 to Nov-2009



## **Attachment "B"**

### **Clackamas County Recovery Zone Bond Projects**

**Recovery Zone Facilities Bonds:** Intended projects, for which the proponents must demonstrate substantial progress towards implementation and bond issuance by December 30, 2010, include:

- \$3 million for a new production and distribution center for Dragonberry Produce in Canby.
- \$2 million for a one million square foot solar generation project on the roof of the Clackamas Town Center Mall.
- \$2 million for the construction of the Turra mixed use office, retail, value added agriculture production, and housing development in Sandy.

The remaining \$6,940,000 of the allocation is intended to be allocated to Business Oregon to redistribute to qualifying projects.

**Recovery Zone Economic Development Bonds** – Intended public sector investment in eligible projects, for which the proponents must demonstrate substantial progress towards implementation and bond issuance by December 30, 2010, include:

- \$2,899,000 to the Oak Lodge Sanitary District for a \$41 million wastewater treatment facility expansion.
- \$3.48 million to the city of Estacada for infrastructure for a new 125 acre industrial park.
- \$2.5 million to the Canby Urban Renewal District for a 1<sup>st</sup> Avenue redevelopment project.

Any unused portion of the allocations listed above will first be allocated to Oak Lodge Sanitary District, with any remaining balance available for other qualifying applicants.