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DEVELOPMENT SERVICES BUILDING
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April 14, 2016

Board of County Commissioners
Clackamas County

Members of the Board:

Second Reading and Adoption of Ordinance No. 02-2016 Ratifying an Intergovernmental Agreement Creating the Oregon Association of County Engineers and Surveyors
AND Approval of the New Intergovernmental Agreement Creating the
Oregon Association of County Engineers and Surveyors

Purpose/Outcomes	Ordinance to ratify an IGA between Oregon counties to create a formal governmental entity known as the Oregon Association of County Engineers and Surveyors and approval of a new IGA.
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	The duration of the IGA is perpetual, subject to termination conditions.
Previous Board Action	March 31, 2016- First Reading
Strategic Plan Alignment	1. Build Public Trust Through Good Government. 2. Build a Strong Infrastructure.
Contact Person	Mike Bezner, 503-742-4651

BACKGROUND:

Clackamas County currently belongs to an organization known as the Oregon Association of County Engineers and Surveyors (OACES), which is an informal affiliate of the Association of Oregon Counties (AOC). The purpose of the OACES is to promote public works activities, including the construction and maintenance of roads and appurtenances to recognized engineering standards in the counties; to promote the professional application of land surveying; to promote the ethical practices of the professions; and, by the exchange of ideas, give all counties in Oregon the advantages of these professions in all phases of county services.

While AOC currently manages the assets of OACES, the membership decided recently that it would be appropriate to set up a formal entity to manage assets and to assist with carrying out the purpose and mission of the organization.

ORS 190 allows units of local government to create an intergovernmental entity by way of intergovernmental agreement. Formation of this intergovernmental entity will formalize the status of OACES as a legal entity and enable the organization to better fulfill its purpose and mission.

The intergovernmental agreement that will be used to form the entity is attached. ORS 190.085(1) requires that each party to the intergovernmental agreement shall enact an ordinance ratifying the creation of the intergovernmental entity prior to the effective date of the intergovernmental agreement.

RECOMMENDATION:

Staff recommends the Board of County Commissioners read the proposed ordinance by title only and proceed to adoption.

Respectfully submitted,

Mike Bezner, Assistant Director
Department of Transportation and Development

Attachments:
Proposed Ordinance (#02-2016)
Intergovernmental Agreement



Intergovernmental Agreement
creating the
Oregon Association of County Engineers and Surveyors

Section 1. Creation, purpose, voting membership, and governing body

(1) Upon execution of this agreement by at least 10 counties, there is hereby created an intergovernmental entity entitled the Oregon Association of County Engineers and Surveyors (hereafter “OACES”).

(2) The purpose of OACES is to promote public works activities, including the construction and maintenance of roads and appurtenances to recognized engineering standards in the counties; to promote the professional application of land surveying; to promote the ethical practices of the professions; and, by the exchange of ideas, give all counties in Oregon the advantages of these professions in all phases of county services.

(3) There are two divisions of OACES, the Public Works Division and the Surveyors Division. There shall be two voting members of OACES for each county that is a party to this agreement, one from each division. The voting member of the Public Works Division shall be the County Public Works Director, Engineer, Roadmaster, or designee. The voting member of the Surveyors Division shall be the County Surveyor or designee.

(4) The governing body of OACES shall consist of a Board of Directors of officers from among the membership, elected to those positions annually by the membership.

Section 2. Expenses, fees, accounting, personnel, term, and termination of party

(1) OACES shall be funded by annual dues paid by its members, and other financial resources obtained by OACES.

(2) The apportionment of dues shall be determined by the OACES membership, and all OACES revenue shall be accounted for by accounting and support services provided to OACES by intergovernmental agreement with the Association of Oregon Counties (AOC).

(3) OACES shall not have personnel.

(4) OACES shall not hold title to real property, but may acquire, own, and transfer personal property as necessary to carry out the purposes of OACES.

(5) The duration of this agreement is perpetual.

(6) Any party to this agreement may terminate their participation in this agreement upon 30 days’ notice to OACES and AOC. Any liabilities accrued prior to termination are shared equally with all parties.

Section 3. Bonds, installment purchases, bylaws, and taxes

(1) OACES shall not issue revenue bonds or enter into financing agreements.

(2) OACES shall not enter into agreements with vendors, trustees or escrow agents for the installment purchase or lease of real or personal property.

ORDINANCE NO. 02-2016

Ordinance Ratifying Intergovernmental Agreement Creating the Oregon Association of County Engineers and Surveyors

WHEREAS the Oregon Association of County Engineers and Surveyors (OACES) has existed as an informal association and affiliate of the Association of Oregon Counties (AOC), a governmental entity created in 1906 by intergovernmental agreement of Oregon's counties; and

WHEREAS the purpose of OACES is to promote public works activities, including the construction and maintenance of roads and appurtenances to recognized engineering standards in the counties; to promote the professional application of land surveying; to promote the ethical practices of the professions; and, by the exchange of ideas, give all counties in Oregon the advantages of these professions in all phases of county services; and

WHEREAS AOC manages the assets of OACES and assists OACES in carrying out and fulfilling their mission; and

WHEREAS OACES has accumulated financial assets such that it is desirable for OACES to have its own legal identity, and yet continue to have AOC manage their assets and assist with carrying out and fulfilling their mission; therefore, in accordance with ORS 190.085,

The Board of Commissioners of Clackamas County ordains as follows:

(1) It is the intent of this governing body to create a governmental entity by intergovernmental agreement known as the Oregon Association of County Engineers and Surveyors (hereafter "OACES").

(2) The effective date of this intergovernmental agreement is July 1, 2016.

(3) The purpose of OACES is to promote public works activities, including the construction and maintenance of roads and appurtenances to recognized engineering standards in the counties; to promote the professional application of land surveying; to promote the ethical practices of the professions; and, by the exchange of ideas, give all counties in Oregon the advantages of these professions in all phases of county services.

(4) The powers, duties and functions of OACES are to facilitate and conduct meetings and conferences related to county public works and surveyor activities, including promoting best practices in county public works, the professional application of land surveying, and the ethical practices of those professions.

(5) A copy of this ordinance shall be sent to OACES and the Association of Oregon Counties (AOC), a governmental entity created in 1906 by intergovernmental agreement of Oregon's counties. An intergovernmental agreement creating OACES is being executed concurrently with this ordinance. Not later than 30 days after the effective date of the intergovernmental agreement creating OACES, AOC shall file with the Secretary of State a copy of this ordinance and the intergovernmental agreement, together with a statement containing the name of OACES, the parties to the agreement, the purpose of the agreement and the effective date of the agreement.

ADOPTED this 14th day of April, 2016.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary