



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, JULY 9, 2009 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2009-83

I. CITIZEN COMMUNICATIONS *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. 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 sheet provided on the table outside of the board room prior to the beginning of the hearing. Groups of four or more people speaking on a single topic are asked to limit their time to no more than 10 minutes. Groups may designate a single spokesperson, or have multiple speakers. Testimony is limited to three (3) minutes for individuals and ten (10) minutes for a group.)*

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

1. Reading and Adoption of Board Order No. _____ Amending Local Contract Review Rules, County Code Appendix "C" (David Anderson, County Counsel)
2. Ordinance No. _____ Amending Chapter 10.03, Solid Waste and Waste Management of the Clackamas County Code and Declaring an Emergency (Rick Winterhalter)
3. Approval of Board Order No. _____ Amending the Code Compliance Philosophy, Policies and Compliance Priorities (Rick Winterhalter)
4. Board Order No. _____ Approving the Solid Waste Management Fee Adjustment (Rick Winterhalter)

III. DISCUSSION ITEMS *(The following items will be individually presented by County staff or other appropriate individuals. Citizens who want to comment on a discussion item may do so when called on by the Chair.)*

~NO DISCUSSION ITEMS SCHEDULED

IV. CONSENT AGENDA *(The following Items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Study Session. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

A. Department of Human Services

1. Approval to Submit a Grant Application for Federal Neighborhood Stabilization Program, Round 2, Funds (NSP2) – CD *(Community Development)*

2. Approval of an Interagency Agreement between Clackamas County Community Development Division and Social Services Division for a Homeless Prevention and Rapid Re-housing Program in Clackamas County - CD
3. Approval of a Contract Renewal with Morrison Child and Family Services for Community Mental Health Provider Services – CH (*Community Health*)
4. Approval of a Contract Renewal with Options Counseling Services of Oregon, Inc. for Community Mental Health Provider Services – CH
5. Approval of a Contract Renewal with Pam's Clean Machine for Community Mental Health Provider Services – CH)
6. Approval of a Contract Renewal with Karen Peters, RN, PMHNP for Community Mental Health Provider Services – CH
7. Approval of an Intergovernmental Agreement with the State of Oregon, acting by and through its Department of Human Services, for Operation of a Community Mental Health Program for Clackamas County – CH
8. Approval of a Contract with Women's Health Center of Oregon for Women's Health Services - CH)
9. Approval of an Intergovernmental Agreement with City of Canby for Diversion Panel Services - OCF (*Office for Children & Families*)
10. Approval of an Agency Service Contract with Child Advocates, Inc. for Court Appointed Special Advocate Services - OCF
11. Approval of an Intergovernmental Agreement with the City of Estacada for Juvenile Diversion Panel Program Services - OCF
12. Approval of an Intergovernmental Agreement with the City of Sandy for Juvenile Diversion Panel Program Services - OCF
13. Approval of an Intergovernmental Agreement with the State of Oregon, Department of Human Services for AmeriCorps HOPE Member - OCF)
14. Approval of Intergovernmental Agreement #128227 with the State of Oregon, Department of Human Services, Seniors and People with Disabilities, LifeSpan Respite Program - SSD (*Social Services*)
15. Approval of an Agency Services Contract Renewal with the City of Canby/Canby Adult Center to Provide Social Services for Clackamas County Residents - SSD
16. Approval of an Agency Services Contract Renewal with the City of Wilsonville/Wilsonville Senior Center to Provide Social Services for Clackamas County Residents - SSD

B. Department of Transportation & Development

1. Board Order No. _____ Vacating a Portion of Sofich Road, County Road Number 763
2. Approval of a Contract with Morse Bros., Inc. dba Knife River for the Eagle Landing/Monterey Avenue Paving Project
3. Approval of a Contract with Hamilton Construction for the Emergency Replacement of the Cedar Creek (Ten Eyck Road) Bridge

4. Approval of a Contract with Pacific Bridge & Construction, Inc., of the Kleinsmith Road Culvert Replacement

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval of an Interagency Agreement between the Clackamas County Jail and Clackamas County Mental Health – CCSO
3. Approval of an Intergovernmental Agreement between Clackamas County and the City of Lake Oswego for Microfilming Services – CLERK

D. Clackamas County Tourism & Cultural Affairs

1. Approval of a Collection Agreement with the USDA Forest Service for Tourism Services in Mt. Hood National Forest

V. NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

1. Approval of a Right-of-Way and Utility Easement Dedication for SE 162nd Ave.
2. Approval of a Conveyance of Water Mains and Related Facilities to Sunrise Water Authority

VI. DEVELOPMENT AGENCY

1. Approval to Transfer Title to Property at the Intersection of Sunnyside Road at Sunnybrook Blvd.

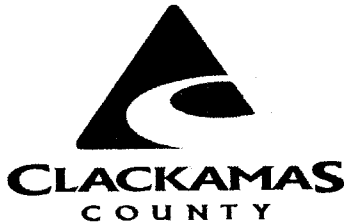
VII. WATER ENVIRONMENT SERVICES

1. Acceptance of a Surface Water, Storm Drainage and Sanitary Sewer Easement by Clackamas County Service District No. 1 (L. Foley)

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/>



OFFICE OF COUNTY COUNSEL

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

Steven R. Lounsbury
COUNTY COUNSEL

David W. Anderson
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Edward S. McGlone III
Kathleen Rastetter
Scot A. Sideras
Chris Storey
Scott C. Ciecko
D. Daniel Chandler
ASSISTANTS

July 9, 2009

Board of Commissioners
Clackamas County

Members of the Board:

**Reading and Adoption of a Board Order Amending Local Contract Review Board Rules
(County Code Appendix "C")**

Attached are proposed amendments to Appendix C of the County Code, which contains the Local Contract Review Board Rules (LCRB Rules). These are the public contracting rules which the County adopts, based on the Attorney General's model rules. These proposed changes were before the Board at its June 23, 2009 study session.

Changes to the LCRB Rules are adopted by Board Order upon a single reading, which may be a reading by title only.

Two changes are proposed. The first change is to add the Agricultural Extension Service District and the Library Service District to the list of entities to which these rules apply. These special districts were created by the voters of Clackamas County at the November 2008 election.

The second change is to the section designating the authority to sign contracts. Currently the positions listed have the authority to sign contracts with a value not to exceed a total of \$50,000. The proposed amendment changes the limit to \$150,000.

RECOMMENDATION

Staff recommends that the Board conduct a single reading, by title only, and then approve the Board Order amending the Local Contract Review Board Rules.

Sincerely,

David W. Anderson
Assistant County Counsel



Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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

July 9, 2009

Board of Commissioners
Clackamas County

Members of the Board:

An Ordinance Amending Chapter 10.03, Solid Waste and Wastes Management, of the Clackamas County Code, and Declaring an Emergency

1. Business Recycling Requirement

Businesses generate almost half the region's garbage. It is estimated businesses annually discard more than 100,000 tons of recyclable materials into landfills. Reducing the discarded tonnage is necessary to meet material recovery goals set by the State of Oregon, goals set by the Clackamas County Sustainability Action Plan.

A new Regional Solid Waste Management Plan (RSWMP) was adopted by Metro council in 2008. In order to meet the provisions of the renewed RSWMP, by complying with the Business Recycling Requirement set forth in Metro Code Chapter 5.10, a county code amendment is required. The major provisions of the proposed code amendment are as follows:

- Businesses shall ensure the provision of containers for recycling; post signs and instructions on how to recycle; and recycle, at a minimum, paper and packages such as plastic bottles, aluminum cans and glass.
- Establishing a method to ensure business compliance with the recycling requirement.

The Metro Model Code is being adopted by each of the cities and counties within the region, thus creating a uniform regulatory framework throughout the county and region. This will provide consistency for those businesses operating in multiple jurisdictions and thus simplify the ability to achieve compliance. Metro council has taken this step because voluntary recycling programs appear to have peaked with respect to the number of businesses participating.

Should the Business Recycling Requirements not be adopted, the County's solid waste and recycling program will be out of compliance with the RSWMP requirements as set forth Metro Code Chapter 5.10. The Chief Operating Officer may seek review by the Council of any local government action that does not comply with the RSWMP requirements by filing a request for review and public hearing with Metro Council. If he does, he will provide a report and recommendation for Council consideration. The Council may hold a hearing and issue an order.

Metro also has the ability to take administrative action that could entail withholding annual grant funds from local governments that are out of compliance with the RSWMP. For Clackamas County, that could amount to \$291,086.

The compliance phase of the program will be phased-in over an 18-month period, providing businesses ample time to seek assistance and begin recycling. Enforcement action will not commence until repeated efforts to assist have failed to gain compliance. It is staff's intent to continue the County's policy of making enforcement and penalties the last resort to gain compliance. Staff will seek direction from the Board prior to taking any enforcement action.

Due to the number of businesses throughout the County, determining code compliance by direct measurement of individual businesses' waste generation and recycling is not feasible. The approach, instead, will rely on businesses implementing "Best Management Practices" (BMPs) that are expected to maximize recycling and waste prevention. These BMPs will ultimately be made part of the County's Administrative Rules.

Adoption of the Code amendment will trigger an additional disbursement of grant monies from Metro. In this first year an estimated \$70,000 will be made available for continued outreach to business. A lesser amount will be available if cities, participating in the Annual Plan, choose to not adopt a similar change to their code. Regardless of the amount received, the same level of technical assistance and collection services will continually be provided to the businesses throughout Clackamas County.

Staff presented this proposed code amendment to the Clackamas County Solid Waste Commission on December 2, 2008. The Commission recommended Board adoption of the proposed Solid Waste Code amendment, to be enforced as a priority one violation and to be enacted under an emergency clause.

Staff brought this matter to the Board at a work session on December 9, 2008. The Board requested staff conduct further outreach with Clackamas County businesses. Staff requested an extension of the adoption deadline to June 1, 2009 from Metro. The extension was granted.

A web based survey was created and a request to complete it was sent to every active Chamber of Commerce member throughout the County. Nearly 3,000 businesses received the request via an e-blast. Additionally, every Chamber newsletter included an article about the Business Recycling Requirements in January. This effort produced sixty-three surveys. Approximately five phone calls were received, most requesting assistance.

Currently the Cities of Gladstone, Lake Oswego, Milwaukie, Molalla, Wilsonville and West Linn have passed an ordinance to adopt the Business Recycling Requirements into their code.

2. Certified Mailing Requirement.

Currently Section 10.03.070 of the Solid Waste and Waste Management Code require certified and regular mailings to solid waste nuisance violators. This is the only code enforced that has this requirement. Certified mailings with return receipt cost \$5.32 and regular mail is 42 cents. Also, two mailings require more paper and staff time, which equates into additional expense. By removing this requirement staff estimates an average annual savings of approximately \$800 in postage.

Staff presented this proposed code amendment to the Clackamas County Solid Waste Commission on December 2, 2008. The Commission recommended Board adoption of the proposed Solid Waste Code amendments to be enacted under an emergency clause.

RECOMMENDATIONS

Staff and the Solid Waste Commission respectfully request the Board of County Commissioners approve the attached ordinance by unanimous vote after a first and second reading by title only, so that the items can be adopted at this single meeting and become effective immediately in light of the emergency declared [Procedure authorized by ORS 203.045].

Sincerely,



Rick Winterhalter, Sustainability Analyst, Sr.
Community Environment

For further information on this issue please contact Rick Winterhalter @ 503-742-4466

An Ordinance Amending Chapter 10.03, Solid Waste and Wastes Management, of the Clackamas County Code, and Declaring an Emergency

WHEREAS, Clackamas County supports the reduction of solid waste generated and disposed per capita through source reduction and recycling activities; and

WHEREAS, businesses annually generate almost half of the region's garbage and dispose of more than 100,000 tons of paper and containers each year that could otherwise be recycled; and

WHEREAS, Metro, the regional government, has adopted Ordinance No. 08-1198 which amends the Regional Solid Waste Management Plan, 2008-2018, to include a business recycling requirement; and

WHEREAS, Metro has also adopted Ordinance No. 08-1200 which amends Metro Code Chapter 5.10 by adding provisions implementing a business recycling requirement; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Sections 10.03.030(A)(2) and (A)(61) of the Clackamas County Code are hereby amended to read as follows:

10.03.030 Definitions

- A. For the purpose of this chapter, words used in the present tense include the future; the singular number, includes the plural; the word "shall" is mandatory and not directory; and the term "this chapter" shall be deemed to include all amendments hereafter made to this chapter. The definitions applicable to this chapter are:
 2. BUSINESS: any entity of one or more persons, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational, or other activity that is non-residential in nature, including public bodies.
 61. SOURCE-SEPARATED or SOURCE-SEPARATE means that the person who last uses recyclable material separates the recyclable material from other solid waste.

Section 2: Section 10.03.070(B) of the Clackamas County Code is hereby amended to read as follows:

10.03.070 Abatement of Nuisance

- B. If, after investigation, the Director finds that a nuisance does exist as defined by 10.03.060 or 10.03.080 of this chapter, a notice shall be mailed to the property owner and/or person in possession by regular mail, giving them not less than ten (10) days to abate the nuisance. The notice to abate shall contain:
 1. A description of the property by tax lot number and/or address.

Ordinance No. _____

2. The length of time in days that the property owner and/or person in possession has to abate the nuisance, from the receipt of the notice to abate.
3. A description of the nuisance to be abated.
4. A statement that unless the nuisance is abated by the property owner and/or person in possession within the given length of time, the County will cause the nuisance to be abated.
5. That the costs of the nuisance abatement and/or civil penalties shall be collected from the owner and/or person in possession of the property, and may be made a lien against the property.

Section 3: Chapter 10.03 of the Clackamas County Code is hereby amended by adding a new Section 10.03.145 to read as follows:

10.03.145 Business Recycling Requirement

All businesses within the County shall comply with waste prevention, recycling and composting requirements as set forth in this Chapter and the regulations promulgated hereunder.

- A. Businesses will Source-Separate all recyclable paper, cardboard, glass and plastic bottles and jars, and metal cans for reuse or recycling.
- B. Businesses will ensure the provision of recycling receptacles for internal and/or external maintenance or work areas where recyclable materials are collected, stored, or both.
- C. Businesses will post accurate signs:
 1. Describing the location where recyclable materials are collected, stored, or both;
 2. Identifying the materials the Business must Source-Separate for reuse or recycling; and,
 3. Providing recycling instructions.
- D. Persons and entities that own, manage or operate premises with Business tenants, and that provide garbage collection service to those Business tenants, shall provide recycling collection systems adequate to enable the Business tenants to comply with the requirements of subsections A., B. and C. of this section.

Section 4: Emergency Clause – The Board of Commissioners hereby finds and declares that an emergency exists inasmuch as the immediate effect of this Ordinance is necessary for the peace, health and welfare of the residents of the County. Accordingly, this Ordinance shall be effective upon its adoption.

ADOPTED this _____ day of July, 2009

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

July 9, 2009

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

Board of Commissioners
Clackamas County

Members of the Board:

Approval of a Resolution Amending the Code Compliance Philosophy, Policies, and Compliance Priorities

ISSUE & BACKGROUND

On June 14, 2001 the Clackamas County Board of Commissioners adopted a comprehensive approach for addressing the compliance of violations of codes and ordinances administered by the Department of Transportation and Development. This comprehensive approach was necessary to ensure that the County's limited fiscal resources are applied to code compliance matters in the most effective manner. Emphasis was placed on addressing violations with health, life and safety concerns or concerns causing irreparable environmental damage. This resulted in the development of a code compliance philosophy statement, operational policies and violation compliance priorities. It was recognized at the time that the code compliance program should be periodically reviewed to determine if any changes to the program were warranted.

The amendments to Chapter 10.03 of the Clackamas County Code passed to include the Business Recycling Requirements, require an amendment of the Code Compliance Philosophy document. The Solid Waste section of the document has been amended to add 9) Failure to comply with Business Recycling Requirements to the Priority 1 violations.

RECOMMENDATIONS

Staff and the Solid Waste Commission respectfully request the Board of County Commissioners adopt the amended policy "Code Compliance Philosophy, Policies and Compliance Priorities" by adopting the resolution.

Sincerely,

Rick Winterhalter, Sustainability Analyst, Sr.
Community Environment