



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, December 10, 2009 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2009-121

I. 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.)*

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. Board Order No. _____ Regarding Scope of Election for Annexation Proposal of Portions of the City of Tualatin to the Library District of Clackamas County (Chris Storey)

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.)*

1. Approval of a Resolution to Create the Wastewater Treatment Capacity Advisory Committee (Mike Kuenzi, Chris Storey)
2. Approval of a Resolution of Public Necessity to Acquire Property to be Used for Construction of a Pump Station for the Intertie 2 Pipeline Project Being Constructed by Clackamas County Service District No. 1 (Mike Kuenzi, Chris Storey)

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. Request for Approval to Apply for a Grant from the Corporation for National and Community Service for the Summer Environmental Youth Learn and Serve Crew Program – CSCC

2. Acceptance of Grant Agreement #358 with Oregon Youth Conservation Corps and Stop Oregon Litter and Vandalism, (SOLV) for Environmental Youth Work Crew Program – CSCC
3. Acceptance of Grant Agreement #359 with Oregon Youth Conservation Corps and Forests Forever, Inc. for Environmental Youth Work Crew Program – CSCC
4. Acceptance of Grant Agreement #360 with Oregon Youth Conservation Corps and the City of Sandy – Community Services for Environmental Youth Work Crew Program – CSCC
5. Acceptance of Grant Agreement #361 with Oregon Youth Conservation Corps and North Clackamas Parks and Recreation for Environmental Youth Work Crew Program – CSCC
6. Approval of an Intergovernmental Agreement with Clackamas Education Service District for Early Childhood Consultation – OCF
7. Approval of an Intergovernmental Agreement with Clackamas Education Service District for Health Consultation – OCF
8. Approval of an Intergovernmental Agreement with Clackamas Education Service District for Mental Health Consultation Services – OCF
9. Approval of a Mental Health Services Agreement with Options Counseling Services of Oregon, Inc. for Community-Based Services and Outpatient Mental Health Services – CH
10. Approval of a Professional, Technical, and Consultant Service Contract with Performance Health Technology, Ltd. for Third Party Claims Administration Services – CH
11. Approval of an Intergovernmental Agreement with Washington County, Health and Human Services, Mental Health Division for the provision of Child and Adolescent Mental Health Services – CH
12. Approval of a Professional Services Agreement with Wellpartner, Inc. for 340B Discount Drug Program Administration Services and Program Management – CH

B. Department of Transportation & Development

1. Board Order No. _____ Declaring an Emergency for Deep Creek/Amisigger Road Bridge Repair
2. Approval of an Intergovernmental Agreement with Oregon Department of Transportation for Emergency Relief Program Project Funding
3. Approval of an Intergovernmental Agreement with Oregon Department of Transportation for Right-of-Way Services for the Salmon River (Elk Park Road) Bridge Replacement Project

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC

D. Business & Community Services

1. Board Order No. _____ Authorizing Sheriff's Sale of Surplus and Tax Foreclosed Properties
2. Approval of an Intergovernmental Agreement between Clackamas County and the City of Happy Valley for Library Consultant Reimbursement

V. WATER ENVIRONMENT SERVICES

1. Approval of Construction Services Agreement for Clackamas County Service District No. 1 North Clackamas Revitalization Area – Phase 1 Sanitary Sewer Project
2. Acceptance of Sanitary Sewer Easement by Clackamas County Service District No. 1 (Western Investment Company, LLC)

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.



Dan Zinzer
Director

BUSINESS AND COMMUNITY SERVICES

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

December 10, 2009

Board of Commissioners
Clackamas County

Members of the Board:

**BOARD HEARING REGARDING SCOPE OF ELECTION FOR
ANNEXATION PROPOSAL OF
PORTIONS OF THE CITY OF TUALATIN TO
THE LIBRARY DISTRICT OF CLACKAMAS COUNTY**

The Library District of Clackamas County (the "District") has received a petition in the form of a city resolution (the "Petition") from the City of Tualatin ("Tualatin") requesting annexation of that portion of Tualatin that lies within Clackamas County (the "Territory") into the District. District staff has reviewed the relevant statutory provisions concerning the Petition. The Petition meets the requirements of ORS 198 or Metro Code 3.09.

ORS Chapter 198.850(1) and 198.866(2) provides that the Board, acting as the governing body of the District, must approve or disapprove of such a petition for it to go forward. The Petition was submitted to the District's advisory board, which considered it in full. The advisory board recommended approval of the Petition to the Board after meeting with representatives of Tualatin and discussing the appropriate terms on which the annexation might occur, as specified in the Petition. The Board considered these matters at its October 29th, 2009 business meeting, and adopted Board Order No. 2009-111 initially approving the annexation of Tualatin into the District and scheduling a second hearing for December 10th.

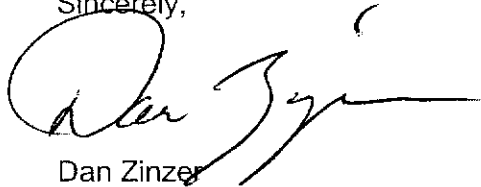
The purpose of the December 10th hearing is to receive remonstrances regarding the scope of the election. Given the approval stated in BO 2009-111, at the conclusion of the public hearing on December 10th the Board will order an election to be held, either within the affected area of Tualatin or, if sufficient remonstrances are received, within the District as well. Attached for review is the proposed board order directing that an election be held within Tualatin. If sufficient remonstrances are received, the proposed order can be modified to reflect the broader election area.

This staff report and board order have been reviewed by County Counsel.

RECOMMENDATION

Staff respectfully recommends that the Board of County Commissioners, acting as the governing body of the Library District of Clackamas County, approve the Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Zinzer". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

Dan Zinzer
Director

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



December 10, 2009

Board of County Commissioners
Clackamas County

Members of the Board:

APPROVAL OF A RESOLUTION TO CREATE THE
WASTEWATER TREATMENT CAPACITY ADVISORY COMMITTEE

Water Environment Services ("WES") staff comes before the Board requesting the creation of a new advisory committee for future wastewater treatment capacity. This proposed advisory body is the culmination of nearly two years of discussion, debate and analysis by representatives of various municipal entities and areas. WES requested permission to attempt to create a regional group regarding wastewater issues to the Board in January 2008. In the spring of 2008, a blue ribbon panel was created to answer these 3 questions:

1. Are there are financial benefits in members of the region working together on wastewater issues?
2. Can equity and fairness for each partner be achieved?
3. Can the region agree to a governance model to guide a regional wastewater capacity management partnership?

The blue ribbon panel answered affirmative to all 3 questions, and the cities of Damascus, Gladstone, Happy Valley, Milwaukie, Oregon City, and West Linn and the unincorporated urban areas of north Clackamas County agreed to explore how this structure might work. The Oak Lodge Sanitary District and the City of Lake Oswego chose not to participate going forward due to their individual circumstances.

Each participating member sent a representative to a staff-level working group beginning in the fall of 2008 to develop a proposed framework necessary to implement the recommendations of the blue ribbon panel. The outcome of this process was proposed bylaws governing the operation of a new advisory group, the Wastewater Treatment Capacity Advisory Committee ("Committee"). The Committee will advise the BCC on wastewater capacity issues for the areas covered by the Tri-City Service District, Clackamas County Service District No. 1, and the City of Milwaukie. Each city council and the Riverhealth Advisory Board on behalf of the unincorporated areas of CCSD#1 have reviewed the proposed bylaws and endorsed their adoption.

RECOMMENDATION:

Staff respectfully recommends forming the Committee and adopting the bylaws as proposed by the staff working group.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kuenzi', with a long horizontal stroke extending to the right.

Michael S. Kuenzi
Director, Water Environment Services

For information on this issue or copies of attachments, please contact
Kathy Frasier, 503-742-4566

A RESOLUTION TO FORM THE
WASTEWATER TREATMENT CAPACITY
ADVISORY COMMITTEE

RESOLUTION No. _____

This matter comes before the Board of County Commissioners of Clackamas County, Oregon ("Board") generally and as the governing body of the Tri-City Service District ("TCSD") and Clackamas County Service District No. 1 ("CCSD#1").

WHEREAS, the Board formed a blue ribbon panel in the spring of 2008 to consider the value of mutual cooperation and investment between various jurisdictions regarding future investments in wastewater treatment infrastructure; and

WHEREAS, the blue ribbon panel delivered a report recommending mutual cooperation and investment for future infrastructure needs once capacity parity had been reached pursuant to CCSD#1's current expansion of treatment capacity; and

WHEREAS, each willing jurisdictional participant sent representatives to a staff-level meeting to negotiate the manner of implementing the panel recommendation which produced the proposed bylaws attached hereto as Exhibit A (the "Bylaws"); and

WHEREAS, each of the Cities of Damascus, Gladstone, Happy Valley, Milwaukie, Oregon City, and West Linn and the CCSD#1 Riverhealth Advisory Board on behalf of the unincorporated areas of CCSD#1 have reviewed the Bylaws and endorsed formation of a new advisory committee consistent therewith; and

WHEREAS, the Board desires to encourage a forum for the discussion of mutual investment and management opportunities that could result in substantial cost savings for the ratepayers; and

WHEREAS, the advisory committees for TCSD and CCSD#1 will continue in their present forms to consider district-specific issues, budgets, and investments;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Wastewater Treatment Capacity Advisory Committee is now hereby formed, and shall operate consistent with the Bylaws attached hereto as Exhibit A.

ADOPTED this 10th day of December, 2009.

By the BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



WATER
ENVIRONMENT
SERVICES

Beyond clean water.

Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

December 10, 2009

Board of County Commissioners
Clackamas County

Members of the Board:

APPROVAL OF A RESOLUTION OF PUBLIC NECESSITY TO ACQUIRE PROPERTY
TO BE USED FOR CONSTRUCTION OF A PUMP STATION
FOR THE INTERTIE 2 PIPELINE PROJECT BEING CONSTRUCTED BY
CLACKAMAS COUNTY SERVICE DISTRICT NO. 1

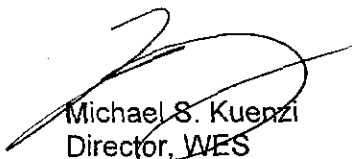
In executive session on November 3rd, 2009, the Board of County Commissioners ("Board") as the governing body of Clackamas County Service District No. 1 ("District") discussed the location and the acquisition of property for the main pump station required for the Intertie 2 pipeline project. The Board agreed that real property located at 13377 SE Johnson Road in Milwaukie, Oregon ("Property") is best suited for the pump station and that the acquisition of this real property is therefore necessary and in the interest of the public. The Board noted that recent efforts to acquire the property through negotiations have been unsuccessful and that acquisition of the property through eminent domain should therefore begin in order to ensure that the pump station can be completed on the schedule required of the District by the Department of Environmental Quality in its order to the District.

To implement the above decision, the attached resolution is now before the Board for approval. The effects of the proposed resolution would be: 1) to declare that the acquisition of the Property is necessary and in the interest of the public; 2) to authorize the District to proceed to acquire the Property through eminent domain while continuing to negotiate in good faith with the Property owners; 3) to authorize the District to obtain the services of real estate appraisers, negotiators, and other such experts in order to acquire the Property; and 4) to require that any changes in the design of the pipeline project resulting in changes to the property rights that need to be acquired will be brought before the Board for approval.

RECOMMENDATION:

Staff respectfully recommends that the Board approve the attached resolution by conducting a vote at this time so that the real property described above can be timely acquired.

Sincerely,



Michael S. Kuenzi
Director, WES

FOR INFORMATION ON THIS ISSUE OR COPIES OF ATTACHMENTS PLEASE CONTACT
CHRIS STOREY AT (503) 742-4623

Serving Clackamas County, Gladstone, Happy Valley, Johnson City, Milwaukie, Oregon City, Rivergrove and West Linn.
150 Beaver Creek Road, Oregon City, Oregon 97045 Telephone: (503) 742-4567 Facsimile: (503) 742-4565

www.clackamas.us/wes/

A RESOLUTION OF PUBLIC NECESSITY
TO ACQUIRE PROPERTY TO BE USED
FOR CONSTRUCTION OF A PUMP
STATION FOR THE INTERTIE 2 PIPELINE
PROJECT BEING CONSTRUCTED BY
CLACKAMAS COUNTY SERVICE
DISTRICT No. 1.

RESOLUTION No. _____

This matter comes before the Board of County Commissioners of Clackamas County, Oregon (Board) as the governing body for Clackamas County Service District No. 1 (CCSD#1) at its regularly scheduled business meeting on December 10, 2009.

WHEREAS, Phase 1 of the Capacity Management Program was initiated by the Board in 2007 to construct additional wastewater treatment capacity for CCSD#1 and relieve operational pressure on the Kellogg Plant ("Phase 1"); and

WHEREAS, a key aspect of Phase 1 is construction of the Intertie #2 pipeline and related pump station (the "Pipeline Project") to deliver wastewater flows to the new capacity being constructed at the Tri-City Plant; and

WHEREAS, Phase 1 will allow the District to improve service, alleviate operational difficulties that previously resulted in violations of the Clean Water Act, and is consistent with the powers and purposes of CCSD#1; and

WHEREAS, the Pipeline Project has been planned and located in a manner that is the most compatible with the greatest public good and causes the least amount of private injury; and

WHEREAS, the acquisition of the property rights described in Exhibit A attached hereto are strictly for public use and are necessary in order to construct a pump station and complete the Pipeline Project which will benefit the public; and

WHEREAS, the immediate possession and acquisition of the real property described in Exhibit A is necessary and in the public interest so that the Pipeline Project can be completed in a timely and efficient manner; and

WHEREAS, the authority to acquire property rights through voluntary negotiations and purchase or eminent domain is granted to service districts by ORS 451.550(3); and

WHEREAS, it appears that CCSD#1 has already made substantial efforts to acquire the property rights described in Exhibit A through voluntary negotiations and purchase and has offered to purchase the property rights for the full determined amount of just compensation, but has been unable to acquire the property; and

A RESOLUTION OF PUBLIC NECESSITY
TO ACQUIRE PROPERTY TO BE USED
FOR CONSTRUCTION OF A PUMP
STATION FOR THE INTERTIE 2 PIPELINE
PROJECT BEING CONSTRUCTED BY
CLACKAMAS COUNTY SERVICE
DISTRICT No. 1.

RESOLUTION No. _____

NOW, THEREFORE, IT IS HEREBY DECLARED necessary and in the public interest for CCSD#1 to immediately begin the process of acquiring the property rights described in Exhibit A through the process of eminent domain; and

IT IS HEREBY ORDERED that CCSD#1 follow the procedures set forth in State statute in order to acquire the property rights described in Exhibit A through eminent domain, while continuing to negotiate in good faith with the owners of the property rights; and

IT IS FURTHER ORDERED that in acquiring the property rights described in Exhibit A CCSD#1 is authorized to retain the services of real estate appraisers, negotiators, and other such experts deemed necessary to determine the amount of just compensation; and

IT IS FURTHER ORDERED that any changes to the design of the pipeline project that will result in changes to the property rights needed to be acquired, shall be brought before the BCC so the BCC may amend Exhibit A.

ADOPTED this 10th day of December, 2009.

By the BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

EXHIBIT A

PROPOSED PURCHASE AREA

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE MATLOCK DONATION LAND CLAIM NO. 37; THENCE N.32° 18'55"E., 394.60 FEET TO A 5/8-INCH DIAMETER IRON ROD AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO C.R. BROPHY RECORDED JULY 2, 1969, IN DOCUMENT NO. 69-12339, CLACKAMAS COUNTY DEED RECORDS, LESS THAT TRACT OF LAND DESCRIBED IN DEED TO CROW-SPIEKER #17, A PARTNERSHIP, RECORDED JULY 27, 1973, IN DOCUMENT NO. 73-23883, CLACKAMAS COUNTY DEED RECORDS, AND THE POINT-OF-BEGINNING; THENCE ALONG THE NORTH LINE OF SAID CROW-SPIEKER TRACT, N.80° 02' 19"W., 200.12 FEET; THENCE N.13° 47'35"E., 209.74 FEET; THENCE S.72° 57'00"E., 200.00 FEET; THENCE S.13° 47'35"W., 185.00 FEET TO THE POINT-OF-BEGINNING, CONTAINING 39,410 SQUARE FEET, MORE OR LESS

Map of proposed condemnation property area

