



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, OCTOBER 29, 2009 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2009-109

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) minute. 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. Second Reading of Ordinance No. 05-2009 Amending Chapter 2.05 of the County Code, "Personnel Policies and Procedures for Clackamas County Employees" (David Anderson)
2. Board Order No. _____ for Boundary Change Proposal CL-0509, Annexation to Clackamas River Water District (Ken Martin, Chris Storey)
3. Board Order No. _____ for Boundary Change Proposal CL-0609, Annexation to the Boring Water District (Ken Martin, Chris Storey)
4. Board Order No. _____ for Boundary Change Proposal CL-0709, Annexation to the Library District of Clackamas County (Ken Martin, Dan Zinzer, 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.)*

Department of Transportation & Development

1. Board Order No. _____ Amending the Code Compliance Philosophy, Policies and Compliance Priorities (Scott Caulfield)

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 of an Intergovernmental Revenue Agreement with the State of Oregon acting by and through its Oregon Department of Human Services for the My Future My Choice Program Services - OCF

B. Department of Transportation & Development

1. Board Order No. _____ Declaring the Necessity of Purpose for Acquisition of Rights-of-Way, Easements, and Fee Property for the Hwy. 212/Lawnfield Connection Project and Authorizing Negotiations and Eminent Domain Actions

C. Finance Department

1. Approval of the Extension of Lease with Clackamas Corner, LLC for the Clackamas Corner Library

D. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval of a Services Contract for the Children’s Center of Clackamas County - DA

E. Business and Community Services

1. Approval of a Cooperative Intergovernmental Agreement between Clackamas County and the City of Canby for Capital Contribution
2. Execution of Deeds Transferring Tax Foreclosed Property to the North Clackamas Parks and Recreation District – PROPERTY RESOURCES

V. LIBRARY DISTRICT OF CLACKAMAS COUNTY

1. Approval of a Cooperative Intergovernmental Agreement between the Library District of Clackamas County and the City of Milwaukie for District Revenue

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/>



OFFICE OF COUNTY COUNSEL

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

Steven R. Lounsbury
COUNTY COUNSEL

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

October 29, 2009

Board of Commissioners
Clackamas County

Members of the Board:

**SECOND READING AND ADOPTION OF ORDINANCE NO. 05-2009 AMENDING CHAPTER
2.05 OF THE COUNTY CODE, "PERSONNEL POLICIES AND PROCEDURES FOR
CLACKAMAS COUNTY EMPLOYEES"**

The personnel ordinance was adopted in by the County in 1992 when the civil service commission was disbanded. Many of its features were carried over from the civil service ordinance. In 2000 with the adoption of the County Code, the ordinance was codified as chapter 2.05 of the Code. It has been amended in each of the years since 2003, except in 2006. The application of the personnel code has been steadily narrowed over the years for two reasons: (1) conflicting provisions of collective bargaining prevail over it, and (2) the "unclassified" employee group has been expanded through the use of employment contracts with department directors and other unclassified employees on contract. Regardless of its narrowing application, it still is an important part of the code, as it (1) governs recruitment and selection procedures, (2) applies to unrepresented classified employees, (3) establishes ethical standards and employee responsibilities, (4) applies to subject matters where collective bargaining agreements and employment contracts are silent, and (5) addresses equal employment opportunity and harassment, among other things.

DES and other departments have made suggestions for improvements to the personnel code, which have been collected and incorporated into the attached redline document (deletions are ~~struck through~~; additions are underlined and marked with a vertical line in the margin). Also attached is the Ordinance which would adopt the redline changes.

The Board held a study session on the proposed ordinance changes on February 17, 2009 and chose to move forward with the proposed changes. The proposed amendments were then presented to the collective bargaining groups for impact bargaining as required by law, and they have now agreed to the changes. First reading was conducted by the Board on October 14, 2009.

Recommendation

Staff recommends that the Board read the attached Ordinance by title only, and adopt the proposed Ordinance amending the County Code.

Respectfully submitted,



David W. Anderson
Senior County Counsel

For Information on this issue please contact David Anderson at 503-655-8362, or Nancy Drury, DES Director, at 503-655-8812



OFFICE OF COUNTY COUNSEL

Public Services Building
2051 KAEN ROAD | OREGON CITY, OR 97045

October 29, 2009

Steven R. Lounsbury
County Counsel

Board of Commissioners
Clackamas County

David W. Anderson
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Kathleen Rastetter
Scot A. Sideras
Chris Storey
Scott C. Clecko
D. Daniel Chandler
Assistants

Members of the Board:

**HEARING AND BOARD ORDER APPROVING BOUNDARY CHANGE
PROPOSAL CL-0509 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.

After the hearing, the Board can then order the annexation take place if it determines that the annexation is appropriate based on the applicable statutory requirements. No additional hearings are required because of the "double majority" status of the petitioners. 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 503-353-4623



OFFICE OF COUNTY COUNSEL

Public Services Building
2051 KAEN ROAD | OREGON CITY, OR 97045

October 29, 2009

Board of Commissioners
Clackamas County

Members of the Board:

Steven R. Lounsbury
County Counsel

David W. Anderson
Kimberley Ybarra-Cole
Edward S. McGlone III
Kathleen Rastetter
Scot A. Sideras
Chris Storey
Scott C. Clecko
D. Daniel Chandler
Assistants

**HEARING AND BOARD ORDER APPROVING BOUNDARY CHANGE
PROPOSAL CL-0609 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.

After the hearing, the Board can then order the annexation take place if it determines that the annexation is appropriate based on the applicable statutory requirements. No additional hearings are required because of the "double majority" status of the petitioners. 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



Dan Zinzer
Director

BUSINESS AND COMMUNITY SERVICES

October 29, 2009

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

Board of Commissioners
Clackamas County

Members of the Board:

**BOARD CONSIDERATION OF 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. Attached for the Board's consideration is a staff report regarding the criteria under Metro Code 3.09 for this type of boundary change and related analysis. Also attached is a proposed board order approving annexation. If the Board does not approve of the Petition, the proposal ends. If the Board does approve the Petition a second hearing must be held, currently scheduled for the December 10 Business Meeting, to receive remonstrances regarding the scope of the election. The Board would order an election to be held, either just within the affected area of Tualatin or, if remonstrances are received, within the District as well, at the December 10 meeting. Attached for review is (i) boundary expert staff report, (ii) the proposed board order tentatively approving the annexation with proposed findings regarding the proposal (Exh. A of BO), (iii) a map of the proposed annexation area (Exh B of BO), and (iv) the Petition from Tualatin.

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,

Dan Zinzer
Director

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




Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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

October 29, 2009

Board of Commissioners
Clackamas County

Members of the Board:

A Resolution Amending the Code Compliance Philosophy, Policies and Compliance Priorities

Please find attached a resolution amending the existing Code Compliance Philosophy, Policies and Compliance Priorities.

This issue and background information was discussed previously at a study session on October 6, 2009. The Code Compliance program policies were initially adopted by Resolution of the Board of Commissioners in 2003. As this program is a "work in progress," adjustments are made periodically and adopted by Resolution.

This specific resolution will rescind our 10-year policy. Under that policy if an owner, subject to code enforcement action, can show through credible proof that their violation had existed for more than 10 years from the date of a compliant and was not health, life or safety related, for enforcement purposes that violation would fall into a low priority status and no further action would be taken by the County. By rescinding this policy, no matter how long a violation has existed, it will be subject to code requirements or a land use permitting process.

After careful consideration, it has been determined that it is in the best interest of the public to amend the existing Code Compliance Philosophy, Policies and Compliance Priorities and rescind this 10-year policy. County Counsel has reviewed this amendment and is in concurrence.

RECOMMENDATION

Staff respectfully requests that the Board of County Commissioners approve the attached resolution to amend the Code Compliance Philosophy, Policies and Compliance Priorities.

Sincerely,

Scott Caufield
Building Codes Administrator

For more information on this issue please contact Scott Caufield at 503 742 4747

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

A RESOLUTION AMENDING THE
CODE COMPLIANCE PHILOSOPHY,
POLICIES, AND COMPLIANCE
PRIORITIES



RESOLUTION NO. _____

WHEREAS, the Board of County Commissioners (BCC) must periodically make policy decisions regarding which violations of the County Code will be enforced and their level of priority, and does so according to philosophical and policy considerations that result in the prioritizing of categories of violations; and

WHEREAS, these decisions of the BCC are memorialized in writing in the Code Compliance Philosophy, Policies and Compliance Priorities that form a companion document to the Clackamas County Code; and

WHEREAS, the BCC has found that it is in the best interest of the public at this time to amend the existing Code Compliance Philosophy, Policies and Compliance Priorities to reflect the County's most current goals and practices in code compliance matters, and to respond to the changing landscape of the laws, our communities and County resources; and

WHEREAS, the members of the BCC reached consensus on which amendments are appropriate after lengthy discussions with County staff, and after careful consideration; and

WHEREAS, the 10-year policy under the Operational Issues and Policy provisions of the Code Compliance Program has been determined by the BCC, in the best interest of the public, that said policy be rescinded;

NOW, THEREFORE, the Board of County Commissioners resolves that the Code Compliance Philosophy, Policies and Compliance Priorities be amended, effective immediately, as shown on Exhibit A.

ADOPTED this _____ day of October 2009.

By the BOARD OF COUNTY COMMISSIONERS

Lynn Peterson, Chair

Mary Raethke, Recording Secretary



COPY

Cindy Becker
Director

Department of Human Services

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

October 29, 2009

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Revenue Agreement with the State of Oregon
acting by and through its Oregon Department of Human Services
for the My Future My Choice Program Services**

The Office for Children and Families of the Department of Human Services requests the approval of an Intergovernmental Revenue Agreement with the State of Oregon acting by and through its Oregon Department of Human Services (DHS) for the My Future My Choice program services. My Future My Choice is a comprehensive sexuality education curriculum whose goal is to provide middle school students with tools to resist social and peer pressure to become sexually involved before they are ready. Services under this agreement include complying with program requirements utilizing provided materials and recruit and provide staff and volunteers to fulfill the role of coordinator and teen leaders. This also provides communication concerning all aspects of the program to support the work of the coordinator and teen leaders and to work with schools to identify health educator/teacher.

Total amount of this agreement is \$8,205.83. Funds are budgeted in the My Future My Choice grant stream for fiscal year 2009-2010 to cover this agreement. No County General Funds are involved. This agreement is effective upon acceptance by all parties and will terminate September 29, 2010. This contract has been approved by Kim Ybarra-Cole at County Counsel on October 15, 2009.

Recommendation:

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

Respectfully submitted,

Cindy Becker
Director

For information on this issue or copies of attachments
Please contact Deanna Mulder at (503) 650-5675

Phone: (503) 650-5697 • Fax: (503) 655-8677 www.clackamas.us