<table>
<thead>
<tr>
<th>Time</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30 a.m.</td>
<td>1. Board of Commissioners and Leadership Staff Communication</td>
</tr>
<tr>
<td>(15 min.)</td>
<td></td>
</tr>
<tr>
<td>8:45 a.m.</td>
<td>2. 2019 State Legislative Update</td>
</tr>
<tr>
<td>(30 min.)</td>
<td>-Jonathan F. Schlueter, Government Relations Manager; &amp; Jeff Newgard, PacWest Lobbyist</td>
</tr>
<tr>
<td>9:15 a.m.</td>
<td>3. Solid Waste &amp; Recycling Rate Changes</td>
</tr>
<tr>
<td>(15 min.)</td>
<td>-Marni Kuyl, Director of Health and Human Services; and Theresa Koppang, Solid Waste Management Supervisor</td>
</tr>
<tr>
<td>9:30 a.m.</td>
<td>4. Metro Regional Affordable Housing Bond Program – Phase I Project and Future Pipeline</td>
</tr>
<tr>
<td>(20 min.)</td>
<td>-Komi Kalevor, Director of Housing Services; and Shannon Wilson, Housing Development Coordinator</td>
</tr>
<tr>
<td>9:50 a.m.</td>
<td>5. Emergency Communications System Project Update</td>
</tr>
<tr>
<td>(15 min.)</td>
<td>-Don Bohn, Assistant County Administrator; and Kirby Johnson, Deputy County Administrator</td>
</tr>
<tr>
<td>10:05 a.m.</td>
<td>Break – 10 Minutes</td>
</tr>
<tr>
<td>10:15 a.m.</td>
<td>6. Ordinance No. 852 (Grading Code)</td>
</tr>
<tr>
<td>(15 min.)</td>
<td>-Andy Back, Planning and Dev Svcs Mgr; Jennifer Pitner, Principal Planner, Site Development; and Jacquilyn Saito-Moore, Sr. Assistant County Counsel</td>
</tr>
<tr>
<td>10:30 a.m.</td>
<td>7. Long Range Planning Issue Paper 2019-02: Status Report on County Regulation of Recreational Marijuana</td>
</tr>
<tr>
<td>(20 min.)</td>
<td>-Stephen Roberts, Interim Director; Theresa Cherniak, Principal Planner; and Todd Borkowitz, Associate Planner</td>
</tr>
<tr>
<td>10:50 a.m.</td>
<td>8. Bicycle Facility Selection for Four Upcoming Road Projects</td>
</tr>
<tr>
<td>(30 min.)</td>
<td>-Stephen Roberts, Interim Director of Land Use and Transportation; and Joe Younkins, Capital Project Services Manager</td>
</tr>
<tr>
<td>11:20 a.m.</td>
<td>9. CAO Hiring – Board Process Initial Conversation</td>
</tr>
<tr>
<td>(30 min.)</td>
<td>-Chair Kathryn Harrington; and Steve Sanford, HR Manager</td>
</tr>
<tr>
<td>11:50 a.m.</td>
<td>10. Executive Session (ORS 192.610(2)(d))</td>
</tr>
<tr>
<td>(10 min.)</td>
<td>-Don Bohn, Asst County Administrator; and Steve Sanford, HR Manager</td>
</tr>
<tr>
<td>12:30 p.m.</td>
<td>RECONVENE AT PSB LOBBY</td>
</tr>
<tr>
<td>(3 hours)</td>
<td>11. Design and Construction Standards Briefing and Tour</td>
</tr>
<tr>
<td>End Time:</td>
<td>3:30 p.m.</td>
</tr>
<tr>
<td></td>
<td>-Clean Water Services - Utility Operations and Services</td>
</tr>
</tbody>
</table>
### WORK SESSION

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**Work Session Date:** June 11, 2019  
**Length of Time Requested:** 30 minutes

**Title of Topic:** 2019 STATE LEGISLATIVE UPDATE  
**Department:** CAO-Intergovernmental Relations  
**Presented by:** Jonathan F. Schlueter, Government Relations Manager; & Jeff Newgard, PacWest Lobbyist

**LIST OF ADDITIONAL DOCUMENTS OR PRESENTATIONS:**
- Washington County 2019 State Legislative Report (6/11) – *will be available at work session*
- HB3431-4 BCC Pledge of Support
- Coalition Letter of Support for Health Care Modernization

**PURPOSE & DESIRED OUTCOME:**

In a continuing effort to update and inform the BCC on the status of key issues and interests listed in the 2019 State Legislative Agenda, the Government Relations team will report on the current status and outlook for legislation that supports and compliments the County’s 2019 State Legislative Agenda, and those that do not. These reports are currently scheduled every two weeks, throughout the state’s 80th legislative session.

Desired Outcome: To give the Board and senior County staff a clear understanding of key legislative issues currently before the Oregon legislature; identify opportunities for Commissioners to engage directly with state lawmakers; and provide the Government Relations team with guidance and directives when addressing these issues on behalf of the County.

**POLICY QUESTIONS FOR THE BOARD TO CONSIDER:**

None

**SUMMARY OF TOPIC:**

Throughout the 2019 Oregon legislative session, the County’s Government Relations staff and political advisors from PacWest Communications have provided regular reports on the status of House and Senate bills identified as priority interests of the BCC, County Administration and Departments; allied organizations and jurisdictions. This week’s report will be the final update and status of key legislation in the remaining weeks leading to sine die. Commissioners will be asked to provide direction to the Government Relations team on key legislative issues and funding opportunities in the final days of the 160-day long session.
May 31, 2019

Rep. Barbara Smith-Warner
H-286 900 Court Street N.E.
Salem, Oregon 97301

Representative Smith-Warner:

Re: Washington County’s Support For HB 3431A---Food Vending Services In Public Facilities

Thank you for your thoughtful consideration of HB 3431A, during recent hearings of the House Rules Committee, and for the strong support that bill received (57-3) when you carried the bill on the floor on May 28.

You have already provided your colleagues with an extensive list of public facilities and venues that will continue to give priority and preferential consideration to blind concessionaires and food vending services, including our state capitol, county courthouses, city halls, civic centers, public libraries, police and fire stations, parks and ranger stations, and more. But you had also asked Washington County for a pledge of support for blind food service businesses and their workers operating in these public facilities.

On the same day you carried HB 3431A to the House floor, Washington County's (5-member) Board of Commissioners unanimously approved the following statement and asked me to respond to your request.

"Washington County understands and supports the need to provide employment and contracting opportunities to blind persons. This is entirely consistent with our commitment to diversity, equity and inclusion in public contracting and employment. We look forward to continued conversation with the Commission for the Blind and local business owners to find ways we can support their mission, while also supporting the DEI goals of the County in other public facilities."

I will also be submitting this pledge to OLIS as part of the official record for this bill, as it moves to the Senate Rules Committee, and will present this statement for the record if I am given the opportunity to testify next week.

Thank you again for your consideration and support of HB 3431A, and contact me at any of the listings shown below if I can be of further assistance.

Jonathan Schlueter

Government Relations Manager
Washington County
115 N. First Avenue, Suite 300
Hillsboro, Oregon 97124
(503) 846-4441 (office direct)
(503) 679-0621 (cell and text)
jonathan.schlueter@co.washington.or.us
June 3, 2019

To: Joint Committee on Ways and Means Co-Chairs Representative Rayfield, and Senators Steiner-Hayward and Johnson

Re: Investments in Public Health Modernization – SB 5525

As you put together the finishing touches on the budget for 2019-21 consider additional investments in the state, local, and tribal public health system through Public Health Modernization in the Oregon Health Authority budget, SB 5525.

An investment of $35 million in 2019-21 would build a safer, more resilient, and better prepared Oregon. It will continue to focus on the phase 1 priorities of responding to communicable disease and environmental health threats, addressing health disparities, and addressing systemic barriers such as lack of access to population health data.

A $35 million 2019-21 investment will increase capacity in the Public Health Division, 33 local public health authorities, and tribal health services across Oregon; ensuring that all Oregonians and Tribal Members are better protected.

Investing in modernizing Oregon’s public health system will buy a prevention infrastructure that:

- Reduces communicable disease outbreaks especially in vulnerable communities including seniors
- Works to stop the spread of sexually transmitted infections. Oregon saw 5,022 gonorrhea cases, 18,633 chlamydia cases and 557 syphilis cases reported in 2017
- Increases 2-year old immunization rates through partnerships with clinics
- Identifies and addresses health disparities across Oregon.

The following organizations are asking for consideration of this request: Association of Oregon Counties, Care Oregon, Children First for Oregon, Clackamas County, Lane County, Multnomah County, NARAL Pro-Choice Oregon, Oregon AFSCME, Oregon Coalition of Local Health Officials, Oregon Nurses Association, Oregon Public Health Association, and Washington County.

For more information, please contact Morgan Cowling, CLHO Executive Director
morgan@oregonclho.org  I  503-329-6923  I  oregonclho.org
SOLID WASTE & RECYCLING RATE CHANGES

Department: Health and Human Services

Presented by:
Marni Kuyl, Director
Theresa Koppang, Solid Waste Management Supervisor

LIST OF ADDITIONAL DOCUMENTS OR PRESENTATIONS:
• Handout summarizing annual garbage and recycling collection rate review results and proposed rate increases.

PURPOSE & DESIRED OUTCOME:
To provide the board an overview of the 2018 annual garbage and recycling collection rate review analysis and proposed rate increases for all lines of service — residential, commercial and drop box.

Desired outcome: Your board authorizes an action item for the June 25, 2019, meeting to consider approval of the proposed solid waste and recycling collection rates that would include incorporating the current interim rate surcharges, adopted in 2018, into permanent monthly collection rates.

POLICY QUESTIONS FOR THE BOARD TO CONSIDER:
Should garbage and recycling rates be increased to achieve a 10% return on revenue? Are the proposed rates fair, just and reasonable? Should the 2018 rate surcharges continue on an interim basis or be made permanent and included in the regular monthly collection service rates?

SUMMARY OF TOPIC:
Washington County Solid Waste Control Code 8.04 provides authority for the Washington County Board of Commissioners to approve garbage and recycling collection rates charged by all private collection companies regulated by the code. Decisions as to the appropriateness of the proposed rate structure are based on the certificated haulers’ 2018 financial reports containing information on the revenues and costs associated with collection service.

Garbage and recycling collection rates are set for the entire system based on a measure of profitability, or return on revenue, typically of 10%. The system achieved an 8.76% return on revenue in 2018. Additional revenue through a rate increase would be needed to achieve a 10% return on revenue for the next 12-month period.

In 2018, interim recycling processing surcharges were approved to provide sufficient revenue to cover the unprecedented costs that were the result of significant recycling commodity market disruptions. Higher recycling processing costs resulted from many factors, including the loss of access to recycling markets in China, which was the largest buyer of recycled materials.

(continued)
SUMMARY OF TOPIC:
The ongoing high cost of processing curbside recycling and other increased costs such as insurance, labor, maintenance, and new truck purchases contribute to the need for the proposed rate increases.

The annual rate review information will be reviewed by the Solid Waste Advisory Committee at its June 13, 2019 meeting.
June 11, 2019 Board Work Session

Handout – 2018 Solid Waste and Recycling Collection Rate Review

Findings for 2018 Rate Review and Rate Increase Proposal


<table>
<thead>
<tr>
<th>% OF TOTAL REVENUES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste, 35.3%</td>
</tr>
<tr>
<td>Aloha, 25.6%</td>
</tr>
<tr>
<td>Garbarino, 7.3%</td>
</tr>
<tr>
<td>Walker, 17.4%</td>
</tr>
<tr>
<td>Pride, 14.4%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
</tr>
<tr>
<td>$31,628,471</td>
</tr>
<tr>
<td>Income (Profit)</td>
</tr>
<tr>
<td>$2,769,353</td>
</tr>
<tr>
<td>ROR*</td>
</tr>
<tr>
<td>8.76%</td>
</tr>
</tbody>
</table>

*Return on Revenue (ROR) or measure of profitability = income divided by revenue.

Each line of service also generated an ROR, shown below.

<table>
<thead>
<tr>
<th>ROR, as adjusted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>8.58%</td>
</tr>
<tr>
<td>Commercial</td>
</tr>
<tr>
<td>9.13%</td>
</tr>
<tr>
<td>Drop Box</td>
</tr>
<tr>
<td>9.00%</td>
</tr>
<tr>
<td>TOTAL ROR</td>
</tr>
<tr>
<td>8.76%</td>
</tr>
</tbody>
</table>

Recommendations: Given an overall Rate Review Group ROR of 8.76%, and a target ROR of 10%, a general rate increase is proposed for these collection services:

1) A 1.58% general rate increase for residential and commercial can/cart customers, a .96% increase for commercial container customers, and a 1.11% increase for drop box collection customers, to reset the composite ROR to 10%.
2) Generally, all other rates and service levels remain unchanged.
Further, staff recommends that the rate changes outlined above become effective July 1, 2019, upon approval by the Washington County Board of Commissioners.

Adjusting the residential collection ROR to 10% will generate an additional $319,675 in revenue. Meeting this revenue goal requires a rate increase of 1.58%, or $.36 per typical 32-gallon can/cart customer.

Adjusting the commercial container collection ROR to 10% will generate an additional $58,568 in revenue. Meeting this revenue goal requires a rate increase of .96%.

Adjusting the drop box/compactor collection ROR to 10% will generate an additional $58,972 in revenue. Meeting this revenue goal requires a rate increase of 1.11%.

2018 Surcharge
Due to ongoing market restrictions, staff is also proposing that the interim recycling processing surcharges that were adopted in 2018 be made permanent. Further, it is proposed that the surcharge be included within the monthly collection rates and not shown as a separate line on customer bills.

Timeframe for rate adjustments:
Staff proposes to use a 12-month period to collect the needed new revenue from the higher rates to achieve the 10% target ROR, as we did last year. In past years, rates have been set to achieve the 10% target ROR in only six months (by year end). This had the effect of doubling the rate increase needed to reach the target ROR, since the increase in revenue would need to be collected in half the time.

For example, to achieve the target 10% ROR in six months would require a doubling of the proposed monthly rate increases beginning July 1; the 1.58% increase would be doubled to 3.16%, and the proposed monthly rate increase of 36 cents would become 72 cents. Using a 12-month period tends to lead to smaller, albeit more frequent, rate increases.

Setting rates effective July 1, 2019 to achieve the target 10% ROR by December 31, 2109, tends to lead to either the hauler or rate payer receiving more than was needed in the following year. This leads to large swings in rate increases or decreases.

- Achieving a 10% ROR from either rate increases or rate decreases has led to a more dramatic need for rate increases/decreases after the rate has been in effect for a full year.
  - In 2014, a large rate increase went into effect. This led to a dramatic overcollection of revenue for the next three years and the carrying forward balances of excess revenue to offset future years.
- Moving to a 12-month period tends to lead to smaller rate increases.
  - Typically, large swings in either underearning or overearning do not occur.
  - For example, instead of needing a 10% rate increase every third year, the rate payer would likely see 2% yearly rate increases.
- Using a 12-month timeframe for rate adjustments creates a more transparent rate process/methodology, and is generally easier to understand.
- Over time, the timeframe to achieve the target ROR won’t make a difference since a full 12 months of any prior rate increase will be factored into the next year’s rate review analysis.
METRO REGIONAL AFFORDABLE HOUSING BOND PROGRAM – PHASE I PROJECT AND FUTURE PIPELINE

Purpose & Desired Outcome:
To brief the Board of Commissioners on Washington County’s Phase I project located in the city of Tigard. A Phase I project can be reviewed and approved by Metro Council prior to the approval of the Local Implementation Strategy (LIS) and execution of an Intergovernmental Agreement (IGA) between the County and Metro. Staff will also brief the Board on two additional projects in the pipeline which may be eligible for Metro Affordable Housing Bond funding after the LIS and IGA have been approved by Metro and the County.

Policy Questions for the Board to Consider:
- Does the Phase I project meet affordable housing unit production targets identified by the Metro Bond Framework?
- Should Washington County recommend the Tigard Project which is being developed by Community Development Partners (CDP) to Metro for approval as a Phase I project?

Summary of Topic:
Approved by voters in November 2018, the Metro Affordable Housing Bond allocated $188 million for the development of 1,316 affordable housing units within Washington County. Washington County is one of three implementing jurisdictions within the county with a goal of developing 814 of the 1,316 affordable housing units.

Each implementing jurisdiction can recommend one affordable housing project directly to Metro Council for approval as a Phase I project, prior to approval of the LIS and execution of an IGA. The project being brought forward as the County’s potential Phase I project provides 80 units of affordable housing in Tigard and meets all Metro Bond Framework requirements. It is proposed as a partnership between Community Development Partners and Housing Authority of Washington County on a site within the Tigard Triangle and SW Corridor area. This is an area primed for redevelopment and future investment.
Washington County Affordable Housing Bond Phase I Project

Washington County Board of Commissioners
June 11, 2019

Komi Kalevor, Executive Director
Shannon Wilson, Housing Development Coordinator
Housing Authority of Washington County
Tigard Triangle Affordable Housing

- Located at SW 72\textsuperscript{nd} & Baylor
- In the Tigard Triangle URA and SW Corridor
Tigard Triangle Affordable Housing
Tigard Triangle Affordable Housing

1st Floor: 6,660 sf
2nd - 6th Floors: 15,320 sf
Total: 83,260 sf
+ 3,000 sf courtyard
### Tigard Triangle Affordable Housing

<table>
<thead>
<tr>
<th>Goal</th>
<th>Metro Framework</th>
<th>Tigard Triangle Housing</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Units</td>
<td>814</td>
<td>80</td>
<td>734</td>
</tr>
<tr>
<td>30% MFI Units</td>
<td>334</td>
<td>33</td>
<td>301</td>
</tr>
<tr>
<td>2, 3, and 4 bedroom Units</td>
<td>407</td>
<td>55, 2-bdrm</td>
<td>352</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10, 3-bdrm units</td>
<td></td>
</tr>
</tbody>
</table>
Leading with Racial Equity

During Development
- MWESB
- Work force Training
- Community Engagement

During Lease–up and Operations
- Screening Criteria
- Outreach and Project Marketing
- Programming
## Tigard Triangle Affordable Housing – Funding and Timeline

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4% Low Income Housing Tax Credit</td>
<td>$10,199,013</td>
</tr>
<tr>
<td>Permanent Loan</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Deferred Developer Fee</td>
<td>$989,364</td>
</tr>
<tr>
<td>Metro Bond</td>
<td>$11,440,000</td>
</tr>
<tr>
<td><strong>Total Fund Sources</strong></td>
<td><strong>$28,803,377</strong></td>
</tr>
</tbody>
</table>

### Timeline

- **June 2019** – Site Acquisition
- **June 2019** – Preliminary Metro Approval
- **November 2019** – Permit Submittal
- **June 2020** – Construction Start
- **September 2021** – Construction Completion
1. 68 units in Cedar Mill
   - Developer has site control
   - High Opportunity Area
   - Proposed unit mix: 33 one-bedroom units; 32 two-bedroom units; 3 three-bedroom units

2. 36 units in Forest Grove
   - Developer has site control
   - High Opportunity Area
   - Proposed unit mix: 8 one-bedroom units; 22 two-bedroom units; 6 three-bedroom units
Overview - Tigard Triangle Affordable Housing
Washington County Proposed Phase I Metro Bond Project

Community Development Partners (CDP) has site control of three parcels in the Tigard Triangle Urban Renewal Area which will be purchased in June-October 2019. The site is in an ideal location in the heart of the Tigard Triangle URA within 0.2 miles of a major grocery store. The site is also 0.2 miles from Hwy 99W which has access to multiple bus lines and a multitude of services and employment opportunities. CDP plans to develop 80 units of permanent affordable housing in partnership with the Housing Authority of Washington County (HAWC).

Anticipated unit mix is illustrated in the chart below:

<table>
<thead>
<tr>
<th>Unit Size</th>
<th># of Units</th>
<th>Units at 30% MFI</th>
<th>Units at 60% MFI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>25</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>45</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>10</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>80</strong></td>
<td><strong>33</strong></td>
<td><strong>47</strong></td>
</tr>
</tbody>
</table>

16 of the 33 units serving households at 30% MFI are anticipated to have rental subsidy from HAWC. This may include eight Project-Based Section 8 Vouchers and eight Veterans Affairs Supportive Housing (VASH) Vouchers. The project will include 64 parking spaces, indoor community space and exterior gardens.

CDP would like to partner with the Housing Authority of Washington County (HAWC) in a Co-General partner relationship for the purpose of securing a real property tax exemption.

Approach
CDP is working with the Center for Public Interest Design (CPID) during the early design phase of the project. The Center for Public Interest Design is a research and action center at Portland State University that aims to investigate, promote, and engage in inclusive design practices that address the growing needs of underserved communities worldwide. Through research and design, fieldwork, and public outreach, CPID promotes a mode of practice that is socially conscious, environmentally sustainable, and economically accessible to all.

CDP has engaged CPID to lead the asset-based development outreach and research. This research identifies existing resident-serving assets that are in the surrounding community as well as identifying needs that are not being met by those existing assets. The process involves utilizing PSU Master of Architecture students and CPID staff for on the ground outreach. The PSU-OHSU School of Public Health is also often involved in creating a community health needs assessment. The entire process produces an in depth understanding of the community’s assets and needs that can then be utilized to inform the concept and design of CDP’s project. The end
result is a project that has been thoughtfully designed and provides the greatest benefit to the community.

Services
Services will be provided by EngAGE, a nonprofit that seeks to transform affordable apartment communities into vibrant centers of learning, wellness and creativity through programs in well-being, arts, lifelong learning, community-building and civic engagement. Its signature arts program, EngAGE in Creativity, is a community-based multi-disciplinary arts program taught by professional artists, providing free college-level arts and creativity classes, programs and events to low- and moderate-income residents. The program is delivered on-site at the communities and is considered one of the best practice models in the country, having been funded for expansion by two major philanthropy organizations. The continuing mission of EngAGE is to create healthier environments that translate into significant improvements in health and quality of life.

CDP has experience successfully supporting residents who require PSH services and we are eager to build this capacity in Washington County. CDP will also work with the Washington County Housing Authority to determine how to support tenants who need additional support to maintain their housing.

Minority Women and Emerging Small Business (MWESB) Approach
CDP is working with the architect and contractor to set project specific goals. CDP’s goals are to achieve a minimum of 20% MWESB participation on construction and professional services with a focus on Minority and Women Owned Business.

Timeline
June 2019 – Site Acquisition
July 2019 – Preliminary Metro Approval
January 2020 – Permit Submittal
June 2020 – Construction Start
September 2021 – Construction Completion
May 2022 – Lease Up Completion

Project Team
Developer and Co-GP: Community Development Partners
Co-GP: Washington County Housing Authority
Architect: Scott Edwards Architects
General Contractor: Bremik Construction
Work Session Date: June 11, 2019  
Length of Time Requested: 15 minutes

Title of Topic: EMERGENCY COMMUNICATION BOND UPDATE  
Department: CAO

Presented by:  
Don Bohn, Assistant County Administrator  
Kirby Johnson, Deputy County Administrator

LIST OF ADDITIONAL DOCUMENTS OR PRESENTATIONS:  
1. Presentation  
2. Memorandum of Understanding – WCCCA and Washington County

PURPOSE & DESIRED OUTCOME:  
Provide an update of the construction progress related to the Emergency Communications System upgrade project and the expenditure of County Bond funds. Review the purpose of the Bond Measure, the goals of the project, and the status of the project.

POLICY QUESTIONS FOR THE BOARD TO CONSIDER:  
N/A

SUMMARY OF TOPIC:  
The Washington County Consolidated Communications Agency (WCCCA) Emergency Communications System upgrade project is funded by a general obligation bond passed by voters in May 2016. The Infrastructure (towers, radios, digital technology) construction portion of the project has been ongoing for over two years and is progressing smoothly. Construction of the new dispatch center is in the design phase with a bid process scheduled for this summer and construction commencing soon thereafter. This project is a partnership between Washington County and the nineteen user members of WCCCA.
911
Emergency Communications System Bond
June 2019 Update
When the public calls 911 for help, Washington County’s emergency communications system is used to dispatch first responders countywide.
Who is WCCCA?

- Banks Fire District No. 13
- City of Banks
- City of Beaverton
- City of Cornelius
- City of Durham
- City of Forest Grove
- City of Gaston
- City of Hillsboro
- City of North Plains
- City of Sherwood
- City of Tigard
- City of Tualatin
- Cornelius Fire Department
- Forest Grove Fire & Rescue
- Gaston Rural Fire District
- King City

- Tualatin Valley Fire & Rescue
- Washington County
- Washington County Fire District No. 2

- Also used by partner agencies such as:
  - Hospitals
  - Life Flight Network
  - MetroWest Ambulance
  - School districts
  - Public works departments/agencies

- The system is operated by the Washington County Consolidated Communications Agency (WCCCA) an independent agency organized under ORS 190.
What is the emergency communications system?

The system is comprised of radio equipment, towers and buildings, radios, fire station alerting systems, and other technology.

The system allows first responders to:

- Coordinate
- Request backup
- Get aid to victims
Capital Project Goals

• Convert existing system to current technology
• Improve countywide coverage by installing more towers
• Strengthen facilities for earthquakes, storms and other emergencies
• Replace approximately 3,000 analog radios used by first responders
• Provide an improved 911 dispatch center
  • Essential facility
  • Built for potential growth and technology change

Essential facility
Built for potential growth and technology change
Bond Measure

• Washington County’s unique position to sponsor/manage Bond measure
• In May 2016, voters approved $77 million for capital improvements to emergency and 911 facilities
Project Highlights

• **Revenues**
  - $77 million approved by voters
  - $11.3 million premium
  - $2.7 million interest  
    (Total Resources = $91 million)

• **Expenses**
  - Infrastructure - $48 million
  - Radios- $12.2 million
  - Dispatch Center - $24.8 million
  - Blanton - $6 million  
    (Total Expenditures = $91 million)
# Expenditures Status (5/19)

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Expenditures</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Infrastructure</strong></td>
<td>$48,000,000</td>
<td>$26,900,000</td>
<td>$21,100,000</td>
</tr>
<tr>
<td><strong>Radios</strong></td>
<td>$12,200,000</td>
<td>$9,500,000</td>
<td>$2,700,000</td>
</tr>
<tr>
<td><strong>Dispatch Center</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Soft Costs</td>
<td>$3,300,000</td>
<td>$600,000</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>- Construction</td>
<td>$19,600,000</td>
<td>0</td>
<td>$19,600,000</td>
</tr>
<tr>
<td>- Land</td>
<td>$1,940,000</td>
<td>$1,940,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>Blanton</strong></td>
<td>$6,000,000</td>
<td>$6,000,000</td>
<td>0</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>$91,040,000</td>
<td>$45,000,000</td>
<td>$44,040,000</td>
</tr>
</tbody>
</table>
WCCCA - 5900 NW Pinefarm Place, Hillsboro

- 6 Acres
- Located in City of Hillsboro
- Situated between Cornelius Pass Rd and Brookwood Pkwy
- Zoned Industrial-Park (I-P)
Bond Oversight

- Monthly WCCCA Chief Executive Officer Board meetings
- Quarterly WCCCA Board meetings
- Periodic updates to BOC and approval of agenda items and budget
- Memorandum of Understanding outlining project management and spending approval processes
  - All approvals funneled through the CAO
Questions?
Washington County
Contract Review Committee Worksheet

Contract # CA16-0714

Assigned by Purchasing

Blanket Purchase Order Number

Types: CA - County Administrator Executes  BCC - Board of Commissioner Executes

NOTE: Please review all instructions on the back of this worksheet before you begin processing.

1. Warrand Ship To: CAO  2. Date: 6/15/16
                      CAO
5. Type of Contract:  
   (I) Intergovernmental Agreement  (G) Purchase of Goods  (C) Construction
   (P) Personal/Professional Services  (L) Lease Agreement  (S) Services
   (A) Amendment/Change Order (list original contract number: _________)
   (O) Other MOU

6. Minute Order Number / Board Meeting Date: _____ / _____  Bid/RFP # _____  NIGP Category # _____

7. Description of Contract: Agreement between WCCCA and County to manage the spending of Emergency Comm Sys Upgrade bond funds

8. Contractor, Lessor, Supplier Name: Washington County Consolidated Communications Agency (WCCCA)  WARD Supplier# 11412

9. Is the contract for a sub-recipient of Grant funds? YES ☐ NO ☐  If Yes attach a copy of the Grant Pre-Award Risk Assessment Form

10. Effective Date: 07/01/16  11. Termination Date 12/31/19

13. Total of Previous Amendments: $____  17. Expenditure $____
14. This Amendment: $____  18. Chargeable Program #: _____
15. Total Amount of Contract: $0

19. Source of Funds: NA  20. Payment Terms (monthly installments, progress payments, etc.): NA

Check Off List for Attachments in Order of Appearance:
☐ 2 copies of the Board Agenda item and Minute Order number for this agreement (if one is applicable)
☐ 2 copies of Insurance Certificates naming the County as Additional Insured, or include Attachment D with every contract
☒ A minimum of three (3) copies of the Contract, all with original contractor's signature(s)
☐ 2 copies of either the Quote Sheet OR Justification Selection Memo
☐ One copy of the Invitation to Bid (ITB) document OR Request for Proposal (RFP) document
☐ One copy of the contractor's Proposal (RFP) or contractor's Response (Bid)
☐ A Performance and Payment bond (if applicable)
☐ One copy of the Grant Pre-Award Risk Assessment Form (if applicable)

Contract Administrator certifies that no changes have been made to the attached County standard contract.

Contract Administrator's Signature

22. Signature Routing:  1. Department/Division Head: ___________  Date: 4/20/16
      ___________  2. Purchasing Supervisor: ___________  Date: 1/22/16
      ___________  3. County Counsel: ___________  Date: 6/23/16
      ___________  4. County Administrative Office: ___________  Date: 6/23/16

Rev 1/26/16
Memorandum of Understanding

This agreement is entered into between the Washington County Consolidated Communications Agency (WCCCA) and Washington County (County). The agreement is for the period of July 1, 2016, through December 31, 2019, or the completion of the Emergency Communication System Upgrade Project, whichever is later.

The agreement defines the roles and responsibilities of the County and WCCCA during the planning, design, construction, implementation, and testing phases of the Emergency Communication System Upgrade Project. As the entity responsible for the bond funding, the County will retain management control and oversight of all bond related expenditures and compliance with laws, policies, debt covenants and procedures.

1. Scope of Work
The primary scope of the project is to replace the 911 emergency communications system. This includes but is not limited to, infrastructure hardening, additional communication towers, simulcast equipment, member radios, dispatch center building, land and infrastructure upgrades, master site equipment, system refresh/upgrade, generator, microwave backhaul, console equipment, fire station alerting systems, site alarms and monitoring, spares and materials, 48 VDC power system, contingency equipment, backup dispatch, test equipment, project management, paging, unified PTT, and logging recorder.

2. Role and Responsibilities
The overall project encompasses three discreet elements, including 1) Dispatch Center infrastructure improvements; 2) emergency communications system improvements; and 3) member radio replacement. County is responsible for overall project management and fiscal administration of all three elements with general oversight provided by a County Lead Project Manager (Sr. Deputy County Administrator). The County will also perform specific Capital Project Management functions related to the dispatch center infrastructure improvement element. WCCCA is responsible for capital project management of the emergency communications system upgrade and radio replacement elements through assigned staff representatives. Additional County and WCCCA staff will participate in the oversight and management teams detailed in section 3.

County Responsibility
a) Compliance and accountability related to the expenditure of bond proceeds.
b) Overall project management oversee to include; administrative and budget review and approval, financial tracking and reporting, and all other accounting and procurement compliance requirements.
c) Provide regular updates to the Board of Commissioners and WCCCA Executive Board.
d) Develop, approve and implement County comprehensive project plan, scope, calendar and cost estimates. Approve all change orders and scope modifications.
e) Provide lead role on the capital project management of the replacement and/or upgrade of the dispatch center, which is a County owned facility.
f) Collaborate with assigned WCCCA staff regarding the capital project management of the replacement/upgrade of the emergency communications system and radio replacement.
g) Ensure County procurement rules (see item 6) are followed for all elements of project implementation. Preapprove procurement processes and standard terms and conditions of contracts administered by WCCCA for the emergency communications system enhancements and radio replacement.

h) Review and approve all invoices and maintain project files, including copies of all invoices and contracts related to the project, for the term of any bond funding (including refunding bonds) plus three years.

i) Make approved disbursement of bond proceeds to WCCCA or County contractors for approved expenses.

j) To the extent WCCCA will use or have control over the uses of any components of the project during the outstanding term of the County bonds, the County will enter into an agreement with WCCCA, prior to the expiration of this agreement, requiring WCCCA to ensure that such uses remain consistent with the federal tax limitations on "private business use" of tax-exempt bond-funded projects.

WCCCA Responsibility

k) Comply with all bond requirements and County initiated processes and procedures.

l) Collaborate with the County to implement a comprehensive project plan, scope, calendar, and cost estimates. Present change orders and/or scope modifications to the County for consideration and approval related to the emergency communications system upgrade and radio replacement elements.

m) Provide lead role on the capital project management of the emergency communications upgrade and radio replacement elements. Interface directly with County lead project manager.

n) Ensure WCCCA procurement rules are followed for all elements of the project plan for which WCCCA is primary. Submit WCCCA procurement rules and standard terms and conditions for County approval prior to project commencement.

o) Maintain project files, including copies of all invoices and contracts related to the project, for the term of any bond funding (including refunding bonds) plus three years.

p) To the extent WCCCA will use or have control over the uses of any components of the project during the outstanding term of the County bonds, WCCCA will enter into an agreement with the County, prior to the expiration of this agreement, which requires WCCCA to ensure that such uses remain consistent with the federal tax limitations on "private business use" of tax-exempt bond-funded projects.

The County and WCCCA recognize the importance of this project and will commit the necessary resources to ensure its success.

3. Oversight/Management Teams
Three formal teams will collaborate to manage and execute the bond program as detailed below.

Executive Team (ET): To receive regular project updates, monitor progress, recommend scope, timeline and cost amendments to the County. Provide regular updates to the County Board of Commissioners and WCCCA Executive Board.

Participants: Assistant County Administrator for the County and Director of WCCCA
Leadership Team (LT): To coordinate day to day project management duties between County and WCCCA Project Management staff. Monitor project progress, financials and other compliance issues. Provide regular updates and make recommendations for scope, timeline and cost adjustments to the ET.

Participants: County Lead Project Manager, Assigned Facilities and Parks Division Project Manager and Assigned WCCCA Project Manager.

Project Administration Team (AT): To monitor and coordinate the administrative, finance, procurement and risk related elements of project delivery. Provide regular budget and financial updates to the LT and ET.

Participants: County Lead Project Manager, County Chief Finance Officer, County Controller, County Purchasing Supervisor, County Risk Manager, County Counsel and WCCCA Chief Finance Officer.

4. Bond Disbursement
The County will disburse bond funding based on the following
1. County approved project plans, scope of work, schedule, cost estimates and change orders.
2. Confirmed satisfactory and timely delivery, receipt or provision of approved goods or services.
3. Receipt and “approval to pay” of an invoice from the respective WCCCA and/or County Project Manager. Final approval by the Lead County Project Manager and County Chief Finance Officer (CFO).

5. Project Plan
A comprehensive project plan will be developed that includes detailed scope, deliverables, cost and timelines for the three primary elements of the project, including: 1) Dispatch Center Upgrade or Replacement (County led), 2) Emergency Communications System Upgrade (WCCCA led); and 3) radio replacement (WCCCA led).

6. Procurement Process
All vendors and suppliers will be selected through County approved purchasing rules and regulations. WCCCA procurement rules may be used for their designated deliverables if preapproved by the County.

For goods and services procured by WCCCA, any orders exceeding $100,000 will need County review and approval before order. The receipt of goods and services will be logged in a mutually agreeable tracking/accounting system. This will act as verification that services have been received prior to payment. Payment for goods and services will not be made until receipt can be confirmed. Once confirmed, the invoice will be routed through the approval process and paid accordingly.

WCCCA will promptly notify the County of any disputes with contractors or subcontractors.

7. Contract Standard Terms and Conditions
WCCCA Standard Terms and Conditions will be reviewed and approved by the County prior to commencement of the procurement processes managed by WCCCA. Any changes to the Standard Terms and Conditions must be preapproved by the County.

8. Change Orders
Change Orders that deviate from the agreed upon project scope, cost or timeline will be presented by the LT to the ET for consideration and approval. The County Board of Commissioners and WCCCA CEO Board will also be notified of such changes as appropriate through regular briefings.

9. Invoice Approval Process
Invoices received by WCCCA for the communications system and radio replacements must be approved by the Lead County Project Manager and County Chief Finance Officer before bond funding will be disbursed. WCCCA will submit the invoices to the Lead County Project Manager via email for review and approval. Once approved, the County Finance Division will process disbursement of applicable bond funds directly to WCCCA for payment to vendors. In order to maintain compliance with bond requirements, WCCCA shall not submit for an invoice review and approval unless it reasonably expects that it will make payments to the vendor on such invoice within five banking days after receiving bond funding for such expense. Invoices for the County portion of the project will follow normal County review and approval processes to include approval by Lead County Project Manager and the Chief Finance Officer.

10. Progress Reports
Regular updates will be provided to the County Board of Commissioners and the WCCCA CEO Board. Significant milestones for project completion will be established by the project team and transmitted to the County Board of Commissioners and WCCCA CEO Board for their information.

11. Assignment
The rights and obligations of each party under this Agreement may not be assigned in whole or in part without the prior written consent of all the Parties.

12. Amendment
The Agreement may be amended only by a written instrument signed by all Parties.

X
Kelly Dutra
WCCCA, Director

X
Don Bohn
Washington County, Asst County Administrator
CONTRACT AMENDMENT NO. 1

This amendment is made and entered into by and between, Washington County Consolidated Communications Agency (Contractor") and Washington County, a political subdivision of the State of Oregon ("County").

This amendment modifies that certain contract between the parties, the original contract number being CA 16-0714.

The contract is amended as follows:

The MOU is amended by adding Attachment A

Effective Date of Amendment: Nov. 1, 2016, or upon final signature, whichever is later.

All other terms and conditions of the original contract shall remain in full force and effect.

CONTRACTOR:

Signature: ______________________________

Date: 1-19-17

Telephone Number

______________________________

Email

WASHINGTON COUNTY:

Signature: ______________________________

Date: 2-7-17

Printed Name: Kelly Dutra
Title: Director

Printed Name: Don Bohn
Title: Asst. County Administrator
Attachment “A”
Transferred Assets

WCCCCA acknowledges that the assets, the ownership of which is being transferred from the County to WCCCCA (the “Transferred Assets”), were or will be financed through the issuance by the County of its general obligation bonds, the interest on which is exempt from federal income tax (the “Bonds”), and that WCCCCA must comply with certain restrictions on the uses of those assets in order to maintain the tax-exempt status of the Bonds. Specifically, WCCCCA agrees to comply with the following restrictions:

1.1 Ownership/Lease/Sale. While the Bonds remain outstanding, all of the Transferred Assets will be owned by the County, WCCCCA, or another state or local governmental unit and will not be owned by or leased to any person who is not a state or local governmental unit, unless such ownership or lease arrangement complies with the limitation on private use set forth below. The Transferred Assets are not expected to be sold or otherwise disposed of, in whole or in part, to a transforee that is not the County, a Related Party to, or an agent of, the County prior to the final maturity date of the Bonds.

1.2 No Private Loans. None of the proceeds of the Bonds are or will be used, directly or indirectly, to make loans to persons other than a state or local governmental unit while the Bonds remain outstanding. WCCCCA will not make any private loans from the proceeds of the Bonds unless WCCCCA has received the written approval from the County and an opinion of the County’s bond counsel that such private loan will not adversely affect the exclusion from gross income of interest on the Bonds for federal income tax purposes.

1.3 Limitations on Private Use. At all times while the Bonds remain outstanding, less than ten percent (10%) of either: (a) the aggregate amount of the proceeds of the Bonds used to pay costs of the Transferred Assets are used or expected to be used, directly or indirectly, in a trade or business carried on by a person other than a state or local governmental unit (“Private Use”) or (b) the present value of the aggregate debt service on the Bonds allocable to the Transferred Assets is, under the terms of the Bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for Private Use or in payments in respect of Transferred Assets used or to be used for Private Use or is to be derived from payments, whether or not to the County or WCCCCA, in respect of property or borrowed money used or to be used for Private Use. Payments by a person for use of proceeds do not include the portion of any payment that is properly allocable to the payment of ordinary and necessary expenses (as defined under Section 162 of the Internal Revenue Code of 1986, as amended) directly attributable to the operation and maintenance of the financed property used by that person. For this purpose, general overhead and administrative expenses are not directly attributable to those operations and maintenance.

1.4 Unrelated/Related Disproportionate Use. At all times while the Bonds remain outstanding, less than the lesser of $15,000,000 or five percent (5%) of either: (a) the proceeds of the Bonds used to pay costs of the Transferred Assets were or will be used, directly or indirectly, in the trade or business of a person other than a state or local governmental unit that is unrelated or related and disproportionate to the governmental use of the property being financed, including any private loan financing described above which meets this test or (b) the present value of the aggregate debt service on the Bonds allocable to the Transferred Assets is, under the terms of the Bonds or any
underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for Private Use or in payments in respect of property used or to be used for Private Use or is to be derived from payments, whether or not to the County or WCCA, in respect of property or borrowed money used or to be used for Private Use. For these purposes, proceeds of the Bonds are allocable to a disproportionate related Private Use to the extent that the proceeds of the Bonds which are to be used to finance property used by a nongovernmental person in a trade or business which is related to the governmental use of the property exceeds the proceeds of the Bonds which are to be used for the governmental use to which such Private Use relates.

1.5 Private Use Defined.

(A) Private Use consists of any contract or other arrangement including, without limitation, leases, management contracts, guarantee contracts, take or pay contracts, put or pay contracts, output contracts, research contracts, or naming rights contracts which provides for use of any portion of the Transferred Assets by a person or persons who are not state or local governments on a basis different than the general public. WCCA will not enter into any such contract or arrangement unless the WCCA has obtained the written approval from the County and an opinion of the County’s bond counsel that such contract or arrangement does not adversely affect the exclusion from gross income of interest on the Bonds for federal income tax purposes. None of the Transferred Assets are being financed for use by any specific user (other than the County or WCCA).

(B) Use by State or Local Governmental Units. The Transferred Assets may be used by or on behalf of a state or local governmental unit provided that there is no transfer or flow-through of such use to any person or entity carrying on any trade or business that does not constitute General Public Use (as defined in subsection (c) below).

(C) General Public Use. The Transferred Assets may be used by any person or entity, including any person or entity carrying on any trade or business, if such use constitutes “General Public Use.” General Public Use is any arrangement providing for use that is available to the general public at either (i) no charge, or (ii) on the basis of rates that are generally applicable and uniformly applied. For this purpose, rates may be treated as generally applicable and uniformly applied even if (i) different rates apply to different classes of users, such as volume purchasers, if the differences in rates are customary and reasonable, or (ii) a specially negotiated rate arrangement is entered into, but only if the user is prohibited by federal law from paying the generally applicable rates, and the rates established are as comparable as reasonably possible to the generally applicable rates.

(D) No Priority Rights or Other Preferential Benefits. No portion of the Transferred Assets will be used by any person or entity under any arrangement that conveys priority rights or other preferential benefits.

(E) 200 Days General Public Use Arrangements. The Transferred Assets may be used by any person or entity under any arrangement that is available to members of the general public and that does not otherwise convey priority rights or other preferential benefits if the term of the use under the arrangement, including all renewal options, is not greater than 200 days. For this purpose, a right of first refusal to renew use under the arrangement is not treated as a renewal option if (i) the compensation for the use under the arrangement is redetermined at generally applicable, fair market value rates that are in effect at the time of renewal, and (ii) the use of the financed property under the same or
similar arrangements is predominantly by natural persons who are not engaged in a trade or business.

(F) **50 Days Negotiated Arm’s-length Use Arrangements.** The Transferred Assets may be used by any person or entity under any arrangement (other than as an owner) for a term (including renewal options) not longer than 50 days, provided the arrangement is negotiated at arm’s-length, the compensation paid for the use is at fair market value and the Transferred Assets are not being financed for the principal purpose of such private trade or business use.

(G) **100 Days Limited General Public Use Arrangements.** The Transferred Assets may be used by any person or entity under any arrangement for use (other than as an owner) for a term (including renewal options) of no longer than 100 days, provided that the arrangement would be General Public Use except that it is not available on the same basis for use by natural persons because generally applicable and uniformly applied rates are not reasonably available to natural persons not engaged in a trade or business and the Transferred Assets are not being financed for the principal purpose of such private trade or business use.

(H) **Incidental Use Arrangements.** The Transferred Assets or any portion thereof may be used by any person or entity where the use is incidental if, except for vending machines, pay telephones, kiosks and similar uses, the use does not involve the transfer of possession and control of space separated from other areas of the facility by walls, partitions, barriers and the like, the nonpossessory use is not functionally related to any other use of such facility, by the same person (other than a different nonpossessory use) and all nonpossessory uses do not in the aggregate exceed 2½% of the Transferred Assets or such facility.

1.6 **Management and Operations Contracts.** The County, WCCCA, or a Related Party will manage and operate all the Transferred Assets. WCCCA is not, and does not expect to be, a party to any management contract with any person or entity for management services to be provided to the County or WCCCA at or with respect to the Transferred Assets. WCCCA will not enter into any such contract unless it consults with the County’s bond counsel to determine that such contract or amendment either (i) satisfies the requirements of a “qualified management contract,” the rules for which are currently embodied in Revenue Procedure 97-13, as amended and amplified, or, for contracts or arrangements entered into after August 18, 2017, satisfies the requirements described in Revenue Procedures 2016-44, as amended and amplified, or (ii) does not otherwise adversely affect the exclusion of interest on the Bonds from gross income for federal income tax purposes.

1.7 **Monitoring and Measurement of Private Activity.** WCCCA covenants to monitor the amount of Private Use at each of the Transferred Assets to ensure that the aggregate amount of such Private Use at all of the Transferred Assets will not exceed the applicable limits described herein. WCCCA has established or will establish procedures for monitoring the amount of Private Use at each of the Transferred Assets. WCCCA will cooperate with the County in any audit of the use of such assets.

1.8 **Change in Use.** While WCCCA does not expect that any of the Transferred Assets will be used in a manner that could cause the Bonds to become private activity bonds, in the event that circumstances change and a use is made of the Transferred Assets that could result in the Bonds becoming private activity bonds, WCCCA will consult with the County and the County’s bond counsel and will take any remedial actions required by Treasury Regulation §1.141-12.
1.9 **Document Retention.** WCCCA will retain all records necessary to establish the uses of the Transferred Assets until the date that is three (3) years after the latest of the date of final maturity of the Bonds, or the final maturity or redemption date of any obligations, or series of obligations, that refinance the Bonds. Such records include, but are not limited to all construction contracts or purchase orders, and invoices, detailing the costs paid from the proceeds of the Bonds and all contracts related to use of the Transferred Assets, including leases, management contracts, and services contracts that relate to the uses of the Transferred Assets.
WORK SESSION

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Work Session Date: June 11, 2019
Length of Time Requested: 15 minutes

Title of Topic: ORDINANCE NO. 852 (GRADING CODE)
Department: Land Use & Transportation
Presented by: Andy Back, Planning and Development Services Manager; Jennifer Pitner, Principal Planner, Site Development; Jacquilyn Saito-Moore, Sr. Assistant County Counsel

LIST OF ADDITIONAL DOCUMENTS OR PRESENTATIONS:
PowerPoint presentation

PURPOSE & DESIRED OUTCOME:
• Provide an informational briefing prior to formally requesting Board authorization to file a proposed ordinance that would amend the County’s Grading Code as noted below.

• Provide background information about the Grading Code in general and proposed amendments in particular.

POLICY QUESTIONS FOR THE BOARD TO CONSIDER:

SUMMARY OF TOPIC:
Staff has received several requests from the Committee for Community Involvement (CCI) code subcommittee as part of the Long Range Planning work program to require job site postings for development sites to provide contact information.

During work program discussions, the Board confirmed the Department’s recommendation to move forward with amending the grading ordinance to require job site posting. The proposed action is intended to implement this recommendation.

Staff recommends adding language to the grading ordinance authorizing a permit condition of approval to require job site posting prior to site disturbance.
Ordinance No. 852

Job Site Posting Requirement

June 11, 2019
Board of Commissioners Work Session
Background

• Committee for Community Involvement (CCI) has made several requests for contact information to be posted at work sites

• Board approved 2019-20 Long Range Planning Work Program directed staff to act on the CCI request

• Not a land use ordinance
Current public notice and onsite posting requirements

- Site posted for Neighborhood Meetings (urban area)
- Site posted for Type II or III land use applications (rural area)
- Public notices mailed to nearby property owners for Type II and III actions (500 feet in urban and 1000 feet in rural areas)
- LUT staff available to answer questions
- Basic casefile information available online
Proposed Ordinance Summary

Revise Grading Ordinance, Section 14.12.370 of County Code – Conditions of Approval:

- Require site posting at least 24 hours prior to commencing site work.
- Size: Minimum 2’ X 3’ sign, with minimum 2” lettering, not more than 15’ off right-of-way
- Content: Project title, name and number of contact person
Sample job site posting sign

JOB SITE INFORMATION

Project: ________________________________

Project Contact Name: __________________

Contact Phone Number: __________________
Ordinance Timeline

- July 9 – Board authorization to file
- July 23 – First public reading
- Aug. 6 – Second public reading and first public hearing; anticipated adoption
Questions?

Jennifer Pitner, Principal Planner, Site Development
jennifer_pitner@co.washington.or.us
503-846-6739
WORK SESSION

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Work Session Date: June 11, 2019
Length of Time Requested: 20 minutes

Title of Topic: LONG RANGE PLANNING ISSUE PAPER 2019-02: STATUS REPORT ON COUNTY REGULATION OF RECREATIONAL MARIJUANA

Department: Land Use & Transportation

Presented by: Stephen Roberts, Theresa Cherniak, Todd Borkowitz
Interim Director, Principal Planner, Associate Planner

LIST OF ADDITIONAL DOCUMENTS OR PRESENTATIONS:
Issue Paper No. 2019-02: Status Report on County Regulation of Recreational Marijuana
PowerPoint Presentation

PURPOSE & DESIRED OUTCOME:
Provide overview of information contained in the Status Report, including stakeholder feedback on County standards and processes for regulating recreational marijuana activity, and receive Board comments. No formal action is requested or anticipated.

POLICY QUESTIONS FOR THE BOARD TO CONSIDER:
No changes to current regulations or processes are proposed at this time. Staff intends to monitor updates to Oregon’s Recreational Marijuana Program and, depending on the Board’s level of interest, recommend periodically providing a status report to the Board on recreational marijuana activities in Washington County and across Oregon.

SUMMARY OF TOPIC:
The 2019-2020 Long Range Planning Work Program included a Tier 1 task to provide a status report on implementation of recreational marijuana regulations adopted in 2015. Since then, a number of facilities have been permitted, changes have been made to state law and administrative rules, and various lessons have been learned.

Overall, the County’s administrative oversight of recreational marijuana businesses has gone smoothly. Despite lingering concerns by County law enforcement, the County has received few complaints from the public and relatively positive feedback from commercial marijuana licensees.

The Status Report provides background on County marijuana regulations, outlines current allowances and approval processes, highlights quantitative data from three years of recreational marijuana regulation, and shares feedback from recreational marijuana business owners and the Sheriff’s Office. The Report also identifies current regulatory changes being considered at the state level. The Report does not propose changes to current regulations or processes.

The Status Report is posted on the Annual Long Range Planning Work Program webpage.
Status Report on County Regulation of Recreational Marijuana

Issue Paper 2019-02 briefing

Board of Commissioners Work Session
June 11, 2019
Presentation outline

• Summary:
  – Brief history of marijuana regulation
  – State and County marijuana regulations
  – Approval and licensing process
• Data from three years of regulation
• Feedback to Washington County LUT
• Recent and possible regulatory changes
Recreational marijuana overview

• Use became legal in Oregon July 1, 2015
• Production and sales became legal in Oregon Jan. 4, 2016
• The County adopted rules for recreational marijuana activities in October 2016, with few changes since adoption
Recreational marijuana overview

Over three years since legalization

- Retail sales in Oregon generated over $198 million in state and local tax revenue
- The County received over $3.4 million from the Oregon Marijuana Tax program
- Oregon Liquor Control Commission (OLCC) approved 2,300 licenses (58,000 jobs) in Oregon, including 80 in unincorporated Washington County; 61 active
Regulated marijuana activities

The OLCC regulates:

- Production
- Processing
- Wholesale
- Retail
- Research
- Testing
Regulations - OLCC

- Not allowed in most residential areas
- Each activity keeps separate address/unit
- Abide by maximum canopy limits (producers)
- Locate at least 1,000 feet from schools
- Track employees in Cannabis Tracking System (CTS)
Regulations – Washington County

- Not allowed in urban residential land use districts
- Conform to specific location limits for each commercial marijuana activity
- Abide by adopted time, place and manner requirements
- Install odor control systems or maintain minimum buffers
Approval and licensing process

Commercial marijuana businesses
- County land use review approval (Type I or II)
- County Land Use Compatibility Statement (LUCS) approval
  - Reviewed by HHS, Sheriff’s Office and LUT
- OLCC license approval
  - Once permitted construction is completed and approved and all fees are paid in full
OLCC licenses by activity

- Production: 51
- Processing: 0
- Wholesale: 3
- Retail: 7
- Research: 0
- Testing: 0
- Total: 61
Share of licenses and population

Licensed business distribution:
- Washington County (total): 5.7%
- Remainder of Oregon: 94.3%

Population distribution:
- Washington County (total): 14.5%
- Remainder of Oregon: 85.5%
Feedback on current process

• Residents
  – Cedar Hills – Cedar Mill: incompatibility concerns

• Commercial marijuana businesses
  – Formal request to expand uses in TO:RC
  – LUT outreach: generally positive feedback

• County Sheriff’s Office
  – Ongoing concerns about illegal activity
Potential regulatory changes

• OLCC Division 25 Bill and Technical Package
  – Consider removing references to “alternating proprietor” in CDC in future omnibus ordinance

• Local recreational marijuana tax

• Current State legislation
  – Consider changes to CDC or impacts on LUT processes based on pending bills
Conclusion

• The County’s administrative oversight of recreational marijuana businesses has gone smoothly, with few complaints
• Businesses are highly compliant with commercial marijuana regulations
• No recommended changes to CDC rules
• With Board direction, LUT will provide periodic Board updates
Questions and comments

Thank you.

For more information, please contact:

Todd Borkowitz, Associate Planner
todd_borkowitz@co.washington.or.us
503-846-3593
Marijuana regulation in the U.S.

- 1923: Marijuana use banned in Oregon
- 1937: Federal marijuana prohibition begins
- 1970: Controlled Substances Act prohibits marijuana in the U.S. for any use
- 1973: Marijuana decriminalization
  - Other states followed in late 1970s and 2000s
- 1986: Measure 5 / relegalization defeats
Relegalization of marijuana

• 1996: CA legalized medical use.
  – Oregon legalized medical use in 1998

• 2012: CO/WA legalized recreational use
  – Oregon legalized recreational use in 2014

• 2014: U.S. Justice Department prohibited from interfering with state marijuana laws

• 2018: 66% of Americans support marijuana legalization (Gallup poll)
Medical marijuana legalization:
- **SB 1531** (March 2014) authorized cities and counties to adopt reasonable regulations
- **Ordinance No. 781** (April 2014) created a temporary moratorium on dispensaries
- **A-Engr. Ordinance No. 792** (October 2014) implemented new regulations for medical marijuana activities
Recreational marijuana legalization:

- **Measure 91** (November 2014) tasked the Oregon Liquor Control Commission (OLCC) with developing rules on marijuana activities.

- **OLCC temporary rules** (October 2015) established regulatory framework for the supply chain from marijuana growers to retailers; effective Jan.-Jun. 2016.
Recreational marijuana legalization:

- **A-Engr. Ordinance No. 804** (October 2015) allowed retail facilities in same land use districts as medical marijuana dispensaries and applied nearly identical standards.

- **OAR 845, Division 25** (September 2016) created permanent rules for governing the commercial marijuana market in Oregon.
Oregon / Washington County

Recreational marijuana legalization:

- **A-Engr. Ordinance No. 810** (October 2016) created land use regulations for businesses, including a ban on commercial growing in urban residential and future development districts.

- **Ordinance No. 833** (August 2018) allowed processors as “alternating proprietors”.

- **OLCC Division 25 Bill** (December 2018) ended the licensing of “alternating proprietors”.
Potential regulatory changes

Proposed bills - 2019 Oregon Legislature

- **SB 218 C** authorizes the OLCC, based on supply/demand, to issue a moratorium on commercial marijuana production licenses

- **SB 1012** clarifies that marijuana producer applicants can qualify for a LUCS exemption

- **HB 2098 B** allows pharmacists to dispense some prescription drugs containing cannabinoids
WORK SESSION

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Work Session Date: June 11, 2019  Length of Time Requested: 30 minutes

Title of Topic: BICYCLE FACILITY SELECTION FOR FOUR UPCOMING ROAD PROJECTS

Department: Land Use & Transportation

Presented by: Stephen Roberts, Interim Director
Joe Younkins, Capital Project Services Manager

LIST OF ADDITIONAL DOCUMENTS OR PRESENTATIONS:

Presentations for each project are available via this link.

Bicycle facility alternative exhibits for each project are attached:
- Springville Road (Joss Avenue to Kaiser Road) – 5 pages
- Tualatin-Sherwood Road (Teton Avenue to Langer Farms Parkway) – 1 page
- Roy Rogers Road (Borchers Drive to Chicken Creek) – 1 page
- Century Boulevard (Lois Street to Main Street) – 1 page

PURPOSE & DESIRED OUTCOME:

Review bicycle facility alternatives and obtain Board direction regarding the bicycle facility selection for the four upcoming County-funded capital road improvement projects listed above. Staff recommendations are noted in the attachments, with the exception of Century Boulevard. The exhibit for that project reflects three different separated bicycle facility cross sections that are proposed in various segments of the project, as requested by the City of Hillsboro—no other alternatives are being presented.

POLICY QUESTIONS FOR THE BOARD TO CONSIDER:

SUMMARY OF TOPIC:

Resolution & Order 17-2 documented the Board’s preference for separated or protected bicycle facilities on County-funded capital road improvement projects in urban areas when appropriate. LUT staff present an evaluation of bicycle facility alternatives, to include at least one separated or protected bicycle facility, to the Board for each urban County-funded capital road improvement project at or before the 30 percent design milestone.

Key factors to be considered in the evaluation include: project location and context, existing adjacent bike facilities, safety and function, costs and available project funding, and other agencies’ preferences (cities or ODOT) for roads under their jurisdiction.
Springville Road Improvement Project
(Joss Avenue to Kaiser Road)

Bicycle Facility Alternatives
June, 2019
CURRENT CONDITIONS

Segment 1
Segment 2
Segment 3
**ALTERNATIVE #1: BUFFERED BIKE LANES**

**Segment 1:**
- Joss Avenue to west of Gerber Terrace

**Segment 2:**
- West of Gerber Terrace to east of Gerber Terrace

**Segment 3:**
- East of Gerber Terrace to Kaiser Road
ALTERNATIVE #2: MULTI USE PATH & BUFFERED BIKE LANE

Segment 1:
- Joss Avenue to west of Gerber Terrace

Segment 2:
- West of Gerber Terrace to east of Gerber Terrace

Segment 3:
- East of Gerber Terrace to Kaiser Road
ALTERNATIVE #3: RAISED CYCLE TRACK & BUFFERED BIKE LANE

Segment 1:
- Joss Avenue to west of Gerber Terrace

Segment 2:
- West of Gerber Terrace to east of Gerber Terrace

Segment 3:
- East of Gerber Terrace to Kaiser Road
Bicycle Facility Alternatives
Roy Rogers Rd
(Borchers Dr to Chicken Creek)

Roy Rogers Rd
Existing Typical Section

Roy Rogers Road
Alternative 1 Typical Section
(Buffered Bike Lanes)

Roy Rogers Road
Alternative 2 Typical Section
(Raised Cycle Tracks)

Roy Rogers Road
Alternative 3 Typical Section
(Raised Cycle Tracks with Planter Strips)

STAFF RECOMMENDATION
CENTURY BOULEVARD EXTENSION (E MAIN TO LOIS)  
BICYCLE FACILITY TYPICAL SECTIONS  
(CITY OF HILLSBORO STANDARDS)
WORK SESSION

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Item #9

Work Session Date: June 11, 2019  
Length of Time Requested: 30 minutes

Title of Topic: CAO Hiring – Board Process Initial Conversation

Department: Commission office

Presented by:  
Chair Kathryn Harrington  
HR Department Director Steve Sanford

LIST OF ADDITIONAL DOCUMENTS OR PRESENTATIONS:
None

PURPOSE & DESIRED OUTCOME:
The Washington County ‘County Administrative Officer’ (CAO) is one of two direct reports to the Washington County Board of Commissioners. Robert (Bob) Davis has served Washington County for over 35 years, 13 of which as County Administrative Officer, until his retirement of May 31, 2019. Bob will continue to work as the CAO on a contract basis through the end of 2019. The last time Washington County had a recruitment process for a CAO was back in 2005 which concluded with the hiring of Bob Davis as CAO in 2006. Information has been provided previously to this Board (May 28) regarding the WA Co 2005-2006 process (with the Resolution and Order, September 27, 2005, ADOPT PROCEDURES AND PROCESS FOR SELECTION OF NEW COUNTY ADMINISTRATOR – ANNOUNCE VACANCY) as well as the recent Clackamas County Oregon County Administrator hiring process. Please note that due to case law regarding subcommittee use, having a process whereby only a subset of commissioners makes a recommendation to the board, as in the 2005 process, is not advised.

Purpose: The purpose of this topic is for the Board to have an initial conversation about what it is looking for in the hiring process. There are various options for pursuing the hiring process. From this initial conversation, a follow-up work session topic will be scheduled to consider a recommendation for subsequent board consideration.

Desired Outcomes: Initial Thoughts on the questions below.

POLICY QUESTIONS FOR THE BOARD TO CONSIDER:
1. What are you looking for in the hiring process for a new CAO? What if any specific goals do you have for the hiring process?

2. How do you wish to be involved in the hiring process through the remainder of 2019?

3. Any questions regarding timeframe proposals?

4. (If there is time) What might you be looking for in a new CAO?
SUMMARY OF TOPIC:
Utilizing information from the WA Co 2005-2006 process...

The following might serve as the most aggressive general context, internally staffed:

- June-July: Pre-recruitment work
- August: Proposing & Adopting procedures
- September: Recruitment work
- October: Interviews and selection process
- Mid-November: Offer to final candidate (see note below)
- January-February: New CA in place (notice dependent)

The following might serve as general context, externally staffed:

- June-July: Pre-recruitment work
- August: Hiring of external search firm
- September: Proposing & Adopting procedures
- October: Recruitment work
- Nov – mid Dec: Interviews and selection process
- Late Dec: Offer to final candidate (see note below)
- February-March: New CA in place (notice dependent)

Notes:
- Please keep in mind that a new CAO candidate will need to provide at least 30 day and perhaps 60 day-notice to a current employer.
- We will be relying upon our HR department to manage the process for us, no matter if an external firm is used or internal resources are used for the national search.
- An external search firm can be utilized to support the recruitment, provide outreach to potential applicants, applicant screening, etc... If it is decided to use an external search firm, the timeline needs to accommodate HR pursuing an RFP and selecting a firm.
- The Board must consider and take action for:
  - Public comment on hiring procedures, standards, criteria and policy directives
  - Formal advertisement of the vacancy
  - Process for screening and interviews
  - Public opportunity to comment on the final hiring decision
Please refer to the Sept 27, 2005 Action information as a reference point (very similar timeframe.)
- Given that some board members will be unavailable over some weeks through September, the Board is engaging in an initial conversation on June 11 with a follow-up work session topic to be scheduled between July 8 and July 16, to consider a recommendation for subsequent board consideration.
- Board participation through the process is to be determined through discussion. Due to case law regarding subcommittee use, having a process whereby only a subset of commissioners make a recommendation to the board is not advised by County Counsel.
CLEAN WATER SERVICES BOARD OF DIRECTORS

WORK SESSION Date:       June 11, 2019                  Length of Time Requested: 3 hours
Title of Topic:            DESIGN AND CONSTRUCTION STANDARDS BRIEFING AND TOUR
Department:               Utility Operations and Services
Presented by:             Nora Curtis, Managing Director, Utility Operations and Services (dr)
                          Mark Jockers, Director, Government and Public Affairs

LIST OF ADDITIONAL DOCUMENTS OR PRESENTATIONS
Maps and background information are linked here.

PURPOSE & DESIRED OUTCOME
Tour eight sites in Tigard and Beaverton to help the Board of Directors (Board) better understand hydromodification impacts and stormwater management options allowed under the District’s Design and Construction Standards.

POLICY QUESTIONS FOR THE BOARD TO CONSIDER
None. The tour is for Board information.

SUMMARY OF TOPIC
On April 2, 2019, the Board adopted revised Design and Construction Standards regarding hydromodification and indicated an interest in participating in a tour of stormwater management projects.

This tour will include visits to eight sites in Tigard and Beaverton highlighting:

- The effects of hydromodification on stream systems
- Large regional-scale instream projects to address hydromodification, protect infrastructure and improve overall stream health and function
- Street-side Low Impact Development Approaches (LIDA) for water quality treatment
- Upland stormwater management ponds
- Stormwater management facilities integrated with riparian areas and community amenities