

AGENDA

Board of Directors
Mid-Willamette Valley Council of Governments
Monday, June 24, 2019
3:30 P.M. – 5:30 P.M.
COG Conference Room
100 High Street SE, Suite 200
Salem, Oregon

CONTACT: Sean O’Day, Executive Director; 503-540-1601
CHAIR: Cathy Clark, City of Keizer
VICE CHAIR: Jackie Franke, Chemeketa Community College

A. CALL TO ORDER – *Cathy Clark, Chair*

B. INTRODUCTIONS – *Cathy Clark, Chair*

C. PUBLIC COMMENT (*This time is reserved for questions or comments from persons in the audience*)

D. SPEAKER – **Mid-Willamette Homeless Initiative (MWHI) and status of Continuum of Care process** – **Jan Calvin, MWHI Contractor**

E. CONSENT CALENDAR (*All items on the Consent Calendar will be approved by one vote unless an item is withdrawn for discussion at the request of a Board member. Members may have an item withdrawn by notifying the Chair at the meeting. The item will be removed by the Chair for discussion and a separate motion will be required to take action on the item in question.*)

- 1. Minutes of March 19, 2019 meeting of the Board of Directors** **pg. 3-7**
Requested Action: Approve minutes

- 2. Authorization to Renew Insurance Policies and Extending MWVCOG Worker’s Compensation Coverage to Volunteers; Resolution 2019-08** **pg. 8-9**
Requested Action: Approve Resolution No. 2018-05 authorizing the extension of worker’s compensation coverage as outlined in the Resolution. This is an annual request.

- 3. Department Reports** **pg. 10-16**
Information only. Reports from the Community Development Department, Transportation Department, and Small Business Loan Program.

- 4. Financial Report** **pg. 17-19**
Information only.

- 5. Resolution 2019-09: Marion County Intergovernmental Agreement (IGA) on behalf of the North Santiam Joint Sewer Task Group (NSJSTG)** **pg. 20-34**
Requested Action: Motion to approve Resolution 2019-09 regarding an IGA with Marion County and Authorizing Executive Director signature.

F. Legislative Report

G. ACTION ITEMS

- 1. Public Hearing on Proposed Budget for 2019-2020**
 - A. Budget for Fiscal Year 2019-2020 (**separately enclosed**)
 - B. Budget Message – *Sean O’Day* (**separately enclosed**)
 - C. Report of Budget Committee – *Cathy Clark, Executive Committee Chair*
 - D. Public Testimony
 - E. Discussion
 - F. Amendments
 - G. Resolution 2019-07 Adopting Budget and Summary of Proposed Budget **pg. 35**
- 2. Executive (Closed) Session – Executive Director Review (per ORS 192.660(2)(i))**
Evaluation Survey Report separately enclosed.
- 3. Executive Director Compensation Review** (*This is a place holder for any adjustments the Board might want to make regarding the Executive Director’s compensation following the executive session.*)

H. EXECUTIVE DIRECTOR’S REPORT

I. BOARD DISCUSSION/ROUNDTABLE (*This is an opportunity for Board members to introduce subjects not on the agenda and report on happenings in their respective jurisdictions.*)

J. ADJOURNMENT

NEXT MEETING: Tuesday, October 16, 2018
3:30 p.m.
COG Offices

The Mid-Willamette Valley Council of Governments is pleased to comply with the Americans with Disabilities Act (ADA). If you need special accommodations to attend this meeting, **including use of an elevator**, please contact Denise VanDyke at (503) 588-6177 at least 48 hours prior to the meeting. Hearing impaired, please call Oregon Telecommunications Relay Service, 7-1-1. Thank you

MINUTES OF March 19, 2019

**MID-WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS**

**MWVCOG Conference Room
100 High Street SE, Suite 200
Salem, Oregon**

MEMBERS PRESENT

CHAIR: Mayor Cathy Clark, City of Keizer
Commissioner Sam Brentano, Marion County
Lisa Leno, Tribal Council Member, Confederated Tribes of Grand Ronde
Mayor Rick Rogers, City of Newberg
Councilor Sally Cook for Mayor Chuck Bennett, City of Salem
Lisa Rogers, Board Member, Chehalem Park and Recreation District
Mayor Shanti Platt, Gervais, representing Small Cities of Marion County
Mayor Brian Dalton, City of Dallas
Mayor John McArdle, Independence, representing Small Cities of Polk County (by phone)
Councilor Sal Peralta, City of McMinnville
Commissioner Mike Ainsworth, Polk County
Councilor Roxanne Beltz, City of Monmouth
Mayor Michael Cape, Amity, representing Small Cities of Yamhill County

MEMBERS ABSENT

VICE CHAIR: Jackie Franke, Member, Chemeketa Community College Board of Education
Frank W. Pender, Jr., Board Member, Willamette Education Service District
Bob Krebs, Salem-Keizer Transit District Board
Sherrone Blasi, Member, Salem-Keizer School District Board of Directors
Mayor Eric Swenson, City of Woodburn
Commissioner Casey Kulla, Yamhill County

OTHERS PRESENT

Sean O'Day, Executive Director
Denise VanDyke, Admin. Specialist II
Jim Jacks, Senior Planner
Greg Smith, Finance Director
Mike Jaffe, Transportation Director
John Safstrom, Loan Program Manager
Jim Trett, Mayor, City of Detroit
Justin Martin, Perseverance Strategies
Theresa Haga, Executive Director, CCD Business Development Corp./Coos County Commissioner
Melissa Cribbens, Board Chair, CCD Business Development Corp.

CALL TO ORDER & INTRODUCTIONS

Chair Clark called the meeting to order at 3:32 p.m. The presence of a quorum was noted. General introductions were made around the room for the benefit of those on the phone and guests.

PUBLIC COMMENT None.

PRESENTATION – LEGISLATIVE UPDATE

Mr. Martin introduced himself and listed some of his other clients, several of which are COG members. He gave some background on his philosophy and how he works to communicate with the legislature on behalf of his clients to meet their wants and needs according to their priorities. Usually, he frames requests within the context of how it would help the state. Being a lobbyist allows for increased contact and presence in the building and, outside of the legislative session, he works to educate legislators on the issues that are important to his clients. For example, unfunded mandates are never wanted. Working with the legislative staff is key. It is important to have the COG involved to get lobbyist services for smaller jurisdictions who can't afford their own lobbyist. Supporting bills sponsored by legislators who can assist with other bills is important.

He listed his priorities as given by COG staff, and discussed a few key bills. HB 2420 regarding building inspection is in the House Rules Committee. Mr. O'Day added that this bill would eliminate the ability for jurisdictions to contract out building codes inspection and restrict their ability to go to COGs for these services. A legal ruling stated that as long as there is an avoidance of unlawful delegation, it is not unlawful to contract. We hope if the bill moves forward they would remove the provision to restrict a COG to a maximum of three jurisdictions for providing these contract services. HB 3110 has been heard and Mr. Martin believes it went well. SB 595 has a hearing today; local governments would have the option to use a percentage of their transient tax for affordable housing and loosens preemptions. This option would be simple to use, as it is currently designed. HB 2001 is another one Mr. Martin and his staff are keeping an eye on. It is very important not to have this bill go through. It would undo years of land use planning by eliminating single-family zoning. Mr. Martin said that we are opposing this, but need to be politically nuanced about it. There is a need to balance infrastructure and affordable housing.

Mr. O'Day discussed the OGIC recommendation regarding the sharing of GIS data. The problem is the cost associated with the process. It would be funded by a fee in the new bill form, but there is an estimated cost, over ten years, of about \$200 million. Another issue is the removal of the Office of Emergency Management (OEM) from the military department to form a department of its own. There is the possibility of setting up regional emergency management programs, which could be a good idea if implemented on a voluntary basis. This is a three bill process, and Mr. Martin asked for opinions. Questions asked included how the changes would improve services in an emergency situation. The bill would mandate a regional government set up. Consensus was that the preference would be for the mandate to be optional, if at all. Mr. O'Day stated that he is hearing that we are not interested and would oppose the bills.

Mr. Martin mentioned that there is a deadline next week for the bills, and another on April 9. Many bills will die at that point. There is a calendar on the legislative website. Mr. Martin will make the tracking information available to the Board members.

PRESENTATION – SMALL BUSINESS LOAN PROGRAM UPDATE

Mr. Safstrom used a PowerPoint presentation, and handouts were provided by the CCD Business Development Corporation (CCD) representatives. The goal of the COG Small Business Loan Program, which was created in 1983, is to bring economic development and jobs to the region. Loan Program staff work with potential borrowers to identify which of the several types of loans available would work best for the client, and to create a loan application packet that will have the best possible chance of being approved. Mr. Safstrom reviewed some of the types of loan that are commonly processed by Loan Program staff, gave some definitions, and compared the loans through our Program with those done by a

bank. Direct loans are funded through revolving loan funds that were set up early in the Program's history. Those funds are lent directly to the borrower, and are re-lent as prior loans are repaid. The Loan Program also serves as an intermediary lender, meaning that they prepare the loan application for a State or federal program (examples: Small Business Administration (SBA) or USDA-Rural Development), and service the loans once they are approved and funded. The Program receives income from the different steps in the process in the form of fees. He reviewed the revenue stream for the Loan Program and explained that staff are in the process of rebuilding our loan portfolio for the intermediary segment after the loss incurred with the separation from our previous Certified Development Company (CDC), Cascades West Financial Services. The revolving loan funds we have are not increasing, and are not projected to increase due to lack of outside resources (grants and loans). Valley Development Initiatives (VDI), our non-profit corporation created in the 1990s to work with federal loan programs, has been approved as a Community Advantage lender by the SBA. The Community Advantage program is limited at this point, but that is where growth is forecast. Growth with the other SBA programs is dependent upon partnering with banks. Currently, we are working with two CDCs – CCD in Southern Oregon and Oregon Business Development Corp. (OBDC) in Bend. Ms. Haga and Ms. Cribbens spoke about the relationship between CCD and the COG Loan Program, which began more than 20 years ago. There are nine CDCs in the region, which covers Alaska, Washington, Oregon and Idaho. OBDC has elected to decertify as a CDC and merge with another CDC. The SBA will determine where the loan portfolio we have with them goes, and we will be unlikely to have much of a say in that determination. The consensus of the Board was that any possible efforts should be made to keep the portfolio. It was explained that federal rules do not allow structuring deals to protect our interest in the portfolio. Ms. Haga suggested trying to push to at least keep servicing the portfolio, which would maintain the servicing income.

Mr. O'Day summarized: OBDC will be going away, and we are likely to lose that servicing income. We are now working with CCD, have reserves available, and are diversifying our services. Loan Program staff are working hard on improving the revenue stream for the program, but if the program cannot be made sustainable, then part or all of the program may be at risk. In addition, the program has an aging workforce, which suggests a potential succession problem. It is hoped that our renewed relationship with CCD will help.

Commissioner Brentano, who was involved in the creation of the loan program and VDI, spoke to the benefits over the years because of the program. Mr. Safstrom pointed out that the value of the OBDC portfolio, built up over the years, totals \$11.8 million. In slightly under a year with CCD, that portfolio totals \$3.8 million.

DEPARTMENT REPORTS

Mr. Jacks and Mr. Jaffe provided extremely brief comments related to the department reports provided in the agenda packet and offered to take questions. There were no questions.

CONSENT CALENDAR

MOTION: By Commissioner Brentano, **SECONDED** by Mayor Platt, to **APPROVE THE CONSENT CALENDAR, AS PRESENTED.**

1. *MINUTES OF DECEMBER 18, 2018 MEETING OF THE BOARD OF DIRECTORS*
2. *APPOINTMENT OF 2019 BUDGET COMMITTEE*
3. *ADOPTION OF 2019-20 BUDGET SCHEDULE*
4. *RESOLUTION 2019-01 – ANNUAL SALEM/KEIZER AREA TRANSPORTATION PLANNING CONTRACTS*
5. *RESOLUTION 2019-04 – GIS SERVICES CONTRACTS*
6. *RESOLUTION 2019-02 – COMMUNITY DEVELOPMENT CONTRACTS*

7. *RESOLUTION 2019-05 – MEMBER SERVICES CONTRACTS*
8. *APPROVE APPOINTMENT OF TOM PESSEMIER TO LOAN BOARDS*
9. *EXECUTIVE DIRECTOR EVALUATION PROCESS*

Discussion: None. Motion carried.

IN FAVOR: Brentano, Clark, L. Rogers, Cook, Peralta, R. Rogers, Dalton, Ainsworth, Beltz, Platt, Cape, Leno. **OPPOSED:** None. **ABSTAINED:** None.

AMENDING LEASEHOLD AGREEMENT

Mr. O’Day reported that this request fixes the lease using actual square footage numbers. Previously, the lease had used incorrect measurements, and the true measurements increase the square footage by about 1,000 square feet. This amended lease uses the true numbers, and holds the landlord responsible for the janitorial costs for the first year. This would be costs neutral to us for the first year, and we can budget for future years.

MOTION: By Councilor Cook, **SECONDED** by Councilor Beltz, to **APPROVE AMENDING THE LEASEHOLD AGREEMENT, AS PRESENTED.**

IN FAVOR: Brentano, Clark, L. Rogers, Cook, Peralta, R. Rogers, Dalton, Ainsworth, Beltz, Platt, Cape, Leno. **OPPOSED:** None. **ABSTAINED:** None.

RESOLUTION 2019-06 – APPROVE RATES

Mr. O’Day referenced the materials provided in the agenda packet. This is the first time this level of transparency has been brought to the establishment of our rates for fee-for-service contracts. This is modeled off of the recommendation by Board member Sheronne Blasi. Explanations for those rates that will not be at least break-even are provided in the staff report memo.

MOTION: By Commissioner Ainsworth, **SECONDED** by Councilor Peralta, to **APPROVE APPROVING RESOLUTION 2019-06, AS PRESENTED.**

IN FAVOR: Clark, L. Rogers, Cook, Peralta, R. Rogers, Dalton, Ainsworth, Beltz, Platt, Leno. **OPPOSED:** None. **ABSTAINED:** Cape.

RESOLUTION 2019-03 – APPROVE PURCHASING RULES

Mr. O’Day stated that these purchasing rules have been revised by Bill Monahan, our legal counsel. It clarifies the definition of personal services and simplifies other areas. This document has not been updated for over a decade.

MOTION: By Commissioner Ainsworth, **SECONDED** by Mayor Cape, to **APPROVE RESOLUTION 2019-03, AS PRESENTED.**

IN FAVOR: Brentano, Clark, L. Rogers, Cook, Peralta, R. Rogers, Dalton, Ainsworth, Beltz, Platt, Cape, Leno. **OPPOSED:** None. **ABSTAINED:** None.

EXECUTIVE DIRECTOR REPORT

Mr. O’Day quickly reviewed the financial report. The COG ended last fiscal year by about \$50,000 more than anticipated, and we hope for roughly the same outcome this year. We anticipate land use to be the main loss area.

At the June meeting, there will be a briefing about the Continuum of Care.

IT Services are being transferred over to WESD. An audit of the COG systems has been done and we are moving forward with upgrades. This will lead to saving money in the long run.

Member services is very active. Mr. O'Day is handling recruitments for Dallas and Amity, marketing attorney services, and so on.

The Annual Dinner survey results are provided in the agenda packet. The final bills are not yet in, but we anticipate about a \$2,000 loss, even with our sponsor. We hope to do better next year, and will try to have more sponsors. Mayor Platt volunteered to assist with table decorations for free.

ROUNDTABLE

Mayor Dalton thanked the COG and his fellow mayors who weighed in with the letter to the Salem City Council regarding the Third Bridge, even if it didn't work.

Commissioner Ainsworth announced that the Gate Youth Association will be breaking ground on their site in Monmouth/Independence soon.

ADJOURNMENT

Hearing no further business, Chair Clark adjourned the meeting at 5:39 p.m.

Sean O'Day, Executive Director

Mid-Willamette Valley Council of Governments

Volunteer Resolution

Resolution No.: 2019-08

Effective Date: July 1, 2019 for Policy Year 2019-20

A resolution extending workers' compensation coverage to volunteers of Mid-Willamette Valley Council of Governments, in which Mid-Willamette Valley Council of Governments elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

1. Public Safety Volunteers

Applicable _____ **Non-applicable** **X**

An assumed monthly wage of *[enter monthly assumed wage here but no less than \$800 per month per volunteer]* will be used for public safety volunteers in the following volunteer positions (check all that apply):

- Police reserve
- Search and rescue
- Firefighter
- Emergency medical personnel
- Ambulance drivers
- Other *[List specifically by title]*

2. Volunteer boards, commissions, and councils for the performance of administrative duties.

Applicable **X** **Non-applicable** _____

An aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are (list each body):

- a. Mid-Willamette Valley Council of Governments Board/Executive Committee
- b. Salem-Keizer Area Transportation Study (SKATS) Policy Committee
- c.

3. Manual labor by elected officials.

Applicable _____ **Non-applicable** **X**

An assumed monthly wage of \$800 per month will be used for public officials for the performance of non-administrative duties other than those covered in paragraph 2 above

List duties *[appropriate classification code will be applied by underwriting]*

4. Non-public safety volunteers

Applicable _____ **Non-applicable** **X**

All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed. (List specific non-public safety volunteers below)

- Parks and recreation
- Senior center
- Public works *[List type of work such as sewer, water, roads, etc.]*

- Library
- Other *[List specifically by duty]*

5. Public Events

Applicable _____ Non-applicable X

Volunteers at the following public events will be covered under workers’ compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation: (List specific events)

- a.
- b.
- c.

6. Community Service Volunteers/Inmates

Applicable _____ Non-applicable X

Pursuant to ORS 656.041, workers’ compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by [ENTITY NAME]. Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

7. Other Volunteers

Volunteer exposures not addressed here will have workers’ compensation coverage if, prior to the onset of the work provided that Mid-Willamette Valley Council of Governments:

- a. Provides at least two weeks’ advance written notice to CIS underwriting requesting the coverage
- b. CIS approves the coverage and date of coverage
- c. CIS provides written confirmation of coverage

Mid-Willamette Valley Council of Governments agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and make them available at the time of a claim or audit to verify coverage.

Now, therefore, be it resolved by Mid-Willamette Valley Council of Governments to provide workers’ compensation coverage as indicated above.

Adopted by the Board of Directors of Mid-Willamette Valley Council of Governments this 25th day of June, 2019.

Signature of Authorized Representative Printed Name

Cathy Clark
Chair, MWVCOG Board of Directors
Title

Attest by Sean E. O’Day this 24th day of June, 2019.
Printed Name

Signature Executive Director
Title



MEMORANDUM

TO: Board of Directors
Mid-Willamette Valley Council of Governments

DATE: June 24, 2019

THRU: Sean O'Day
Executive Director

FROM: Renata Wakeley
Community Development Director

SUBJECT: Community Development Update

The following summary highlights new and continuing Community Development activities completed by COG staff over the past three (3) months:

Economic Development

Staff continues to support **Silverton** with a \$1.15 million **Public Works** grant award from the **Economic Development Administration (EDA)** related to needed water improvements/upgrades to serve their industrial park. The City recently completed the RFQ for final engineering and construction management for the project.

Marion County has requested COG assistance with completion of a Request for Qualifications (RFQ) for project management services related to a North Santiam Wastewater Treatment Facilities Master Plan on behalf of the **North Santiam Canyon Joint Task Group** (see separate memo under Consent Agenda).

COG also continues to assist the **Chehalem Valley Innovation Accelerator** and **University of Oregon** in continued "Strategic Doing" and economic development planning efforts in Yamhill County. The project is supported by a \$86,000 2-year grant from **The Ford Family Foundation (TFFF)**, with the support of the city of **Newberg** and **Yamhill County**. Staff has also been designated as an ex-officio member of the newly established **Yamhill County** Economic Development Advisory Committee (EDAC) and will continue to support efforts to award economic development grants and **SEDCOR's** work to completed **Yamhill County** strategic planning efforts moving forward.

Land Use Planning

Our planners continue to support communities through draft code amendments, zone and comprehensive plan map updates, and new overlay zones and design standards in addition to a large number of new development and subdivision applications in the area.

Three new contracts include: city of **Carlton** Parks Master Plan Update; **Donald** Downtown Mixed Use (DMU) zone change applied to properties within their downtown code; and **Scotts Mills** municipal and development code updates to better clarify developer-initiated costs.

Grant Administration

The city of **Willamina** received a new Community Development Block Grant (CDBG) award for \$495,900 to relocate their water intake. COG staff assisted with the funding application and will support in the grant administration and environmental review requirements.

Staff signed a new contract with the city of **Detroit** related to property acquisition needs related to their Safe Drinking Water Revolving Loan Fund water improvements project. We also continue to assist **Amity** with their water improvements project; the city of **Dayton** on their Davis-Bacon wage monitoring requirements related to a Clean Water State Revolving Fund (CWSRF); the city of **Idanha** with a \$1.7 million CDBG grant for water improvements; and the city of **Falls City** with a \$350,000 CDBG to aid in final design engineering related to a future wastewater improvements project.

Housing Rehabilitation

COG has completed the Phase I Environmental Assessment (EA) related to the **Stayton's** \$400,000 CDBG award for a new housing rehabilitation fund to service eligible persons in manufactured home parks or persons ineligible under current housing rehabilitation program rules. The project, in partnership with **Aumsville, Marion County, Mt. Angel, and Turner**, is estimated to serve over thirty (30) area residents with maintenance and repair of their homes. To date, we have processed or completed assistance to eight (8) clients in **Stayton**, three (3) in **Mt. Angel**, one (1) in **Marion County**, and four (4) clients in **Aumsville**, and continue to hear from interested parties almost daily. Staff is also assisting property owners with VDI housing rehabilitation funds in **Gates, Jefferson, Woodburn**, unincorporated **Marion County**, and a city-maintained loan in **Mt. Angel**.



MEMORANDUM

TO: Board of Directors
Mid-Willamette Valley Council of Governments

DATE: June 24, 2019

THRU: Sean O'Day
Executive Director

FROM: Mike Jaffe
Transportation Program Director

SUBJECT: Transportation Program Update

Mid-Willamette Area Commission on Transportation (MWACT)

In April, MWACT members were provided a presentation by ODOT staff about the **I-5: Woodburn-Salem paving project** (12.4 miles of repaving, plus bridge resurfacing in the Salem area) that will occur from May to October 2019. The project was selected as one of eleven projects in the state for a Work Zone Safety Pilot Project Program to better protect workers during the project while also limiting congestion and delay to drivers.

Worker safety is an important objective in this project while keeping congestion and delay to a minimum. After considering multiple alternatives, the final **Work Zone Safety plan** for the project included these features: Speed Zone reduction to 50 mph, Smart Work-Zone Queue Warning, Temporary Transverse Rumble Strips, Rolling Slowdowns for Set-up and Removal of traffic control, Radar Speed Trailers, more separation from work zones, and continuous police enforcement when workers are present. Updated information about the project can be online at ODOT Region 2's webpage ([I-5 Woodburn to Salem Paving Project](#)). Real-time information and estimated travel times may be checked at [Tripcheck.com](#) or by calling 511.

Doug Bish (ODOT) provided MWACT members with information about the current **method for setting posted speeds in Oregon** (for streets currently posted between 30 mph and 50 mph) and potential changes to that process. Mr. Bish explained that ODOT will be exploring developing new guidance and rules for setting speeds, which included recommendations from the National Cooperative Highway Research Program (NCHRP) Research Report 855 and NCHRP Report 17-76. Recommendations in these reports include using a combination of four or more road types and five land use/context types to develop a new speed setting process. The Oregon Transportation Commission (OTC) is being asked to form an advisory group whose purpose would be to research options, get input from national experts, and create draft rule changes (which may begin in the second half of 2019).

MWACT members evaluated and discussed seven applications for funding projects as part of the **Transportation Improvement Fund (STIF) discretionary program** or the Statewide Transit Network programs. MWACT recommended six of the seven projects for funding: the Woodburn Security Cameras project, Clackamas County Regional Integrated Fare Collection System Analysis project, the Salem Area Mass Transit District (SAMTD) application to study transit feasibility between Salem and Albany if the project includes Jefferson, SAMTD Regional Bus Stops Improvement and Routing Changes, SAMTD application for funding regional bus replacement, and Tillamook County Transit District application to fund intercity bus service. The commissioners did not recommend the Cascades West COG 99W Transit Corridor Feasibility Analysis and Implementation project at this time.

At MWACT's June 6th meeting, the project consultant for the **Center Street Bridge (over the Willamette River) Seismic Retrofit** study gave a presentation about the seismic deficiencies of the bridge and the proposed retrofits (infill walls added to many of the columns that are not in the river, column strengthening, additional columns for the bridge piers in the river, etc.). The full cost – including contingencies and inflation - is estimated to be \$100 million, including construction (\$65 million with contingency), inflation cost factor (\$14 million), Preliminary Design + Contract Administration + Construction Engineering and Inspection (\$17.5 million) and Utility Relocation and Right-of-way acquisition (\$3.2 million). The project is scheduled for design work in 2021-2023 and construction in 2024-2026. ODOT Region 2 Manager Sonny Chickering told MWACT that ODOT is committed to completing this project, starting with the \$60 million available from HB2017 plus savings that may come from other projects, funding as part of the FY2021-24 STIP or FY2024-27 STIP, or other federal sources such as federal redistribution funds.

Anna Henson (ODOT) and Ed Chamberlin (DEA) provided a presentation about the **design work for the I-5/Aurora interchange**. After evaluating a variety of possible designs, there are two designs that are being considered: a diverging diamond design (used at the I-5 Fern Valley interchange in Phoenix Oregon, near Medford) and a single-point interchange (similar to the I-5 @ Market Street interchange in Salem). An open house for the public to get information and provide comments was held on June 12th in Aurora. (HB2017 allocated nearly \$25 million (bring the total available to \$28.3 million) to complete planning for the full interchange and design, and for construction of Phase 1. About \$18 million will be used to construct Phase 1 improvements. Funding is not available for construction of a full interchange.)

MWACT members also received an update from Vidal Francis (ODOT) about **eight ODOT projects in the three-county area that are currently under construction** this summer.

Salem Keizer Area Transportation Study (SKATS)

Regional Transportation Systems Plan (RTSP) Adopted by SKATS Policy Committee

SKATS is required to update its long-term regional transportation plan every four years. This quarter, the final three chapters¹ of the 2019-2043 RTSP update, the Executive Summary, the draft appendices, and the draft Air Quality Conformity Determination (AQCD) were reviewed by the SKATS' committees. The full draft RTSP was released for public review and comment by the SKATS Policy Committee during their April 23, 2019 meeting. The draft AQCD was forwarded to the agency resource group for review and approval.

Public involvement during development of the draft RTSP and during the 30+ day public review and comment period included development and distribution of informational brochures in English and Spanish, a one-page flyer in English and Spanish, a press release, public service announcements in

¹ Chapter 7 ~ Proposed System, Chapter 8 ~ Impacts, and Chapter 9 ~ Outstanding Issues

English and Spanish, visual displays, an Open House, staff presentations to interested parties' groups, and an online map of projects with online solicitation of comments.

The SKATS Policy Committee held a Public Hearing for the 2019-2043 RTSP/AQCD on May 28, 2019. Two people provided testimony during the hearing related to their concerns regarding greenhouse gas issues. Following the hearing, PC members reviewed the comments received from the public along with responses to those comments. Following discussion, they unanimously adopted **Resolution 19-4** adopting the Air Quality Conformity Determination (AQCD) for the RTSP update **and Resolution 19-5** adopting the RTSP.

Transportation Improvement Program (TIP) Update and Amendments

Staff has started the process **to develop the next SKATS TIP for the years 2021-2024**. Approximately \$15 million of federal funds are available for those years. To start the process, local agencies completed a 1-page pre-application form about their proposed projects. SKATS received 17 pre-applications with a total request of over \$38 million in federal funds. Final project applications from the applicants will be due June 28, 2019. Over the next 9 months, the project applications will be reviewed and ranked by the SKATS committees, have their cost estimates checked by ODOT, and made available for public comment. The draft TIP is scheduled for public review in March 2020.

Four of the pre-applications (mentioned above) were for projects that are currently included in the SKATS 2018-2021 Transportation Improvement Program (TIP) and that requested additional funds due to addition costs during project development, mostly due to escalations in construction costs. The total amount requested for those four projects is \$916,900 in federal funds, with the two local governments (city of Salem and Marion County) also providing over \$1.6 million of their transportation funds as match. The SKATS Technical Advisory Committee recommended that **Highway Improvement Program (HIP) funds allocated to SKATS be used for the additional federal fund requests**. Following public review and comment, the SKATS Policy Committee adopted **Resolutions 19-6 through 19-9** to provided HIP funding to the four projects.

The **Salem Area Mass Transit District (SAMTD)** requested several amendments to the adopted SKATS TIP to process unallocated transit funding from previous years. Complex coordination was required between SKATS, SAMTD, the Federal Transit Administration and ODOT to allow these funds to be expended by SAMTD. Following the public review period and Policy Committee presentation, SKATS Policy Committee members adopted **Resolutions 19-10 through 19-13** amending the TIP to include new project numbers for funds unobligated in previous fiscal years.

Unified Planning Work Program (UPWP) - Each year, SKATS must develop a work program of planning work and activities for the federal funds received for transportation planning. Development and agency review of the draft FY 2019-2020 Unified Planning Work Program (UPWP) occurred earlier this year. On April 23, 2019, the SKATS Policy Committee adopted **Resolution 19-02** adopting the MPO work program for next fiscal year, which begins July 1, 2019.

Safe Routes to School Visioning Plan and ODOT Grant Application – COG staff worked with staff from Salem-Keizer Schools, city of Salem, Cherriots, Marion County Health and others to complete a *Salem Area Safe Route to School Visioning Plan*. MWVCOG and Salem-Keizer schools jointly submitted a grant request to ODOT to hire a Safe Route to School Coordinator for a 3-year period. An ODOT advisory committee will review these applications and make a funding recommendation this summer.

Congestion Management Process (CMP) - COG staff worked with local area planners to help update the SKATS Congestion Management Process (CMP), which is a requirement of federal regulations. The

CMP is designed to develop regional objectives on congestion, measure and analyze congestion along 15 corridors in the Salem-Keizer urban area, identify potential strategies to reduce congestion (along corridors as well as region-wide), and evaluated the effectiveness of the strategies. SKATS recently provided federal funds for the City of Salem to install and collect travel time data with Bluetooth/Wi-Fi readers. The draft update of CMP is now being reviewed by FHWA and FTA staff.

Census and Geographic Information Systems (GIS)

GIS work performed by COG staff this quarter included:

- updates and boundary revisions to the **Salem-Keizer School District** attendance boundaries, maps, and web application;
- continued maintenance of the **Yamhill County** online web mapping application;
- mapping and analyses for the RTSP;
- zoning and/or comprehensive plan map updates for cities of **Aurora** and **Gervais**;
- work to update the of **city of Dundee's** address map and address point data;
- map for **city of Detroit's** wayfinding brochure;
- and the second quarter building permit report for the Salem-Keizer area (used by **Salem-Keizer School District** and others to track development).

GIS staff also completed the **Census Participant Statistical Areas Program (PSAP)** on behalf of **Marion, Polk, and Yamhill Counties**. Work on this program included providing the Census Bureau with suggested changes to census tracts and block groups in preparation for the **upcoming 2020 Decennial Census**. This work was subsidized by MWVCOG and incorporated feedback from cities and counties in the region.



MEMORANDUM

TO: Board of Directors
Mid-Willamette Valley Council of Governments

DATE: June 24, 2019

THRU: Sean O'Day
Executive Director

FROM: John Safstrom
Loan Program Manager

RE: Business Lending Program Update

The Business Lending Program received approval for one Oregon Business Development Fund (OBDF) loan and another approval for an SBA 504 loan.

The OBDF borrower is an asset management company that provides leasing companies, banks and non-bank lenders services that include audit verifications, equipment appraisals, fleet liquidations and recovery of leased or financed equipment, storage and repairs to the equipment, then sales. The business used the OBDF loan to purchase a warehouse/office building in Salem. Columbia Bank is the lead bank lender, funding 50% of the project financing, the OBDF loan funded 40% and the business funded 10% of the purchase.

The SBA 504 borrower is women owned business, located in Silverton, and operating a fitness facility. The project is the purchase and remodel of an existing building with the SBA 504 loan to fund 40% of project costs. Willamette Valley Bank is the third party lender, funding the purchase and construction, then 50% of the permanent financing; and, the borrower funds 10% of the project costs.

The OBDF loans are funded through a combination of lottery and EDA funds, managed through Business Oregon. The COG staff provides marketing and packaging services for Business Oregon under a contract with the agency.

SBA 504 loans are funded through the monthly sale of SBA debentures on Wall Street. The staff provides marketing, loan packaging and approvals, loan funding and loan servicing for businesses within the region and State with CCD Business Development Corporation.



MEMORANDUM

TO: Board of Directors
Mid-Willamette Valley Council of Governments

DATE: June 24, 2019

THRU: Sean O'Day
Executive Director

FROM: Greg Smith
Finance Director

SUBJECT: Financial Report Thru May 31, 2019

The financial report format for this year includes an additional line titled *Results from Operations*. This number will show how well the various programs are doing from an operational standpoint, in other words, are revenues covering expenditures. Below that line will be items that make up *Other Resources* and *Other Requirements*. These numbers, while important to show the overall health of the programs, tend to have a distorting effect when discerning if we are living within our means.

As of the end of May, our cash flow has been sufficient to meet our current needs. However, I still anticipate a need for short term borrowing to meet required payments by the end of the year. If necessary, rather than establishing (and paying for) a line of credit at our bank, our plan is to temporarily borrow funds internally to meet short term cash needs. Interest will be paid to the lending fund.

Member Services

The Member Services Program is funded primarily by membership dues and is frequently referred to as the general fund. As indicated, we have received 85% of the anticipated current year revenue by the end of May. All members have paid their dues for FY 2018-19. The beginning fund balance (carry forward) is \$49,084 higher than we anticipated in the budgeting process. Operational costs are below budget (63.5%) based on the percentage of the fiscal year that has elapsed.

Administrative Services

Administrative Services is funded through indirect charges to agency programs (charged as a percentage of personal services) and supports the traditional management and support functions necessary for the operation of the COG. While revenue is lower than anticipated at 80.0%, total expenses are also lower at 76.5%.

Transportation Planning Services

Both revenues and expenditures in this program are running below budget (71.6% and 75.4% respectively). Revenue is on a reimbursement basis and, therefore, is a month behind expenditures.

Geographic Information System Services

GIS services' expenses are running ahead of budget (125.5%) due to increased demand. Revenues, at 110.4%, are also on a reimbursement basis.

Land Use Planning

Land use planning revenues are running behind budget at 74.0%. Expenditures are also below budget at 71.6%.

Grant Administration

Revenue is a bit sporadic in the Grant Administration program. Billings are typically sent out upon achieving milestones in the various projects. Since many projects exceed a year, we can go for months before being able to bill for a milestone. As of the end of May, we have received 52.6% of anticipated revenue. Operational costs are below budget at 57.1%.

Housing Rehab Program

Housing Rehab Program revenues are at 39.5% of budget. This is another program where revenues lag at least a month or more behind expenditures, and in the case of CDBG funds, grants are milestone based. Operational costs, at 98.3%, are exceeding budget resulting in a deficit of \$46,684 at the end of May. It is anticipated that the deficit will be made up by year-end.

Economic Development Services

Programs in this area are designed primarily to stimulate economic growth in our service area. Revenues are at 73.5% and operational costs are at 71.2%. The carry forward in this area is \$16,478 above what was anticipated in the budgeting process.

Business Lending Services

Operational costs for the loan program are running at 89.5% of budget. Revenues are 110.2% of budget (due primarily to an unanticipated loan payoff). The loan program continues to be in a rebuilding phase after the loss of servicing revenue due to the cancellation of contracts with Cascades West Financial Services. Carryover for the loan program is \$197,854 above what was anticipated in the budgeting process.

Mid-Willamette Valley Council of Governments
 FY 2018-19 Summary Financial Report
 For Eleven Months Ending 5/31/19 (92% of Fiscal Year)

	Member Services			Administrative Services			Transportation Pgms			GIS Programs			Business Lending		
	Budget	Actual	%	Budget	Actual	%	Budget	Actual	%	Budget	Actual	%	Budget	Actual	%
Resources															
Federal	-	-		-	-		1,205,484	842,737	69.9%	-	-		-	-	
State	-	-		-	-		106,717	79,520	74.5%	-	-		10,000	-	0.0%
Local	471,994	380,114	80.5%	465,381	386,294	83.0%	59,028	59,028	100.0%	51,425	56,759	110.4%	481,597	541,951	112.5%
Total Revenues	471,994	380,114	80.5%	465,381	386,294	83.0%	1,371,229	981,285	71.6%	51,425	56,759	110.4%	491,597	541,951	110.2%
Requirements															
Personal Services	(367,864)	(188,232)	51.2%	(382,706)	(294,643)	77.0%	(788,180)	(707,718)	89.8%	(35,634)	(47,695)	133.8%	(306,441)	(295,441)	96.4%
Indirect	(86,817)	(44,423)	51.2%	-	-		(186,011)	(167,021)	89.8%	(8,410)	(11,256)	133.8%	(72,319)	(69,724)	96.4%
Materials & Services	(80,902)	(107,706)	133.1%	(82,675)	(63,260)	76.5%	(415,166)	(172,948)	41.7%	(7,988)	(6,330)	79.2%	(60,556)	(28,123)	46.4%
Total Operational Costs	(535,583)	(340,361)	63.5%	(465,381)	(357,903)	76.9%	(1,389,357)	(1,047,687)	75.4%	(52,032)	(65,281)	125.5%	(439,316)	(393,288)	89.5%
Results from Operations	(63,589)	39,753		-	28,391		(18,128)	(66,402)		(607)	(8,522)		52,281	148,663	
Other Resources															
Transfers	-	14,716		-	-		66,028	39,719	60.2%	607	-	0.0%	-	-	
Designated Reserves	56,102	51,143	91.2%	-	-		141,581	143,507	101.4%	-	-		1,905,768	2,103,622	110.4%
Undesignated Reserves	217,356	266,440	122.6%	-	-		-	-		-	-		-	-	
Other Requirements															
Grants & Loans	-	-		-	-		-	-		-	-		(600,000)	(270,000)	45.0%
Capital Outlay	(43,200)	(8,243)	19.1%	-	-		-	-		-	-		-	-	
Transfers	(15,304)	(14,716)	96.2%	-	-		(66,028)	(39,719)	60.2%	-	-		-	-	
Designated Reserves	-	-		-	-		(123,453)	-	0.0%	-	-		(1,358,049)	-	0.0%
Undesignated Reserves	(151,365)	-	0.0%	-	-		-	-		-	-		-	-	
Balance	-	349,093		-	28,391		-	77,105		-	(8,522)		-	1,982,285	

	Land Use Planning			Grant Administration			Housing Rehab Program			Economic Development			Overall Summary		
	Budget	Actual	%	Budget	Actual	%	Budget	Actual	%	Budget	Actual	%	Budget	Actual	%
Resources															
Federal	-	-		-	-		-	-		75,000	49,378	65.8%	1,280,484	892,115	69.7%
State	-	-		-	-		-	-		42,000	44,683	106.4%	158,717	124,203	78.3%
Local	383,833	284,129	74.0%	68,188	35,879	52.6%	79,376	31,382	39.5%	182,299	125,834	69.0%	1,777,740	1,515,076	85.2%
Total Revenues	383,833	284,129	74.0%	68,188	35,879	52.6%	79,376	31,382	39.5%	299,299	219,895	73.5%	3,216,941	2,531,394	78.7%
Requirements															
Personal Services	(295,647)	(209,315)	70.8%	(32,235)	(30,434)	94.4%	(42,866)	(58,189)	135.7%	(103,087)	(99,785)	96.8%	(1,971,954)	(1,636,809)	83.0%
Indirect	(69,772)	(49,398)	70.8%	(7,606)	(7,183)	94.4%	(10,117)	(13,733)	135.7%	(24,329)	(23,549)	96.8%	(465,381)	(386,287)	83.0%
Materials & Services	(29,874)	(24,290)	81.3%	(31,584)	(3,188)	10.1%	(26,393)	(6,144)	23.3%	(156,255)	(78,502)	50.2%	(808,718)	(427,231)	52.8%
Total Operational Costs	(395,293)	(283,003)	71.6%	(71,425)	(40,805)	57.1%	(79,376)	(78,066)	98.3%	(283,671)	(201,836)	71.2%	(3,246,053)	(2,450,327)	75.5%
Results from Operations	(11,460)	1,126		(3,237)	(4,926)		-	(46,684)		15,628	18,059		(29,112)	81,067	
Other Resources															
Transfers	11,460	-	0.0%	3,237	-	0.0%	-	-		41,643	-	0.0%	122,975	54,435	44.3%
Designated Reserves	-	-		-	2,144		-	-		37,021	53,499	144.5%	2,140,472	2,353,915	110.0%
Undesignated Reserves	-	-		-	-		-	-		-	-		217,356	266,440	122.6%
Other Requirements															
Grants & Loans	-	-		-	-		-	-		-	-		(600,000)	(270,000)	45.0%
Capital Outlay	-	-		-	-		-	-		-	-		(43,200)	(8,243)	19.1%
Transfers	-	-		-	-		-	-		(41,643)	-	0.0%	(122,975)	(54,435)	44.3%
Designated Reserves	-	-		-	-		-	-		(52,649)	-	0.0%	(1,534,151)	-	0.0%
Undesignated Reserves	-	-		-	-		-	-		-	-		(151,365)	-	0.0%
Balance	-	1,126		-	(2,782)		-	(46,684)		-	71,558		-	2,423,179	



MEMORANDUM

TO: Board of Directors
Mid-Willamette Valley Council of Governments

DATE: June 24, 2019

THRU: Sean O'Day
Executive Director

FROM: Renata Wakeley
Community Development Director

SUBJECT: Resolution 2019-09: Marion County Intergovernmental Agreement (IGA) on behalf of the North Santiam Joint Sewer Task Group (NSJSTG)

Issue

Shall the COG Board authorize the Executive Director to enter into an Intergovernmental Agreement (IGA) with Marion County for Project Management Services related to a North Santiam Wastewater Treatment Facilities Master Plan ("PLAN") on behalf of the North Santiam Joint Sewer Task Group (NSJSTG).

Background

Marion County has requested assistance from COG related to procurement and project management of engineering services related to a Santiam Canyon Wastewater Master Plan to assist the North Santiam Joint Sewer Task Group (NSJSTG).

While the COG Board previously authorized Executive Director economic development contractual services requested by member governments via Resolution 2019-02, the attached IGA would request COG procurement services and contracts to be executed directly with a project engineer on behalf of and under the direction of the North Santiam Canyon Joint Sewer Task Group.

The recommended Board action would give the Executive Director the authority to enter into an IGA with Marion County for request services to support wastewater facility planning efforts in the Santiam Canyon.

Recommendation

Staff recommends the Board authorize the Executive Director to negotiate final execution of the attached draft IGA with Marion County and enter into an IGA with Marion County for services related to the North Santiam Joint Sewer Task Group via Resolution 2019-09.

BEFORE THE BOARD OF DIRECTORS
FOR THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
In the matter for authorizing the execution of an Intergovernmental Agreement (IGA) with Marion
County on behalf of the North Santiam Joint Sewer Task Group (NSJSTG)

RESOLUTION 2019-09

WHEREAS, Marion County has requested assistance from COG related to procurement and project management of engineering services related to a Santiam Canyon Wastewater Master Plan to assist the North Santiam Joint Sewer Task Group (NSJSTG); and

WHEREAS, COG staff provides said services and has adopted COG procurement rules related to procurement of engineering professional services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS:

1. That the Executive Director is authorized to negotiate final execution of the attached draft IGA with Marion County and enter into an IGA with Marion County for services related to the North Santiam Joint Sewer Task Group (NSJSTG).

ADOPTED by the Board of Directors of the Mid-Willamette Valley Council of Governments at Salem, Oregon this 24th day of June, 2019.

ATTEST

Cathy Clark, Chair
COG Board of Directors

Sean O'Day
Executive Director

INTERGOVERNMENTAL AGREEMENT
Between
MARION COUNTY
and
MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
For
Contract Management of the North Santiam Sewer Master Plan

1. PARTIES TO AGREEMENT

This Agreement is made and entered into by and between Marion County (“County”), a political subdivision of the State of Oregon, and Mid-Willamette Valley Council of Governments (“COG”). This agreement establishes the terms upon which County shall contract with COG to assist the North Santiam Joint Sewer Task Group (“NSJSTG”) in securing a firm to create a North Santiam Joint Sewer Master Plan (“Plan”).

In consideration of the mutual obligations and benefits set forth, the parties agree as follows:

2. WITNESSETH

- A. This Agreement is made pursuant to Marion County’s Economic Development Strategic Plan for projects implemented within Marion County that have economic development significance as defined in ORS 461.540. Funding is made possible through proceeds received from the Oregon Economic Development Video Lottery Program.
- B. County has received an allocation from the Oregon State Treasury’s Administrative Services Economic Development Fund, pursuant to the authority of ORS 461.500 et seq.
- C. The funds under this Agreement are subject to the Notice of Allocations, Application Procedures, ORS 461.500 et seq., and the Funding Approval, including any special conditions. Each of these regulations and the Funding Approval constitute part of this Agreement and are incorporated herein by reference.
- D. The Agreement is also subject to Marion County’s Economic Development Funding Criteria; regulatory changes; guidelines; and other official notices or clarification that may become available from time to time.
- E. County has reviewed the Scope of Work and determined the activities, as hereinafter defined, to be feasible and merit County funding.
- F. County and COG will negotiate a separate agreement for compensation for activities to be conducted during Phase II.

Whereas, the County has agreed to provide \$60,000 to COG from the allocation of funds the County receives from the State of Oregon Video Lottery Program. The total amount paid under this contract shall not exceed \$60,000. Request for payment shall be made according to the terms under Section 5.

3. OBLIGATIONS UNDER THE TERMS OF THIS AGREEMENT

The purpose of this Agreement is to establish the terms and conditions, under which the COG will assist the North Santiam Joint Sewer Task Group (“NSJSTG”) in securing a firm (Firm) to create a North Santiam Joint Sewer Master Plan (“Plan”) and two Wastewater Treatment Facilities plans. The goal of the Plan is to provide a North Santiam Sewer Master Plan, to be prepared during a planned Phase II, to connect the communities of Detroit, Gates, Idanha and Mill City (“Cities”) under a locally governed joint sewer district as stated in the Intergovernmental Agreement between County and Cities, hereby incorporated and attached as Exhibit A.

Now, therefore, the County and COG mutually covenant and agree as follows:

A. UNDER THE TERMS OF THIS AGREEMENT, COG SHALL, with assistance from County, and on behalf of and under the guidance of NSJSTG:

1. Phase I Tasks:
 - a. Gather information related to the Plan as requested by the NSJSTG.
 - b. Document requirements by various stakeholders in meeting Plan goals.
 - c. Draft and create a Request for Qualifications (RFQ) which shall include contractor responsibilities, deliverables, time line, cost, and performance measures.
 - d. Publish the RFQ along with required public legal notices.
 - e. Select and engage an evaluation committee to score the RFQ’s received and to make a Firm selection.
 - f. Keep record of the procurement process and actions to ensure compliance with local, state, and federal procurement and contracting requirements.
 - g. Negotiate terms with the Firm.
 - h. Present recommendation and draft agreement with the Firm to NSJSTG
 - i. Notify County, in writing, of Firm selection and provide a draft agreement with the Firm to the County for review.
 - j. Provide regular updates to County, and in person or by phone to the NSJSTG at their monthly meeting when agenda topics are related to the Plan.
2. Phase I Deliverables:
 - a. A completed procurement process and contract negotiation with a Firm to create the North Santiam Sewer Master Plan and two Wastewater Treatment Facilities plans.
3. Provide a suitable work station for the staff person assigned to this project, to include all necessary equipment, technology, or supplies needed for these tasks.
4. Submit monthly financial expenditure reports and milestone updates to County and the NSJSG.
5. Submit prior written approval from County for changes to the overall Plan approach and implementation. Requests for and justification of any changes must be submitted in writing and approved by County prior to commencement of the requested change.

6. COG shall submit a final detailed expenditure report by March 31, 2020 or within 30 days after the completion of Phase I tasks, whichever comes first. The final Phase I report shall include:
 - a. A brief explanation for all components implemented or completed.
 - b. A brief explanation for all components that remains unfulfilled.
 - c. A final invoice and proof of expenditures.
7. COG will prepare a proposed budget for work to be performed under a separate agreement managing activities in Phase II. Phase II deliverables to be produced by the Firm selected in Phase I shall include at least: Completion, approval and adoption of a North Santiam Sewer Master Plan and two Wastewater Treatment Facilities plans, one of which is fully compliant with ORS 340-041-0350 and a second scenario in which a conceptual plan is vetted. COG shall not proceed with Phase II without County approval of a negotiated agreement for services to be performed in Phase II, as well as reporting and compensation terms.

Failure to comply with these reporting requirements may result in the suspension of funds, or a termination of the Agreement.

B. UNDER THE TERMS OF THIS AGREEMENT, COUNTY SHALL:

1. Reimburse COG for the work outlined in Section 3.A at rates outlined in the COG Fee For Service Resolution hereby incorporated and attached as Exhibit B.
2. Distribute funds to the COG for the negotiated compensation of selected firm to complete the Plan.
3. Evaluate the effectiveness of the project using the following criteria:
 - a. Completed RFQ process to secure a Firm.
 - b. Negotiate and draft a contract with the Firm for Plan development and acceptance of the Plan.
 - c. Presentation of draft contract to NSJSTG for final approval and recommendation to proceed to Phase II, to be approved by Marion County.
 - d. Upon completion of Phase I, County and COG will negotiate terms for Phase II of the project. Phase II requirements include:
4. Negotiate Phase II implementation tasks with COG (subject to change) under a separate cost agreement to be negotiated after completion of Phase I:
 - a. Provide technical assistance, to the NSJSTG and assist in contract management of the Firm to facilitate Master Plan development and two Wastewater Treatment Facilities plans.
 - b. Coordinate and facilitate a technical advisory group with the NSJSTG and County to provide input on Plan development.
 - c. Perform contract management, oversight, and monitor project components with the Firm.
 - d. Coordinate with NSJSTG to facilitate approval and adoption of the Plan.

4. TERM AND TERMINATION

- A. This Agreement shall be effective for the period of execution through March 31, 2020 unless sooner terminated or extended as provided herein.
- B. This Agreement may be extended for an additional period of two years by agreement of the parties. Any modifications in the terms of such amendment shall be in writing.
- C. This agreement may be terminated by mutual consent of both parties at any time or by either party upon 30 days' notice in writing, and delivered by mail or in person. Any such termination of this agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.
- D. County may terminate this agreement effective upon delivery of written notice to COG or at such later date as may be established under any of the following conditions:
 - 1. If funding from federal, state, or other sources is not obtained or continued at levels sufficient to allow for the purchase of the indicated quantity of services. This agreement may be modified to accommodate a reduction in funds.
 - 2. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this agreement or are no longer eligible for the funding proposed for payments authorized by this agreement.
 - 3. If any license, certificate, or insurance required by law or regulation to be held by COG to provide the services required by this agreement is for any reason denied, revoked or not renewed.
 - 4. If COG fails to provide services called for by this agreement within the time specified herein or any extension thereof.
 - 5. If COG fails to perform any of the provisions of this agreement or so fails to pursue the work as to endanger the performance of this agreement in accordance with its terms and after written notice from County, fails to correct such failure(s) within ten (10) days or such longer period as the County may authorize.

5. REPORTING AND COMPENSATION.

- A. The total amount available for payment to COG under Section 3.A, and for authorized reimbursement for work under Phase I is not to exceed **\$60,000.00**.
 - a. \$3,000 will be paid to COG upon execution of this agreement and receipt of an invoice.
 - b. Additional payments will be made monthly upon receipt of an invoice and proof of expenditures. Invoices must include the hourly rate and hours worked.
- B. County shall pay COG for completing all Services and delivering all Goods required under this contract, according to terms described in Section 3.
- C. COG may be required to provide periodic reports in person to the Marion County Board of Commissioners during their weekly board session or during a scheduled work session, as requested.

- D. Requests for payment shall be submitted to Marion County Community Services Department, PO Box 14500, Salem, OR 97309 or csreporting@co.marion.or.us. Final invoices are due no later than June 30, 2020, or 30 days after Plan completion, whichever comes first.

6. FUNDS AVAILABLE AND AUTHORIZED

County certifies at the time they request services that sufficient funds are available and authorized for the services requested under this agreement. If County modifies, reduces, or eliminates funding in a manner that reduces the funding allocation for the Plan, COG agrees to abide by any such decision, including termination of this Agreement.

7. COMPLIANCE WITH APPLICABLE LAWS

The parties agree that both shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this agreement. The parties agree that this agreement shall be administered and construed under the laws of the state of Oregon.

8. NONDISCRIMINATION

The parties agree to comply with all applicable requirements of Federal and State civil rights and rehabilitation statutes, rules and regulations in the performance of this agreement.

9. HOLD HARMLESS

To the extent permitted by Article XI, Section 7 of the Oregon Constitution and by the Oregon Tort Claims Act, each party agrees to waive, forgive, and acquit any and all claims it may otherwise have against the other and the officers, employees, and agents of the other, for or resulting from damage or loss, provided that this discharge and waiver shall not apply to claims by one party against any officer, employee, or agent of the other arising from such person's malfeasance in office, willful or wanton neglect of duty, or actions outside the course and scope of his or her official duties.

10. INSURANCE

Each party shall insure or self-insure and be independently responsible for the risk of its own liability for claims within the scope of the Oregon tort claims act (ORS 30.260 TO 30.300).

11. MERGER CLAUSE

Parties concur and agree that this agreement constitutes the entire agreement between the parties. No waiver, consent, modification or change to the terms of this agreement shall bind either party unless in writing and signed by both parties. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this

agreement. Parties, by the signatures below of their authorized representatives, hereby agree to be bound by its term and conditions.

12. NOTICES

Any notice required to be given the COG or County under this Agreement shall be sufficient if given, in writing, by first class mail or in person as follows:

For COG:
Mid-Willamette Valley Council
of Governments
Attn: Renata Wakeley
100 High St SE, Suite 200
Salem, OR 97301

For County:
Marion County Community
Services Department
Attn: Krista Ulm
PO Box 14500
Salem, OR 97309

This agreement and any changes, alterations, modifications, or amendments will be effective when approved in writing by the authorized representative of the parties hereto as of the effective date set forth herein.

In witness whereof, the parties hereto have caused this agreement to be executed on the date set forth below.

MARION COUNTY SIGNATURE

Authorized Signature: _____
Department Director or designee Date

Authorized Signature: _____
Chief Administrative Officer Date

Reviewed by Signature: _____
Marion County Legal Counsel Date

Reviewed by Signature: _____
Marion County Contracts & Procurement Date

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

Authorized Signature: _____ Date: _____

Title: _____

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT

Between

**MARION COUNTY and the cities of
DETROIT, OREGON
GATES, OREGON
IDANHA, OREGON
MILL CITY, OREGON**

This agreement is entered between the cities of Detroit, Gates, Idanha, Mill City, Oregon, hereinafter collectively referred to as the "parties," and Marion County, a political subdivision of the state of Oregon, hereafter called County, is made pursuant to ORS 190.010 (Cooperative Agreements).

WHEREAS, the parties seek to obtain initial consulting and related services regarding the potential formation of a special district for sewer services for their collective communities, and

WHEREAS, County has offered to provide a grant of funds, the amount to be determined by the County following receipt of a grant application by the cities, that may be used by the parties for the above purposes, now, therefore

IT IS AGREED AS FOLLOWS:

1. **Effective Date:** This agreement shall take effect on February 26, 2019, or whenever all four cities approve it, whichever occurs last.
2. **Purpose:** The purpose of this agreement is to establish a framework whereby the parties may utilize a grant of funds from County and other sources to obtain consulting and related services regarding the potential formation of a sewer service district for their collective communities.
3. The parties are units of local government authorized to enter this agreement pursuant to ORS chapter 190.

Now, therefore, in consideration of the mutual promises made in this agreement, the parties agree as follows:

The city of Mill City will:

1. Act as fiscal agent on behalf of all parties and shall administer and maintain all funds designated for consulting services regarding the potential formation of a special district for sewer services.
2. The city of Mill City shall maintain records of funds received and expended on behalf of the parties and shall account for all funds on a regular basis.

3. Receive grant funds from County and other sources that are to be used for consulting services regarding the potential formation of a sewer service district for their collective communities.

All cities will:

1. Each city will, within 30 days of the effective date, identify who will represent that city's interest in this endeavor. The city's representatives will jointly work as a task force to benefit their collective communities while working for the stated purpose.
2. Work cooperatively to make timely decisions and make effective use of funds in order to receive effective consulting services.
3. Actively engage in the task force process by making inquiries, evaluating information, and sharing thoughts.
4. Monitor progress and regularly report back to their appropriate city officials.

General Conditions:

1. Duration: The original term of this agreement shall expire two (2) years after the effective date. This agreement may be renewed for additional one (1) year term on the anniversary of the effective date, upon the written agreement of the parties.
2. Termination: Any party may terminate this agreement upon thirty (30) day written notice to all other parties. The terminating party will have no right to unused funds; all unused funds shall be returned to County.
3. Availability of funding: Any party may terminate this agreement upon delivery of written notice to the other parties if funding from federal, state, or other sources is not obtained or continued at levels sufficient to allow for the fulfillment of this agreement. This agreement may be modified to accommodate a reduction in funds.
4. Notice: Written notice shall be deemed given by one party to the other parties on the date the notice is personally delivered or mailed by certified mail, return receipt requested to the person and at the address listed below:

City: City of Detroit
160 Detroit Avenue
P.O. Box 589
Detroit, Oregon 97342

City: City of Idanha
111 Highway 22
P.O. Box 430
Idanha, Oregon 97350

City: City of Gates
101 Sorbin Avenue W.
Gates, Oregon 97346

City: City of Mill City
444 S. 1st Avenue
P.O. Box 256
Mill City, Oregon 97360

County: Marion County, Oregon
Krista Ulm, Contract Specialist
PO Box 14500, Salem, OR 97309
kulm@co.marion.or.us

5. Independent Contractor: No party is, by virtue of this agreement, a partner or joint venturer with the other in connection with activities carried out under this agreement, and neither shall have any obligation with respect to the other's debts or any other liabilities of each and every nature. Each party is the employer of its own employees and exclusively responsible for them.

6. Each party shall save harmless, indemnify and defend the other party for any and all claims, damages, losses and expenses incurred by others to the extent that the same are caused by the negligence or misconduct of the party or the party's agents, officers or employees. Liability shall be limited to not more than the limits of liability set forth in the Oregon Tort Claims Act. Each party shall maintain insurance or self-insurance for general liability. Each party shall provide workers' compensation insurance in compliance with ORS Chapter 656 for all employees performing work under this agreement.

No party shall be liable to the other party for any indirect, incidental, special, punitive, or consequential damages, including, but not limited to, interruption of business activities.

7. The persons signing this agreement on behalf of their respective parties are authorized to execute this agreement, which shall be binding on the parties.

8. No modification of the provisions of this agreement shall be effective unless reduced to writing and signed by the parties.

9. This agreement contains the entire agreement between the parties and County, and supersedes all prior written and/or oral discussions or agreements between parties.

10. No portion of this agreement may be subcontracted or assigned to any other individual, firm or entity by a party without the express, prior written approval of the other party.

11. The parties agree to comply with the Civil Rights Act of 1964, and 1991, Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, and Title VI as implemented by 45 CFR 80 and 84 which states in part, No qualified person shall on the basis of disability, race, color, or national origin be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which received or benefits from federal financial assistance.

12. The parties shall permit authorized representatives of the other party, State of Oregon or applicable audit agencies of the U.S. Government to review the records of the party as they relate to its services in order to satisfy audit or program evaluation purposes deemed necessary by the party and permitted by law.

In witness thereof, the parties have executed this agreement as of the date stated below.

City of Detroit
by [Signature]
Title Mayor
date 03-12-19

City of Gates
by [Signature]
Title Mayor
date 3-7-2019

City of Idanha
by [Signature]
Title Water Commissioner
date 3-7-19

City of Mill City
by [Signature]
Title Mayor
date 3-7-2019

Marion County Signatures

Authorized Signatures:

[Signature]
Department Director Date

[Signature]
Chief Administrative Officer Date 03/22/19

Reviewed by Signature: [Signature] 3/22/19
Marion County Legal Counsel Date

Reviewed by Signature: [Signature] 3/21/19
County Contracts Coordinator Date

EXHIBIT B

BEFORE THE BOARD OF DIRECTORS
FOR THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
In the matter of establishing rates for services provided member and other entities on a fee-for-service basis.

RESOLUTION 2019-06

WHEREAS, the Mid-Willamette Valley Council of Governments (COG) is an intergovernmental entity established by agreement among the participating jurisdictions pursuant to their home rule authority and ORS 190.019.

WHEREAS, the agreement establishing the COG and ORS 190.020 allows the COG to enter into intergovernmental agreements for the delivery of services to its member governments

WHEREAS, the COG presently offers a host of fee-for-service programs on a contractual basis with its member governments to include land use planning, housing rehabilitation loan administration, revolving loan program administration, legal services, executive recruiting, and other technical services; and

WHEREAS, the Board of Directors for the COG desires to set rates for such services that are affordable for members and where feasible recover the COG's costs of providing such services,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS:

That the following rates shall take effect for the COG's fee-for-service program beginning July 1, 2019, and ending June 30, 2020, unless sooner amended:

Member Services

Recruitment Services:

Population	Fee
Up to 1,000	\$5,938
1,001 to 5,000	\$8,097
Over 5,000	\$10,256
Non-member Entities	\$16,193
Background Check Services	\$500/background check

Legal Services

General Counsel Services	\$156 per hour
Hearings Officer Services	\$175 per hour

Miscellaneous Technical Services

Executive Director	\$200 per hour
Support Staff	\$80 per hour

Community Development Services

Land Use Planning (small cities)*	
Senior Planner	\$87 per hour
Associate Planner	\$85 per hour
GIS Analyst	\$89 per hour
Support Staff	\$60 per hour
Grants Administration*	
Grants Administration Specialist	\$76 per hour
Support Staff	\$60 per hour
Housing Rehab Services*	
Grants Administration Specialist	\$76 per hour
Economic Development Services*	
Development Director	\$113 per hour
Senior Planner	\$95 per hour
Associate Planner	\$85 per hour
GIS Analyst	\$89 per hour
Support Staff	\$60 per hour

*(Any contracts that exceed a 1 year period shall be charged at the above rates plus 5%.)

GIS/Data Services

GIS Services	
Member Rate	\$89 per hour
Non-profit Rate	\$94 per hour
For Profit Rate	\$108 per hour
Modeling Services	
Member Rate	\$102 per hour
Non-profit Rate	\$107 per hour
For Profit Rate	\$120 per hour

Loan Program Services

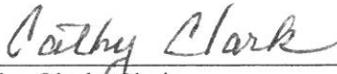
Administration of Member Revolving Loan Programs	
Program Manager	\$108 per hour
Loan Officer	\$77 per hour
Servicing Specialist	\$60 per hour
Loan Underwriting, packaging and Closing Services	1.5 % of Loan Amount, Minimum
Fee - \$800	
Loan Servicing and Reporting	\$1,800 annually

SBA Loans

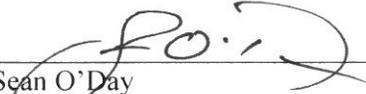
Program Manager	\$108 per hour
Loan Officer	\$77 per hour
Servicing Specialist	\$60 per hour
Support Staff	\$60 per hour

ADOPTED by the Board of Directors of the Mid-Willamette Valley Council of Governments at Salem, Oregon this 19th day of March, 2019.

ATTEST



Cathy Clark, Chair
COG Board of Directors



Sean O'Day
Executive Director

BEFORE THE BOARD OF DIRECTORS
FOR THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
In the matter of making appropriations
For Fiscal Year 2019-20

RESOLUTION 2019-07

WHEREAS, it is necessary for the Mid-Willamette Valley Council of Governments, hereinafter called MWVCOG to adopt a revenue and expenditure Budget for fiscal year 2019-20; and

WHEREAS, the MWVCOG Budget Committee met on June 5, 2019 to review and receive public comment on the proposed FY 2019-20 Budget and recommended approval to the Board of Directors; and

WHEREAS, at a budget hearing conducted on June 24, 2019 the MWVCOG Board of Directors approved the Budget submitted by the Budget Committee;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Mid-Willamette Valley Council of Governments:

THAT the MWVCOG Board of Directors hereby adopts the attached Budget for fiscal year 2019-20; and

THAT the following amounts are hereby appropriated for the purposes specified for the fiscal year beginning July 1, 2019:

<i>Personal Services</i>	\$ 2,310,001
<i>Materials & Services</i>	995,642
<i>Grants and Loans to Others</i>	455,000
<i>Capital Outlay</i>	41,300
<i>Reserves-Designated</i>	1,904,062
<i>Reserves-Undesignated</i>	<u>237,866</u>
<i>Total Appropriation</i>	\$ 5,943,871

THAT the Executive Director is authorized to execute said Budget and shall file a true copy of the Budget with the Oregon Department of Revenue.

ADOPTED by the Board of Directors of the Mid-Willamette Valley Council of Governments at Salem, Oregon this 24th day of June, 2019.

ATTEST

Cathy Clark, Chair
MWVCOG Board of Directors

Sean E. O'Day
Executive Director