

AGENDA

Board of Directors
Mid-Willamette Valley Council of Governments
Tuesday, March 19, 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. PRESENTATION – Legislative Update – *Justin Martin, Perseverance Strategies*

E. SMALL BUSINESS LOAN PROGRAM UPDATE – *John Safstrom, COG Loan Prog. Mgr.*

F. DEPARTMENT REPORTS

1. Community Development Department Program Update **pg. 3-4**

2. Transportation Department Update **pg. 5-7**

G. CONSENT CALENDAR (*All items on the Consent Calendar will be approved by one vote unless an item is withdrawn for discussion at the request of a Board member. Members may have an item withdrawn by notifying the Chair at the meeting.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 December 18, 2018 meeting of the Board of Directors **pg. 8-13**
Requested Action: Approve minutes

2. Appointment of 2019 Budget Committee **pg. 14**
Requested Action: Appoint Budget Committee members for the 2019 budget process

3. Adoption of 2019-20 Budget Schedule **pg. 15**
Requested Action: Adopt the meeting schedule for the 2019 budget process

4. Resolution 2019-01 – Annual Salem/Keizer Area Transportation Planning Contracts **pg. 16-20**
Requested Action: Approve Resolution No. 2019-01 authorizing the Executive Director to sign Transportation Planning contracts as outlined in the Resolution

5. Resolution 2019-04 – GIS Services Contracts **pg. 21-25**
Requested Action: Approve Resolution No. 2019-04 authorizing the Executive Director to sign GIS Services contracts as outlined in the Resolution

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- 6. **Resolution 2019-02 – Community Development Contracts** pg. 26-38
Requested Action: Approve Resolution No. 2019-02 authorizing the Executive Director to sign Community Development, Land Use Planning, and Housing Rehabilitation Services contracts as outlined in the Resolution
- 7. **Resolution 2019-05 – Member Services Contracts** pg. 39-43
Requested Action: Approve Resolution No. 2019-05 authorizing the Executive Director to sign Member Services contracts as outlined in the Resolution
- 8. **Approve Appointment of Tom Pessemier to Loan Boards** pg. 44-45
Requested Action: Approve appointment of Tom Pessemier to the Valley Development Initiatives (VDI) and COG Revolving Loan Fund (RLF) Boards
- 9. **Executive Director Evaluation Process** pg. 46-48
Requested Action: Set and direct staff to begin the annual evaluation process for the Executive Director

H. ACTION ITEMS

- 1. **Amending Leasehold Agreement** pg. 49-53
Requested Action: Approve amendments to the leasehold agreement
- 2. **Resolution 2019-06 – Approve rates** pg. 54-62
Requested Action: Approve Resolution No. 2019-06 setting the hourly rates for various services provided by MWVCOG on a contract basis, as outlined in the Resolution
- 3. **Resolution 2019-03 – Approve Purchasing Rules** pg. 63-75
Requested Action: Approve Resolution No. 2019-03 establishing purchasing rules for the organization, as outlined in the Resolution. The purchasing rules are provided as a separate document.

I. EXECUTIVE DIRECTOR’S REPORT

- 1. **Financial Report** pg. 76-78
- 2. **Annual Dinner & Awards Banquet Review** pg. 79-89

J. 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.)*

K. ADJOURNMENT

**NEXT MEETING: Tuesday, June 18, 2019
3:30 p.m.
COG Offices
(Includes 2019 Budget Hearing)**

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, 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



MEMORANDUM

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

DATE: March 19, 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.

Staff continues to work with the **University of Oregon** and five (5) other **Economic Development Districts** within the Eclipse “path of totality” on a best-practices report and upcoming training and economic resiliency planning efforts focused upon to disaster resiliency. The project is supported by a \$87,000 grant award from the **EDA** and was matched with \$89,000 in local funding. 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**.

- **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. Most recently, the cities of **Independence** and **Jefferson** have requested additional assistance from COG planners, including the provision of in-house staff office hours during some staff transition.

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.

COG continues to assist **Amity** with their water improvements project; 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 Community Development Block Grant (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. We have assisted ten (10) eligible parties to date and continue to hear interest daily. Staff is also assisting property owners with VDI funded housing rehabilitation projects in Gervais, Jefferson, Woodburn, and unincorporated Marion County, along with a city-maintained loan in **Mt. Angel**.



MEMORANDUM

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

DATE: March 19, 2019

THRU: Sean O'Day
Executive Director

FROM: Mike Jaffe
Transportation Program Director

SUBJECT: Transportation Program Update

Mid-Willamette Area Commission on Transportation (MWACT)

This quarter, MWACT had one meeting (in March). Chair Ken Woods, Jr., welcomed the following new members to the commission:

- Kathy Hadley, representing the Polk County Private Sector Representative
- Yamhill County Commissioner Rick Olson
- Polk County Commissioner Lyle Mordhorst
- Michael Langley, representing the Confederated Tribes of the Grand Ronde
- McMinnville Mayor Scott Hill representing the Hwys. 99W/18/47 Corridor
- Walt Perry representing the I-5 Corridor

Ken Woods and Cathy Clark were re-elected chair and vice chair, respectively, of the commission for 2019. Lisa Nell, Oregon Department of Transportation (ODOT), announced that ODOT Director Matt Garrett is retiring and that the search for his replacement has begun.

Bill Ciz, ODOT, provided MWACT members with a presentation of the I-5 @ Aurora-Donald Interchange upgrade project. The interchange was built in the 1960s, and upgrades are needed to address increasing congestion issues (particularly escalating truck traffic at the interchange) which is predicted to increase approximately 40 percent in the future. The interchange upgrade project is intended to reduce queue lengths on the ramps and improve the operational flow of the facility. The project was originally funded with \$3.4 million dollars for initial design work. In 2017, the Oregon Legislature approved an additional \$25 million in funding for additional design and an initial construction phase. However, a significant increase in funding will be needed to construct the other projects identified in the Interchange Area Management Plan (IAMP).

Dan Fricke, ODOT, reviewed the Statewide Transportation Improvement Fund (STIF) discretionary program and Statewide Transit Network program. The applications for these funds were due on February 1st. The project selection process has begun and includes ACT review and comments on the applications. Seven applications from project sponsors in the tri-county MWACT area were distributed to

MWACT members for their review along with guidance related to how assess them. MWACT members will provide their comments for each application during their April meeting.

Salem Keizer Area Transportation Study (SKATS)

Regional Transportation Systems Plan (RTSP) Update

Work to update the 20-year **Regional Transportation Systems Plan (RTSP)** continues with emphasis this quarter on the project selection process for the financially constrained regional plan.

Based on input from the SKATS Policy Committee, SKATS staff developed weighting options to assist in prioritizing projects by how well individual projects meet the RTSP goals.

The SKATS Committees are scheduled to review and comment on draft Chapters 7 (Proposed System) and 8 (Impacts) along with draft Executive Summary for the document during their March meeting. This will lead up to request in April to release the draft FY 2019-2043 RTSP for a 30-day public review and comment period.

Transportation Improvement Program (TIP)

Solicitation for projects to be funded in the draft FY 2021-2026 Transportation Improvement Program (TIP) has begun. Approximately \$15 million in federal funds is available to program to projects. It is a combined solicitation to award Surface Transportation Block Grant Program-Urban (**STBGP-U**) funds, Transportation Alternative-Urban (**TA-U**) set aside funds, and Congestion Mitigation and Air Quality Improvement Program (**CMAQ**) funds. The process for selecting projects and allocating the available STBGP-U, TA-U, and CMAQ funds in the FY 2021 - 2026 TIP will be very similar to what was used for the development of the last two TIPs. Pre-applications are due March 26, 2019. Full applications are due June 28, 2019.

Unified Planning Work Program (UPWP)

After review by the SKATS Policy Committee, the draft SKATS 2019-2020 UPWP was distributed to state and federal officials which provided comments on the draft. Due to adverse weather conditions, the onsite review was rescheduled from February 27, 2019 to March 20, 2019. The draft document will be revised to incorporate comments, as appropriate, prior to review and adoption by the SKATS Policy Committee during their April meeting.

Congestion Management Process (CMP)

Metropolitan Planning Organizations (MPOs) with populations over 200,000 are required by federal regulations to have a Congestion Management Process (CMP) that defines the current levels of congestion and strategies to reduce traffic congestion. SKATS staff is revising its CMP over the next several months and will be having a series of meeting with a working group of transportation staff from the local jurisdictions.

Safe Routes to School (SRTS)

Transportation staff continues its coordination of a Salem area Safe Routes to School (SRTS) Steering Committee. Committee members include staff from the MWVCOG, the Salem-Keizer School District, Cherriots, Salem Public Works, and Marion County Health. The Steering Committee is developing a SRTS Visioning and Work Plan for the Salem-Keizer area. The committee is focused on applying for an

ODOT SRTS non-infrastructure grant program, which has \$1.8 million available over three years. The application will request funds to hire a SRTS Coordinator to work with schools in the Salem-Keizer School District on safety education and instruction, Action Plans, and district-wide encouragement events. Having a SRTS non-infrastructure program also assists the local jurisdictions when they apply for the SRTS infrastructure funds.

In February, the SKATS Policy Committee members unanimously supported using discretionary federal funds from SKATS in the ODOT SRTS application that will be submitted in May. Salem-Keizer public schools has pledged funds, administration time, work space and materials for the upcoming grant.

Salem River Crossing Environmental Impact Statement (EIS)

The Salem City Council conducted a Salem River Crossing EIS Workshop on January 30, 2019. Julie Warncke, Salem Public Works; Robert Chandler, Assistant Public Works Director; and Mike Jaffe, COG Transportation Planning Director co-authored a 100-page “Salem River Crossing Project – Questions and Answers” report for city councilors to use. During the two-hour workshop, Salem city council asked question from COG, ODOT, and city of Salem staff about the information in the report and options of the council going forward.

At the Salem City Council meeting on February 11, 2019, there was over two hours of public testimony regarding the EIS. Included in the testimony was a letter from the Mid-Willamette Valley Mayors Coalition that asked the council to consider the regional implications of the council’s decision and to support moving forward on the LUBA decision and obtaining a final EIS; the letter was signed by 16 mayors from Marion, Polk, and Yamhill counties. Following additional discussion by the council, the council voted six to three to support “No-Build” as the preferred alternative for the Salem River Crossing EIS.

Census and Geographic Information Systems (GIS)

GIS staff completed the upgrade to the **Yamhill County online web mapping application** and deployed it in early January. The upgraded website is much faster and robust than the site that it replaced. Users can search for properties and surveys, access survey and assessor maps, and print maps from the website. The mapping application is used both internally by Yamhill County staff, as well as by the general public.

GIS staff are coordinating the **Census Bureau's Participant Statistical Areas Program (PSAP)** for the three-county region. PSAP is a geographic program in which government agencies review boundaries such as census tracts, census block groups, and Census Designated Places (CDPs) and provide feedback to the Census Bureau regarding boundary changes. Census areas with population and housing unit counts either above the maximum or below the minimum require changes. While counties could opt to coordinate this work themselves, each county has requested that MWVCOG staff coordinate this work since the COG has done this work in the past. Lesley Hegewald (COG Associate Planner) has met with city and county staff from Marion and Polk counties and will be meeting with Yamhill county staff in the near future. The COG will submit the revised boundary suggestions to the Census Bureau by the end of May.

MINUTES OF December 18, 2018

**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

VICE CHAIR: Commissioner Stan Primozych, Yamhill County

Frank W. Pender, Jr., Board Member, Willamette Education Service District

Commissioner Sam Brentano, Marion County

Lisa Leno, Tribal Council Member, Confederated Tribes of Grand Ronde

Bob Krebs, Salem-Keizer Transit District Board

Mayor Bob Andrews, City of Newberg

Councilor Sally Cook for Mayor Chuck Bennett, City of Salem

Sherrone Blasi, Member, Salem-Keizer School District Board of Directors

Lisa Rogers, Board Member, Chehalem Park and Recreation District

Mayor Eric Swenson, City of Woodburn

Mayor Shanti Platt, Gervais, representing Small Cities of Marion County (by phone)

Jackie Franke, Member, Chemeketa Community College Board of Education (by phone)

Mayor Brian Dalton for Councilor Jim Fairchild, City of Dallas (by phone)

Mayor John McArdle, Independence, representing Small Cities of Polk County (by phone)

Councilor Sal Peralta, City of McMinnville (by phone)

MEMBERS ABSENT

Commissioner Mike Ainsworth, Polk County

Mayor Steve Milligan, City of Monmouth

Mayor Kathie Oriet, Carlton, representing Small Cities of Yamhill County

OTHERS PRESENT

Sean O'Day, Executive Director

Denise VanDyke, Admin. Specialist II

Renata Wakeley, Community Development Director

Greg Smith, Finance Director

Mike Jaffe, Transportation Director

Tom Pessemier, City Manager, City of Independence

Daniel Tucker, Mayor-elect, City of Gates

Jim Trett, Mayor, City of Detroit

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.

OPENING COMMENTS

Mayor Clark and Mr. O'Day explained the changes to the agenda and the situation with the storm damage to the building. Due to the unusual circumstances, the scheduled presentation has been postponed, but can be rescheduled for the March meeting if so desired. Canceling the meeting was considered, but there are some important and time sensitive matters on the agenda, so the focus of this meeting will be the consent agenda and action items. We hope to be back to relative normal tomorrow.

CONSENT CALENDAR

Items 5 and 9 were pulled from the consent calendar.

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

1. *MINUTES OF OCTOBER 16, 2018 MEETING OF THE BOARD OF DIRECTORS*
2. *RESOLUTION 2018-09 ESTABLISHING A FUND BALANCE TARGET FOR FY 2019-20 BUDGET*
3. *SETTING MEETING SCHEDULE FOR 2019 CALENDAR YEAR*
4. *RESOLUTION 2018-08 ESTABLISHING A VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION (VEBA)*
6. *LEASE RENEWAL*
7. *SELECTION OF AUDITOR*
8. *AMENDMENT TO MID-WILLAMETTE HOMELESS INITIATIVE (MWHI) AGREEMENT*

Discussion: None. Motion carried.

IN FAVOR: Brentano, Clark, Andrews, Cook, Franke, Pender, Peralta, Rogers, Krebs, Dalton, Swenson, McArdle, Blasi. **OPPOSED:** None. **ABSTAINED:** None.

Item 5: INTERGOVERNMENTAL AGREEMENT WITH WESD FOR IT SERVICES

Councilor Cook announced that she prefers to abstain from voting on this item due to a potential conflict of interest as a relative works in the IT department of the Willamette Educational Services District (WESD).

MOTION: By Commissioner Brentano, **SECONDED** by Mr. Pender, to **AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE AN IGA WITH WESD, AS PRESENTED.**

Discussion: None. Motion carried.

IN FAVOR: Brentano, Clark, Andrews, Franke, Pender, Peralta, Rogers, Krebs, Dalton, Swenson, McArdle, Blasi, Leno, Platt. **OPPOSED:** None. **ABSTAINED:** Cook.

Item 9: GIS CONTRACT FOR DUNDEE

Ms. Franke had submitted some questions on this item. Ms. Wakeley addressed those questions by explaining the situation with Dundee. The Dundee City Council would be considering this matter tonight. The contract proposed follows the standard template used for fee-for-service work. It does not lay out any minimum or maximum hours for the work, but depends on good communication between the COG and the city staff. This is a six-month contract using proposed rates for the coming year. Staff anticipates having capacity to handle this work. Mr. O'Day added that, by contracting with WESD for enhanced IT services, this will free up GIS time for staff, one of whom has served as an IT person. The Board is asked for blanket authorization for land use contracts, and a request may be forthcoming this spring for similar authorization for GIS service agreements. The new rates mentioned will be brought to the Board at the March meeting. The aim is to cover costs plus a small amount to build the reserve balance.

MOTION: By Mr. Pender, **SECONDED** by Ms. Franke, to **AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN THE GIS CONTRACT FOR DUNDEE, AS PRESENTED.**

Discussion: None. Motion carried.

IN FAVOR: Brentano, Clark, Andrews, Franke, Pender, Peralta, Rogers, Krebs, Dalton, Swenson, McArdle, Blasi, Leno, Platt, Primozych, Cook. **OPPOSED:** None. **ABSTAINED:** None.

REPORT AND RECOMMENDATION FROM THE EXECUTIVE COMMITTEE
ESTABLISHING MEMBERSHIP DUES AND EDD ASSESSMENT

Mr. O'Day referenced the memo and tables beginning on page 70 of the agenda packet and explained the methodology behind the proposed dues and assessment. Membership dues cover about 50 percent of the administrative budget. The Economic Development District (EDD) dues are being changed to an assessment for the cash match for the annual Economic Development Administration (EDA) grant. Staff is recommending doing a 100 percent cash match instead of the mix of cash and in-kind match we have traditionally done. Staff will still track in-kind and any carryover to next year and base the assessment for next year on the amount needed. It would be good to establish a small reserve for this area, as the overall reserve does not apply to certain federal funds. The minimum assessment in the proposal has been raised to \$150. Staff also recommends establishing a subcommittee to look at how the membership dues are assessed and how they are spent. This committee could be the Executive Committee or volunteers, which could include city/county managers and/or district administrators. A recommendation would be made at the October meeting.

MOTION: By Commissioner Primozych, **SECONDED** by Mr. Pender, to **ADOPT THE PROVIDED MEMBER DUES SCHEDULE FOR FY 2019-20, AS PRESENTED.**

Discussion: None. Motion carried.

IN FAVOR: Brentano, Clark, Andrews, Franke, Pender, Peralta, Rogers, Krebs, Dalton, Swenson, McArdle, Blasi, Leno, Platt, Primozych, Cook. **OPPOSED:** None. **ABSTAINED:** None.

MOTION: By Mayor Andrews, **SECONDED** by Mr. Pender, to **ADOPT THE PROPOSED ECONOMIC DEVELOPMENT DISTRICT LOCAL ASSESSMENT FOR FY 2019-20, AS PRESENTED.**

Discussion: Commissioner Brentano asked for clarification regarding the EDD assessment calculation – specifically, why are the populations of the incorporated cities not deducted from the county population for the EDD assessment when they are deducted for the membership dues calculations? Staff was uncertain of the reason, but speculated that it was an accidental omission in the past. Consensus was that this should also be considered by a Dues subcommittee.

Motion carried.

IN FAVOR: Brentano, Clark, Andrews, Franke, Pender, Peralta, Rogers, Krebs, Dalton, Swenson, McArdle, Blasi, Leno, Platt, Primozych, Cook. **OPPOSED:** None. **ABSTAINED:** None.

MOTION: By Councilor Cook, **SECONDED** by Mr. Pender, to **ESTABLISH A SUBCOMMITTEE TO EVALUATE THE MWVCOG'S PURPOSE, USE, AND METHODOLOGY FOR DETERMINING THE MEMBER DUES AND THE EDD ASSESSMENT.**

Discussion: Committee membership was discussed. Staff will send an email to ask for volunteers or nominations. Mr. O'Day estimated the time commitment to be about six to ten meeting hours (two to three meetings) plus self-study time.

Motion carried.

IN FAVOR: Brentano, Clark, Andrews, Franke, Pender, Peralta, Rogers, Krebs, Dalton, Swenson, McArdle, Blasi, Leno, Platt, Primozych, Cook. **OPPOSED:** None. **ABSTAINED:** None.

EXECUTIVE DIRECTOR REPORT

Mr. O'Day and Mr. Smith quickly reviewed the financial report. Fee-for-service billing lags behind, as usual. Despite the influence of this lag, things are generally going well. The loan program is difficult to anticipate due to the nature of the loan process, however, the portfolio is being built back up. Councilor Cook and Mayor Clark gave kudos to the staff for their rebuilding efforts. Mr. O'Day mentioned that the loan process is always a struggle. It looks like our current main Certified Development company (CDC) may fold, but this is not certain at this time. We do have another CDC with whom we are working. There should be more information in the next quarter. Under federal law, there is no way to ensure that we maintain our servicing portfolio when changing CDCs, no matter the reason. It is required by the SBA that we work with a CDC. Staff is looking at moving away from the SBA 504 loan program and working more with other programs. Consensus was to keep looking for alternative programs and keep the Board informed regarding the CDC situation.

Mr. O'Day mentioned that a Board member orientation will be set up in January. More information will be forthcoming.

ELECTION OF OFFICERS

Mayor Clark acknowledged Commissioner Primozych's service on the Board and Executive Committee, as he will be leaving as a result of the recent elections. Commissioner Primozych stated that he will still be around and involved, one way or another.

Mayor Clark explained the situation with the Executive Committee and the solution recommended by the Executive Committee. As Commissioner Primozych would have been up to be chair this next year, but will not be eligible, the Executive Committee discussed options and recommends that Commissioner Ainsworth and Mayor Clark remain in their current positions (Immediate Past Chair and Chair, respectively), Ms. Franke be moved up to Vice Chair, and Councilor Peralta become the remaining member of the Executive Committee. Councilor Peralta has agreed to serve if selected.

MOTION: By Mayor McArdle, **SECONDED** by Commissioner Brentano, to **APPROVE THE 2019 MWVCOG OFFICERS, AS PRESENTED.**

Motion carried. **IN FAVOR:** Brentano, Primozych, Fairchild, Clark, Cook, McArdle, Franke, Blasi, Pender, Leno, Krebs. **OPPOSED:** None. **ABSTAINED:** None.

DEPARTMENT REPORTS

Ms. Wakeley gave a quick update of milestones achieved by the Community Development Department. The five-year Comprehensive Economic Development Strategy (CEDS) was approved by the EDA. Silverton received \$1.1 million in EDA funds for their industrial park. Stayton served as the lead applicant, with other partnering local governments, on a housing rehabilitation project for mobile homes in parks. This is a new service that is being well received. We anticipate that more than 30 homeowners will be assisted in this round.

Mr. Jaffe gave a report. For the Mid-Willamette Area Commission on Transportation (MWACT), the Area Commissions on Transportation (ACTs) have a smaller role. Salem-Keizer Area Transportation Study (SKATS) staff have been updating documents and plans, and are beginning the year-long process for the next Transportation Improvement Program (TIP). Staff have hosted regional workshops. SKATS

has requested that the Salem City Council take action regarding the Land Use Board of Appeals (LUBA) remand. A work session is set for late January. He provided an update on recent GIS projects.

ANNUAL DINNER PLANNING COMMITTEE

Mayor Clark reported that the agenda for the event is coming together and provided some details. She requested that Board members mark their calendars and mentioned the need for nominations no later than January 18th. The Chemeketa Community College Viticulture program will be donating wine for the event.

ROUNDTABLE

Ms. Blasi reported that the Salem/Keizer School District is redoing their school boundaries. A citizens' task force is currently working on this topic.

Commissioner Primozich stated that a lot is happening in Yamhill County. The Newberg/Dundee Bypass has been granted \$32 million from the Governor's budget.

Mr. Krebs mentioned the new Cherriots buses with their new colors now on the streets. Saturday service will be starting in the new year.

Commissioner Primozich added that Yamhill County is getting 20 new busses and will also be increasing services.

Mayor Clark announced that the City of Keizer is wrapping up their Transportation/Growth Management (TGM) study and have started on a Buildable Lands Inventory (BLI) study. A transportation update is coming, then an Urban Growth Boundary (UGB) discussion. The city has been able to increase the Full Time Equivalent (FTE) in the parks department, and a lot is getting done.

Ms. Leno said that the Confederated Tribes of Grand Ronde have signed a contract for low-income housing, and their strategic plan should be finalized soon.

Councilor Cook announced that the Salem Mayor's State of the City address is scheduled for January 23rd. On January 8th there will be a groundbreaking for a biogas generating facility at the Willow Lake facility. The City received a \$3 million grant from PGE.

Commissioner Brentano mentioned that Janet Carlson is retiring and the new Commissioner-elect is enthusiastic. One of Commissioner Brentano's projects has been working to help the Oregon Garden become self-sufficient, and a major step towards that goal should be accomplished soon.

Mr. Pender said that Dave Novotney, WESD Superintendent, has been a major proponent for school safety issues, which include mental health, physical safety, and homelessness issues. There will be a forum in January regarding LBGTQ+ homeless services.

Ms. Rogers stated that the fitness portion of the Chehalem Parks and Recreation District's aquatic center should open in January. She mentioned that the Mayor-elect for Newberg is her husband.

Mayor Swenson mentioned that Kathy Figley retired after 25 years on the Woodburn City Council. The recent memorial for the 10-year anniversary of the bank bombing was huge. A theatre downtown, which has long needed to be condemned, has been donated to the City for the value of the building, and the lot will become parking. Additional downtown amenities will be constructed at the same time.

Councilor Peralta announced that McMinnville has passed emergency service call fees for servicing senior facilities. The purpose is to recoup Medicaid costs. The fees are being challenged and he will keep his peers informed of the outcome. The City completed the process to overhaul their planning and building fees. Mayor Clark asked him to send the ordinance for the emergency services fees to the other Board members. Mr. O'Day mentioned that this topic has been discussed at recent city manager lunches, so lead staff should have information to pass along. Mayor Clark again suggested the ordinance be shared. Ms. Blasi pointed out the statewide nursing shortage and the likelihood that relying on emergency services for non-emergency needs will increase until the shortage is addressed.

ADJOURNMENT

Hearing no further business, Chair Clark adjourned the meeting at 5:05 p.m.

Sean O'Day, Executive Director



MEMORANDUM

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

DATE: March 19, 2019

FROM: Executive Committee
Mid-Willamette Valley Council of Governments

SUBJECT: APPOINTMENT OF 2019 BUDGET COMMITTEE

RECOMMENDATION

1. Appoint a six-member Budget Committee consisting of three members of the Executive Committee:
Mike Ainsworth, Polk County Commissioner (served last year)
Cathy Clark, Mayor of Keizer (served last year)
Jackie Franke, Chemeketa Community College Board of Education member (served as alternate last year)

And three lay citizens representing the major services and programs of the Council of Governments:

Julie Warncke, Transportation Planning Manager, City of Salem
Frank Sheridan, City Manager, City of Sheridan
Kevin Joyce, a member of the Revolving Loan Administration Board

2. Appoint Sal Peralta, McMinnville City Councilor, as an alternate for any elected official not able to attend the Budget Committee meeting.
3. Appoint Ken Huffer, Chief Administrative Officer, Yamhill County, as an alternate for any citizen member not able to attend.

BACKGROUND

1. To conform to Oregon Budget Law (ORS 294) the Board must establish a representative committee of members of the Board plus an equal number of lay citizens representing interests in the major programs of the Council of Governments. Since 1988, the Board has appointed a six-member Budget Committee.
2. Kevin Joyce would be beginning a new three-year term.
3. Julie Warncke has one year remaining on her three-year term.
4. Frank Sheridan has two years remaining on his three-year term.



MEMORANDUM

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

DATE: March 19, 2019

FROM: Executive Committee
Mid-Willamette Valley Council of Governments

SUBJECT: PROPOSED FY 2019-20 BUDGET SCHEDULE

RECOMMENDATION

Adopt the proposed schedule. This schedule meets the requirements of Oregon law. The adoption of the COG budget on June 19th permits COG budget actions to follow those of most member governments.

2018-19 BUDGET SCHEDULE Mid-Willamette Valley Council of Governments

March 19	COG Board of Directors establishes the Budget Committee: <ul style="list-style-type: none">• Appoint three lay citizens representing the major services and programs of the COG• Appoint three COG Board members.
Present to May 23	Staff prepares revenue and expenditure estimates.
May 24	Budget to printing
May 24	Publish Notice of Budget Committee Meeting
June 5 2:30 p.m.	Budget Committee meets, reviews and approves budget.
June 7	Publish Notice of COG Board's Budget Hearing
June 18 3:30 p.m.	Board of Directors' Budget Hearing and adoption of budget
June 30	Submit documents to State Department of Revenue



MEMORANDUM

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

DATE: March 19, 2019

THRU: Sean O'Day
Executive Director

FROM: Mike Jaffe
Transportation Program Director

SUBJECT: Resolution 2019-01: Annual Salem-Keizer Area Transportation Planning and Bi-Annual MWACT Contracts

ISSUE

Does the Board wish to approve Resolution 2019-01 to authorize the Executive Director to apply for funds, enter into contracts and intergovernmental agreements (IGAs), and comply with other require federal filings with the U.S. Department of Transportation to implement the 2019-20 Unified Planning Work Program for the Salem-Keizer Area Transportation Study (SKATS); and to enter into a contract with ODOT to continue providing support services for the Mid-Willamette Valley Area Commission on Transportation (MWACT); and to authorized the Executive Director to enter into contracts and IGAs for other transportation-related activities in the MWVCOG area?

BACKGROUND

A Cooperative Agreement executed in 1987 and amended in 2003 by the members of SKATS (Marion and Polk Counties; the cities of Salem, Keizer, and Turner; the Salem Area Mass Transit District; the Salem-Keizer School District; and the Oregon Department of Transportation) states, "The Council of Governments shall retain the sole responsibility for acceptance of all contracts, grants and gifts for transportation planning in the Salem area, and all fiscal and financial responsibility therefore."

The SKATS Policy Committee is comprised of seven elected officials from the Salem-Keizer area and one ODOT representative. Every year, the Policy Committee adopts a Unified Planning Work Program, as required by federal law. There are times when it is to our advantage to enter into agreements with other agencies to share or access data in order to accomplish the work tasks identified in the UPWP. There are other times when the federal regulations require that we develop agreements with ODOT, the Transit District, or others regarding protocol or data assumptions. Most of the time these agreements have no financial payments associated with them, but some do (and must be consistent with the approved COG Budget).

The transportation planning and coordination activities of the Salem-Keizer Area Transportation Study (SKATS) are described, along with the funding sources for those activities, in the Unified Planning Work Program, which is developed annually by SKATS in conjunction with ODOT and U.S. DOT. The 2019-

20 Unified Planning Work Program is currently being reviewed and is scheduled for adoption by the SKATS Policy Committee on April 23, 2019.

Approval of the recommended requested actions will secure the funding required for the activities outlined in the 2019-20 fiscal year SKATS Unified Planning Work Program.

The dollar amounts identified in this memorandum and in Resolution 2019-01 are estimates.

Since the beginning of Mid-Willamette Valley Area Commission of Transportation (MWACT) 20 years ago, the Mid-Willamette Valley Council of Governments has entered into two-year agreements with ODOT to support the activities and meetings of MWACT. ODOT is preparing a new two-year agreement for the 2019 to 2021 time period.

The MWVCOG is anticipating submitting an application in April (either solely or together with the Salem-Keizer School District) for a grant from ODOT's non-infrastructure Safe Routes to School program to hire a Safe Routes to School coordinator. Should the grant be awarded, a contract with ODOT would be anticipated in September. The contract would use a combination of ODOT state funds, SKATS-area federal Transportation Improvement Program funds, and funds from the school district. The grant application will request \$100,000 per year from ODOT for three years.

RECOMMENDATION

That the following actions be taken to implement funding agreements with the Oregon Department of Transportation:

1. Authorize the Executive Director to enter into the following agreements with the Oregon Department of Transportation (ODOT) that provide federal and state funds to partially finance the SKATS Unified Planning Work Program:
 - a. Authorize approximately \$536,536 of FHWA "PL" Metropolitan Planning funds provided by the federal government through the FAST Act, plus \$61,409 ODOT matching funds;
 - b. Authorize up to approximately \$460,000 in federal Surface Transportation Program funds and Surface Transportation Block Grant Program funds.
2. Adopt the attached Resolution 2019-01 authorizing the Executive Director to apply for an estimated \$173,109 in annual transit planning funding (Section 5303) (includes local match supplied by the Salem Area Mass Transit District) from the Federal Transit Administration (FTA) through the Oregon Department of Transportation and to execute required agreements and file appropriate assurances.
3. Authorize the Executive Director to execute a contract with the Salem Area Mass Transit District conveying approximately \$133,109 to conduct the Transit Planning Program.
4. Authorize the Executive Director to pursue other sources of funding as may be requested by the SKATS Policy Committee during the 2019-20 fiscal year.
5. Authorize the Executive Director to enter into contracts and Intergovernmental Agreements (IGA) with the Oregon Department of Transportation (ODOT) and other public agencies as necessary to accomplish the work tasks identified in the 2019-20 Unified Planning Work Program for the Salem-Keizer Area Transportation Study (SKATS), as adopted by the SKATS Policy Committee.

6. Authorize the Executive Director to enter into contracts and Intergovernmental Agreements (IGA) with the Oregon Department of Transportation (ODOT) for \$90,000 over two years for support services for MWACT.
7. Should an ODOT grant be provided, Authorize the Executive Director to enter into contracts and Intergovernmental Agreements (IGA) with the Oregon Department of Transportation (ODOT) for a multi-year agreement for a Safe Route to School program in the Salem-Keizer area. Also authorize the Executive Director to enter into contracts or IGAs that may be needed as part of this program.

Attachment: Resolution 2019-01

BEFORE THE BOARD OF DIRECTORS
FOR THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

In the matter for authorizing the filing of all applications with the Department of Transportation, United States of America, for planning grants under the Urban Mass Transportation Act of 1964, as amended; and

In the matter for authorizing the execution of applicable transportation program contracts with ODOT and member governments, as requested.

RESOLUTION 2019-01

WHEREAS, the Cooperative Agreement executed in 1987 and amended in 2003 by the governmental members of SKATS (Marion and Polk Counties; the cities of Salem, Keizer, and Turner; the Salem Area Mass Transit District; the Salem-Keizer School District; and the Oregon Department of Transportation) states, “The Council of Governments shall retain the sole responsibility for acceptance of all contracts, grants and gifts for transportation planning in the Salem area, and all fiscal and financial responsibility therefore”; and

WHEREAS, grant funds from the Federal Transit Administration (FTA) are required to support the activities in the FY 2019-20 SKATS Unified Planning Work Program; and

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects; and

WHEREAS, MWVCOG has historically provided planning and administration support for the Mid-Willamette Valley Area Commission on Transportation (MWACT) through contracts with the Oregon Department of Transportation;

WHEREAS, the Salem-Keizer School District requests collaboration with the Salem-Keizer Area Transportation Study (SKATS) for initiating a Safe Routes to School program through the submittal of an application of an ODOT Safe Routes to School non-infrastructure grant.

WHEREAS, all contracts for financial assistance will impose certain obligations upon the applicant, including the provision by it of the project(s)’ local share costs:

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 execute and file an application on behalf of the Mid-Willamette Valley Council of Governments with the Oregon Department of Transportation for a Federal Transit Administration Section 5303 grant comprised of an estimated \$155,331 federal share and \$17,778 local share.
2. That the Executive Director is authorized to execute and file an application on behalf of the Mid-Willamette Valley Council of Governments with the Oregon Department of Transportation for an estimated \$536,536 of Metropolitan Planning funds provided by the federal government through the FAST Act (with ODOT supplying \$61,409 of matching funds) and up to an estimated \$460,00 in federal Surface Transportation Block Grant Program funds.
3. That the Executive Director is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of the proposed project.

4. That the Transportation Planning Director is designated to furnish such additional information as the U.S. Department of Transportation may require in connection with all applications.
5. That the Executive Director is authorized to set forth and execute minority business enterprise (disadvantaged business enterprise and women's business enterprise) policies and procedures in connection with the procurement needs of all projects.
6. That the Executive Director is authorized to execute all grant agreements on behalf of the Mid-Willamette Valley Council of Governments with the U.S. Department of Transportation and/or the Oregon Department of Transportation to aid in the financing of all planning projects, including contracts and IGAs for support services to MWACT.
7. That the Executive Director is authorized to apply for any other source of funding, including ODOT grants, that may become available during FY 2019-20 to support activities requested by the SKATS Policy Committee.

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



MEMORANDUM

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

DATE: March 19, 2019

THRU: Sean O'Day
Executive Director

FROM: Mike Jaffe
Transportation Planning Director

SUBJECT: Resolution 2019-04: Annual Geographic Information System (GIS) Contracts

ISSUE

Shall the COG Board authorize the Executive Director to enter into contracts with the interested parties/members listed below to aid in various geographic information system (GIS) work throughout the region:

1. Contract with Yamhill County to maintain and update the county's online GIS web application and provide data updates to the applications.
2. Contract with the Salem-Keizer School district to maintain and update district attendance boundaries; provide annual export of street data and building permit datasets; maintenance of the SchoolFinder website; geocoding student addresses as requested by the District; provide semi-annual summary of building permits and new subdivision lots; semi-annual subscription service to the Street Description File. The contract includes both fixed priced and hourly services.
3. Contract with the Oregon Department of Transportation (ODOT) for providing mailing list GIS services to Region 2, Area 3.
4. Contracts with cities and other local governments that are members of the COG that express an interest in COG services throughout the year for mapping and other GIS assistance, including assistance with Census program participation (e.g. Boundary and Annexation Survey).
5. Contracts with non-member local governments, non-profit agencies, or state agencies for GIS services provided by the MWVCOG.
6. Contracts with private for-profit entities that express an interest in COG services throughout the year for mapping and other GIS assistance

BACKGROUND

The projects listed above are either continuations of contracts begun in previous years or are routine activities undertaken in previous years by MWVCOG and do not represent any change in normal policy or practice.

The recommended Board action would give the Executive Director the authority to enter into agreements and contracts with the member and non-members when they have made their decisions.

RECOMMENDATION

Staff recommends the Board authorize the Executive Director to execute the above summarized Geographic Information System service contract renewals and new GIS contracts that may occur during the year as appropriate.

Applicable hourly rates to be identified via separate memorandum via Resolution 2019-06.

Attachment: Resolution 2019-04

BEFORE THE BOARD OF DIRECTORS
FOR THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
In the matter for authorizing the execution of applicable Geographic Information System (GIS) program contracts with ODOT, member governments, and non-member and private parties.

RESOLUTION 2019-04

WHEREAS, the Mid-Willamette Valley Council of Governments, an intergovernmental entity formed by agreement pursuant to ORS Chapter 190, has the authority to enter into intergovernmental agreements for the delivery of services to its member governments pursuant to both ORS 190.020 and the agreement establishing the COG;

WHEREAS, member local governments and districts that express an interest in COG GIS services on a contractual basis throughout the year may execute hourly services contract or fixed-fee contracts;

WHEREAS, the Oregon Department of Transportation and other state agencies that express an interest in COG GIS services on a contractual basis throughout the year may execute hourly services contract or fixed-fee contracts;

WHEREAS, non-profit and for-profit entities that express an interest in COG GIS services on a contractual basis throughout the year may execute hourly services contract or fixed-fee contracts;

WHEREAS, all contracts for assistance may impose certain obligations upon the member governments, including adopted hourly rates or fixed fee service contracts;

WHEREAS, the Board of Directors for the COG must authorize fixed fee-for-service contracts where the COG is the service provider:

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 execute contracts for hourly services and/or fixed-fee services to COG members, non-COG member jurisdictions and agencies (including state agencies), non-profit entities, and for-profit entities for GIS and GIS-related services, which may also include Census-related services in a form that substantially conforms to the attached agreement for GIS Services.
2. Fees for such services will be established by a separate Resolution of the Board.

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

A G R E E M E N T

between

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

and

CITY OF _____

* * * *

THIS AGREEMENT is made and entered into this ____ day of July, 2019 by and between CITY OF _____, OREGON, a political subdivision of the state of Oregon ("CITY"), and the MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS ("COG"), a voluntary intergovernmental association created by charter and Agreement pursuant to ORS Chapter 190 of which CITY is a member.

WITNESSETH:

IN CONSIDERATION of the mutual benefits and obligations set out herein, the CITY and COG do hereby agree as follows:

I. Description of Work to be provided by COG:

A. COG shall provide experienced GIS staff to assist the CITY in providing GIS services and maintaining GIS data

1. GIS staff will perform GIS-related tasks as requested by CITY staff, to be billed at an hourly rate of \$__per hour, including:

- Develop and maintain web-based mapping application and related tasks and support, including address mapping;
- Provide mapping and analysis services to CITY staff as requested; and
- Provide data to outside parties as requested on approval of CITY staff.

B. COG shall provide a monthly statement to the CITY detailing GIS work done on behalf of the CITY

II. CITY Responsibilities

A. CITY agrees to pay for GIS services described under Section I above at a member rate of \$_____ per hour for a COG GIS Analyst and \$_____ per hour for staff support assistance, plus mileage, at the IRS mileage rate, for travel related to providing said services.

B. CITY shall review, process and pay COG's invoice for services within 30 days of receipt and approval.

C. CITY shall designate a key contact person through which all requests will come from and with whom the activities of COG's GIS staff will be coordinated.

III. Termination and Amendment

- A. This Agreement shall be terminated on June 30, 2020 unless otherwise agreed to by COG and CITY by amendment to this Agreement.
- B. This Agreement may be terminated for convenience by either party upon written notice of 30 calendar days. In the event of contract termination for convenience, COG shall be due payment for all work completed by the time of termination; provided however, that no additional work shall be performed during the 30 calendar days after notice has been provided prior to termination for convenience.
- C. This Agreement may be amended only by written agreement executed between the parties.

IV. Independent Contractor

- A. The CITY has engaged COG as an independent contractor for the accomplishment of a particular service. Neither party, nor the officers and employees of either party shall be deemed the agents or employees of the other party for any purpose.

V. Remedies

- A. Should any dispute arise between the parties of this Agreement concerning their respective obligations of either or the terms hereof, it is agreed that such dispute will be submitted to a mediator prior to any litigation and the parties hereby expressly agree than no claim or dispute arising under the terms of this Agreement shall be resolved other than first through mediation and only in the event said mediation efforts fail, through litigation. Any litigation arising under or as a result of this Agreement shall be tried to the court without a jury. Each party agrees to be responsible for payment of its own professional fees, including attorneys' fees in both mediation and litigation. The parties shall exercise good faith efforts to select a mediator who shall be compensated equally by both parties.

IN WITNESS WHEREOF, both parties have signed and executed the above agreement as of the ___ day of _____ 2019.

MID-WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

CITY OF _____

By _____
Sean O'Day, Executive Director

By _____
Title _____

Date _____

Date _____



MEMORANDUM

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

DATE: March 19, 2019

THRU: Sean O'Day
Executive Director

FROM: Renata Wakeley
Community Development Director

SUBJECT: Resolution 2019-02: Annual Community and Economic Development Program Contract Renewals

ISSUE

Shall the COG Board authorize the Executive Director to enter into contracts with the interested parties/members listed below to aid in various community and economic development work throughout the region:

1. Land use planning services for local governments that express an interest in COG land use planning services on a contractual basis throughout the year. Currently, COG has existing agreements with 20 jurisdictions for hourly services that are set to expire on June 30, 2019. Other contract work may include current planning, special planning projects and long-range planning work, such as updating comprehensive plans.
2. The cities of Newberg, Independence, Yamhill County, and other local governments that request assistance with their small business loan funds.
3. Valley Development Initiatives (VDI) for staff support to the rural community business loan program and for the housing rehabilitation loan program.
4. Renewal of contracts for hourly services related to the housing rehabilitation program for the cities of Jefferson, Mt. Angel, Scotts Mill, Silverton, and Woodburn who maintain their own funds and desire COG assistance with program administration.
5. Cities and other local governments that express an interest in COG services throughout the year for application assistance, administration of public infrastructure grants and loans, and/or income surveys or other tasks needed to ensure continued eligibility for various state and federal funding programs.
6. Various economic development services, including contracts for urban renewal planning, and other economic development efforts as requested by member local governments to enhance the region.
7. A grant agreement with the federal Economic Development Administration anticipated for \$75,000 to the COG to carry out the economic development district program. This grant provides federal funds

of \$75,000 to be matched with \$75,000 in non-federal resources, such as dues, to support regional development activities such as identifying and prioritizing potential EDA public works investments in the region, the costs of preparing grant and loan applications for public infrastructure and other activities included in the economic development district work plan. The grant has been awarded annually since 1985.

BACKGROUND

The projects listed above are either continuations of contracts begun in previous years or are routine activities, such as providing grant administration or planning support to a member government and do not represent any change in normal policy or practice.

The recommended Board action would give the Executive Director the authority to enter into agreements with the members when they have made their decisions.

RECOMMENDATION

Staff recommends the Board authorize the Executive Director to execute the above summarized Community and Economic Development service contract renewals.

Applicable hourly rates to be identified via separate memorandum via Resolution 2019-06.

Attachment: Resolution 2019-02

BEFORE THE BOARD OF DIRECTORS
FOR THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

In the matter for authorizing the execution of applicable community and economic development program contracts with member governments, as requested.

RESOLUTION 2019-02

WHEREAS, the federal Economic Development Administration provides up to \$75,000 for the COG to carry out the economic development district program requirements and requires federal funds be matched with \$75,000 in non-federal resources, such as dues and assessments, to support regional development activities such as identifying and prioritizing potential EDA public works investments in the region, the costs of preparing grant and loan applications for public infrastructure and other activities included in the economic development district work plan;

WHEREAS, the Mid-Willamette Valley Council of Governments, an intergovernmental entity formed by agreement pursuant to ORS Chapter 190, has the authority to enter into intergovernmental agreements for the delivery of services to its member governments pursuant to both ORS 190.020 and the agreement establishing the COG;

WHEREAS, local governments that express an interest in COG land use planning services on a contractual basis throughout the year may execute hourly services contract, set to expire on June 30, 2020, and/or for other planning contract work for special planning projects and other long-range planning work;

WHEREAS, member governments request assistance with the administration of small business loan funds and Valley Development Initiatives (VDI) staff support toward the rural community business loan program and for the housing rehabilitation loan program;

WHEREAS, all contracts for assistance may impose certain obligations upon the member governments, including adopted hourly rates or fixed fee service contracts; and

WHEREAS, the Board of Directors for the COG must authorize fixed fee-for-service contracts where the COG is the service provider:

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 execute a grant agreement with the federal Economic Development Administration anticipated for \$75,000 to the COG to carry out the economic development district program, matched with \$75,000 in non-federal resources to support regional development activities such as identifying and prioritizing potential EDA public works investments in the region, the costs of preparing grant and loan applications for public infrastructure and other activities included in the economic development district work plan.
2. That the Executive Director is authorized to execute agreements for land use planning services with local governments that express an interest in COG land use planning services that substantially conform to the attached form of the agreement in Exhibit A.
3. That the Executive Director is authorized to execute contracts with the cities of Newberg, Independence, Yamhill County, and other local governments that request assistance with their small business loan funds in a form that substantially conforms to the attached form of agreement in Exhibit B.

4. That the Executive Director is authorized to execute an agreement with Valley Development Initiatives (VDI) for staff support to the rural community business loan program and for the housing rehabilitation loan program (Exhibit C).
5. That the Executive Director is authorized to execute renewal of contracts for hourly services related to the housing rehabilitation program for the cities of Jefferson, Mt. Angel, Scotts Mill, Silverton, and Woodburn who maintain their own funds and desire COG assistance with program administration (Exhibit D).
6. That the Executive Director is authorized to execute contracts with member governments for application assistance, grant and loan administration contracts, and/or income surveys or other tasks needed to ensure continued eligibility for various state and federal funding programs.
7. That the Executive Director is authorized economic development services contracts, including contracts for urban renewal planning, and other economic development efforts as requested by member local governments to enhance the region.
8. Fees for such services will be established by a separate Resolution of the Board.

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

CONTRACT

LAND USE PLANNING SERVICES

THIS AGREEMENT is made and entered into this 1st day of July, 2019 by and between the CITY OF _____, OREGON, a municipal corporation ("CITY"), and the MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS ("COG"), a voluntary intergovernmental association created by charter and Agreement pursuant to ORS Chapter 190 of which CITY is a member.

WITNESSETH:

IN CONSIDERATION of the mutual premises and stipulations set out below, the CITY and COG do hereby agree as follows:

A. COG Responsibilities

1. COG shall provide an experienced land use planner to assist the CITY in processing land use actions, zone code revisions and other related activities which may be requested by the CITY.
2. COG shall provide to CITY mapping, graphics and document production services related to work requested by CITY under paragraph A.1.
3. COG shall provide to City legal services as requested by City related to work under paragraph A.1.
4. COG shall provide monthly billing statements.

B. CITY Responsibilities

1. CITY agrees to engage COG as a provider of land use planning consulting services.
2. CITY agrees to pay for land use planning services under paragraph A.1. at a rate of \$____ per hour for a land use planner, \$____ per hour for a GIS mapping analyst, \$__ per hour for legal services, and \$__ per hour for staff support assistance, plus mileage at the IRS mileage rate for travel related to providing said services.
3. CITY agrees to pay the actual cost of mapping, graphics and document production provided under paragraph A.2.
4. CITY shall review, process and pay COG's monthly invoices within 30 days of receipt.
5. CITY shall designate a key contact person through which all requests for services will come and with whom the activities of COG's land use planner will be coordinated.

C. COG Services Provided Without Additional Compensation

1. COG shall provide advice and assistance to CITY with grant and loan applications for financing of public improvements at no additional charge except in those instances when such work may be eligible for compensation from the granting agency.

2. COG shall prepare documentation and applications for funding for additional planning projects on behalf of CITY.
3. COG shall refer CITY to other available resources that may be available to address needs of CITY upon request.

D. Termination and Amendment

1. This Agreement shall be terminated on June 30, 2020 unless otherwise agreed to by COG and CITY by amendment to this Agreement.
2. This Agreement may be terminated for convenience by either party upon written notice of 30 calendar days.
3. This Agreement may be amended only by written agreement executed between the parties.

E. Independent Contract

1. The CITY has engaged COG as an independent contractor for the accomplishment of a particular service. Neither party, nor the officers and employees of either party shall be deemed the agents or employees of the other party for any purpose.

F. Limited Warranty

1. Unless requested by the City that the COG provide legal services, CITY agrees to seek and rely exclusively on the advice of its own legal counsel as to the legal sufficiency of the land use planning process and its products. The parties expressly recognize that the review process involves political and legal judgment entirely within the control and authority of the CITY. COG's only obligation is to provide advice from the perspective of land use planning principles, and not legal or political counsel.
2. In no event shall COG be liable for indirect or consequential damages of any nature. In no event, regardless of theory of recovery, shall COG be liable for any damages in excess of the amounts actually paid by CITY to COG under Paragraph B. hereof.
3. CITY agrees to provide a representative to present the CITY's viewpoint at public hearings regarding a dispute between the CITY and the County or another city. COG will provide support and information as appropriate (including research and staff reports) to aid the CITY in making its arguments.

IN WITNESS WHEREOF, COG and the CITY have, by approval of their respective governing bodies, caused this Agreement to be executed as of the day and year aforesaid.

**MID-WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS**

CITY OF _____

By: _____
Sean O'Day, Executive Director

By: _____

AGREEMENT

Between

MID WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

and

CITY OF NEWBERG

RECITALS:

1. The **Mid-Willamette Valley Council of Governments (COG)** and the **City of _____, Oregon**, a municipal corporation, (**CITY**) have long had interests in common; and
2. The **CITY** is a member of the **COG**; and
3. The **CITY** desires assistance with various aspects of the operation of its business development loan fund and the **COG** provides such services for its member governments; and
4. The **CITY** has authority to enter into intergovernmental agreements for cooperation between units of local government in accordance with Oregon Revised Statutes Chapter 190.

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

1. DESCRIPTION OF WORK TO BE PERFORMED BY COG

The **COG** shall provide the following services for the **CITY'S** Economic Development Revolving Loan Program:

- A. Loan Packaging
- B. Loan Closing
- C. Loan Servicing
- D. Reporting
- E. Special Technical Assistance and Loan Collection work, including training of **CITY** staff as required

2. COMPENSATION

- A. For services described under 1.A and 1.B above, the **COG** will be compensated on a fee basis at the rate of 1.5% of the loan amount for any complete loan package prepared by **COG** staff and submitted to the **CITY** for final disposition. The fee shall be due at the time the loan is closed. The minimum fee for such loans shall be \$__. The **CITY** shall reserve the right to provide all of the loan packaging services based on the City Manager's evaluation of staff capabilities and the needs of the **CITY**. The **CITY** shall provide **COG** with notice that the **CITY** intends to provide loan-packaging services.

B. For all activities described in 1.C, 1.D, above (Loan Servicing and Reporting), the COG will be compensated at a flat monthly rate of \$____. These services include monitoring and verifying the provisions of all loan agreements, maintaining current documentation of insurance and tax payments, collecting and reviewing financial statements from each borrower on at least an annual basis and preparing an annual loan activity from report to the CITY.

C. Services described under 1.E above, (Special Technical Assistance and Loan Collections Assistance Activities) will be provided as requested by the COG will be compensated at the Loan Officer hourly rate of \$_____ and the Loan Documentation Specialist hourly rate of \$ _____. This rate includes salary and all overhead costs, including travel.

3. TRAVEL

COG shall bear the cost of staff travel and incidental expenses and these costs are included as part of the fees stipulated in this Agreement.

4. TERMS AND TERMINATION

This Agreement shall be effective on *July 1, 2019* and continue until *June 30, 2020* or until such time as either party provides sixty (60) days written notice of its intent to terminate the Agreement, and then the Agreement shall terminate on the 60th day following said notice.

5. AMENDMENTS

This Agreement may be amended by mutual agreement of CITY and COG. Any amendments shall be in writing and signed by duly authorized representatives of both parties.

IN WITNESS WHEREOF, the above parties have caused this Agreement to be signed in their respective names by their duly authorized representatives.

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

By: _____
Sean O'Day, Executive Director

Date: _____

CITY OF _____

Signed by the City manager pursuant to his authority as the administrator of the Economic Development Revolving Loan Fund.

By: _____

Date: _____

APPROVED AS TO FORM:

By: _____

Date: _____

AGREEMENT
between
VALLEY DEVELOPMENT INITIATIVES
and
MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

THIS AGREEMENT made and entered into this 1st day of July, 2019 by and between Valley Development Initiatives, an Oregon non-profit corporation (hereinafter "VDI") and the Mid-Willamette Valley Council of Governments, a voluntary intergovernmental association created by Agreement pursuant to ORS Chapter 190 (hereinafter "COG").

WITNESSETH:

THAT VDI desires to engage COG to render certain professional services hereinafter described that are related to the operation of a rural community loan program. The loans are made to eligible applicants in rural communities of Marion, Polk, Yamhill, and Clackamas Counties derived from funds provided to VDI as a loan through the Intermediary Relending Program of the Rural Development , an agency of the U.S. Department of Agriculture.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. Scope of Work to be Performed by COG

- A. Publicize the objectives and availability of the Intermediary Relending Program loans in eligible communities of the region, including special outreach efforts for minority and female-owned small businesses.
- B. Counsel loan applicants and help them prepare documentation needed for complete applications.
- C. Prepare a credit analysis of each loan application and make a recommendation to the Board of Directors.
- D. Prepare any additional documentation that may be required by the U.S. Department of Agriculture (hereinafter "USDA") after a proposal is approved by VDI.
- E. Prepare an environmental analysis of each loan application as may be required by the USDA.
- F. Prepare closing documents and manage the loan closing process in a timely manner and in compliance with all appropriate regulations.
- G. Monitor repayments of loans, perform servicing and accounting functions, and provide counseling to borrowers with repayment difficulties.

- H. Perform loan collections and, with the advice of legal counsel when appropriate, initiate asset liquidation actions.
- I. Prepare monthly financial reports and other program performance reports as may be requested by VDI or the USDA. Prepare an annual budget for VDI in accordance with state and federal laws and regulations.
- J. Provide all necessary staff support to the Board of VDI such as making arrangements for meetings, preparing agendas, preparing correspondence for Board signature, preparing minutes of meetings for appropriate Board approval and implementing Board decisions and actions.

2. Compensation

- A. For the Fiscal Year beginning July 1, 2019, the COG shall be due a fixed fee of \$_____ for the work described in this Agreement payable in quarterly installments of \$_____ as follows:

July 1, 2019

October 1, 2019

January 1, 2020

April 1, 2020

- B. In addition, the COG shall be due a loan-servicing fee of 0.25%, up to an annual maximum of \$_____, of the outstanding loan VDI balances, assessed quarterly on the above dates.
- C. The fee paid to the COG shall be proposed to the VDI Board of Directors on an annual basis. After the COG and the VDI Board of Directors agree to such compensation, its terms shall be submitted to the appropriate staff of the USDA for their approval. Under no circumstances shall such fees be paid from the USDA loans principal.
- D. In the event of unusual or protracted transactions such as major collection actions, the COG may be eligible for additional compensation. The COG shall present such additional compensation to the VDI Board of Directors and to the USDA on a case-by-case basis for review and approval prior to disbursement of any additional funds.

3. Miscellaneous Understandings

- A. COG is engaged as an independent contractor and shall be solely responsible for payment of contributions and benefits under FICA, Workers Compensation, and benefits programs such as may be offered by COG or required by law. COG shall likewise be solely responsible for the collection, accounting and payment of personal income taxes, property taxes and excise taxes, as may be applicable.

- B. VDI shall not have the right to control or interfere with the manner or method of COG's accomplishment of its services specified in this Agreement.
- C. COG and VDI agree that no person shall, on the grounds of race, color, creed, national origin, sex, handicap, or age, suffer discrimination in the performance of this Agreement.
- D. COG agrees to indemnify VDI from each and every claim which the COG would be legally liable to pay if: a) a claim asserting the same loss or injury were made directly against the COG, whether or not such a direct claim is actually made; and b) the loss or injury sustained by the claimant resulted from the acts, errors or omissions of the COG or those for whose actions the COG is legally responsible. "Indemnify", as used herein, means to indemnify, defend and *save* harmless. Notwithstanding the foregoing, COG shall have no such obligation to indemnify VDI with respect to any claim which arises from or in connection with VDI's use of COG's work product contrary to COG's express instruction or for other than its intended purpose, if such misuse is a substantial factor in causing the asserted loss or injury.

4. Termination

- A. This Agreement may be terminated by mutual consent of the parties. The USDA, however, must approve any subsequent agreement for services.
- B. The terms and conditions of the administrative fee shall be reconsidered on an annual basis and approved by the USDA.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

VALLEY DEVELOPMENT INITIATIVES

**MID-WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS**

Kevin Joyce, President
VDI Board of Directors

Sean O'Day, Executive Director

CONTRACT

HOUSING REHABILITATION SERVICES

THIS AGREEMENT, made and entered into, by and between the Mid-Willamette Valley Council of Governments, a voluntary intergovernmental association created by Charter and Agreement pursuant to ORS Chapter 190 (hereinafter "COG") and the City of _____, and Oregon municipality (hereinafter "City").

WITNESSETH:

IN CONSIDERATION of the mutual premises and stipulations set out below, the CITY and COG do hereby agree as follows:

A. COG Responsibilities

1. COG shall provide an experienced housing rehabilitation specialist to assist the CITY in the operation and management of a program of awarding and managing loans to eligible homeowners for the purpose of rehabilitating their homes.
2. Duties of the COG Housing Rehabilitation Specialist shall include the following: review program documents and rules and make recommendations to CITY regarding desirable administrative changes; research and document eligibility of grantees; prepare contracts with contractors and prepare loan documents with homeowners as provided in CITY rules; inspect houses and prepare work specifications and preliminary cost estimates in accordance with applicable standards and codes; assist homeowners with the selection of contractors; monitor the performance of contractors; review and recommend approval of contractor payment requests; help arbitrate disputes between homeowners and contractors if they should occur; create and maintain files for each case; assist CITY with documents needed for a future OCDBG housing grant application; and other program related assistance as may be requested by CITY.
3. COG shall provide monthly billing statements that clearly identify activities and hours charged.

B. CITY Responsibilities

1. CITY agrees to compensate COG for the services of the Housing Rehabilitation Specialist at the all-inclusive (including travel costs) hourly rate of \$___ and the services of loan service support staff at the all-inclusive hourly rate of \$_____, plus mileage, at the IRS mileage rate, for travel related to providing said services.
2. CITY shall designate a key contact person on the CITY staff through which communications with CITY may be coordinated.

C. Effective Date, Termination and Amendment

1. This Agreement shall become effective on the date that this Agreement has been signed by both parties. Unless terminated or extended, this Agreement shall expire when the City accepts COG's completed performance or on June 30, 2020, whichever date occurs first.
2. This Agreement may be terminated for convenience by either party upon written notice of 30 calendar days.
3. This Agreement may be amended only by written agreement executed between the parties.

D. Independent Contractor

1. The CITY has engaged the COG as an independent contractor for the accomplishment of a particular service. Neither party, nor the officers and employees of either party shall be deemed the agents or employees of the other party for any purpose.

E. Limited Warranty

1. CITY agrees to seek and rely exclusively on the advice of its own legal counsel as to the legal sufficiency of the housing program documents and contracts.
2. In no event shall COG be liable for indirect or consequential damages of any nature. In no event, regardless of theory of recovery, shall COG be liable for any damages in excess of the amounts actually paid by CITY to COG under Paragraph B. hereof.

IN WITNESS WHEREOF, COG and the CITY have, by approval of their respective governing bodies, caused this Agreement to be executed as of the day and year aforesaid.

**MID-WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS**

CITY OF _____

By: _____
Sean O'Day, Executive Director

By: _____



MEMORANDUM

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

DATE: March 19, 2019

THRU: Sean O'Day
Executive Director

SUBJECT: Resolution 2019-05: Annual Legal Service Contracts

ISSUE

Shall the Mid-Willamette Valley Council of Governments (COG) Board of Directors authorize the Executive Director to enter into contracts with member governments to provide legal counsel services.

BACKGROUND

Starting in 2018, the COG began offering legal services to its member governments. Currently four jurisdictions have entered into contracts with the COG for legal services which will expire in June 30, 2019. The recommended Board action would give the Executive Director the authority to enter into agreements to continue this service into 2019 and 2020.

RECOMMENDATION

Staff recommends the Board approve Resolution No 2019-05, authorizing the Executive Director to enter into contracts with member governments to provide legal counsel services.

Applicable hourly rates for this service will be established via separate memorandum on Resolution 2019-06

Attachment: Resolution 2019-05

BEFORE THE BOARD OF DIRECTORS
FOR THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
In the matter for authorizing the execution of legal service contracts with member governments.

RESOLUTION 2019-05

WHEREAS, the Mid-Willamette Valley Council of Governments, an intergovernmental entity formed by agreement pursuant to ORS Chapter 190, has the authority to enter into intergovernmental agreements for the delivery of services to its member governments pursuant to both ORS 190.020 and the agreement establishing the COG;

WHEREAS, the COG presently offers legal services to member entities under contracts consisting in one-year terms; and

WHEREAS, the Board of Directors for the COG must authorize fixed fee-for-service contracts where the COG is the service provider:

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

8. That the Executive Director is authorized to execute with any member government an agreement for legal services that substantially conforms to the attached form of agreement
9. Fees for such services will be established by a separate Resolution of the Board.

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

CONTRACT

LOCAL GOVERNMENT ATTORNEY SERVICES

THIS AGREEMENT is made and entered into this ___ day of ___, 2019 by and between the _____, OREGON, a municipal corporation ("CITY"), and the MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS ("COG"), a voluntary intergovernmental association created by charter and Agreement pursuant to ORS Chapter 190 of which CITY is a member.

WITNESSETH:

IN CONSIDERATION of the mutual premises and stipulations set out below, the CITY and COG do hereby agree as follows:

A. COG Responsibilities

1. COG shall provide an experienced local government attorney, with current standard Oregon State Bar Association Professional Liability Fund coverage, to provide general legal services to CITY. Services may include the following legal services:
 - a. Act as CITY attorney providing legal advice on day to day questions as posed by designated CITY representatives. Services may be initiated or assigned by email contact with the attorney or as through formal action at a CITY meeting.
 - b. Review and drafting of contracts, intergovernmental agreements, and other documents and legal instruments as requested by CITY.
 - c. Drafting or resolutions, ordinances, and updates of municipal code sections as requested by CITY.
 - d. Attendance at CITY meetings as requested by CITY and coordinated with the designated attorney.
 - e. Attendance at meetings requiring legal representation either accompanying one or more CITY representatives or as the designated CITY legal representative
 - f. Training of CITY personnel, elected, and appointed officials on legal issues.
 - g. Other legal services as requested by CITY, but not including bond counsel, personnel and labor negotiations, city prosecutor, or other specialized attorney services beyond agreed upon general legal representation.
2. COG shall provide CITY with written legal opinions, draft and final agreements, draft resolutions and ordinances addressing CITY needs.
3. COG shall maintain a list of active projects that the local government attorney is undertaking for CITY. The active project list shall be provided on a monthly basis to CITY.
4. COG shall provide monthly billing statements identifying legal costs by project.

B. CITY Responsibilities

1. CITY agrees to engage COG as a provider of local government legal services.

2. CITY agrees to pay for local government attorney services under paragraph A.1. at a rate of \$ ___ per hour for a local government, plus mileage at the IRS mileage rate for travel related to providing said services.
3. CITY agrees to pay the actual cost of online legal research performed on behalf of CITY, with prior CITY approval.
4. CITY shall review, process and pay COG's monthly invoices within 30 days of receipt.
5. CITY shall designate a key contact person through which all requests for services will come and with whom the activities of COG's local government attorney will be coordinated.

C. Work Product

1. Any work product created by the local government attorney pursuant to tasks performed on behalf of CITY shall constitute CITY work product.
2. COG will provide CITY with copies of all work products in electronic form. Printed copies of work product shall be provided upon written request.

D. Termination and Amendment

1. This Agreement shall be terminated on June 30, 2020, unless otherwise agreed to by COG and CITY by amendment to this Agreement.
2. This Agreement may be terminated for convenience by either party upon written notice of 30 calendar days.
3. This Agreement may be amended only by written agreement executed between the parties.

E. Non-Exclusive Representation

1. COG will provide local government attorney services as requested by CITY.
2. The parties agree that local government attorney services provided by COG shall be non-exclusive as CITY reserves the right to employ attorney staff or contract for legal services.
3. CITY shall be responsible for determining which legal tasks it assigns to the COG and to any other individual or firm.
4. If CITY has a staff attorney or contract attorney firm serving as the designated City Attorney, COG local government attorney assigned to perform CITY work will report to the CITY key contact person.

F. Independent Contract

The CITY has engaged COG as an independent contractor for the accomplishment of a particular service. Neither party, nor the officers and employees of either party shall be deemed the agents or employees of the other party for any purpose.

G. Limited Warranty

1. COG's only obligation is to provide an experienced local government attorney, under contract with COG, to provide legal counsel on CITY requested projects.
2. In no event shall COG be liable for indirect or consequential damages of any nature. In no event, regardless of theory of recovery, shall COG be liable for any damages in excess of the amounts actually paid by CITY to COG under Paragraph B. hereof.

H. Conflicts

Should a conflict arise regarding billing or quality of service, the parties shall meet to attempt to resolve the issue within thirty (30) days of issue identification. Each party shall designate a representative authorized to negotiate a solution to the conflict. If the conflict cannot be resolved by the parties, the parties will submit the issue for mediation.

IN WITNESS WHEREOF, COG and the CITY have, by approval of their respective governing bodies, caused this Agreement to be executed as of the day and year aforesaid.

**MID-WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS**

CITY OF _____

By: _____
Sean O'Day, Executive Director

By: _____



MEMORANDUM

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

DATE: March 19, 2019

THRU: Sean O'Day
Executive Director

FROM: John Safstrom
Loan Program Manager

SUBJECT: Appointment of Tom Pessemier to COG Revolving Fund and Valley Development Initiatives Boards of Directors

ISSUE

The COG Board of Directors votes to approve the appointments recommended by the COG Revolving Loan Fund Board and the Valley Development Initiatives Board Directors to fill vacant Board positions.

BACKGROUND

The Valley Development Initiatives (VDI) and COG Revolving Loan Fund (RLF) Directors recommend the appointment of Tom Pessemier, City Manager of the City of Independence as a member of those Boards. A representative from the City has held a seat on both Boards since they helped found Valley Development Initiatives 25 years ago.

David Clyne retired as City Manager in December and resigned his positions on both VDI and RLF loan program Boards. The City appointed Tom Pessemier to replace David Clyne as City Manager, and Tom has agreed to replace David on both Boards of Directors.

In summary, two board positions are held by one candidate, one position is appointed by the COG Board and the other position is a ratification of an appointment to be a Board member with VDI (nonprofit lending entity).

The two Boards' primary functions are to set policy and monitor the loan programs' performance, and to review and approve business loans.

Tom's background would be helpful for future considerations of policy and programs influenced by changing regulations and economic conditions. A summary of his background includes:

- Most recently, Tom served as the assistant city manager for the City of Sherwood. He began his career in Sherwood in 2005 as a civil engineer before he was promoted to city engineer. He became the community development director in 2008, and was promoted to the assistant city manager role in 2012. Prior to joining the City of Sherwood, Tom worked in the private sector for W&H Pacific and WRG Design.

- Tom Pessemier received two bachelor's degrees: a Bachelor of Science in civil engineering from Portland State University, and a Bachelor of Science in economics from Oregon State University.

REQUESTED ACTION

Appointment of Tom Pessemier to the COG Revolving Fund Loan Administration Board; and ratification of the appointment of Tom Pessemier to the Valley Development Initiative Board.



MEMORANDUM

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

DATE: March 19, 2019

FROM: Sean O'Day
Executive Director

RE: Executive Director Evaluation

ISSUE

By what process should the Board of Directors for the Mid-Willamette Valley Council of Governments (COG) conduct the Executive Director's evaluation.

BACKGROUND

The Board has a practice of conducting an annual evaluation of the Executive Director. The following recommendation is based on the COG's past practices as well as the evaluation process that the COG uses to facilitate the evaluation of managers of member entities.

RECOMMENDATION

The Board approve the following process and timeline to be used to conduct the Executive Director's evaluation:

Process

1. The Executive Director prepares a memorandum to Board that describes in a narrative format the key accomplishments during the last rating period and goals and objectives for the following rating period.
2. Board members will be sent a link to complete a performance evaluation survey, which will be based on the attached format which has been used in the past.
3. Ms. VanDyke will tabulate the results of the evaluation forms and create a compiled evaluation report.
4. The Board will meet in executive session with the Executive Director to discuss the evaluation.

Timeline

Executive Director Self Evaluation Memo Due	May 17, 2019
Online Link to the Evaluation form sent to Board	May 17, 2019

Deadline for Board's Evaluation:	June 7, 2019
Evaluation Reports prepared and distributed (with Board Packet)	June 11, 2019
Board meets with Executive Director to go over results (in executive session if Board desires, unless Executive Director requests an open meeting)	June 18, 2019

DISCUSSION

This process mirrors what has been used last year, except that it does not contain a 360 evaluation by peers, partners, and subordinates. Typical practice is to conduct a 360 assessment every three to five years.

Executive Director Evaluation Questions

1. Vision, Mission, and Goals
 - A. Works with the Board to develop a clear vision for the COG
 - B. Develops appropriate goals and workplans to advance the mission of the COG
 - C. Demonstrates knowledge regarding the COG's programs and services
 - D. Achieves goals set in the annual workplan approved by the Board

2. Fiscal Management
 - A. Prepares realistic annual budget for Board review, revision, and approval
 - B. Presents financial reports to the Board on a regular basis
 - C. Controls expenditures in accordance with approved budget
 - D. Demonstrates knowledge and awareness of overall COG budget and program revenues and expenditures

3. Operations Management
 - A. Delegates appropriate responsibilities
 - B. Effectively develops employee goals/expectations and evaluates performance of subordinates
 - C. Seeks to develop teamwork by COG organization
 - D. Implements and maintains appropriate policies, procedures, and systems to facilitate the day-to-day operations

4. Board Relationships
 - A. Is an effective Partner with the Board in leading the organization
 - B. Effectively implements policies and programs approved by the Board
 - C. Reporting to the Board is timely, clear, concise, and thorough
 - D. Utilizes appropriate systems for communication to ensure that the Board maintains a good knowledge of the organization

5. Member/Public Relations
 - A. Projects a positive public image to member organizations and local community
 - B. Is an articulate and knowledgeable spokesperson for the COG
 - C. Seeks to understand and respond appropriately and timely to member needs and requests
 - D. Is well regarded by his/her professional peers
 - E. Seeks to use criticism of self or COG in a positive way

Narrative Comments:

- What would you identify as the Executive Director's strength(s)?
- What performance area(s) would you identify as most critical for improvement?
- What constructive suggestions or assistance can you offer the Executive Director to enhance performance?
- Do you have other comments for the Executive Director (e.g. priorities, expectations, goals, or objectives) for the new rating period?



MEMORANDUM

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

DATE: March 19, 2019

FROM: Sean O'Day
Executive Director

SUBJECT: Revised Amendment to the Commercial Lease for the Pacific Building

ISSUE

Should the Board Authorize the Executive Director to enter into a Revised Amendment to the Commercial Lease for the Pacific Building, setting forth new terms related to base rent, escalation, and certain improvements to the leasehold space currently occupied by the Council of Governments (COG)?

BACKGROUND

On March 13, 2012, the COG entered into a seven-year Lease (with two subsequent seven-year renewal periods) for its current offices, known as the Pacific Building (Copy Attached). Under the terms of that lease, the COG may extend the lease for another seven years by providing notice to the property owner 180 days prior to the expiration of the current term.

In the fall of 2018, the COG successfully negotiated an amendment to the lease which extended the term by another ten years with the following terms and conditions:

- A triple net base lease rate (minus janitorial cost of) \$1.45/square foot
- A lease escalation using the Seattle-Bellevue-Tacoma all consumers index
- A term of 10 years (with one optional additional 10-year renewal)
- An increase in the square footage from (what was originally believed to be) 8,404 to 9,442 (based on an expansion into the building's mezzanine space)
- Building owner to re-paint and re-carpet the leasehold space
- Building owner to install a smoke and fire detection
- Building owner to install crash bar on the lower set of doors that lead onto State Street
- Add the mezzanine space to the leasehold with owner paid for improvements to convert that space to class room/workroom/file storage
- Connect the mezzanine to our current office space via a stairway in an appropriate location along with conduit for computer/printer networking
- Remodel existing workroom/file storage into partitionable workspace for a Geographic Information System work suite
- Remodel intern area (next to reception) into private office

Since signing the Amendment, it was discovered during the permitting of the improvements that the original square footage calculations were in error dating back to the original lease. Consequently, the property owner is requesting that the COG agree to a revised amendment adjusting the square feet of

leasehold space from 9,442 to 9,979, which in turn will raise the monthly rent from \$13,690 to \$14,469 (an increase of \$779). In exchange, the property owner has agreed to pick up the janitorial costs until July 1, 2020, after which those costs will be the COG's responsibility.

RECOMMENDATION

The Board Authorize the Executive Director to enter into a Revised Amendment to the Commercial Lease for the Pacific Building as set out in the attached, which shows the changes from the original Amendment (strikeout = deletion, double underline = addition).

DISCUSSION/ANALYSIS

The error in square footage dates back to the original lease, which means the COG has paid for less square footage during the initial seven-year term than it occupied. The change to the lease terms would result in an additional monthly cost to the COG of \$779. This amount is approximately equal to what the COG would pay in the first year for janitorial services.

As a recipient of federal funds, the COG is required to have an indirect cost allocation plan approved each year by a cognizant federal agency. The cost allocation plan, in basic terms, adds up the costs of administration and then apportions those costs to all program areas in the form of an indirect rate. When setting the FY 2019-20 indirect rate, staff used the total lease costs, plus janitorial as those costs were anticipated to be under the Amendment signed in December.

The property owner's original amendments made changes only to the square footage and rent, and did not provide for any offset of the increased costs. After briefing the Executive Committee on this matter, the Executive Director was able to negotiate a one-year offset of the increased costs by extending the date the COG will assume the costs of janitorial services until July 1, 2020, thereby making the change effectively cost neutral in the first year of the new lease (and within the total anticipated leasehold costs at the time staff developed the indirect cost allocation plan).

The attached Revised Amendment would replace the first Amendment and makes the changes discussed in this staff report along with a few non-material clarifying and technical amendments.

additional terms (each a Renewal Term) of Ten (10) years each, provided Tenant shall exercise such option by giving Landlord notice in writing of its election to renew the Lease for the next ensuing Renewal Term not less than one hundred eighty (180) days prior the expiration of the current Lease Term or the then current Renewal Term, as applicable upon the following conditions: . . .”

This Amendment is hereby exercising option 1 and 1 option remains.

4. Section 6 RENT is removed and replaced with the following:

(a) **Monthly Base Rent.** The Base Rent for the Leased Premises shall be \$1.45 SF x ~~9,442~~ 9,979 SF = ~~\$13,690~~ \$14,469 per month, payable in advance on the first day of each month following the Commencement Date. The Base Rent prior to the Commencement Date shall be \$11,939.69.

(b) **Rent Commencement.** The Monthly Base Rent (Section 6a) and Additional Energy Surcharge (Section 11) shall commence on July 1, 2019 or upon completion of the Improvements (section 7), whichever is later (Commencement Date). In the event that improvements are completed sooner, the new rental rate and utilities shall commence.

(c) **Escalators.** Beginning July 1, 2020 and on an annual basis thereafter (Adjustment Date) the Base Rent shall be increased to reflect the increase, if any, in the Consumer Price Index: All Urban Consumers (CPI-U), Seattle-Tacoma-Bellevue, WA (series ID: CWUSS49DSA0). published by the United States Bureau of Labor Statistics of the United States Department of Labor as determined by this section. On each Adjustment Date, the Base Rent then in effect will be increased if warranted, but not decreased, by multiplying the Base Rent by a fraction, the numerator of which is the CPI published most recently before the applicable Adjustment Date, and the denominator of which is the CPI published most recently before the date on which the Base Rent was last adjusted upward (Comparison Date). In no event will the Base Rent be adjusted downward from the Base Rent in effect immediately preceding an Adjustment Date, nor will any increase in Base Rent on any Adjustment Date be more than 3% of the Base Rent on the Comparison Date.

If the Seattle-Tacoma-Bellevue, WA CPI becomes unavailable (series ID: CWUSS49DSA0), the parties will mutually select a substitute index covering a local geographic area that most closely approximates the historical performance of the Seattle-Tacoma-Bellevue, WA CPI.

5. Section 7 IMPROVEMENTS is removed and replaced with the following:

Landlord, at Landlord’s sole expense, shall deliver the Premises on July 1, 2019, or as soon as thereafter with the following Improvements: ~~(the full scope of work attached as Exhibit C):~~

Landlord agrees to repaint the Premises.

Landlord agrees to install new commercial grade carpet throughout the ~~9,442~~ 9,979 SF.

Landlord agrees to install a smoke and fire detection system on the Premises.

Landlord agrees to install a crash bar on the lower set of doors leading to State St.

Landlord agrees to buildout mezzanine space for workroom/file storage and meeting/partitionable work space, Landlord to provide a data conduit between the two floors. Tenant will be responsible for low voltage wiring. ~~to include a wired network connection between the floors~~

Landlord agrees to physically connect the mezzanine to the Tenant’s current space via new stairway.

Landlord agrees to remodel existing workroom/file storage room into partitionable workspace.

Landlord agrees to remodel area next to reception into a private office.

6. Exhibit C shall replace Exhibit A with 2 floor plans, the mezzanine and the second floor.

7. Section 14 PAYMENT OF UTILITIES is hereby amended as follows:

Landlord shall pay for all electrical, natural gas, water/sewer, janitorial service (up to three times per week) and general trash removal during the Lease Term and the Renewal Terms, provided however that Tenant shall pay for janitorial service beginning on July 1, 2020 and thereafter ~~with the Commencement Date in Section 6.~~ Tenant shall pay for all telephone, data transmission services, cable TV, and other such additional services (not provided by landlord under the preceding sentence) as may be required by Tenant during the Lease Term and the Renewal Terms.

DATED this ____ day of ~~December~~ March, 2018.

LANDLORD:

Hollymac, LLC

TENANT:

The Mid-Willamette Valley Council of Governments

By:

Richard McPike
Landlord

By:

Sean E. O'Day
Executive Director



MEMORANDUM

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

DATE: March 19, 2019

THRU: Sean O'Day
Executive Director

FROM: Greg Smith
Finance Director

SUBJECT: Resolution No. 2019-06, Establishing Rates for Services for FY 2019-20

ISSUE

Should the Mid-Willamette Valley Council of Governments (COG) Board of Directors adopt a resolution establishing rates for fee-for-service programs FY 2019-20?

BACKGROUND

The COG as an intergovernmental entity formed by agreement pursuant to ORS Chapter 190, has the authority to enter into intergovernmental agreements for the delivery of services to its member governments. 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.

Although the Board has historically approved annual contracts, which included hourly rates, for the COG's fee-for-service programs, the Board has historically not separately adopted rates using a rate setting methodology for its fee-for-service programs with the exception of executive level recruitments. On December 12, 2017 the Board adopted Resolution No. 2017-05 establishing rates for executive recruiting services that was based upon an analysis of the costs of providing that program with a goal of achieving cost recovery. In order to obtain uniformity among various contracts for services, it is desirable for the Board to use a similar methodology to establish rates for all services routinely offered by the Mid-Willamette Valley Council of Governments.

RECOMMENDATION

The Board adopt Resolution No. 2019-06 establishing rates for services as follows:

DISCUSSION

The following discussion summarizes the analysis that staff used to arrive at the rates on the attached resolution to include:

- Any relevant historical context for the program or service and its associated rates;
- The assumptions and methodology staff used to arrive at the recommended rate;
- Where applicable, how the recommended rate compares with private sector rates for similar work; and

- Whether the proposed rate will generate revenue in excess of expenses, only recover costs, or result in a program loss (and if so why that is advisable).

Member Services Rates

Recruiting Services. Based on an analysis conducted in December 2017, staff determined that the expenses for providing this service regularly exceeded revenues by as much as \$13,000 in some cases and \$200 in others. After averaging the number of hours spent on this service over a five year period, staff recommended and the Board Adopted resolution No 2017-05, establishing rates that were intended to put the COG in a nearly break-even financial position when conducting recruitment services.

Because a member's ability to pay and the level of effort is somewhat tied to the size of the member, the rates expressed were tiered based on the population of the member. Because the COG has historically performed recruitment services for non-member entities on a limited basis, the rates also include a non-member fee in an amount that would produce some modest revenue for the COG. To ensure that rates keep pace with increased personnel costs, Resolution No 2017-05 also set out an automatic rate increase at the start of every fiscal year in an amount equal to the CPI-W Portland for the previous calendar year, which was the same methodology the COG used in establishing employee cost of living adjustments each year.

The rates set forth in the attached resolution are based on the same analysis used in 2017, except because the Bureau of Labor and Statistics discontinued the CPI-W Portland, the attached rates were determined using the CPI-W Seattle, which is the same index the COG uses in establishing employee costs. The rates are well below that which recruiters charge (which based on recent recruitments in the area are \$15,000 - \$20,000 per-recruitment). However, the services conducted by recruiters is markedly different, in that recruiters offer a guarantee and will also actively recruit candidates (whereas the COG's service approximates the role of an internal Human Resources staff with a passive recruitment model). The anticipated net effect of the attached rates is to be both revenue and cost neutral based on a five year average.

Legal Services. The COG began providing legal services in 2018 to meet member needs for this service as their current contract attorneys were at or nearing retirement, and there was a lack of private attorneys available to fill the need at what members had historically paid for attorney services.

The attached resolution contains two different rates for attorney services. The first is for general counsel services at a rate of \$155 per hour. The second is for hearings officer services, which is at a rate of \$175 per hour. Both rates are at or slightly below what cities have historically paid for these services. The COG's current contract with the service provider for these services is \$72, however that amount is expected to increase to \$85 an hour starting July 1, 2019. On strictly a per-hour basis, this model results in a net revenue of \$70 per hour for attorney services, and \$90 per hour for hearings officer services. However, the goal is to ultimately grow this program to the point that an attorney could be brought on full time serving both as a service provider as well as in-house counsel. Until that is achieved, the contracted service provider is serving both roles.

Because the contract service provider is fulfilling both roles, this program area currently does not pay benefits or an indirect rate. The revenues in excess of expense will decrease significantly once we convert the position to an employee with full benefits and subject to the COG's indirect rate. Until then it is the hope that this program will generate enough revenue to cover both the expenses of providing attorney services as well as in-house counsel services. Because of the time spent marketing this service and a backlog in general counsel work, when the costs of marketing the program and in-house counsel services

are included, the program is currently experiencing a YTD loss of \$6,500, which is anticipated to decrease by the end of the fiscal year as billable hours increase and the amount of general counsel work decreases. Because the program is only six month old, staff recommends the Board approve the attached rates which holds the rates essentially flat, and well within the market for similar services. With another year of experience, we will be better positioned to know whether an adjustment will be needed to these rates.

Miscellaneous Services. The COG will occasionally provide additional member services on a fee for service basis. For example, members will contract with the COG to facilitate amendments to the city Charter, facilitate resolution of conflicts, or perform other studies within the skills and abilities of the Executive Director. The currently hourly cost for the Executive Director (including wages and benefits) is \$155.05. The current hourly cost for administrative support is \$59.83. Staff recommends a rate of \$200 per hour for the Executive Director and \$80 per hour for the Administrative Support, which is the rate that most facilitators charge for similar services. Because the demand for this type of work is intermittent, it is difficult to accurately predict the revenue impact of this rate, but any revenue would be minimal.

Presently the COG does not charge a fee for facilitating executive recruitments, conducting training, or facilitating goal setting. As those services undergo further review this year, should the COG begin to charge for those services, this rate will be used as the basis for those fees.

Community Development Rates

Land Use Planning. The COG provides land use planning services on a contractual, hourly basis for over twenty (20) jurisdictions throughout the region. The current contracts are set to expire on June 30, 2019. Contract work includes current planning; special planning projects and long-range planning work, such as updating comprehensive plans.

The bulk of the hours billed via these contracts are initiated through the private sector and, with regular fee schedule rate setting locally, can be passed through to those private sector activities with little or no loss to local governments. However, we are also fortunate to be a trusted resource to our members in locally driven planning activities such as code updates, visioning, mapping, comprehensive plan updates, and other long-range planning activities and these activities are often at the expense of local jurisdictions (if we are not successful in securing grant sources).

The staff recommended rates will result in an anticipated net program loss of up to \$20,000, which would be backfilled by member dues. The loss in this program is largely due to the discrepancy in the costs of the COG's senior planners (\$112 to \$95 / hour) from the billing rate charged for their time (@ \$87/hour). To achieve full cost recovery in this program areas (based on an assumed 4,131 billable hours, with a quarter of that attributed to senior planners) would require setting Senior Planner billing rate at \$94 per hour, Associate Planner billing rate at \$89 and Support Staff billing rate at \$60 per hour. At those rates, the COG would still incur a loss in the costs of Senior Planners, but make up that loss in the revenue in excess of expenses experienced by the income generated by the Associate Planners. However, to achieve full cost recovery will price the COG's planning services beyond that of similar services provided by private sector firms that provide land use planning services.

A market rate analysis of other planning services consultants within the region shows that even at the recommended rates, the COG proposed FY19/20 fee schedule is on the high end, but still within the range of other planning consultants within the region. Program attributes that sets the COG apart and allows us to still maintain contracts even when our rates meet or exceed the private sector costs are:

- Direct representation of our local jurisdictions with an assigned planner they can become familiar with and develop firm relationships and understandings;
- Support from the Community Development program as a whole, including support from the Community Development Director, Housing Rehabilitation Specialist, Grant Administrator, and Small Business Loan Program staff; and
- Support from a total of nine (9) Community Development staff rather than a single land use planner providing office hours that can often serve as a siloed resource.

Staff believes some member support of the land use program is warranted because a successful land use program can achieve:

- Strong community and economic program support with direct representation for each of our member jurisdictions;
- A more wholistic approach to COG services including business lending, grant administration, specialized training, and mapping and data management support; and
- Allows COG to diversify revenue streams and expenditures to ensure availability of staff at regional meetings and conversations that support COG’s mission, such as representation at Regional Solutions Team meetings and work to align efforts such as community partnerships that resulted in more funding to our region (e.g. the shared Donald and Gervais RARE participant to update buildable lands inventories).

Grants Administration. COG staff also contract with cities and other local governments throughout the year for funding application assistance, administration of public infrastructure grants and loans, and/or income surveys or other tasks needed to ensure continued eligibility for various state and federal funding programs. The recommended rate will achieve full cost recovery for this program area and is well within market rates for similar services.

Housing Rehabilitation. Community Development staff support the Valley Development Initiatives (VDI) housing rehabilitation program, and by providing housing rehabilitation program hourly services contracts for the cities of Jefferson, Mt. Angel, Scotts Mill, Silverton, and Woodburn who maintain their own housing funds and desire COG assistance with program administration. The recommended rate will achieve full cost recovery for this program area.

Other Economic Development Services. Community Development staff will occasionally provide other economic development services, such as urban renewal planning and other economic development efforts as requested by member local governments to enhance the region. The recommended rates for these services will achieve full cost recovery for those activities.

Geographic Information Services (GIS) / Transportation Modeling Services Rates

GIS. The COG provides various technical GIS services to member governments to include:

- updates of zoning and comprehensive plan maps as well as other maps needed for local land use planning services;
- requested services of a local government, such as address mapping, or assistance with Census program participation (e.g. Boundary and Annexation Survey)
- support to Yamhill County to maintain and update the county’s online GIS web application;

- services for the Salem-Keizer School District to maintain and update data layers, update and create maps of school boundaries, and maintain the district's online GIS web application (the Salem-Keizer SchoolFinder), and other services requested by the district;
- mailing list GIS services for ODOT Region 2

The \$89/hour member rate is the needed to cover COG's labor rate for a GIS analyst, plus indirect and material costs. The higher rates to be charged for non-members and non-profits (\$94/hour) and for private-sector (\$108/hour) reflect a modest increase over the break-even amount.

In 2018, staff attempted to gather GIS rate information from the private sector, but had difficulties finding local information about rates. In general, the range of hourly charges is quite wide, from \$50/hour to \$200/hour depending on the expertise needed. From what staff can deduce, the proposed COG rates do seem to be within the market rate of such services, and our GIS staff have 20 years of experience, including project management and GIS-language programming. The higher rates proposed for the non-member, non-profit, and for-profit private contracts will be used to pay for GIS training, a portion of the software maintenance charges (about \$10,000/year for the GIS licenses we use) and other equipment needed for GIS work (including a new plotter).

Modeling Services. On an infrequent basis (from two to four times per year), the COG transportation section will get requests for modeling forecasts from private sector companies (or their consultants) for projects associated with a private-sector land use development application. COG only provides this service only for the geographic area inside the SKATS MPO area. The proposed Transportation Modeling services hour charges of \$115/hour is higher than the "break-even" costs of \$101/hour for a Senior Planner-Modeling and \$84/hour for an Associate Planner. In a typical year, the total amount of hours charge is less than 20 hours. Requests from our local governments within SKATS and ODOT for modeling forecasts and related outputs is not charged to those jurisdictions or ODOT since they provide local or state funds for matching the federal funds provided to the COG for SKATS.

Loan Program Service Rates

The loan program bills the individual loan programs for the time spent to market, underwrite, funding and servicing the loans. The recommended staff rates are expected to achieve full cost recovery when loans are funded. However, because many prospective lending opportunities are not pursued by the business borrowers and their participating lenders, for a variety of reasons beyond the control of the loan program staff, the time spent working on these prospective projects is not billable, so the time and costs are not recovered in instances when a loan does not fund. The costs of those activities are then borne by the carryover in program income from year to year, which derives from other program revenues.

The loan program budget is the aggregate revenues of each revenue source. For example, the SBA 504 program and the Oregon Business Development Fund generates income in excess of costs; the COG revolving loan fund and VDI loan programs fund most, to all of the revenues to cover expenses and the contract lending services provided two cities and one county is subsidized by the other COG lending activities.

The COG's rates are well below market rates and that of other public sector lenders. A true private sector comparison is problematic because a lender would reluctant to accept the liability risk and increased insurance costs inherent with a contact for lending services that are not core to the lenders activities. However, for comparisons purposes assume the COG's rate for loan officer and program manager to be doubled to match private sector salaries (loan officer and team leader) and add a factor of plus 30% for indirect costs; the loan servicing rates would be increased by an indirect increase of 30%. Public sector

comparisons are limited to other Councils of Governments in the State which either are understaffed, do not have the software capacity and unable to provide lending services outside of their area of operations. Typically, these public entities have higher staff rates because of their individual burden rates/indirect costs in comparison to MWVCOG, as per our prior affiliation with jointly operated (three COGs) Certified Development Company.

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 Fee - \$800	1.5 % of Loan Amount, Minimum
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



MEMORANDUM

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

DATE: March 19, 2019

FROM: Sean O'Day
Executive Director

SUBJECT: Resolution 2019-03: Purchasing Rules.

ISSUE

Shall the Mid-Willamette Valley Council of Governments (COG) Board of Directors adopt new public contracting rules that bring purchasing thresholds into alignment with state law, streamline processes, and revise procedures for a more efficient method of disposing of surplus property.

BACKGROUND

Under Oregon Law, the Board of Directors serves as the local contracting review board and vests in the Board the authority to adopt rules and procedures governing public contracts. The Board last adopted purchasing rules in 2005, and adopted a surplus property policy in 2008. Since then, state law has been amended to increase purchasing thresholds for various methods of obtaining public contracts. Similarly, since adoption of those policies, staff has identified some elements of those policies that if improved, would achieve better efficiency, while maintaining transparency and economy.

RECOMMENDATION

Staff recommends the Board approve Resolution No 2019-03, adopting public contracting rules and setting out a method for the disposal of surplus property.

DISCUSSION

The attached policy streamlines existing practices making the procurement of goods and services more efficient. The attached policies, prepared by the COG's general counsel, ensure the COG will comply with state law, do not encourage favoritism, nor substantially diminish competition. The key changes are:

- To increase purchasing thresholds for the use of small procurement procedures and informal procedures for the procurement of goods and services to match state law;
- Creation and clarification on a class of contracts known as Personal Services, and procedures to be used for the procurement of such services;
- Authority to use cooperative procurement methods, which would allow the COG to use contracts negotiated by other governmental entities under the same terms and conditions as those other governments, and *vice versa*;
- Addition of policies required by Oregon law regarding the use of recycled materials and preferences to be given to Oregon based goods and services; and
- Incorporation of the COG's surplus property policy into the purchasing rules, and revision of that policy to provide greater flexibility to the Executive Director in the identification and disposal of surplus property.

Attachment: Resolution 2019-03

BEFORE THE BOARD OF DIRECTORS
FOR THE MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
In the matter of Revising the Public Contracting Rules for the Mid-Willamette Valley Council of
Governments

RESOLUTION 2019-03

WHEREAS, the Mid-Willamette Valley Council of Governments (MWVCOG) adopted Resolution No. 05-03 Adopting Public Contracting Rules and Resolution No. 08-02 Adopting Policy Regarding Disposal of Surplus Personal Property; and

WHEREAS, to ensure transparency in public purchasing and to obtain the greatest value when making contracts and purchases, the MWVCOG occasionally reviews its adopted rules to ensure they are still compliant with all applicable state regulations and operate efficiently; and

WHEREAS, the MWVCOG identified some elements of its public purchasing and disposal of surplus personal property policies which require improvement in order to achieve improved efficiency; and

WHEREAS, the Board of Directors (Board) desires to establish revised public contracting rules to ensure transparency in public purchasing and disposal of surplus personal property and improve efficiency;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the MWVCOG:

Section 1. Purpose.

The purpose of this resolution is to establish revised public contracting rules and rules regarding the disposal of surplus personal property. The rules established in Resolutions No. 05-03 and 08-02 are hereby replaced by the Public Contracting Rules for the Mid-Willamette Valley Council of Governments which were drafted to incorporate new public contracting and disposal of surplus personal property into one unified policy.

Section 2. Intent.

It is the MWVCOG's intent that, to the extent reasonably practical and/or required by law, its public contracting is governed by the Oregon Public Contracting Code, codified in ORS Chapters 279A, 279B, and 279C and the Attorney General adopted Model Rules to implement the Code, found in OAR 137, divisions 46,47,48, and 49, it is authorized to make full use of all contracting powers and authorities available to it.

Section 3. Powers and Duties.

Except as otherwise provided in these rules, the powers and duties of the Contract Review Board under the Code and Model Rules will be exercised by the Board and the powers and duties given or assigned to contracting agencies by the Code or Model Rules will be exercised by the Executive Director acting as MWVCOG's purchasing manager and is hereby authorized to award all MWVCOG contracts for which there is an appropriation. Subject to this policy, the Executive Director may adopt and amend all rules, regulations, procedures and forms as convenient for the MWVCOG's contracting needs.

Section 4. Practices and Procedures.

When adopting public contracting rules, regulations, procedures and forms, the Executive Director shall establish practices and procedures that:

- Do not encourage favoritism or substantially diminish competition;
- Allow the MWVCOG to take advantage of the cost-saving benefits of alternative contracting methods and practices;
- Give preference to goods and services that have been manufactured or produced in the State of Oregon if price, fitness, availability and quality are otherwise equal (OAR 137-046-0300); and
- Give preference to goods that are certified to be made from recycled products when such goods are available, can be substituted for non-recycled products without a loss in quality, and the cost of goods made from recycled products is not significantly more than the cost of goods made from non-recycled products (OAR 137-046-0320).

Section 5. Public Contracting Rules for the Mid-Willamette Valley Council of Governments.

The document “Public Contracting Rules for the Mid-Willamette Valley Council of Governments”, attached as Exhibit A, are the public contracting rules and rules regarding disposal of surplus personal property that will be implemented by the MWVCOG.

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

ATTEST

Sean O’Day, Executive Director

Cathy Clark, Chair
MWVCOG Board of Directors



**Public Contracting Rules
for the
Mid-Willamette Valley Council of Governments**

Adopted by the Board of Directors
Resolution No. _____
March 19, 2019

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1. Contracting Policy – It is the policy of the Mid-Willamette Valley Council of Governments (MWVCOG) in adopting this Contracting Policy to utilize public contracting practices and methods that maximize the efficient use of MWVCOG resources and purchasing power of its funds.
2. General Provisions.
 - A. Intent - Except as provided within these rules, it is the MWVCOG’s intent that to the extent reasonably practical and/or required by law, its public contracting is governed by the Oregon Public Contracting Code, codified in ORS Chapters 279A, 279B, and 279C and the Attorney General adopted Model Rules to implement the Code, found in OAR 137, divisions 46,47,48, and 49, it is authorized to make full use of all contracting powers and authorities available to it.
 - B. Contract Review Board - Pursuant to ORS 279A.060 the MWVCOG Board of Directors is the Contract Review Board (Board). Except as otherwise provided in these rules, the powers and duties of the Board under the Code and Model Rules will be exercised by the Board and the powers and duties given or assigned to contracting agencies by the Code or Model Rules will be exercised by the Executive Director acting as MWVCOG’s purchasing manager and is hereby authorized to award all MWVCOG contracts for which there is an appropriation. Subject to this policy, the Executive Director may adopt and amend all rules, regulations, procedures and forms as convenient for the MWVCOG’s contracting needs.
 - C. Executive Director - For the purposes of these rules, “Executive Director” means the Executive Director of the MWVCOG, and the Executive Director’s designee. Any of the responsibilities and authorities of the Executive Director under this Policy may be delegated by the Executive Director by written directive.
 - D. Practices and Procedures - When adopting public contracting rules, regulations, procedures and forms, the Executive Director shall establish practices and procedures that:
 - Do not encourage favoritism or substantially diminish competition;
 - Allow the MWVCOG to take advantage of the cost-saving benefits of alternative contracting methods and practices;
 - Give preference to goods and services that have been manufactured or produced in the State of Oregon if price, fitness, availability and quality are otherwise equal (OAR 137-046-0300); and
 - Give preference to goods that are certified to be made from recycled products when such goods are available, can be substituted for non-recycled products without a loss in quality, and the cost of goods made from recycled products is not significantly more than the cost of goods made from non-recycled products (OAR 137-046-0320).
 - E. Public Notice – Unless otherwise specifically provided by these rules, any notice required to be published by these rules shall be published at least once in one newspaper of general circulation within Salem, and in as many additional issues or publications as the Executive

Director deems appropriate. Additional notice may be given using any other method deemed appropriate, including, but not limited to, mailing notice to persons that have requested notice in writing, or placing notice on the MWVCOG website.

- F. Procedure for Competitive Verbal Quotes and Proposals – Where allowed by this Policy, solicitations by competitive verbal quotes and proposals shall be based on a description of the quantity of goods or services to be provided, and may be solicited and received by phone, or facsimile or e-mail if authorized by the Executive Director. A good faith effort shall be made to contact at least three potential providers. If three potential providers are not reasonably available, fewer will suffice, provided that the reasons three potential providers are not reasonably available is documented as part of the procurement file.
- G. Procedure for Informal Written Solicitations – Where allowed by this Policy, informal written solicitations shall be made by a solicitation document sent to not less than three prospective providers. Price quotes or proposals shall be received by the Executive Director at the date, time and place established in the solicitation document. The Executive Director shall keep a written record of the sources of the quotes or proposals. If three quotes or proposals are not reasonably available, fewer will suffice, but the Executive Director shall make a written record of the effort made to obtain quotes or proposals as part of the procurement file. The solicitation document shall request competitive price quotes or competitive proposals, and include:
- The date, time and place that price quotes or proposals are due;
 - A description or quantity of the good or service required;
 - Any statement of period for which price quotes or proposals must remain firm, irrevocable, valid and binding on the offeror. If no time is stated in the solicitation document, the period shall be thirty (30) days;
 - Any required contract terms or conditions; and
 - Any required bid form or proposal format.
- H. Retroactive Approval – The Executive Director may make a retroactive approval of a contract when work was commenced without final award or execution only if the responsible staff person submits a copy of the proposed contract to the Executive Director along with a written request for contract retroactive approval containing:
- an explanation of why work was commenced before the contract was finally awarded or executed;
 - a description of steps being taken to prevent similar occurrences in the future;
 - evidence that, but for the failure to finally award or execute the contract, the responsible staff person complied with all other steps required to properly select a contractor and negotiate the contract; and
 - a proposed form of consent.
3. Source Selection Methods for Professional Services and Public Improvements – The MWVCOG will apply the Public Contracting Code and the Attorney General’s Model Rules of procedure for

Public Contracting when procuring professional services and public improvements, and processing protests thereof.

4. Source Selection Methods for Goods and Services.

A. Small Procurements – As provided by ORS 279B.065, any procurement of goods or services not exceeding a price of \$10,000 may be awarded in a manner the Executive Director finds practical or convenient, including direct selection or award. A small procurement contract may be amended in accordance with OAR 137-047-0800 if the cumulative amendments do not increase the total contract price by more than twenty-five percent of the original contract price. A procurement may not be artificially divided or fragmented to qualify for this section.

B. Intermediate Procurements – Contracts for goods and services with a contract price greater than \$10,000 and less than or equal to \$150,000 are intermediate procurements. Intermediate procurements shall be by informal written solicitation. The Executive Director may negotiate with an offeror to clarify an informal written solicitation, or to make modifications that will make the quote, proposal or solicitation acceptable or more advantageous to the MWVCOG. If a contract is awarded, the award shall be made to the offeror whose competitive quote or proposal or informal written solicitation will best serve the interests of the MWVCOG, taking into account price as well as any other relevant considerations, including, but not limited to, experience, expertise, product functionality, suitability for a particular purpose, and contractor responsibility. Intermediate procurement contracts may be amended if the cumulative amendments do not increase the total contract price by more than twenty-five percent of the original contract price. Public notice is required for intermediate procurements with a contract price equal to or exceeding \$50,000.

C. Sole-Source Procurements – Pursuant to ORS 279B.075(1), the Executive Director is authorized to declare in writing that certain goods and services are available from only one source. The determination of a sole-source must be based on findings required by ORS 279B.075(2), and otherwise be processed in accordance with OAR 137-047-0275.

5. Source Selection Methods for Personal Services Contracts.

A. Personal Service Contract – A personal services contract is a contract for personal or professional services performed by an independent contractor, primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to attorney services, accounting and auditing services, information technology services, planning and development services, artists, designers, performers, property managers, specialized, creative or research-oriented services, and consultants. For the purposes of this section, personal services contracts do

not include such contracts for architectural, engineering and land surveying services. The procedures for those contracts are found in the Model Rules, OAR 137. Division 48.

- B. Executive Director Authority - The Executive Director has discretion to determine whether a particular contract or service falls within the definition of "personal services." The Executive Director may classify additional specific types of service as personal services when taking into consideration:
- Whether the work requires specialized skills, knowledge and resources in the application of technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment;
 - Whether the MWVCOG intends to rely on the contractor's specialized skills, knowledge and expertise to accomplish the work; and
 - Whether selecting a contractor primarily based on qualifications rather than price would likely meet the MWVCOG's needs and result in obtaining satisfactory contract performance and optimal value.

A service shall not be classified as personal services for the purpose of this rule if the work has traditionally been performed by contractors selected primarily on the basis of price, or the services do not require specialized skills, knowledge or resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic or management discretion or judgment.

- C. Request for Qualifications – At the Executive Director's discretion, a request for qualifications may be used to determine whether competition exists to perform the needed personal services or to establish a non-binding list of qualified contractors for individual negotiation, informal written solicitations or requests for proposals.

A request for qualifications shall describe the particular type of personal services that will be sought, the qualifications the contractor must have to be considered, and the evaluation factors and their relative importance.

A request for qualifications may require information including, but not limited to, the contractor's particular capability to perform the required personal services; the number of experienced personnel available to perform the required personal services; the specific qualifications and experience of the personnel; a list of similar personal services the contractor has completed; references concerning past performance; and any other information necessary to evaluate the contractor's qualifications.

Unless the responses to a request for qualifications establish that either (1) competition does not exist, (2) the request for qualifications is canceled, or (3) all responses to the request for qualifications are rejected, all respondents who meet the qualifications set forth in the request for qualifications shall receive notice of any required personal services and have an opportunity to submit a proposal in response.

- D. Direct Negotiations Exception - The Executive Director may procure personal services through direct negotiations if the nature of the personal services is not project driven, but requires an ongoing, long-term relationship of knowledge and trust such as, but not limited to, general counsel, special counsel, or professional or expert witnesses or consultants.

Personal services contracts procured by direct negotiation pursuant to this rule may be amended provided the amendment is within the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty percent over the original contract price, or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frame needed to complete the work.

No public notice of personal services contracts procured by direct negotiations is required.

- E. Formal Selection - A formal selection procedure will be used when the estimated payment to the contractor exceeds \$50,000. The formal selection procedure will include:
1. Announcement – MWVCOG will give notice of its intent to procure personal services through a newspaper of general circulation, and any other means MWVCOG deems appropriate, including, but not limited to, contacting prospective contractors directly, mailing notice to persons that have requested notice in writing, or placing notice on the MWVCOG website. The Executive Director is authorized to develop and use an “electronic procurement system” in accordance with OAR 137-047-0300(2)(b) to post electronic advertisements through the internet. When an electronic procurement system is in place, the Model Rules allow procurement solicitations to be advertised exclusively on the internet. Announcements will include:
 - A description of the proposed project;
 - The scope of the services required;
 - The project completion dates;
 - A description of special requirements;
 - When and where the application may be obtained and to whom it must be returned;
 - The closing date, and;
 - Other necessary information.
 2. Application – Applications will include a statement that describes the prospective contractor’s credentials, performance data, examples of previous work product or other information enough to establish contractor’s qualifications for the project, references, and other information identified by the MWVCOG as necessary to make its selection.
 3. Initial Screening – The Executive Director will evaluate the qualifications of all applicants and select a prospective contractor or prospective contractors whose application demonstrates that the contractor is best qualified to meet MWVCOG’s needs.

4. Final selection – The Executive Director will interview the finalists selected from the initial screening. At the Executive Director’s discretion, the interviews may be conducted before the Board if the Executive Director decides to delegate the selection decision to the Board. After the interview process concludes, the Executive Director will make the final selection, unless the interviews are conducted before the Board, in which case the Board will make the final selection. The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by MWVCOG as necessary for it to select a contractor.

- F. Informal Selection - An informal selection procedure may be used when the estimated payment to the contractor is under \$50,000 or when the Executive Director determines that the informal procedures will not interfere with competition among prospective contractors, reduce the quality of services, or increase costs. The Executive Director will contact a minimum of three prospective contractors qualified to offer the services sought. The Executive Director will request an estimated fee and make the selection consistent with MWVCOG’s best interests. If three quotes are not received, the Executive Director will make a written record of efforts made to obtain the quotes.

- G. Alternative Procedures – The Executive Director may enter personal services contracts not exceeding an estimated \$10,000 without utilizing the procedures under subsections d, e, or f. However, the Executive Director must make reasonable efforts to choose the most qualified contractor to meet MWVCOG’s needs. The Executive Director may negotiate with a single source for personal services if the services are available from only one contractor or the prospective contractor has special skills uniquely required for the performance of the services. The Executive Director must make written findings to demonstrate why the proposed contractor is the only contractor suitable to perform the services desired.

- H. Emergency Selection Procedures - The Executive Director may select a contractor and execute contracts without following any procedures when conditions require immediate action to prevent substantial damage or injury to persons or property. In such emergency instances, the Executive Director must make written declarations of the circumstances that justify the emergency appointments including (1) the nature of the emergency, and (2) the method used for selection of the particular contractor and why the selection method was deemed in the best interest of the MWVCOG. The Executive Director shall, as soon as possible, notify the Board of Directors of the facts and circumstances surrounding the emergency execution of the contract(s).

6. Cooperative Procurement Contracts - Cooperative procurements may be made without competitive solicitation as provided in the Oregon Public Contracting Code.

7. Notice of Intent to Award Certain Contracts – The MWVCOG will follow procedures to provide notice of intent to award certain contracts as follows:

- A. At least seven (7) days before the award of a public contract solicited under a traditional invitation to bid or request for proposals, MWVCOG will post or provide to each bidder or proposer notice of MWVCOG's intent to award a contract.
 - B. If stated in the solicitation document, MWVCOG may post this notice electronically or through non-electronic means and require the bidder or proposer to determine the status of MWVCOG's intent.
 - C. As an alternative, MWVCOG may provide written notice to each bidder or proposer of MWVCOG's intent to award a contract. This written notice may be provided electronically or through non-electronic means.
 - D. MWVCOG may give less than seven days' notice of its intent to award a contract if the Executive Director determines that seven days is impractical as allowed under ORS 279B.135.
 - E. This section does not apply to goods and services contracts awarded under small procurements under these rules, or other goods and services contracts awarded in accordance with ORS 279B070, 279B.075, 279B.080, or 279B.085.
 - F. This section does not apply to any public improvement contract or class of public improvement contracts exempted from competitive bidding requirements.
 - G. A protest of MWVCOG's intent to award a contract may only be filed in accordance with OAR 137-047-0740 or OAR 137-049-0450, as applicable.
8. Surplus Property - Provisions
- A. General Disposal - Surplus property may be disposed of by any of the following methods upon a determination by the Executive Director that the method of disposal is in the best interest of the MWVCOG. Factors that may be considered by the Executive Director include costs of sale, administrative costs, and public benefits to the MWVCOG. The Executive Director shall maintain a record of the reason for the disposal method selected, and the manner of disposal, including the name of the person to whom the surplus property was transferred.
 - 1. Governments - Without competition, by transfer or sale to another member Government of the MWVCOG.
 - 2. Auction - By publicly advertised auction to the highest bidder.
 - 3. Bids - By public advertised invitation to bid.

4. Liquidation Sale - By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts.
 5. Fixed Price Sale - The Executive Director may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.
 6. Trade-In - By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.
 7. Donation - By donation to any organization operating within or providing a service to residents of the Mid-Willamette Valley, which is recognized by the Internal Revenue Service as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- B. Disposal of Property with Minimal Value - Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds may be disposed of by any means determined to be cost-effective, including by disposal as waste. The Executive Director shall make a record of the value of the item and the manner of disposal.
- C. Restriction on Sale to Employees – MWVCOG employees shall not compete, as members of the public, for the purchase of publicly sold surplus property.
- D. Conveyance to Purchaser - Upon the consummation of a sale of surplus personal property, the MWVCOG shall make, execute and deliver, a bill of sale or similar instrument signed on behalf of the MWVCOG, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.



MEMORANDUM

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

DATE: March 19, 2019

THRU: Sean O'Day
Executive Director

FROM: Greg Smith
Finance Director

SUBJECT: Financial Report Thru February 28, 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 February, 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 76% of the anticipated current year revenue by the end of February. 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 (45.6%) 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 60.9%, total expenses are also lower at 57%.

Transportation Planning Services

Both revenues and expenditures in this program are running below budget (51.4% and 54.3% 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 (76%) due to increased demand. Revenues, at 58%, are also on a reimbursement basis.

Land Use Planning

Land use planning revenues are running behind budget at 53.6%. Expenditures are also below budget at 56.7%.

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 February, we have received 30.5% of anticipated revenue. Operational costs are below budget at 44.2%.

Housing Rehab Program

Housing Rehab Program revenues are at 20% 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 72%, are exceeding budget resulting in a deficit of \$41,317 at the end of February. 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 70.4% and operational costs are at 50.5%. 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 64.7% of budget. Revenues are 85.6% 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.

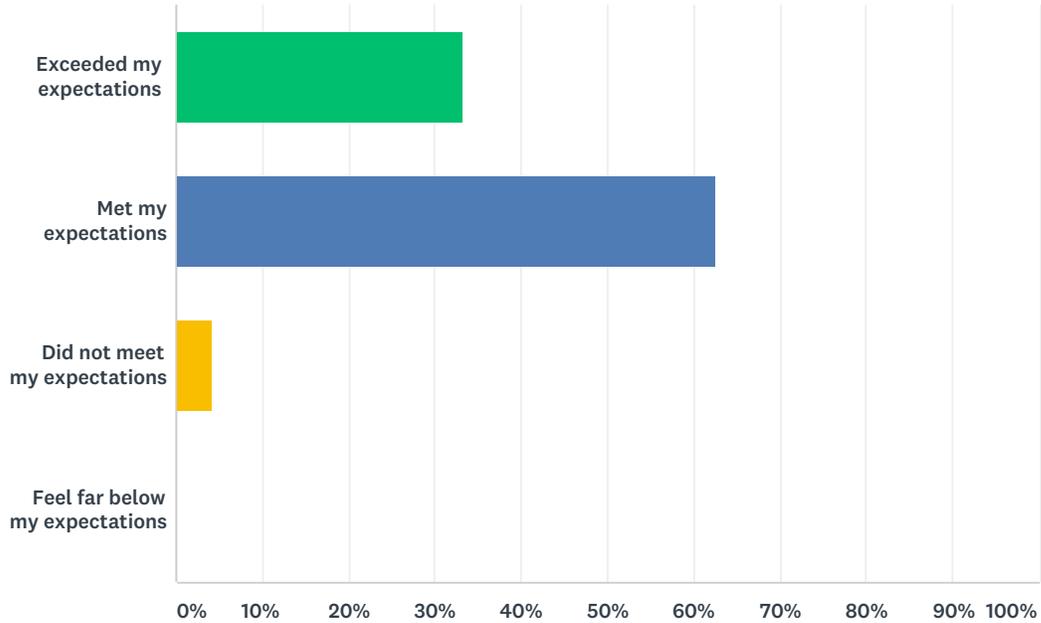
Mid-Willamette Valley Council of Governments
 FY 2018-19 Summary Financial Report
 For Eight Months Ending 2/28/19 (67% of Fiscal Year)

	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	586,970	48.7%	-	-		-	-	
State	-	-		-	-		106,717	58,234	54.6%	-	-		10,000	-	0.0%
Local	471,994	358,635	76.0%	465,381	283,595	60.9%	59,028	59,028	100.0%	51,425	29,841	58.0%	481,597	420,620	87.3%
Total Revenues	471,994	358,635	76.0%	465,381	283,595	60.9%	1,371,229	704,232	51.4%	51,425	29,841	58.0%	491,597	420,620	85.6%
Requirements															
Personal Services	(367,864)	(147,489)	40.1%	(382,706)	(213,296)	55.7%	(788,180)	(513,484)	65.1%	(35,634)	(28,698)	80.5%	(306,441)	(212,506)	69.3%
Indirect	(86,817)	(34,807)	40.1%	-	-		(186,011)	(121,182)	65.1%	(8,410)	(6,773)	80.5%	(72,319)	(50,152)	69.3%
Materials & Services	(80,902)	(61,746)	76.3%	(82,675)	(51,903)	62.8%	(415,166)	(120,066)	28.9%	(7,988)	(4,088)	51.2%	(60,556)	(21,364)	35.3%
Total Operational Costs	(535,583)	(244,042)	45.6%	(465,381)	(265,199)	57.0%	(1,389,357)	(754,732)	54.3%	(52,032)	(39,559)	76.0%	(439,316)	(284,022)	64.7%
Results from Operations	(63,589)	114,593		-	18,396		(18,128)	(50,500)		(607)	(9,718)		52,281	136,598	
Other Resources															
Transfers	-	-		-	-		66,028	22,603	34.2%	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)	(120,000)	20.0%
Capital Outlay	(43,200)	(3,531)	8.2%	-	-		-	-		-	-		-	-	
Transfers	(15,304)	(1,343)	8.8%	-	-		(66,028)	(22,603)	34.2%	-	-		-	-	
Designated Reserves	-	-		-	-		(123,453)	-	0.0%	-	-		(1,358,049)	-	0.0%
Undesignated Reserves	(151,365)	-	0.0%	-	-		-	-		-	-		-	-	
Balance	-	427,302		-	18,396		-	93,007		-	(9,718)		-	2,120,220	

	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	636,348	49.7%
State	-	-		-	-		-	-		42,000	44,683	106.4%	158,717	102,917	64.8%
Local	383,833	205,652	53.6%	68,188	20,800	30.5%	79,376	15,850	20.0%	182,299	116,690	64.0%	1,777,740	1,227,116	69.0%
Total Revenues	383,833	205,652	53.6%	68,188	20,800	30.5%	79,376	15,850	20.0%	299,299	210,751	70.4%	3,216,941	1,966,381	61.1%
Requirements															
Personal Services	(295,647)	(166,519)	56.3%	(32,235)	(23,548)	73.1%	(42,866)	(42,772)	99.8%	(103,087)	(66,657)	64.7%	(1,971,954)	(1,201,673)	60.9%
Indirect	(69,772)	(39,298)	56.3%	(7,606)	(5,558)	73.1%	(10,117)	(10,094)	99.8%	(24,329)	(15,731)	64.7%	(465,381)	(283,595)	60.9%
Materials & Services	(29,874)	(18,155)	60.8%	(31,584)	(2,437)	7.7%	(26,393)	(4,301)	16.3%	(156,255)	(60,778)	38.9%	(808,718)	(292,935)	36.2%
Total Operational Costs	(395,293)	(223,972)	56.7%	(71,425)	(31,543)	44.2%	(79,376)	(57,167)	72.0%	(283,671)	(143,166)	50.5%	(3,246,053)	(1,778,203)	54.8%
Results from Operations	(11,460)	(18,320)		(3,237)	(10,743)		-	(41,317)		15,628	67,585		(29,112)	188,178	
Other Resources															
Transfers	11,460	-	0.0%	3,237	-	0.0%	-	-		41,643	-	0.0%	122,975	22,603	18.4%
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)	(120,000)	20.0%
Capital Outlay	-	-		-	-		-	-		-	-		(43,200)	(3,531)	8.2%
Transfers	-	-		-	-		-	-		(41,643)	-	0.0%	(122,975)	(23,946)	19.5%
Designated Reserves	-	-		-	-		-	-		(52,649)	-	0.0%	(1,534,151)	-	0.0%
Undesignated Reserves	-	-		-	-		-	-		-	-		(151,365)	-	0.0%
Balance	-	(18,320)		-	(8,599)		-	(41,317)		-	121,084		-	2,683,659	

Q1 Overall, the event:

Answered: 24 Skipped: 0

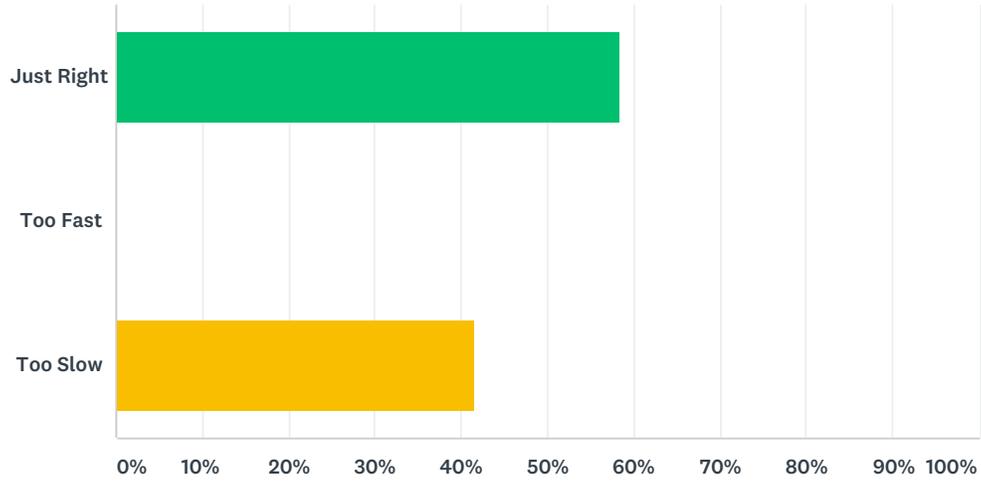


ANSWER CHOICES	RESPONSES
Exceeded my expectations	33.33% 8
Met my expectations	62.50% 15
Did not meet my expectations	4.17% 1
Feel far below my expectations	0.00% 0
TOTAL	24

#	COMMENTS
1	food was gear
2	Nice review of the previous year and good food.
3	Great job in planning and execution. Really, I did not expect less.
4	Wonder why the cost for others like spouses is so high as that seems high for type of catered meal like that.
5	The Keizer Conference Center looked better than I remember.
6	I appreciated that the event was Centrally located. I wrestle with maybe a plated meal would have been more efficient. It would have been good to have a key light on the podium as well.

Q2 The pacing of the program was:

Answered: 24 Skipped: 0

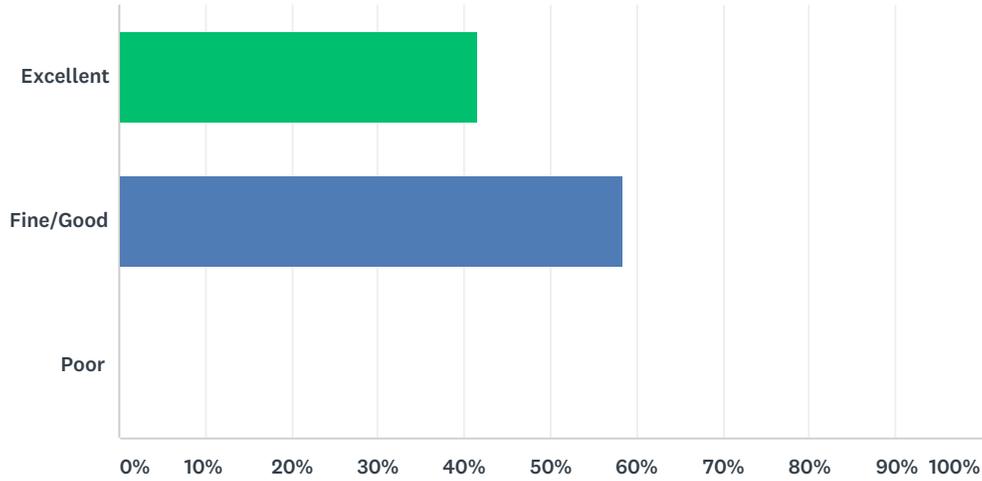


ANSWER CHOICES	RESPONSES
Just Right	58.33% 14
Too Fast	0.00% 0
Too Slow	41.67% 10
TOTAL	24

#	COMMENTS:
1	The delay of the keynote speaker and re-ordering of the agenda was handled really well,
2	It was unfortunate that the keynote was delayed but even taking into account that it still seemed a bit long.
3	It does tend to go a little long..
4	Even with weather delay of the guest speaker. It was an excellent punt.
5	Probably could have moved quicker. Sean was pretty fast, but would have liked to have heard more from him. Generally I am beginning to think that with programs in today's world, less is more...

Q3 The quality of the food was:

Answered: 24 Skipped: 0

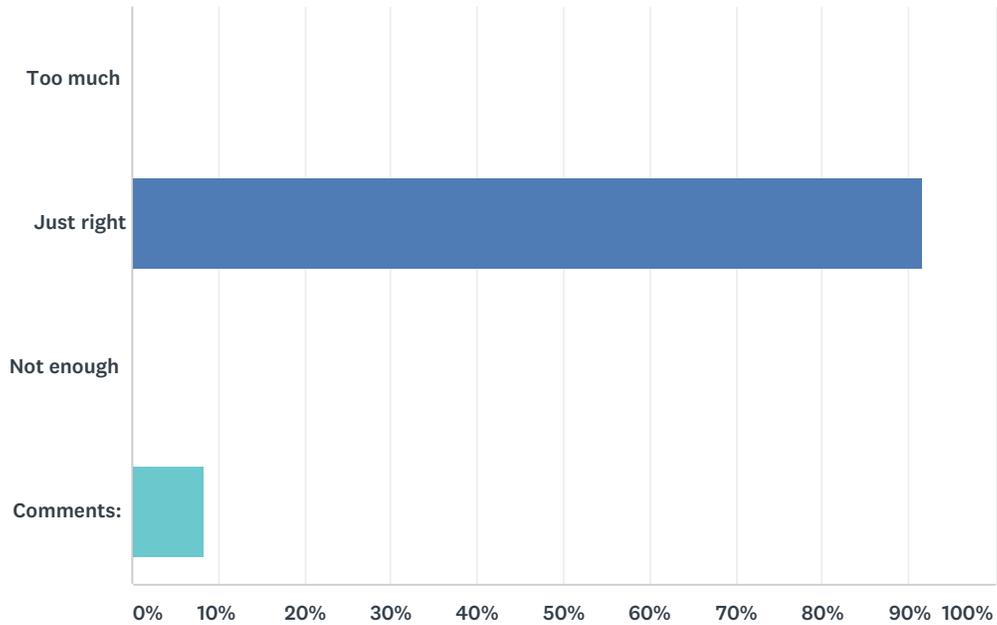


ANSWER CHOICES	RESPONSES
Excellent	41.67% 10
Fine/Good	58.33% 14
Poor	0.00% 0
TOTAL	24

#	COMMENTS:
1	I cleaned my plate, thanks!
2	Disappointed that if you didn't drink alcohol your only choice was water and coffee. Hors d'oeuvres were pretty limiting but meal and dessert was good.
3	The food was fine. It was just poorly planned and executed, waiting in line to serve yourself dinner could have done differently. People should have been served.
4	Those guys did a bang-up job. The meat was great. The offering was excellent.

Q4 The quantity of the food was:

Answered: 24 Skipped: 0

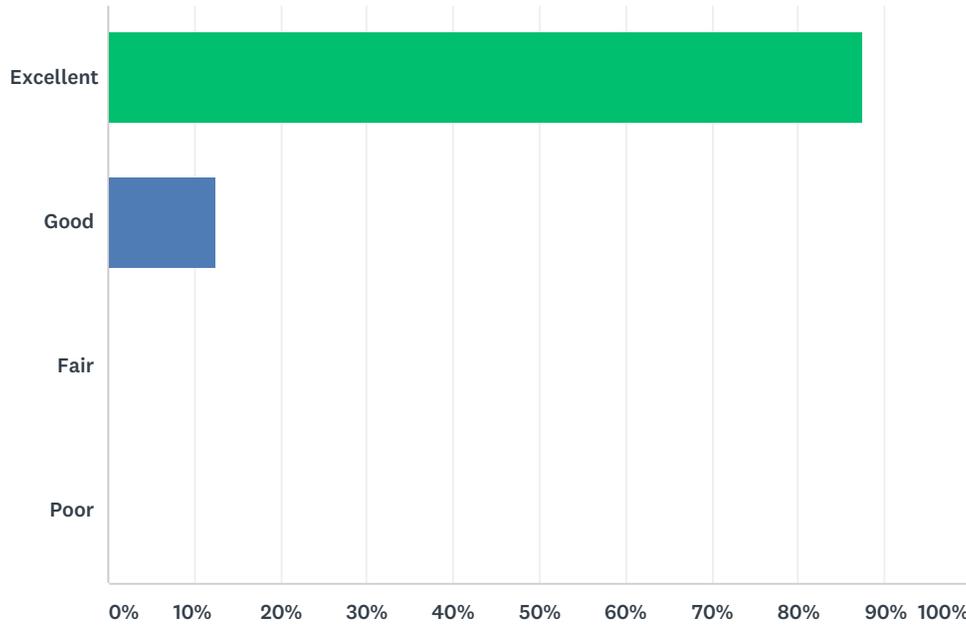


ANSWER CHOICES	RESPONSES
Too much	0.00% 0
Just right	91.67% 22
Not enough	0.00% 0
Comments:	8.33% 2
TOTAL	24

#	COMMENTS:
1	The variety was very good.
2	Seemed ample and they kept bringing it out!

Q5 We have the Annual Dinner in a different location each year, based upon the jurisdiction served by the Board Chair, and the Chair's preference. The quality and convenience of the Keizer Civic Center, this year, was:

Answered: 24 Skipped: 0

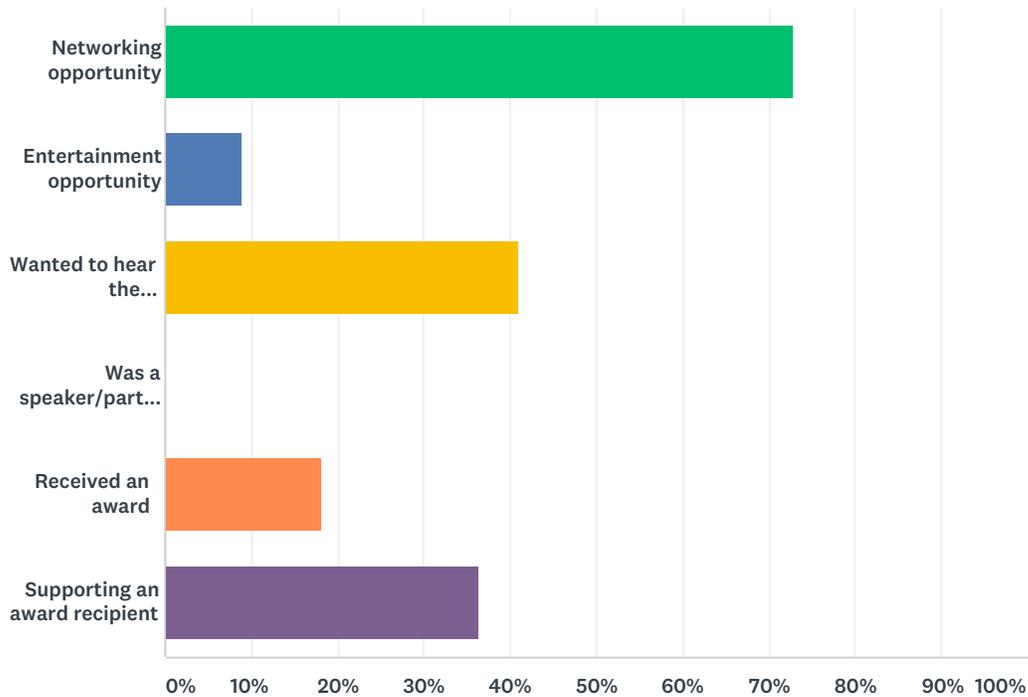


ANSWER CHOICES	RESPONSES	
Excellent	87.50%	21
Good	12.50%	3
Fair	0.00%	0
Poor	0.00%	0
TOTAL		24

#	COMMENTS:
1	And timely. You saved any of us traveling North that day from being stuck in the horrible traffic on Interstate 5.

Q6 For those years you have attended this event, what attracted you to do so? (Please check all that apply. If you have a response not included below, please add it in the comments box.)

Answered: 22 Skipped: 2

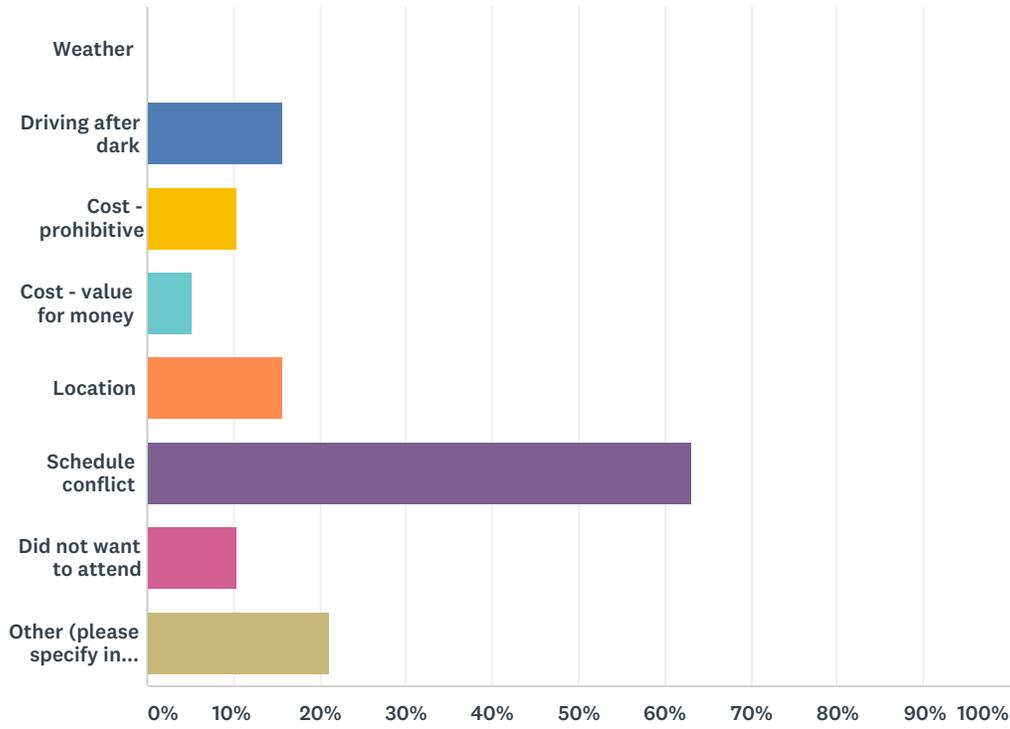


ANSWER CHOICES	RESPONSES
Networking opportunity	72.73% 16
Entertainment opportunity	9.09% 2
Wanted to hear the speaker/presentation	40.91% 9
Was a speaker/participant	0.00% 0
Received an award	18.18% 4
Supporting an award recipient	36.36% 8
Total Respondents: 22	

#	COMMENTS:
1	Supporting COG and the work they do.
2	My city was nominated for an award one year I attended, but we did not receive it.
3	Support for the services provided by MWVCOG

Q7 For those years that you have not attended the MWVCOG Annual Dinner, what prevented you from doing so?

Answered: 19 Skipped: 5

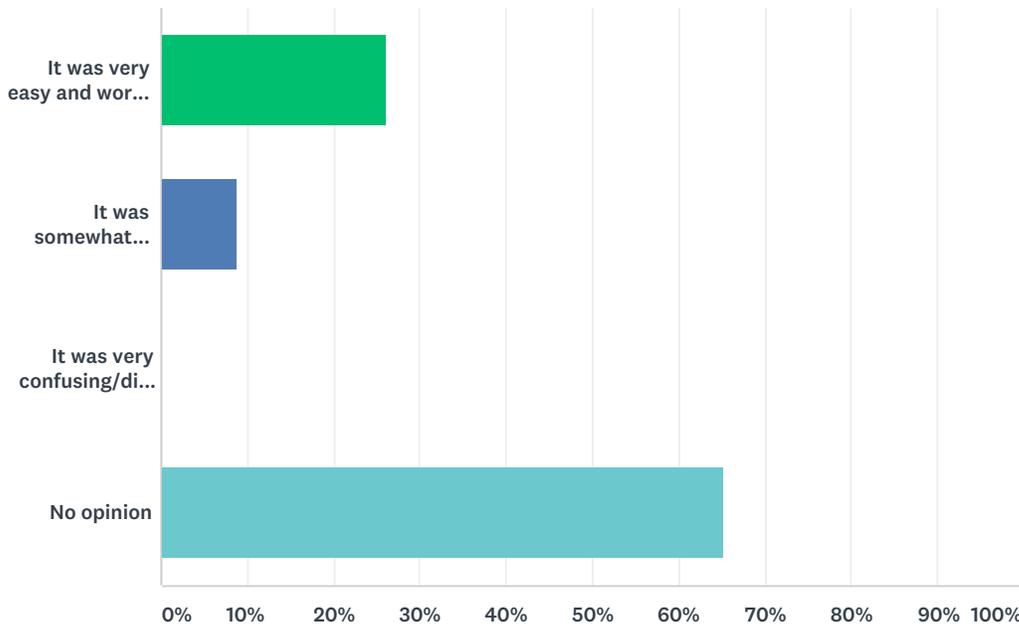


ANSWER CHOICES	RESPONSES	
Weather	0.00%	0
Driving after dark	15.79%	3
Cost - prohibitive	10.53%	2
Cost - value for money	5.26%	1
Location	15.79%	3
Schedule conflict	63.16%	12
Did not want to attend	10.53%	2
Other (please specify in comments box)	21.05%	4
Total Respondents: 19		

#	COMMENTS:
1	Was not in office
2	Too long, we go to lunches and dinners often. Lunches should be no longer than 1hour 15min and dinners need to be 1 hour and half max
3	Conflict with family function.
4	Was not in city government
5	I attended
6	I have attended all since finding out about this event.
7	Length of the program. After a long day of work, I did not want to sit through a 3.5 to 4 hour program.

Q8 This was the first year for MWVCOG to use online registration. How would you rate your experience using the online registration interface?

Answered: 23 Skipped: 1



ANSWER CHOICES	RESPONSES	
It was very easy and worked well.	26.09%	6
It was somewhat confusing/there were minor glitches.	8.70%	2
It was very confusing/did not work.	0.00%	0
No opinion	65.22%	15
TOTAL		23

#	COMMENTS:
1	City recorder took care of reservations
2	I did not register myself.
3	Our city hall employees made arrangements for council who were in attendance. I did not hear any complaints.
4	The glitches stemmed more from it being the first time it was online so City staff was unprepared for the change. The online system was overall easy and would be preferred for future registrations.
5	My city staff did the registration for me.
6	More instruction will help when entering information for (secondary) guests, i.e., MWVCOG considers it the responsibility of the agency signing up for a group of invited guests to also pay for the invited guests' guest. Or when signing up to be billed - MWVCOG only wants the agency to include their address for invited guests and guests of the invited; rather than MWVCOG billing separately the invited guest directly for their guest. Hope that makes sense.

Q9 What are we doing right and should not change for this event?

Answered: 15 Skipped: 9

#	RESPONSES
1	Rotation of location
2	Continue to strive to find date, place that is convenient for attendees. Most important issue is getting folks there.
3	Presenting correct information and updates.
4	I thought the event went very well, no changes needed in my opinion.
5	Recognition of leaders is great.
6	Tried to make it fun. Recognizing people for what they do is very important. How to determine who and how to recognize is the tough thing.
7	Food, opportunity to meet folks from other jurisdictions. The complimentary wine was a great addition!
8	Just keep doing what you are doing.
9	The quick pace keeps the energy from dropping off. Keep it up!
10	No comment
11	The quality of award choices is spot on! All well deserved.
12	The food was great! The amount of space was good, I was not crowded.
13	Locations have been good
14	This was only my second event after a long interim. I don't really know. I thought the caterer and food were great. The convention center was easy to get to.
15	This is a great, galvanizing event and really speaks to the relevancy of the MWVCOG

Q10 What can we improve upon/change to make this event better?

Answered: 16 Skipped: 8

#	RESPONSES
1	Shorten the lengthy
2	This year's location had ample room for networking, convenient parking and easy access. Keeping those priorities is important.
3	No suggestion
4	OK, maybe HOT coffee. Just that wee thing.
5	Making sure the evening moves along.
6	Not sure
7	You ,igniting consider having fewer awards....it is getting difficult to find people to award each year. Also it would shorten the program a little.
8	See #9
9	Catering is always difficult, but buffets do add to long lines and jostling so table service would be better, but may cost prohibitive?
10	Show more visuals of how you help the cities. I saw a couple pictures of things being fixed up, but this could be much larger. A slide show possibly, a section of improvement with more pictures of what you have helped achieved. Have a speaker who is truly engaged with you and how to help. The PGE CEO was not. She seemed more focused on how PGE works, and not how you all could have a more symbiotic relationship. That is more on her than you, just consider it when you seek out next years speaker. Good luck, and keep working hard!
11	More district activities updates and grant opportunities would be helpful.
12	Try to get the program under 2 hours. I had to leave early due to my work schedule.
13	I actually liked a shorter program without a keynote speaker.
14	Ice breaker includes music by an area high school string orchestra. Just a thought
15	Not enough parking might have been an issue. When thanks are given at the end of the evening, remembering the behind the scenes staff would be a real plus.
16	This may be just me, but tighten it up and condense. Most would, I imagine, appreciate something shorter given that most have to travel to attend and because most work the following day.

Q11 Do you have any Additional Comments/Ideas/Feedback for us?

Answered: 9 Skipped: 15

#	RESPONSES
1	Great job,
2	The break late in the program encouraged too many to leave rather than stay for conclusion.
3	None
4	I am always amazed with the speakers at these events. They are informed, comfortable in their own skin and truly love public service. Great people.
5	Nope.
6	Thank you for all your hard work!
7	Thank you for a great event.
8	None, thank you for a great time.
9	Thank you to Denise (and others that I am not aware of) for all of your work in the background. I don't remember if you attended or not but I'm aware of all the work that goes into a successful event behind the scenes.