

CLACKAMAS CSOO RADIO GROUP

BOARD OF DIRECTORS MEETING AGENDA

June 13, 2018 / 10:30AM

Meeting to be held at:

CCOM/EOC 2200 Kane Rd, Oregon City, OR 97045

Call In 800-704-9804 / Access Code: 345832#

1. Call the Board of Directors meeting to Order - Chair Deputy Chief Ryan Hari
2. Roll Call of Partners: (18/10)
 - a. City of Canby
 - b. City of Gladstone
 - c. City of Lake Oswego
 - d. City of Milwaukie
 - e. City of Molalla
 - f. City of Oregon City
 - g. City of Sandy
 - h. City of West Linn
 - i. Canby Fire District
 - j. Clackamas Fire District #1
 - k. Colton Fire District
 - l. Estacada Fire District
 - m. Hoodland Fire District
 - n. Molalla Fire District
 - o. Sandy Fire District
 - p. Tualatin Valley Fire & Rescue
 - q. Clackamas County Sheriff
 - r. Clackamas County Health
3. *Approval of Minutes of: May 9, 2018 Board Meeting
4. Public Comment
5. Communications
6. Financial Report - John Hartsock
7. Committee Reports
 - a. Executive Committee - Ryan Hari
 - b. Technical - John Hartsock
 - c. Citizen Accountability - John Hartsock - Next Meeting June 20, 2018
8. Old Business: (* Action Item)
 - a. System Management: Ron Polluconi
 - b. System Upgrade/Replacement
 - i. Project Status / Procurement - Bjorn Morfin - John Hartsock
 1. Wilsonville site replacement
 - ii. Fire Station Alerting / Paging - Ron Polluconi
 - iii. Antenna size portable / location vehicles - Ron Polluconi
9. New Business: (* Action Item)
 - a. * Purchase Approval for Tower Replacement at Brightwood
 - b. * Approval of Agreement to Repair Roads Adjacent to the Damascus Site
 - c. **Next Board Meeting July 11, 2018 10:30A @ CCOM - EOC**
10. Open Agenda
11. Adjournment

CLACKAMAS C800 RADIO GROUP

Board of Directors Meeting

Meeting Minutes of the May 9, 2018 Board Meeting

CCOM/EOC 2200 Kaen Rd, Oregon City, OR 97045

1. **C800 Board Meeting Called to Order:** The meeting was called to order by Chair Deputy Chief Ryan Hari at 1030

2. The following were in attendance:

City of Canby / Chief Bret Smith

City of Gladstone / Deputy Chief Randy Hopperstad / Lt. Glen Fryett

City of Lake Oswego / Sue Scobert

City of Molalla / Chief Rob Lucich (Telephone)

City of Oregon City / Chief Jim Band

City of Sandy / Chief Ernie Roberts

City of West Linn / Captain Neil Henley

Canby Fire District / Matt Daley

Clackamas Fire District #1 / Deputy Chief Ryan Hari / Melissa Fielman

Hoodland Fire District / Gary Brandt

Molalla Fire /

Clackamas County Sheriff / Capt James Rhodes

Clackamas County / Brian Nava

CCOM / Ann Pendergrass / Cheryl Bledsoe / Mark Spross

C800 / John Hartsock / Bjorn Morfin

3. **Approval of Minutes -April 11, 2018 Board Meeting** – A motion was made by James Rhodes to approve the minutes as submitted and was seconded by Brett Smith. The motion was approved unanimously.
4. **Public Comment:** None
5. **Communications:** None
6. **Financial Report** – The report was included in the Board packet. Tracking on budget; no changes.
7. **Approval Resolution 01-18 adopting the FY 2018/2019 Budget** – John Hartsock
 - a. A motion was made by James Rhodes to approve Resolution 01-18 as presented and seconded by Bret Smith. The motion was approved unanimously.
8. **Committee Reports**
 - a. Executive Committee – Did not meet
 - b. Technical – Did not meet; will meet on the May 30, 2018
 - c. Citizen Accountability –Next Meeting June 20, 2018
9. **Old Business:**

- a. System Management: Ron Polluconi was not able to attend but provide a brief written update that John presented. City of Portland has surplusd there older system components and provide them to C800/WCCCA for use as spares. Techs are still working on solution for E button operation with the new CAD system. We have been working with PGE on data back haul to tie the systems and share the resource. For use of the back haul and some of our radio sites, PGE has agreed to cover costs for running power to Crutcher

Bench, Oak Grove Butte, and Memaloose. Batteries at Mt. View site are 15 years old and are failing, quotes have been obtained.

b. System Upgrade/Replacement

i. Project Status / Procurement – Bjorn Morfin

1. Three existing sites Polivka / Mt View / Pete's: County is ready to issue permits
2. New site builds: Sandy and Canby have moved along well buildings will be set by the second week of June.
3. Damascus: still on hold for construction due to HOA road issue
4. BLM sites – Highland Butte / Crutcher's Bench: obtaining a quote for drawings to be updated and revised for building permits
5. USFS sites: First draft of the NEPA report has been submitted – awaiting comments on draft
6. Lake Oswego sites: meeting on May 24th with Lake Oswego to move forward to City Council for lease approval for the Neer Rd site.
7. Cooks Butte: drawings are circulating for internal review.
8. Barton: site distance issue for the driveway; waiting on clarification from the landlord.
9. Pictures have been received for buildings. They are ready to be shipped the end of May.

ii. Fire Station Alerting/Paging: No updates currently

iii. Antenna size portable/location vehicles – waiting for information from Motorola

10. New Business:

a. Next Board Meeting June 13, 2018 10:30A @ CCOM - EOC

11. Open Agenda: None

12. Adjournment: Meeting was adjourned at 10:40 am by Chair Deputy Chief Ryan Hari.

Clackamas 800 Radio Group

Profit & Loss Budget vs. Actual

July 2017 through April 2018

	Jul '17 - Apr 18	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
401-00 · Beginning Fund Balance	0.00	334,113.00	-334,113.00	0.0%
405-00 · Members Contracts	65,831.20	61,770.00	4,061.20	106.6%
410-00 · Partners Fees	946,343.00	965,483.00	-19,140.00	98.0%
415-00 · Mobile Data Devices	0.00	0.00	0.00	0.0%
420-00 · Partners Debt Service Zone Cont	93,689.00	93,689.00	0.00	100.0%
421-00 · Partner Debt Service Microwave	0.00	0.00	0.00	0.0%
430-00 · Subscriber Radio Payments	1,528,257.22			
431-00 · Interest Income	109.87	100.00	9.87	109.9%
435-00 · Lease Revenue	12,715.00	45,000.00	-32,285.00	28.3%
440-00 · Miscellaneous Income	0.00	1,000.00	-1,000.00	0.0%
450-00 · Intergovernmental-Clackamas Co	13,475,811.29	39,200,000.00	-25,724,188.71	34.4%
455-00 · Bond Interest Income	0.00	550,000.00	-550,000.00	0.0%
Total Income	16,122,756.58	41,251,155.00	-25,128,398.42	39.1%
Gross Profit	16,122,756.58	41,251,155.00	-25,128,398.42	39.1%
Expense				
605-00 · Site Rental	136,109.76	211,702.00	-75,592.24	64.3%
610-00 · Fuel/Generators	0.00	1,500.00	-1,500.00	0.0%
615-00 · HVAC Maintenance	6,442.17	9,000.00	-2,557.83	71.6%
620-00 · Landscape Maintenance	4,710.00	6,000.00	-1,290.00	78.5%
621-00 · Office Supplies	139.99	3,000.00	-2,860.01	4.7%
622-00 · Bad Debt Expense	0.00	0.00	0.00	0.0%
625-00 · Generator Maintenance	10,940.54	9,000.00	1,940.54	121.6%
630-00 · UPS Maintenance	1,530.00	5,000.00	-3,470.00	30.6%
635-00 · Battery Maintenance	0.00	5,000.00	-5,000.00	0.0%
645-00 · Insurance	24,238.40	29,000.00	-4,761.60	83.6%
650-00 · Utilities	43,700.89	75,000.00	-31,299.11	58.3%
655-00 · Consultant Services	29,089.27	30,000.00	-910.73	97.0%
657-00 · Regional Radio Expense	0.00	1,500.00	-1,500.00	0.0%
660-00 · WCCCA System Fees	695,404.00	679,394.00	16,010.00	102.4%
665-00 · Radio Maintenance Fees	59,191.30	40,000.00	19,191.30	148.0%
667-00 · Radio Replacement Project	0.00	0.00	0.00	0.0%
670-00 · Legal Services	8,985.82	6,000.00	2,985.82	149.8%
675-00 · Financial Services	5,799.31	8,000.00	-2,200.69	72.5%
680-00 · Audit Fees	5,850.00	8,000.00	-2,150.00	73.1%
683-00 · Capital Reserve	0.00	100,000.00	-100,000.00	0.0%
685-00 · Miscellaneous Expenses	2,654.61	3,500.00	-845.39	75.8%
686-00 · Meeting Expenses	388.29	2,500.00	-2,111.71	15.5%
703-00 · Capital Outlay				
703-01 · Buildings & Land Improvement				
703-011 · Land Improvement	1,261,634.44			
703-012 · Building	231,867.43			
703-013 · Tower	247,796.70			
703-014 · Generator	209,116.21			
Total 703-01 · Buildings & Land Improvement	1,950,414.78			
703-02 · Radio Backbone				
703-021 · Simulcast / Master Site	3,297,789.17			
703-022 · Subscriber Radios	3,948,005.92			
Total 703-02 · Radio Backbone	7,245,795.09			
703-03 · Equipment				
703-033 · .	40,080.00			
703-034 · Microwave	106,076.86			
703-03 · Equipment - Other	6,927.60			
Total 703-03 · Equipment	153,084.46			
703-06 · Warranty/Upgrade				
703-026 · Prepaid LT Warranty/Upgrade	5,812,058.44			
Total 703-06 · Warranty/Upgrade	5,812,058.44			
703-00 · Capital Outlay - Other	2,496.60	39,200,000.00	-39,197,503.40	0.0%
Total 703-00 · Capital Outlay	15,163,849.37	39,200,000.00	-24,036,150.63	38.7%

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Accrual Basis

Clackamas 800 Radio Group
Profit & Loss Budget vs. Actual
 July 2017 through April 2018

	Jul '17 - Apr 18	Budget	\$ Over Budget	% of Budget
795-00 · Debt Service	93,688.22	94,000.00	-311.78	99.7%
800-00 · Operating Contingency	0.00	50,000.00	-50,000.00	0.0%
Total Expense	16,292,711.94	40,577,096.00	-24,284,384.06	40.2%
Net Ordinary Income	-169,955.36	674,059.00	-844,014.36	-25.2%
Net Income	-169,955.36	674,059.00	-844,014.36	-25.2%

Clackamas 800 Radio Group Profit & Loss Detail

April 2018

Type	Date	Num	Name	Memo	Class	Amount	Balance
Ordinary Income/Expense							
Income							
431-00 · Interest Income							
Deposit	04/30/2018		Clackamas County Bank	Interest		4.10	4.10
Total 431-00 · Interest Income						4.10	4.10
Total Income						4.10	4.10
Gross Profit						4.10	4.10
Expense							
650-00 · Utilities							
Check	04/02/2018	EFT	PGE			217.00	217.00
Check	04/02/2018	EFT	PGE			371.06	588.06
Check	04/02/2018	EFT	PGE			479.23	1,067.29
Check	04/09/2018	EFT	PGE			408.80	1,476.09
Check	04/12/2018	EFT	PGE			143.70	1,619.79
Check	04/16/2018	EFT	PGE			351.50	1,971.29
Check	04/17/2018	EFT	PGE			301.21	2,272.50
Check	04/17/2018	EFT	PGE			423.69	2,696.19
Check	04/17/2018	EFT	PGE			496.27	3,192.46
Check	04/23/2018	EFT	PGE			461.56	3,654.02
Total 650-00 · Utilities						3,654.02	3,654.02
655-00 · Consultant Services							
Bill	04/07/2018	C800-2...	Consistent Image Web Design			100.00	100.00
Bill	04/30/2018		Hartsock Project Mgmt.			2,621.19	2,721.19
Total 655-00 · Consultant Services						2,721.19	2,721.19
675-00 · Financial Services							
Bill	04/03/2018	155976	Talbot, Korvola & Warwick, LLP			480.00	480.00
Check	04/30/2018		Clackamas County Bank	Service Charge		20.00	500.00
Total 675-00 · Financial Services						500.00	500.00
686-00 · Meeting Expenses							
Bill	04/01/2018	39813	Pamplin Media Group			44.11	44.11
Bill	04/01/2018	101137	Pamplin Media Group			58.92	103.03
Total 686-00 · Meeting Expenses						103.03	103.03
703-00 · Capital Outlay							
703-01 · Buildings & Land Improvement							
703-011 · Land Improvement							
Bill	04/01/2018	30245-...	ACS Testing, Inc.		09 Sandy	360.00	360.00
Bill	04/04/2018	13386	Elk Mountain Construction, Inc.		12 Crutcher Ben...	10,000.00	10,360.00
Bill	04/05/2018	1173	Capital Design Services, LLC		25 Lake Osweg...	1,500.00	11,860.00
Bill	04/05/2018	1174	Capital Design Services, LLC		06 Mtn View	1,800.00	13,660.00
Bill	04/05/2018	1174	Capital Design Services, LLC		19 Redland Road	1,800.00	15,460.00
Bill	04/05/2018	1175	Capital Design Services, LLC		01 Carver	2,850.00	18,310.00
Deposit	04/11/2018	542512	Clackamas County Building	Refund of fees		-192.09	18,117.91
Bill	04/16/2018	16532	Black Mountain Consulting		12 Crutcher Ben...	8,050.00	26,167.91
Bill	04/24/2018	16541	Black Mountain Consulting		18 Highland Butte	6,050.00	32,217.91
Bill	04/25/2018	16542	Black Mountain Consulting		02 Skyland	8,650.00	40,867.91
Bill	04/26/2018	7676	Securasite LLC		05 Mount Scott	11.87	40,879.78
Bill	04/26/2018	7677	Securasite LLC		05 Mount Scott	487.50	41,367.28
Bill	04/26/2018	7679	Securasite LLC		06 Mtn View	20.23	41,387.51
Bill	04/26/2018	7678	Securasite LLC		06 Mtn View	1,812.50	43,200.01
Bill	04/26/2018	7680	Securasite LLC		07 Pete's	24.17	43,224.18
Bill	04/26/2018	7681	Securasite LLC		07 Pete's	1,381.25	44,605.43
Bill	04/26/2018	7684	Securasite LLC		10 View Acres	881.25	45,486.68
Bill	04/30/2018	13388	Elk Mountain Construction, Inc.		12 Crutcher Ben...	3,174.00	48,660.68
Bill	04/30/2018	13388	Elk Mountain Construction, Inc.		18 Highland Butte	3,800.00	52,460.68
Bill	04/30/2018	7682	Securasite LLC		08 Polivka	37.74	52,498.42
Bill	04/30/2018	7683	Securasite LLC		08 Polivka	1,693.75	54,192.17
Total 703-011 · Land Improvement						54,192.17	54,192.17
703-012 · Building							
Bill	04/25/2018	17009...	Todd Hess Building Company	Upgrades: 05/06/07/08/10/19		3,311.38	3,311.38
Bill	04/30/2018	1800103	Todd Hess Building Company	Upgrades: 05/06/07/08/10/19		13,866.02	17,177.40
Total 703-012 · Building						17,177.40	17,177.40
703-013 · Tower							
Bill	04/01/2018	4820	NorthWest Tower Engineering PLLC		19 Redland Road	1,500.00	1,500.00
Total 703-013 · Tower						1,500.00	1,500.00
703-014 · Generator							
Bill	04/16/2018	1523-2A	Power Systems Plus Inc.		40 All	720.00	720.00
Bill	04/17/2018	INV00...	WCCCA		24 Sawtell Fire ...	1,818.21	2,538.21
Total 703-014 · Generator						2,538.21	2,538.21
Total 703-01 · Buildings & Land Improvement						75,407.78	75,407.78

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Accrual Basis

Clackamas 800 Radio Group Profit & Loss Detail

April 2018

Type	Date	Num	Name	Memo	Class	Amount	Balance
703-02 · Radio Backbone							
703-021 · Simulcast / Master Site							
Bill	04/30/2018	38319	APCO International Inc.		40 All	1,035.00	1,035.00
Bill	04/30/2018	38320	APCO International Inc.		40 All	202.50	1,237.50
Total 703-021 · Simulcast / Master Site						1,237.50	1,237.50
Total 703-02 · Radio Backbone						1,237.50	1,237.50
703-03 · Equipment							
703-034 · Microwave							
Bill	04/01/2018	1890002	Microwave Networks Inc.		40 All	106,029.00	106,029.00
Total 703-034 · Microwave						106,029.00	106,029.00
703-03 · Equipment - Other							
Bill	04/30/2018	601893	Day Wireless Systems Inc.		40 All	2,496.00	2,496.00
Bill	04/30/2018	595265	Day Wireless Systems Inc.		40 All	4,431.60	6,927.60
Total 703-03 · Equipment - Other						6,927.60	6,927.60
Total 703-03 · Equipment						112,956.60	112,956.60
Total 703-00 · Capital Outlay						189,601.88	189,601.88
Total Expense						196,580.12	196,580.12
Net Ordinary Income						-196,576.02	-196,576.02
Net Income						-196,576.02	-196,576.02

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Clackamas 800 Radio Group

Trial Balance

05/09/18

Accrual Basis

As of April 30, 2018

	Apr 30, 18	
	Debit	Credit
115-00 · Cash/Checking Account		59,636.57
11000 · Accounts Receivable	254,576.98	
120-00 · Member Fees Receivable	0.00	
12000 · Undeposited Funds	0.00	
150-00 · Prepaid Expenses	0.00	
160-00 · Buildings and Towers	10,956,645.15	
165-00 · Radio Backbone	2,520,898.80	
166-00 · Equipment	704,983.00	
167-00 · Work In Progress	0.00	
169-00 · CIP	1,735,311.52	
175-00 · Accumulated Depreciation		9,659,400.62
201-00 · Accounts Payable		183,098.19
201-02 · Other Accounts Payable	0.00	
202-00 · Partner Prepayment		2,578.00
250-00 · N/P - CCB (Microwave)	0.00	
210-00 · Reimb due Clackamas County	0.00	
300-01 · GLTDAG	0.00	
300-00 · Fund Balance	0.00	
310-00 · Investment in Fixed Assets		6,258,437.85
320-00 · Retained Earnings, Prior		179,219.58
405-00 · Members Contracts		65,831.20
410-00 · Partners Fees		946,343.00
420-00 · Partners Debt Service Zone Cont		93,689.00
430-00 · Subscriber Radio Payments		1,528,257.22
431-00 · Interest Income		109.87
435-00 · Lease Revenue		12,715.00
450-00 · Intergovernmental-Clackamas Co		13,475,811.29
605-00 · Site Rental	136,109.76	
615-00 · HVAC Maintenance	6,442.17	
620-00 · Landscape Maintenance	4,710.00	
621-00 · Office Supplies	139.99	
625-00 · Generator Maintenance	10,940.54	
630-00 · UPS Maintenance	1,530.00	
645-00 · Insurance	24,238.40	
650-00 · Utilities	43,700.89	
655-00 · Consultant Services	29,089.27	
660-00 · WCCCA System Fees	695,404.00	
665-00 · Radio Maintenance Fees	59,191.30	
667-00 · Radio Replacement Project	0.00	
670-00 · Legal Services	8,985.82	
675-00 · Financial Services	5,799.31	
680-00 · Audit Fees	5,850.00	
685-00 · Miscellaneous Expenses	2,654.61	
686-00 · Meeting Expenses	388.29	
703-00 · Capital Outlay	2,496.60	
703-00 · Capital Outlay:703-01 · Buildings & Land Improvement:703-011 · Land Improvement	1,261,634.44	
703-00 · Capital Outlay:703-01 · Buildings & Land Improvement:703-012 · Building	231,867.43	
703-00 · Capital Outlay:703-01 · Buildings & Land Improvement:703-013 · Tower	247,796.70	
703-00 · Capital Outlay:703-01 · Buildings & Land Improvement:703-014 · Generator	209,116.21	
703-00 · Capital Outlay:703-02 · Radio Backbone:703-021 · Simulcast / Master Site	3,297,789.17	
703-00 · Capital Outlay:703-02 · Radio Backbone:703-022 · Subscriber Radios	3,948,005.92	
703-00 · Capital Outlay:703-03 · Equipment	6,927.60	
703-00 · Capital Outlay:703-03 · Equipment:703-033 · .	40,080.00	
703-00 · Capital Outlay:703-03 · Equipment:703-034 · Microwave	106,076.86	
703-00 · Capital Outlay:703-06 · Warranty/Upgrade:703-026 · Prepaid LT Warranty/Upgrade	5,812,058.44	
795-00 · Debt Service	93,688.22	
TOTAL	32,465,127.39	32,465,127.39

Clackamas 800 Radio Group

Balance Sheet

As of April 30, 2018

	Apr 30, 18
ASSETS	
Current Assets	
Checking/Savings	
115-00 · Cash/Checking Account	-59,636.57
Total Checking/Savings	-59,636.57
Accounts Receivable	
11000 · Accounts Receivable	254,576.98
Total Accounts Receivable	254,576.98
Total Current Assets	194,940.41
Fixed Assets	
160-00 · Buildings and Towers	10,956,645.15
165-00 · Radio Backbone	2,520,898.80
166-00 · Equipment	704,983.00
169-00 · CIP	1,735,311.52
175-00 · Accumulated Depreciation	-9,659,400.62
Total Fixed Assets	6,258,437.85
TOTAL ASSETS	6,453,378.26
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
201-00 · Accounts Payable	183,098.19
Total Accounts Payable	183,098.19
Other Current Liabilities	
202-00 · Partner Prepayment	2,578.00
Total Other Current Liabilities	2,578.00
Total Current Liabilities	185,676.19
Total Liabilities	185,676.19
Equity	
310-00 · Investment in Fixed Assets	6,258,437.85
320-00 · Retained Earnings, Prior	179,219.58
Net Income	-169,955.36
Total Equity	6,267,702.07
TOTAL LIABILITIES & EQUITY	6,453,378.26

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Clackamas 800 Radio Group
A/R Aging Detail
As of April 30, 2018

Type	Date	Num	Name	Due Date	Aging	Open Balance
Current						
Total Current						
1 - 30						
Total 1 - 30						
31 - 60						
Invoice	03/26/2018	17-147	City of Milwaukie	03/26/2018	35	33,281.18
Invoice	03/26/2018	17-148	City of Milwaukie	03/26/2018	35	98,742.80
Total 31 - 60						132,023.98
61 - 90						
Total 61 - 90						
> 90						
Invoice	12/27/2016	16-211	West Linn	12/27/2016	489	32,625.00
Invoice	07/24/2017	17-111	Hoodland Fire District	07/24/2017	280	18,076.00
Invoice	07/24/2017	17-122	West Linn	07/24/2017	280	38,357.00
Invoice	07/24/2017	17-123	West Linn	07/24/2017	280	18,705.00
Invoice	07/24/2017	17-129	Clackamas County - Transportation Eng	07/24/2017	280	8,265.00
Invoice	07/24/2017	17-132	Clackamas County - Juvenile Dept	07/24/2017	280	1,740.00
Invoice	07/24/2017	17-133	Happy Valley	07/24/2017	280	4,785.00
Total > 90						122,553.00
TOTAL						254,576.98



**11300 SE Fuller Rd
Milwaukie, Oregon 97222
(503) 780-4806
C800.ORG**

Board of Directors Action Request

To: C800 Board of Directors
From: John Hartsock, Manager
Date: June 13, 2018
Re: Approve a Change Order to Saber Industries for the Brightwood Tower Purchase

REQUEST: It is hereby requested that the C800 Board of Directors approve issuing a change order in the amount of \$44,489 to Saber Industries for the purchase of the replacement of the tower at the Brightwood communications site.

DESCRIPTION: It has been determined that the existing tower at the Brightwood site needs to be replaced due to additional structural loading of new antennas and the need for 60' of additional height to facilitate the new system operation. Staff obtained competitive quotes from Valmont the original tower manufacture and Saber the vendor awarded the contract to furnish both WCCCA and C800 towers for the new sites via a competitive procurement. Valmont's quote was \$72,960. Saber's quote was \$44,489

FINANCE: The funds are budgeted in capital outlay as part of the Bond funding.

LEGAL: A C800 construction change order will be utilized as approved by legal counsel.

RECOMMENDATION: It is hereby recommended that the C800 Board of Directors approve issuing a change order in the amount of \$44,489 to Saber Industries for the purchase of the replacement of the tower at the Brightwood communications site.



11300 SE Fuller Rd
Milwaukie, Oregon 97222
(503) 780-4806
C800.ORG

Board of Directors Action Request

To: C800 Board of Directors
From: John Hartsock, Manager
Date: June 13, 2018
Re: Approval of an Agreement to Repair Roads and Settle Claims – Damascus Site

REQUEST: It is hereby requested that the C800 Board of Directors approve an Agreement with Wooded Hills Homeowners' Association to repair roads and settle claims related to the construction of the Damascus communications site and to authorize a payment per the Agreement in the amount of \$65,000.

DESCRIPTION: We are constructing a new communications site on a property located on Wooded Hills Ct. in Damascus. We have an executed lease with the property owners and all required Clackamas County permits. On February 6, 2018 we were notified by our landlord that there was some minor damage on Wooded Hills Dr. the street which leads to Wooded Hills Ct. (attachment #1 map of streets and attachment #2 picture of damage) We advised that any damage caused due to our construction activities would be repaired.

In early March one of the officers of the Wooded Hills HOA, Bill Herzog, contacted us about the road damage issue and that there were CC&R's restricting the lots in the subdivision to single family homes. Don Forsberg, our site acquisition person, met with Mr. Herzog and reiterated that we would repair any road damage caused by the project, at the end of the project, to which Mr. Herzog advised that that was acceptable. We also committed to retain a roadway engineering firm to document the repairs required. Further, Don advised Mr. Herzog that the parcel we are constructing on is not part of the subdivision and not covered by the HOA nor the CC&R's.

On March 24, 2018 we and our attorney Eileen Eakins received the attached demand letter (attachment #3) from Attorney Jeffery Kleinman representing the Wooded Hills HOA. In an abundance of caution, I directed the Contractor to cease all work so as not to escalate this issue.

Subsequent to the demand letter, we received notification from the HOA that they would settle all issues for a payment of \$82,000. After review by our Counsel, we held a meeting on April 11, 2018 attended by the HOA President, Vice President, Treasurer, Secretary, our landlord, Don Forsberg, Bjorn Morfin and John Hartsock to discuss the issue.

We explained why the parcel in question was not covered by the CC&R's as the parcel is not within the subdivision. They claimed we had not obtained their permission to utilize Wooded Hills Dr. or Wooded Hills Ct. Neither the recorded deed for the property we leased nor the CC&R's or bylaws of the HOA require permission to utilize the roads. Please note the road issue is further confused in that the portion of Wooded Hills Dr that starts at 190th Street and then turns left and extends is a private road, but the balance of Wooded Hills Dr and all of Wooded Hills Ct. is County road. (see attachment #1 – Yellow highlight is

the private road and red line is the County road.) The deed for the property we are leasing includes a non-restricted easement to utilize the private road.

The HOA outlined they had recently had the lower portion of the road repaired and repaved and that their contractor, Jim Turin and Sons from Welches, advised that we had not damaged that portion of the road. They advised that Turin provided them an estimate for repair and repaving of the upper portion due to wear and tear and our damage and that was what they used to determine their \$82,000 demand.

Subsequently the HOA provided us a copy of the Turin estimate and it was for \$57,000. As an aside, we have done business with Turin related to the Timberline site and find them a quality contractor.

After much discussion between the attorneys and various offers and claims, Ms. Eakins recommended that the best approach would be for C800 to make a onetime cash settlement for full indemnification for any current or future claims. The HOA will be responsible for any and all repairs to the roads. The amount of \$65,000 was derived by adding a nominal escalation to the Turin estimate from April. On May 25, 2018 Ms. Eakin sent the following to Mr. Kleinman:

Mr. Kleinman:

C800's last and final offer of settlement to the HOA is \$65,000. This covers the cost of road repairs as estimated by the HOA's preferred contractor (\$57,000) plus a contingency of \$8,000 to cover any other expenses incurred by your client.

The final settlement agreement agreed to by C800 is attached. C800 has advised me that no further amendments or negotiations will be permitted.

The terms of settlement are valid through 5 p.m. on Friday, June 1, 2018, at which time they will expire and any further discussions, if necessary, will be held before a judge.

We look forward to an amicable resolution of this matter, for the benefit of all County residents and taxpayers.

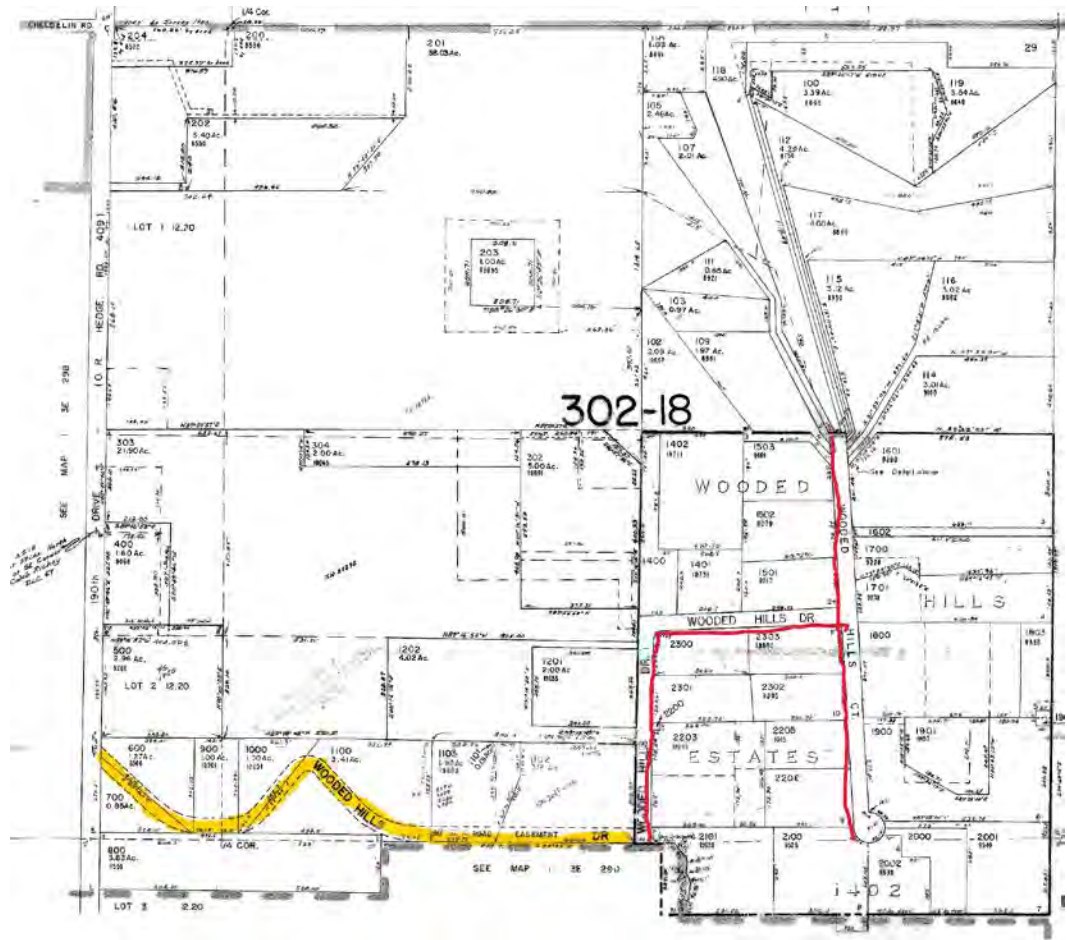
On June 1, 2018 Ms. Eakin received from Mr. Kleinman the attached signed agreement.

FINANCE: The funds are budgeted in capital outlay as part of the Bond funding.

LEGAL: Legal counsel participated in the discussions, negotiations and prepared the Agreement.

RECOMMENDATION: It is hereby recommended that the C800 Board of Directors approve an Agreement with Wooded Hills Homeowners' Association to repair roads and settle claims related to the construction of the Damascus communications site and to authorize a payment per the Agreement in the amount of \$65,000.

Attachment #1



Attachment #2



Attachment #3

JEFFREY L. KLEINMAN
ATTORNEY AT LAW
THE AMBASSADOR
1207 S.W. SIXTH AVENUE
PORTLAND, OREGON 97204

TELEPHONE (503) 248-0808
FAX (503) 228-4529
EMAIL KleinmanJL@aol.com

March 23, 2018

Via Email and First Class Mail

Clackamas 800 Radio Group
c/o Eileen Eakins
Attorney at Law
7455 SW Bridgeport Road, Suite 205
Tigard, OR 97224

Via Email and Certified Mail-Return Receipt Requested

Don Forsberg
Geri Roper
Summit Solutions Group
13084 SE Orient Drive
Boring, OR 97009

Re: Clackamas 800 Radio Group Project in Wooded Hills Subdivision

Dear Ms. Eakins, Mr. Forsberg, and Ms. Roper:

I represent the Wooded Hills Homeowners' Association (the "Association"). Summit Solutions Group is currently constructing an emergency communication tower on a lot in Wooded Hills under contract to Clackamas 800. The tower is being installed in violation of the CC&R's of Wooded Hills, which limit use of all lots to single family residential purposes.

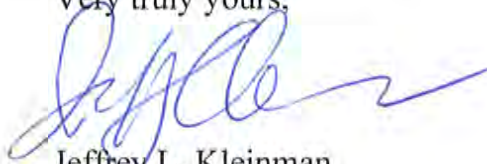
In addition, the street providing access to the subject lot, Wooded Hills Drive, is a private street. It "T's" into Wooded Hills Court, a public street which Clackamas County declines to maintain and is therefore also maintained by the Association. The Association has recently completed substantial work to repair and maintain Wooded Hills Drive. Vehicles routed to and from Clackamas 800's construction site have done significant damage to Wooded Hills Drive and Wooded Hills Court, all to the Association's damage in sum of at least \$50,000.

Clackamas 800 Radio Group
Summit Solutions Group
March 23, 2018
Page 2

The Association has not authorized any of the above activities. **You and your agents, employees, contractors, and subcontractors are thus collectively directed to cease and desist any and all use of Wooded Hills Drive, and are therefore forbidden to access any part of the Wooded Hills subdivision, effective immediately.** Any further such access will be deemed trespass, and appropriate legal action will be taken against you and any and all agents, employees, contractors, and subcontractors working under you.

Please direct all further communications in this matter to me.

Very truly yours,



Jeffrey L. Kleinman

JLK:cme

cc: Wooded Hills Homeowners' Association

CLACKAMAS 800 RADIO GROUP

Agreement to Repair Roads and Settle Claims

THIS AGREEMENT ("Agreement") is made and entered into by and between the Clackamas 800 Radio Group ("C800"), an intergovernmental entity formed and authorized pursuant to Oregon Revised Statutes ("ORS") chapter 190, and the Wooded Hills Homeowner's Association ("Association"), located in Damascus, Oregon.

RECITALS

A. C800 is authorized to provide and facilitate radio communication services between and among emergency services providers in Clackamas County, Oregon.

B. C800 is using certain local access roads identified within the Association's boundaries as SE Wooded Hills Drive and SE Wooded Hills Court (hereinafter, "the Streets") for purposes of constructing and installing a new communication tower (hereinafter, "the Work") at an adjacent site.

C. The parties desire to set forth their respective duties and obligations with respect to repairing any damage that may be caused or exacerbated by C800's use of the Streets (hereinafter, "the Repairs"), and to settle any claims between them relating to the Work or the Repairs.

AGREEMENT

1. **Responsibilities.** The respective parties' obligations under this Agreement are as follows:

A. Association. Upon completion of the Work, the Association shall perform, or cause to be performed, all necessary Repairs. The Association shall assume any and all duties and obligations, contractual and otherwise, for work required to effect the Repairs, and shall be solely responsible for ensuring that the Repairs are completed in a timely fashion and in a workmanlike manner. C800 shall have no obligation whatsoever to obtain bids for, contract with, supervise, or guarantee performance of, any contractor engaged to complete the Repairs.

B. C800. As soon as possible upon execution of this Agreement, C800 shall cause a check made payable to the Association in the amount of \$65,000.00 to be deposited with the Association's attorney, Jeffrey Kleinman, at which time C800 may resume Work. Upon such payment to Mr. Kleinman, the parties' respective duties and obligations under this Agreement shall be deemed fully complete and satisfied.

2. **Indemnification.** Each party shall defend, save, hold harmless and indemnify the other, its officers, employees and agents, from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses, including but not limited to attorney fees

and legal costs, arising out of or relating to the performance of the indemnifying party's obligations under this Agreement.

3. **General Mutual Release of Claims.** In consideration of the promises and undertakings in this Agreement, C800 and the Association, on behalf of themselves and their respective officers, directors, shareholders, partners, members, managers, affiliates, subsidiaries, parent companies, past and present employees, agents, attorneys, predecessors, successors and assigns, hereby forever release and discharge the other party, their respective officers, directors, members, managers, affiliates, past and present employees, agents, attorneys, predecessors, successors, and assigns from any and all claims, demands, indebtedness, agreements, promises, obligations, damages or liabilities, costs, expenses (including attorneys' fees or liens), and causes of action in law or in equity, of any kind, whether known or unknown, suspected or unsuspected, fixed or contingent, asserted or unasserted, arising or existing on or before the date of this Agreement.

4. **Prevailing Party Fees.** In the event of suit or action filed to enforce the provisions of this Agreement, including any appeal therefrom, the prevailing party shall be entitled to recover from the other party any and all collection costs and attorney fees incurred.

5. **Modification.** Any modification of the provisions of this Agreement shall be reduced to writing and signed by the parties.

6. **Waiver.** A waiver by a party of any breach by the other shall not be deemed to be a waiver of any subsequent breach.

7. **Entire Agreement.** This Agreement contains the entire agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the services described herein.

8. **Governing Law; Venue.** This Agreement shall be governed by the laws of the State of Oregon. Venue shall be in the Circuit Court for Clackamas County, Oregon.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate originals by their duly authorized undersigned agents on the date written below.

AGREED to this 29th day of May, 2018.

CLACKAMAS 800 RADIO GROUP

Deputy Chief Ryan Hari, Board Chair

WOODED HILLS HOMEOWNER'S
ASSOCIATION



Davy Crocket, Board President

Approved as to form:

Jeffrey L. Kleinman, Attorney at Law
1207 SW Sixth Avenue
Portland, Oregon 97204