



Administration Office  
503/645-6433  
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**Board of Directors Regular Meeting  
Wednesday, March 12, 2025**

**5:30 pm Work Session  
6:30 pm Executive Session  
7:00 pm Regular Meeting**

**Location: Tualatin Valley Water District, 1850 SW 170th Avenue, Beaverton, OR**

**AGENDA**

1. Work Session
  - A. [District Update – Future Focus](#)
  - B. [2026 Bond Preparation](#)
2. Executive Session\*
  - A. Land
  - B. Legal
  - C. Personnel
3. Call Regular Meeting to Order
4. Action Resulting from Executive Session
5. Proclamations
  - A. [Developmental Disabilities Awareness Month](#)
  - B. [Women’s History Month](#)
6. [Public Hearing: Request for Exemption from Competitive Bidding Process](#)
  - A. Open Hearing
  - B. Staff Report
  - C. Public Comment\*\*
  - D. Board Discussion
  - E. Close Hearing
  - F. Board Action
7. Audience Time\*\*
8. Board Time
  - A. Committee Liaisons Updates
9. Consent Agenda\*\*\*
  - A. [Approve: Minutes of February 12, 2025 Regular Board Meeting](#)
  - B. [Approve: Resolution Amending System Development Charges 5-Year Capital Improvement Plan](#)
  - C. [Approve: Intergovernmental Agreement with U.S. Department of Housing and Urban Development for Community Project Funding](#)
  - D. [Award: Willow Creek Greenway Boardwalk Construction Contract](#)
  - E. [Award: ADA On-Call Contract](#)
10. Unfinished Business
  - A. [Update: 2025 Legislative Session](#)
  - B. [Information: General Manager’s Report](#)
11. Adjourn

**\*Executive Session:** Executive Sessions are permitted under the authority of ORS 192.660. Copies of the statute are available at the offices of Tualatin Hills Park & Recreation District.

**\*\* Audience Time / Public Testimony:** Testimony is being accepted for this meeting in-person or virtually via MS Teams.

If you wish to testify in-person during the board meeting, please complete and turn in a testimony card at the meeting. Please wait until you are called upon by the board to speak and then proceed to the public testimony table. Testimony will be taken with a 3-minute time limit during the applicable agenda item, or Audience Time.

If you wish to attend the meeting virtually, or testify virtually, please sign up by emailing [boardofdirectors@thprd.org](mailto:boardofdirectors@thprd.org) or calling 503-645-6433 **by 12 pm the day of the meeting** with your name and email address (and testimony topic if wishing to provide testimony). You will be provided additional instructions and a link to access the meeting. Testimony will be taken with a 3-minute time limit during the applicable agenda item, or Audience Time.

Testimony regarding work session topics will be taken during Audience Time. At the board's discretion, agenda items may not be considered in the order listed. More information and helpful tips on how to provide testimony can be found at the following link: <https://www.thprd.org/district-information/how-to-give-testimony>

**\*\*\*Consent Agenda:** Testimony regarding an item on the Consent Agenda will be heard under Audience Time. Consent Agenda items will be approved without discussion unless there is a board member request to discuss a particular Consent Agenda item. The issue separately discussed will be voted on separately.

In compliance with the Americans with Disabilities Act (ADA), this material in an alternate format, or special accommodations for the meeting, will be made available by calling 503-645-6433 at least 48 hours prior to the meeting.



# MEMORANDUM

**DATE:** February 26, 2025  
**TO:** Board of Directors  
**FROM:** Doug Menke, General Manager  
**RE:** Information Regarding the March 12, 2025 Board of Directors Meeting

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## **Agenda Item #1 – Work Session**

### **A. District Update – Future Focus**

Attached please find a memo announcing that a work session will be held at your meeting regarding large projects that the district will be undertaking over the next four years.

### **B. 2026 Bond Preparation**

Attached please find a memo announcing that a work session will be held at your meeting regarding preparation efforts underway for a potential future bond measure.

## **Agenda Item #5 – Proclamations**

### **A. Developmental Disabilities Awareness Month**

Attached please find a proclamation declaring March as Developmental Disabilities Awareness Month.

### **B. Women’s History Month**

Attached please find a proclamation declaring March as Women’s History Month.

## **Agenda Item #6 – Public Hearing: Request for Exemption from Competitive Bidding Process**

Attached please find a memo requesting board of directors’ approval of an exemption from the competitive bidding process for the new administration facility tenant improvements.

**Action Requested:** The THPRD Board of Directors, acting as the Local Contract Review Board, and in accordance with the State of Oregon competitive bidding requirements and exceptions outlined in ORS 279C.335:

- 1. Approve of the Findings contained within the memo; and,**
- 2. Approve the exemption of the new administration facility tenant improvement project from the requirements of public bidding and authorize the utilization of design-build as an alternative contracting method; and,**
- 3. Authorize the general manger or designee to negotiate and execute a contract with the selected design-build contractor.**

## **Agenda Item #9 – Consent Agenda**

Attached please find the following consent agenda items for your review and approval:

- A. [Approve: Minutes of February 12, 2025 Regular Board Meeting](#)
- B. [Approve: Resolution Amending System Development Charges 5-Year Capital Improvement Plan](#)
- C. [Approve: Intergovernmental Agreement with U.S. Department of Housing and Urban Development for Community Project Funding](#)
- D. [Award: Willow Creek Greenway Boardwalk Construction Contract](#)
- E. [Award: ADA On-Call Contract](#)

**Agenda Item #10 – Unfinished Business**

**A. [2025 Legislative Session](#)**

Attached please find a memo noting that an update on the 2025 Oregon Legislative Session will be provided at your March regular board meeting.

**B. [General Manager's Report](#)**

Attached please find the General Manager's Report for the March regular board meeting.



# MEMORANDUM

**DATE:** February 24, 2025  
**TO:** Doug Menke, General Manager  
**FROM:** Holly Thompson, Communications Director  
**RE:** **District Update – Future Focus**

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At the March 12 board meeting, Holly Thompson, Communications Director, and Aisha Panas, Deputy General Manager, will provide a brief overview of large projects that the district will be undertaking over the next four years. These projects include the potential consolidation of district services near the HMT campus, planning for a replacement of the 2008 bond measure, replacing the district's website, implementing the recommendations from a recent assessment of the district's IT department, preparing for upcoming bargaining with the district's employee association, replacement of the district's legacy registration system, and planning for the future update to the district's current operations levy. Staff will share a brief overview for each project and will look for the board's confirmation and understanding that these large-scale efforts will take a great deal of time, attention, and staff resources, to complete in conjunction with the normal daily operations of the district.



# MEMORANDUM

**DATE:** February 24, 2025  
**TO:** Doug Menke, General Manager  
**FROM:** Aisha Panas, Deputy General Manager  
**RE:** **2026 Bond Preparation**

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At the March 12 board meeting, Deputy General Manager Aisha Panas and Sustainability Manager Bruce Barbarasch will provide a brief overview of district staff's work to develop a potential replacement capital bond for voter consideration in 2026. Staff will present initial project categories, example projects, and the evaluation criteria developed to refine projects and seek board feedback on guiding principles used to inform this work. Communications Director Holly Thompson will also share outreach and engagement strategies that will include community member opinion polling, focus groups, and the use of a task force to refine communications and messaging.



**TUALATIN HILLS PARK & RECREATION DISTRICT**

**PROCLAMATION**

**By the Board of Directors**

**WHEREAS**, THPRD is committed to serving individuals of all abilities and ensuring the opportunity to play, learn, and enjoy high-quality park and recreation facilities, programs, services, and natural areas; and

**WHEREAS**, THPRD is dedicated to removing barriers to participation, ensuring meaningful access, and fostering an inclusive culture; and

**WHEREAS**, THPRD is committed to creating awareness about developmental disabilities, teaching the importance of inclusion within every aspect of life, and to sharing the stories of individuals with a disability to show that a successful life is possible; and

**WHEREAS**, about one in six children in the U.S. experience one or more developmental disability; and

**WHEREAS**, THPRD is a leader in Access for All, championing inclusion services for people of all abilities to be able to fully participate in programs and activities;

**NOW, THEREFORE, the Board of Directors of the Tualatin Hills Park & Recreation District, do hereby declare the month of March 2025 as**

**Developmental Disabilities Awareness Month**

And do urge all those in the Tualatin Hills Park & Recreation District to support and promote this observance.

Signed this 12<sup>th</sup> day of March, 2025.

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Barbie Minor, President

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Alfredo Moreno, Secretary



**TUALATIN HILLS PARK & RECREATION DISTRICT**

**PROCLAMATION**

**By the Board of Directors**

**WHEREAS**, the roots of Women’s History Month began in March 1857 when women from various New York City factories staged a protest over working conditions; and

**WHEREAS**, women of diverse backgrounds have made historic contributions to the growth and strength of our Nation in countless ways; and

**WHEREAS**, THPRD exists today because of the pioneering vision and spirit of a female leader, Elsie Stuhr, who in 1953 began a two-year effort that led to the creation of THPRD; and

**WHEREAS**, because of the persistence and leadership of Elsie Stuhr, a physical education teacher, mother, and wife, who served on the THPRD Board of Directors for 18 years and understood the importance of dedicated park and recreation services we all enjoy today; and

**WHEREAS**, THPRD has become a nationally accredited award-winning provider of park and recreation services that employs creative, innovative, and hard-working women that are dedicated to our profession; and

**WHEREAS**, many women lead throughout the district, from the Board of Directors, staff directors, senior managers, and center supervisors, and women are valued dedicated public servants who make THPRD a better organization;

**NOW, THEREFORE**, the Board of Directors of the Tualatin Hills Park & Recreation District does hereby declare the month of March 2025 as

**Women’s History Month**

And do urge all those in the Tualatin Hills Park & Recreation District to support and promote this observance.

Signed this 12<sup>th</sup> day of March, 2025.

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Barbie Minor, President

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Alfredo Moreno, Secretary





# MEMORANDUM

**DATE:** February 21, 2025  
**TO:** Doug Menke, General Manager  
**FROM:** Aisha Panas, Deputy General Manager  
**RE:** **Request for Exemption from Competitive Bidding Process**

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## Introduction

Staff are requesting board of directors' approval of an exemption from the competitive bidding process for the new administration facility tenant improvements, and to utilize a design/build approach as the alternative contracting method, in accordance with the State of Oregon competitive bidding exemption process pursuant to ORS 279C.335.

## Background

The Oregon Public Contracting Code generally requires the award of a construction contract to the lowest responsive and reasonable bidder but allows the use of alternative methods provided that the public agency demonstrates that the alternative process will not encourage favoritism and will result in a cost savings to the agency (ORS 279C.335(2)). These contracting laws allow an agency's Local Contract Review Board (LCRB) to exempt from competition the award of a specific contract or classes of contracts, and to approve an alternative method of contracting. The THPRD Board of Directors serves as the district's LCRB under ORS 279A.060. In order to do so, the LCRB must adopt findings demonstrating that the alternative method will result in substantial cost savings to the district and is unlikely to encourage favoritism or diminish competition.

The district is in the process of acquiring a new administration facility with the intention of transferring all operations from the Fanno Creek Service Center (FCSC) and administration staff from the Howard M. Terpenning Recreation Complex to the new location. Prior to occupying the new facility, tenant improvements will be needed to meet the district's operational requirements. Potential improvements include, but are not limited to, reconfigured office and warehouse spaces, installation of automotive repair and maintenance bays, secured fleet parking, and the relocation of storage buildings from the FCSC. While these tenant improvements are under way, the district will be leasing space for several departments, including its fleet work group, to continue daily operations. This lease is expected to expire in September 2026, and it is imperative that the new facility improvements are completed and ready for use by that date. The new administration facility is located on 11.69 acres and includes two buildings with a combined size of 158,953 square feet.

To determine the most effective and efficient contracting method to complete these improvements, staff compared the effort it would take to manage a consultant-led design, bid, and contractor build phases of a project versus hiring one general contractor to design and build a project. Based on research and guidance from the district's legal counsel, a general contractor could potentially design and build this project in a cost-effective and timely manner. This option would identify cost savings in real time based on the contractor's availability of materials and labor and result in an efficient timeline to deliver the project. The table and findings below illustrate the efficiency of awarding these improvements directly to a general contractor to streamline the coordination efforts of design, permitting, and construction with a targeted

completion date of July 31, 2026. The design/build process for the new administration facility can move more efficiently due to the single approval required from the board and would enable the district to relocate to the new administration facility by the lease expiration deadline of September 2026.

**Table 1 – Comparisons of Design/Bid/Build with Design/Build Contracting Methods**

<b>New Administration Facility</b>			
<b>Design/Bid/Build (Typical) (20 months)</b>		<b>Design/Build (16 months)</b>	
Staff Decision to Advertise	March 2025	March 2025	Board Approval to Advertise
Design Proposals Due	May 2025	May 2025	Design-Build Proposals Due
Board Approves Design Proposal	June 2025	May 2025	GM Approves Proposal
Design/Permitting	June 2025 – January 2026	May 2025 – December 2025	Design/Permitting
Construction Bids Due	February 2026- March 2026	N/A	
Board Approves Construction Bid	April 2026	N/A	
Construction	May 2026 – October 2026	January 2026 – June 2026	Construction
Construction Completion	November 2026	July 2026	Construction Completion

*Note: Project durations are based on the total number of months a project is active.*

**Findings**

1. Use of an alternative method will result in substantial cost savings to the district.  
 Using the Design/Build contracting method will reduce overall costs to the district by:
  - a) Reducing scheduling complexity. If this project were bid as a typical design/bid/build process, separate competitive procurements and contracts would be required for the designer, the product manufacturer(s), and the contractor. Using the design/build method will allow the district to combine these three separate functions into one procurement and contract, resulting in less staff time managing the project, while still maintaining quality.
  - b) Reducing the overall design-construction schedule through elimination of the typical procurement process used by the standard design/bid/build process (see Table 1). An accelerated schedule will also enable the district’s ability to make the new improvements and move staff/equipment prior to the expiration of the short-term lease. An accelerated schedule would save the district time and money overall.
  - c) The design/build process guarantees a maximum project price early in the process, thereby reducing overall long-term project costs, which tend to increase with time due to market fluctuations and other external factors.

The above findings are based upon the consideration of the following factors under ORS 279C.335(2)(b)(A-N):

(A) How many persons are available to bid. Given the nature of the work, the district does not expect that use of the design/build alternative will affect the number of potential contractors willing to propose on the work.

(B) The construction budget and the projected operating costs for the completed public improvement. For the reasons discussed above, staff believes this form of contracting will provide a more competitive project and with less cost overall. Staff does not expect operating costs to decrease or increase.

(C) Public benefits that may result from granting the exemption. Bringing the design/build contractor on as the lead of the project and at the beginning of the design phase promotes an early team approach that leads to continuous value engineering and improved constructability review, resulting in an improved final design. This will reduce change orders and limit delays during the construction phase. The public will benefit from cost savings and from more timely completion of the work.

(D) Whether value-engineering techniques may decrease the cost of the public improvement. Value engineering is a routine practice in public improvement projects regardless of procurement method. The design/build delivery method allows for the general contractor and subcontractors with specialized expertise and common project goals to lead the value engineering process during the design phase, resulting in a more effective and efficient process as compared to value engineering by change order to a completed design. The inherent flexibility and openness of the design/build process allows the district to more easily and cost-effectively change the design and scope of work as necessary to meet the project budget before the final design is fixed. This is not something that the traditional bid process offers.

(E) The cost and availability of specialized expertise that is necessary for the public improvement. The competitive request for proposals (RFP) process with qualitative scoring allows for review of contractor expertise not afforded in a traditional low-bid procurement.

(F) Any likely increases in public safety. The design/build process will enhance public safety because the district will be able to consider the safety record of the contractors selected and will be able to work with the contractors more effectively to incorporate public safety considerations into the project design and construction.

(G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement. Design/Build contracting allows the district to engage in early work agreements that give more insight and site verification of unforeseen conditions, as well as expediting the construction schedule by starting early work during the design phase.

(H) Whether granting the exemption will affect the sources of funding for the public improvement. There will be no impact on the source of funding of this project due to utilization of the design/build process.

(I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement. Because the design/build process appoints the general contractor at the beginning of the design, the district will be able

to take advantage of market prices by facilitating early purchase of certain project elements, if needed. Also, by shortening the construction schedule, use of the design/build process reduces the risk of market changes impacting the project.

(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement. One of the biggest advantages of the design/build method is the ability to coordinate all technical work before construction. Being able to apply best practices with the design team, the district, and the contractor will make for a better product within the budget constraints.

(K) Whether the public improvement involves new construction or renovates or remodels an existing structure. This project will occur on an existing district site. By allowing for careful planning prior to the start of the construction phase, and by shortening the construction timeline, use of design/build will expedite completion of the projects.

(L) Whether the public improvement will be occupied or unoccupied during construction. The site could potentially be occupied by support staff during construction. However, the district's administrative services will be open to the public at the existing HMT Recreation Complex's Admin Office and Fanno Creek Service Center during the improvement period.

(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions. Staff anticipates that the project will be completed in one phase.

(N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract. District staff have the necessary expertise with design/build to develop and utilize the proposed contracting method. The district's outside legal counsel, Miller Nash LLP, has extensive experience with the design/build alternative contracting method.

For these reasons, use of the Design/Build Alternative Contracting Method is likely to result in substantial cost savings and reduced timeline as compared to use of the standard design/bid/build process within the meaning of ORS 279C.335(2)(b).

2. Use of an alternative method is unlikely to encourage favoritism or diminish competition.
  - a) Use of the design/build process for this project is unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition because a competitive RFP process will be used to solicit the design/build team, the procurement will be formally advertised, competition will be obtained through competitive proposals, and evaluation and award will be based on identified selection criteria reviewed and ranked by a district evaluation committee. This process is fully competitive and the only difference between the design/build alternative process and the design/bid/build process is that contract award is based upon a qualitative

analysis of the proposals judged against a uniform set of criteria, and not based solely upon the lowest bid.

- b) The public RFP process will provide the equivalent of complete and open competition to the same pool of potential installation contractors that would be qualified to respond through the typical design/bid/build process.

### **Proposal Request**

Staff has reviewed Oregon contracting law to find an alternative method that would enable the new administration facility tenant improvements to be completed quickly and with less risk of cost overruns without sacrificing competition, overall quality, or accountability. Staff is seeking board of directors' approval to exempt from competitive bidding the development of the tenant improvement project for the new administration facility and to utilize design-build as an alternative contracting method. District legal counsel has reviewed and approved this item.

### **Outcomes of Proposal**

The benefits of this proposal have been stated in the Findings section above. In addition, Oregon contracting law requires a post-project evaluation be submitted to the LCRB within 30-days of completion of each project. This evaluation compares the use of a traditional design/bid/build method versus a design-build alternative contracting method to provide an objective assessment of the success and failures of the alternative contracting.

### **Action Requested**

Staff request the THPRD Board of Directors, acting as the Local Contract Review Board, and in accordance with the State of Oregon competitive bidding requirements and exceptions outlined in ORS 279C.335:

1. Approve of the Findings contained within this memo; and,
2. Approve the exemption of the new administration facility tenant improvement project from the requirements of public bidding and authorize the utilization of design-build as an alternative contracting method; and,
3. Authorize the general manger or designee to negotiate and execute a contract with the selected design-build contractor.



## Tualatin Hills Park & Recreation District Minutes of a Regular Meeting of the Board of Directors

A Regular Meeting of the Tualatin Hills Park & Recreation District Board of Directors was held on Wednesday, February 12, 2025, at the Tualatin Valley Water District Headquarters, 1850 SW 170th Avenue, Beaverton, Oregon. Work Session 5:30 pm; Executive Session 6:00 pm; Regular Meeting 6:30 pm.

Present:

Barbie Minor	President/Director
Alfredo Moreno	Secretary/Director
Miles Palacios	Secretary Pro-Tempore/Director
Felicita Monteblanco	Director
Tya Ping	Director
Doug Menke	General Manager

### **Agenda Item #1 – Work Session: Affordable Housing System Development Charge Waiver Policy**

A Work Session of the Tualatin Hills Park & Recreation District Board of Directors was called to order by President Barbie Minor on Wednesday, February 12, 2025, at 5:30 pm.

At the October 2020 board meeting, the THPRD Board of Directors approved an affordable housing policy that provided waivers of the district's system development charge (SDC) fees for affordable housing developments. During this evening's work session, staff will share a status update on policy implementation through the waiver program and how the program is assisting the production of affordable housing, as well as recommendations on potential updates.

Nicole Paulsen, Planning supervisor, and Peter Swinton, urban planner II, provided a PowerPoint presentation, a copy of which was entered into the record, and which included the following information:

- SDC and Affordable Housing Program Overview
  - Overall Cap: 632 Waivers
    - 225 waivers must be reserved for <30% MFI (Median Family Income) units
  - 60-year Affordability Deed Restriction
- Grants Used to Offset Waiver Amounts
  - Waivers Used to Date
    - 475 waivers
    - \$2,571,911 in waived SDCs
  - Awarded Grant Funds
    - \$15,480,068
- Policy Implementation
  - Total Units Approved
    - 225 for <30% MFI
    - 407 for 30-60% MFI
  - Waivers Issued to Date
    - 136 for <30% MFI
    - 321 for 30-60% MFI
  - Value of Waivers to Date
    - \$1,199,304 for <30% MFI
    - \$1,372,607 for 30-60% MFI

- Waivers Remaining Until Cap is Reached
  - 89 for <30% MFI
  - 86 for 30-60% MFI
- Recommendation
  - Increase Cap from 632 Units to 900 Units
    - Would ensure capacity to issue waivers for three pending projects
    - The 268 units are available to use for both <30% MFI and 30-60% MFI
  - Amend the SDC Methodology to Reflect Updated Cap
- SDC Methodology & Affordable Housing Considerations
  - Future Considerations for Affordable Housing
    - Provide flexibility in issuing waivers to meet current market demands
      - This could look like removing caps for each category to maximize or facilitate affordable housing development
    - Dollar limit vs. unit cap
      - Example: cap is \$2 million instead of 144-units
    - Evaluate and update the Affordable Housing Resolution during overall SDC Methodology Updates (about every five years)
- Timeline
  - February 2025
    - Work session & recommendation
  - March/April 2025
    - Board approval of Affordable Housing Resolution & amendment to SDC Methodology
  - Summer - Fall 2025
    - SDC Methodology & Affordable Housing Update based on work session guidance

At the conclusion of their presentation, Nicole and Peter offered the following topics for the board's consideration and discussion:

- Recommendation to increase cap to 900 units
- Considerations for future affordable housing program

Felicita Montebianco commented that a cap makes sense and that she appreciates the district's desire to be both responsive to affordable housing and responsible with taxpayer dollars. She doesn't want to lose the waiver specific to <30% MFI housing but understands that it is very challenging to build those units. She supports continuation of the program as it is in alignment with the district's values and showcases the district's willingness to be a good partner. She wants to see flexibility but doesn't know how flexible the district can be and what would be most helpful.

Miles Palacios described his preference for staying with a unit cap versus dollar amount since the district has been successful in more than recouping the costs of the affordable housing waivers via grants, so he doesn't feel a pressure to switch over to a dollar amount cap.

Alfredo Moreno commented that he is in support of increasing the current cap and wants to be a reliable partner for the upcoming affordable housing projects in the pipeline. In terms of the future, with highly volatile outside forces impacting both costs as well as grant revenue, he may like to see the district protect itself budgetarily by having a known allocation; however, he would like to better understand the flexibility the board may have to reevaluate this as the program continues.

Felicita inquired how often the board should be revisiting this topic, noting that their values align with continuing to engage in this way and that she wants to see the district do the most it can.

- ✓ Nicole referenced the consideration previously noted of evaluating and updating the district's affordable housing resolution in conjunction with the SDC Methodology updates that occur about every five years.

Felicita described her thoughts around the benefits of having flexibility in issuing the waivers, but also how to best support the creation of <30% MFI units; she doesn't want to lose that designation but also doesn't want the funding to go unutilized.

- ✓ Aisha noted that while the recommendation is to reevaluate this program every five years through the SDC Methodology updates, staff also provides the board an annual update on the utilization of the waivers and grant funds received to offset the program. Tonight's opportunity is to make an adjustment to the cap prior to the SDC Methodology update.

Felicita expressed support for increasing the cap to 900 units and while she is open to changing the percentage of units in relation to MFI, she hopes that affordable developers will reach out to the district to let us know how that change could impact them long- or short-term.

- ✓ Peter noted that of the three affordable housing development projects currently in process, one has units dedicated to <30% MFI, but the other two projects are not currently interested in the <30% MFI level. Increasing the cap as presented this evening would accommodate all three of these projects, and future considerations could be explored around ways to maintain incentives for <30% MFI units.

Tya Ping expressed support for increasing the cap to 900 units but likes the idea behind using a dollar amount moving forward as it's easier to budget for and more transparent. She described how she would like to keep a reserve for <30% MFI units to encourage the development of those units as much as possible, even if the cap has been reached for the 30-60% MFI units.

- ✓ Nicole replied that district staff will continue to reach out to the developers and local jurisdictional partners to stay updated and better understand their challenges and barriers.

Tya inquired what happens if the affordable housing development doesn't remain as affordable housing during the 60-year deed restriction.

- ✓ Peter replied that the deed restriction would be enforced across the sale, which would require the developer to pay back the full amount of the SDCs that were waived.

Tya asked if the \$15,480,068 in awarded grant funds were specific to grants that would impact the district's SDC fund.

- ✓ Nicole confirmed this.

President Minor expressed support for increasing the cap to 900 units and described her bias to stay with a unit cap versus dollar amount as the unit cap better identifies and defines the actual humans and protects their spaces to be housed, whereas the dollar amount can fluctuate and represent something else. The unit count clearly demonstrates the impact the district is having to the community, but she is open to learning more about the pluses and minuses behind both measurements. If one is the clear winner in terms of flexibility in being able to respond to the demand, that may influence her.

Miles expressed agreement that flexibility is a priority and noted that President Minor articulated the unit representation well. He asked what would happen if the district ever found itself in a position of not bringing in enough SDC-related grant funds to offset the waivers.

- ✓ General Manager Doug Menke replied that the philosophy behind seeking grant funds to backfill the investment into the waiver system is not a requirement. Although the district has done well in recouping these funds, the district has also learned how challenging it is for the development of <30% MFI units which is outside of the district's control.
- ✓ Felicita expressed agreement, noting that while the district's waivers make a difference, they aren't enough to push a project over the line.
- ✓ Doug added that THPRD is the only jurisdiction providing these waivers, too, and that the district has done a great job showing that such a program can be managed responsibly.



## **Agenda Item #2 – Executive Session (A) Personnel (B) Legal (C) Land**

President Barbie Minor called executive session to order for the following purposes:

- To conduct deliberations with persons designated by the governing body to carry out labor negotiations;
- To conduct deliberations with persons designated by the governing body to negotiate real property transactions; and
- To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Executive Session is held under authority of ORS 192.660(2)(d)(e) and (h).

President Minor noted that the news media and designated staff may attend executive session. Representatives of the news media were directed not to disclose information discussed during executive session. No final action or final decision may be made in executive session.

## **Agenda Item #3 – Call Regular Meeting to Order**

A Regular Meeting of the Tualatin Hills Park & Recreation District Board of Directors was called to order by President Barbie Minor on Wednesday, February 12, 2025, at 6:35 pm.

## **Agenda Item #4 – Action Resulting from Executive Session**

There was no action resulting from Executive Session.

## **Agenda Item #5 – Proclamation: Black History Month**

President Minor welcomed Tafena Campos-Macon, founder of We Empower, a DEI consulting firm, and the Executive Director of W.E.S.T. Side Connect, to read the Black History Month proclamation on behalf of the THPRD Board of Directors.

Tafena introduced her family members in attendance this evening and provided comments on her family's background and her personal growth in leaning into using her voice to make connections which linked her to THPRD through the work being done to uplift and amplify the voices of those who have been pushed to the margins for far too long. Tafena thanked the district for its partnership and continued efforts to ensure that everyone has a place to belong, noting that the district's commitment to lifting up the people celebrated in its proclamations is a year-round effort, and read the Black History Month proclamation on behalf of the THPRD Board of Directors.

President Minor thanked Tafena and her family for sharing their time with the district this evening.

## **Agenda Item #6 – Audience Time**

Danielle Jacobson is before the board of directors this evening as a member of the Tualatin Hills Swim Club (THSC) regarding the addition of another swim club affiliate to THPRD's lane allocation process. She provided an overview of the history and relationship between THPRD and THSC, including the assets THSC has funded for the district over time, the revenue the district receives through its club, as well as the dedication of the club's volunteers that directly benefits the district. She stated that there is an undeniable symbiotic relationship between the two organizations that has been built over generations and that including an additional affiliate club in the lane allocation process will jeopardize the stability of this relationship, leading to instability in THSC membership, revenues, and a disruption in the overall team culture. She described how granting access to an additional club opens the door to requests from other clubs in the area, thereby creating an unsustainable model. She asked that the board reconsider the impact of bringing another affiliate swim club into THSC's home pool.

Jane Tram is before the board of directors this evening as a member of the Tualatin Hills Swim Club (THSC) regarding the addition of another swim club affiliate to THPRD's lane allocation process. She provided an overview of her professional background and family's involvement with

THSC. She expressed concern that a new swim club affiliate was added to THSC's home pool without their knowledge or input and that they are now accessing this space, noting that THSC has also asked for additional space in the past but has been denied. She provided an overview of the club's rate structure and noted that over 50% of their membership are kids of color and that over 50% are female. THSC also offers financial support for members and are working toward providing team information in other languages to increase accessibility. She described the high rates of anxiety and depression in today's youth due to isolation, noting that involvement in team sports is one way to have stable interaction with other people. She asked that the board carefully consider how adding another swim club affiliate is going to impact the teams that already exist.

President Minor thanked Danielle and Jane for their testimony this evening.

### **Agenda Item #7 – Board Time**

#### **A. Committee Liaisons Updates**

Tya Ping provided the following updates and comments:

- ✓ The new Equity & Engagement Advisory Committee is ready to start work and participated in the equity training held for all advisory committee members last week. Next time the training is offered, the board should be invited as it was a great opportunity.

Miles Palacios provided the following updates and comments:

- ✓ Provided an overview of the most recent Metro Policy Advisory Committee meeting, during which discussion topics included Metro's funding for regional housing, a U.S. Department of Transportation grant awarded for Tualatin Valley Highway, and the formation of a Regional Waste Advisory Committee.
- ✓ Reflected on this evening's Black History Month proclamation, noting that it represents an important part of his family in that his sister is black. He described his sister's background and accomplishments, noting that he is very proud of her, and added that people being able to stand in their identity is more important now than in our most recent history. He is excited to see the district's continued progression in finding new ways to integrate the many identities of our community in everything that we do.

Felicita Montebianco provided the following updates and comments:

- ✓ Described her experience attending Leadership Beaverton's Government Day earlier today, noting that there was a lot of interest expressed by participants in wanting to learn more about what is happening locally and seeing their values reflected. It was also nice to hear how people use and value THPRD.

Alfredo Moreno provided the following updates and comments:

- ✓ Along with President Minor and Finance Director Jared Isaksen, he participated in interviews of the candidates interested in serving on the district's budget committee, noting that it was inspiring to see so many highly talented and engaged users wanting to contribute to the district.
- ✓ A Tualatin Hills Park Foundation Board of Trustees meeting is taking place next week; he has been working with the executive director to identify ways the foundation can be further engaged within the community.
- ✓ He is holding a spirit of appreciation for the district's value as a hyperlocal governing body and thanked district staff for providing an inclusive place for everyone in the community.

President Minor provided the following updates and comments:

- ✓ Expressed gratitude to Tafena and Miles for sharing what Black History Month means to them personally, noting that she would like to underscore that the district's values proudly remain the same. THPRD's dedication to diversity, equity, inclusion and accessibility

makes our district so much richer and more valuable and she is proud to continue to use those words.

- ✓ Along with Tya and the district's advisory committee members, participated in the equity training held last week and expressed gratitude to the staff who organized the training. She described an icebreaker exercise that highlighted the diversity of the advisory committee members, adding that their contributions will push the district's work further.
- ✓ Encouraged the celebration of Black History Month all year long and recognized the work THPRD does around its proclamations that is intentional and ongoing.

#### **Agenda Item #8 – Consent Agenda**

**Miles Palacios moved that the board of directors approve consent agenda items (A) Minutes of January 8, 2025 Regular Board Meeting, (B) Quarterly Financial Report, (C) Addendum to the Employment Agreement for the District General Manager, and (D) Resolution Appointing Budget Committee Members. Tya Ping seconded the motion. Roll call proceeded as follows:**

<b>Alfredo Moreno</b>	<b>Yes</b>
<b>Felicita Monteblanco</b>	<b>Yes</b>
<b>Tya Ping</b>	<b>Yes</b>
<b>Miles Palacios</b>	<b>Yes</b>
<b>Barbie Minor</b>	<b>Yes</b>

**The motion was UNANIMOUSLY APPROVED.**

#### **Agenda Item #9 – Unfinished Business**

##### **A. Howard M. Terpenning Recreation Complex Pickleball Facility Concept Plan**

Julie Rocha, Sports & Inclusion director, and Tim Bonnin, Development supervisor, presented a detailed overview of the proposed Howard M. Terpenning (HMT) Recreation Complex Pickleball Facility Concept Plan, as included within the board of directors' information packet, via a PowerPoint presentation, a copy of which was entered into the record. The proposed pickleball facility will include an entry plaza, building, and twelve indoor/outdoor pickleball courts that would be covered by a seasonal air structure. At a future meeting, staff will be bringing forward a recommendation to fund the total anticipated project cost of \$9,384,435 within the Fiscal Year 2025/26 System Development Charges Fund budget. Staff is also working with Explore Tualatin Valley regarding potential grant funding for this project. Programming staff estimate the new facility will have the potential of generating revenue up to \$700,000 annually which is comparable to the offerings of the district's Babette Horenstein Tennis Center. If approved, the facility would likely be open in early 2027. Staff is requesting board consideration of approval of the concept plan as presented this evening.

Tya Ping expressed excitement for this project and described the comments she's received from constituents wanting more spaces to play pickleball. She suggested that the reception desk be wheelchair accessible from both sides and asked how players will retrieve their ball if it is hit over the fence when the air structure is not in place.

- ✓ General Manager Doug Menke and Tim described the fences, noting that they will be very tall and that there will be access points as well, including for emergencies.

Alfredo Moreno commented that it is a beautiful facility with a lot of income potential and represents a golden opportunity for a naming sponsorship.

President Minor thanked district staff for providing background information around the growth in pickleball and for providing the board multiple presentations along the way in laying the foundation for this project. There is obviously an appetite and demand for this facility, and she is eager to see it move forward.

**Alfredo Moreno moved that the board of directors approve the Howard M. Terpenning Recreation Complex Pickleball Facility concept plan. Tya Ping seconded the motion. Roll call proceeded as follows:**

<b>Miles Palacios</b>	<b>Yes</b>
<b>Felicita Monteblanco</b>	<b>Yes</b>
<b>Tya Ping</b>	<b>Yes</b>
<b>Alfredo Moreno</b>	<b>Yes</b>
<b>Barbie Minor</b>	<b>Yes</b>

**The motion was UNANIMOUSLY APPROVED.**

## **B. General Manager's Report**

The following presentations were provided as listed within the General Manager's Report included in the board of directors' information packet:

- Teen Programs
  - Laura Hester, center supervisor for the Conestoga Recreation & Aquatic Center, and Cass Negrette, program assistant at the Garden Home Recreation Center, provided an update on the teen programs available through THPRD and possible expansion opportunities, via a PowerPoint presentation, a copy of which was entered into the record.
- Project Updates
  - Gery Keck, Planning & Development manager, presented an overview of recently completed development projects and upcoming construction projects scheduled to start this summer, via a PowerPoint presentation, a copy of which was entered into the record.

Doug and the presenters offered to answer any questions the board may have.

### Teen Programs

Miles Palacios referenced the public testimony received at the board's December meeting, noting that it was powerful to see young people attend to speak to the board and then to experience that their words have impact. He thanked district staff for their efforts in this area.

Tya Ping expressed gratitude to district staff for reacting so quickly to the public testimony received at the board's December meeting. She described how open community space time is needed for other groups as well, such as seniors and parent groups, and that these efforts could potentially be combined to be mutually beneficial, including in terms of securing grant funding.

Alfredo Moreno would like to receive updates on these efforts as they progress, as well as better understand what the district has tried in the past. He described that there are a lot of moving parts that need to come together in order to enable a successful program and while it might be challenging, it is a great opportunity and worthwhile work.

Felicita Monteblanco expressed gratitude for these efforts, noting that she's happy to hear that the district is working with its partners. She noted that students feeling safe in THPRD spaces is a testament to our amazing staff and that spaces like these save lives and keep kids safe.

President Minor described how, as a parent to teenagers herself, she has seen firsthand the value behind having a safe space for teens to hang out outside of scheduled extracurricular activities, especially options that don't cost a lot of money, can be spontaneous, and that are offered when teenagers need it, such as later hours especially on Friday and Saturday nights. She noted that it may take time for word to spread and described other potential partnership opportunities to boost attendance, such as with the school district's affinity groups. She encouraged the district to expand its youth perspectives as much as possible and noted the importance of having a vending machine accessible, as well.

Project Updates

Tya Ping inquired whether the district has a policy to ensure that all of its play structures are accessible.

- ✓ Gery described how ADA is consistently referenced when considering the amenities for a park site; although not everything will be directly ADA accessible, a like experience will be provided.

Felicita Monteblanco expressed gratitude to district staff for their hard work on these projects.

President Minor expressed gratitude to district staff as well, adding that it is exciting to see a project's progression from the planning phase to reality. She appreciates how long it takes for these projects to come to fruition and that they represent years of hard work.

**Agenda Item #10 – Adjourn**

There being no further business, the meeting was adjourned at 8:00 pm.

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Barbie Minor, President

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Alfredo Moreno, Secretary

Recording Secretary,  
Jessica Collins



# MEMORANDUM

**DATE:** February 21, 2025  
**TO:** Doug Menke, General Manager  
**FROM:** Aisha Panas, Deputy General Manager  
**RE:** **Resolution Amending System Development Charges 5-Year Capital Improvement Plan**

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## Introduction

Staff requests that the THPRD Board of Directors approve Resolution No. 2025-04 amending the district's five-year system development charges capital improvement plan (SDC-CIP) and approve the SDC-CIP's use in developing the Fiscal Year 2025-2026 (FY 2025-26) budget.

## Background

The SDC-CIP is used to budget and plan for all SDC-funded planning studies, land acquisition, and capital development projects. The last SDC-CIP was approved by the board at its February 14, 2024, meeting and was used to prepare the current fiscal year budget. Since adoption of the current budget, staff have proposed new projects to be added to the SDC-CIP project list, tracked SDC revenues and affordable housing SDC fee waivers for the current fiscal year, and have projected future SDC revenue and issuance of affordable housing SDC waivers. Accordingly, staff have made the following changes to the SDC-CIP (Attachment 1):

1. Added the following projects to the SDC-CIP project list:
  - a. Proposed projects funded via SDC funds:
    - i. New Neighborhood Park Development: NWQ-11 (NW Eleanor Ave and NW Evelyn St)
    - ii. New Neighborhood Park Development, Design & Permitting: NWQ-7 (NW Liberty & NW 163rd Ter)
  - b. Proposed projects funded via SDC credits:
    - i. New Trail Acquisition & Development: SCM Vineyard
2. Removed the following projects from the SDC-CIP project list:
  - a. Proposed projects funded via SDC funds moved to future years:
    - i. New Neighborhood Park Development: SWQ-7 (SW 175th Ave & SW Goldcrest Ln) each phase pushed out by 1 year
    - ii. New Neighborhood Park Development: SWQ-4 (SW 165<sup>th</sup> Ave & SW Farmington Rd) each phase pushed out by 1 year
  - b. New Regional Trail Development - Westside Trail Segments 16-Remainder of 18, Design & Permitting phase pushed out 2 years to FY27/28
  - c. Completed projects funded via SDC credits:
    - i. New Trail Acquisition & Development: Ridgeline
    - ii. New Trail Acquisition & Development: Bethany Crossing
3. Added a new and fifth FY 2029/30 program year with associated SDC revenue projections to ensure the SDC-CIP continues to look five years into the future.
4. Updated affordable housing waivers up to Resolution No. 2020-24's approved unit cap.

5. Updated estimated revenues based on historic actual SDC collections.
6. Refined anticipated project sequencing and costs throughout the SDC-CIP project list to reflect current staff capacity and expected SDC fund availability.

The SDC-CIP project list will provide guidance in making project commitments through the annual budget process. The list is not intended to be an explicitly sequential list of projects to be funded, as other factors may impact the year in which a project commitment is made. Staff will continue to monitor permitting and cost trends and make annual adjustments to the SDC-CIP.

### **Proposal Request**

Staff are requesting the board of director's approval of Resolution No. 2025-04 amending the district's SDC-CIP (Attachment 1) and approving its use in developing the FY 2025-26 budget.

### **Outcomes of Proposal**

The amended SDC-CIP provides a more current and realistic tool for planning and budgeting for future acquisition and development of park amenities. The district will continue to be able to deliver a steady flow of new recreation facilities to meet the growing needs of the community.

### **Public Engagement**

Public engagement is not considered during the SDC-CIP update; however, THPRD engaged stakeholders to create the 2020 SDC Methodology approved by the Board on November 12, 2020. This 2020 Methodology established THPRD's System Development Charges Fee Schedule, last updated on June 14, 2023, and the district's 20-year System Development Charge Capital Improvement Project List, last updated January 10, 2024. Also, public input on THPRD's suite of functional plans influences how projects are prioritized within the SDC-CIP and the SDC-CIP helps the district pursue the 2020 Vision Action Plan goal areas and actions, which were established through an extensive public outreach process.

### **Action Requested**

Staff are requesting board of directors' approval of Resolution No. 2025-04 amending the district's five-year SDC-CIP and approving its use in developing the FY 2025-26 budget.

## RESOLUTION NO. 2025-04

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TUALATIN HILLS PARK & RECREATION DISTRICT AMENDING ITS FIVE- YEAR SYSTEM DEVELOPMENT CHARGES CAPITAL IMPROVEMENT PLAN

**WHEREAS**, the Tualatin Hills Park & Recreation District (THPRD) adopted a System Development Charges (SDC) program and its corresponding methodology by resolution in November 1998 (the “SDC Resolution”), which was amended in September 2001 and August 2003, and updated in November 2007, March 2016, and November 2020; and

**WHEREAS**, the SDC methodology adopted by THPRD in 2020 was based on needs identified in THPRD’s 2013 Comprehensive Plan Update, which considers capital facility needs through the year 2035; and

**WHEREAS**, THPRD adopted the following functional plans addressing needs and priorities for each amenity:

- Athletic Facilities Functional Plan (March 7, 2016);
- Parks Functional Plan (May 2015 and updated April 2019);
- Trails Functional Plan (February 2016); and
- Natural Resources Functional Plan (December 2014).

**WHEREAS**, the SDC methodology report adopted on November 12, 2020 titled “Draft Methodology Report Parks System Development Charges” and dated September 9, 2020 reflects growth costs identified in the 2013 Comprehensive Plan Update and the functional plans; and

**WHEREAS**, pursuant to ORS 223.309, the board must adopt a Capital Projects List of the capital improvements to be funded wholly or in part by SDCs; and

**WHEREAS**, pursuant to ORS 223.309(2), the SDC Capital Projects List may be modified at any time by separate resolution adopted by the Board; and

**WHEREAS**, the Capital Projects List must include the estimated costs, timing and percentage of costs for each improvement that the District intends to fund, in whole or in part, with improvement fee revenues; and

**WHEREAS**, THPRD’s Five-year SDC-CIP is the near-term planning document used to appropriate funding and sequence the completion of projects within THPRD’s Capital Projects List according SDC fund availability, anticipated SDC revenue collection, and staff availability; and

**WHEREAS**, THPRD last amended its SDC-CIP on February 14, 2024; and

**WHEREAS**, an amended SDC-CIP is required to support the development of the THPRD Fiscal Year 2025-2026 (FY 2025-26) budget and appropriate funds in FY 2025-26 for existing and new projects.



**RESOLUTION NO. 2025-04**

**NOW THEREFORE, the Tualatin Hills Park & Recreation District resolves:**

- Section 1: The amended SDC-CIP attached as Attachment 1 is adopted; and
- Section 2: The SDC-CIP is approved for use in developing the FY 2025-26 budget; and
- Section 3: This Resolution No. 2025-04 becomes effective on March 12, 2025.

Approved by the Tualatin Hills Park & Recreation District Board of Directors on the 12<sup>th</sup> day of March 2025.

\_\_\_\_\_  
Barbie Minor, President

\_\_\_\_\_  
Alfredo Moreno, Secretary

ATTEST:

\_\_\_\_\_  
Jessica Collins, Recording Secretary



SYSTEM DEVELOPMENT CHARGES FUND  
PROJECTS LIST  
Proposed Five-year CIP March 2025

  Concept Planning  
  Design & Permitting  
  Construction  
  New Project (NEW)

Fiscal Year	Project or Item Description	Districtwide			North Bethany			Bonny Slope West			Non-Overlay		
		Annual Available Funding			Annual Available Funding			Annual Available Funding			Annual Available Funding		
		Cost Estimate	Low Estimate	High Estimate	Cost Estimate	Low Estimate	High Estimate	Cost Estimate	Low Estimate	High Estimate	Cost Estimate	Low Estimate	High Estimate
2024/25	<b>Beginning Cash Balance (July 1, 2024)</b>		55,963,101	55,963,101		9,331,545	9,331,545		5,213,925	5,213,925		41,417,631	41,417,631
	Less: Carryover Appropriations		36,276,159	36,276,159		8,651,004	8,651,004		1,750,000	1,750,000		25,875,155	25,875,155
	<b>Net Available Beginning Balance</b>		19,686,942	19,686,942		680,541	680,541		3,463,925	3,463,925		15,542,476	15,542,476
	<b>Estimated SDC Revenue</b>		8,917,337	10,898,967		2,136,674	2,611,490		-	-		6,780,663	8,287,477
	<b>Estimated SDC Affordable Housing 30% AMI (100% Waiver)</b>	(619,440)			-			-			(619,440)		
	<b>Estimated SDC Affordable Housing 60% AMI (50% Waiver)</b>	(227,128)			-			-			(227,128)		
	<b>Estimated Available Funding</b>		27,757,711	29,739,341		2,817,215	3,292,031		3,463,925	3,463,925		21,476,571	22,983,385
	Acquisition of Neighborhood Park Land - North Bethany	2,100,000	25,657,711	27,639,341	2,100,000	717,215	1,192,031						
	Acquisition of Trails Land - North Bethany	2,000,000	23,657,711	25,639,341	2,000,000	(1,282,785)	(807,969)						
	New Neighborhood Park Development, Concept Planning: SWQ-5 (SW Miller Hill Rd & SW Millennium Ter)	44,666	23,613,045	25,594,675							44,666	21,431,905	22,938,719
	New Amenities in existing parks	77,465	23,535,580	25,517,210							77,465	21,354,440	22,861,254
	Metro Bond Trails Competitive Grant Match - Westside Trail Bridge	55,700	23,479,880	25,461,510							55,700	21,298,740	22,805,554
	Functional Plan - Develop Facilities Functional Plan	50,000	23,429,880	25,411,510							50,000	21,248,740	22,755,554
	Land Acquisition - Infill/Cooper Mountain	1,000,000	22,429,880	24,411,510							1,000,000	20,248,740	21,755,554
	SDC Methodology Update	80,000	22,349,880	24,331,510							80,000	20,168,740	21,675,554
	Acquisition of Natural Area Land - Cooper Mountain Area	2,600,000	19,749,880	21,731,510							2,600,000	17,568,740	19,075,554
	Develop Pickleball Facility	6,000,000	13,749,880	15,731,510							6,000,000	11,568,740	13,075,554
	Metro Community Choice Grant Match - Recuerdo Park Gleaning Garden Expansion	83,200	13,666,680	15,648,310							83,200	11,485,540	12,992,354
	<b>Subtotal FY 2024/25 Costs</b>	14,091,031			4,100,000			-			9,991,031		

Fiscal Year	Project or Item Description	Annual Available Funding			Cost Estimate	Annual Available Funding			Cost Estimate	Annual Available Funding			Cost Estimate	Annual Available Funding		
		Cost Estimate	Low Estimate	High Estimate		Low Estimate	High Estimate	Low Estimate		High Estimate	Low Estimate	High Estimate				
2025/26	Beginning Balance		13,666,680	15,648,310		(1,282,785)	(807,969)		3,463,925	3,463,925		11,485,540	12,992,354			
	Estimated SDC Revenue		9,229,444	11,280,431		2,211,458	2,702,893		-	-		7,017,986	8,577,539			
	Estimated SDC Affordable Housing 30% AMI (100% Waiver)	(299,396)			-			-			(299,396)					
	Estimated SDC Affordable Housing 60% AMI (50% Waiver)	(216,804)			-			-			(216,804)					
	Estimated Available Funding		22,379,924	26,412,541		928,673	1,894,924		3,463,925	3,463,925		17,987,326	21,053,692			
	New Neighborhood Park Development: NWQ-11 (NW Eleanor Ave and NW Evelyn St) ****	750,000	21,629,924	25,662,541	750,000	178,673	1,144,924									
	New Neighborhood Park Development, Design & Permitting: SWQ-5 (SW Miller Hill Rd & SW Millennium Ter)***	154,123	21,475,801	25,508,418							154,123	17,833,203	20,899,569			
	Trail Development - Westside Trail Bridge - Segment 15*	7,000,000	14,475,801	18,508,418							7,000,000	10,833,203	13,899,569			
	Acquisition of Neighborhood Park Land - Infill/Cooper Mountain Areas***	445,092	14,030,709	18,063,326							445,092	10,388,111	13,454,477			
	Land Acquisition - Infill/Cooper Mountain***	6,500,000	7,530,709	11,563,326							6,500,000	3,888,111	6,954,477			
	New Amenities in existing parks***	162	7,530,547	11,563,164							162	3,887,949	6,954,315			
	New Neighborhood Park Development, Construction: SEQ-2 (La Raiz Park)***	24,000	7,506,547	11,539,164							24,000	3,863,949	6,930,315			
	New Neighborhood Park Development, Construction: NEQ-3 (SW Pointer Rd & SW Canyon Ln)***	320,426	7,186,121	11,218,738							320,426	3,543,523	6,609,889			
	So. Cooper Mtn Park and Trail Development - Project Mgmt.***	3,262	7,182,859	11,215,476							3,262	3,540,261	6,606,627			
	Functional Plan - Develop Facilities Functional Plan***	10,000	7,172,859	11,205,476							10,000	3,530,261	6,596,627			
	Develop Pickleball Facility***	2,725,000	4,447,859	8,480,476							2,725,000	805,261	3,871,627			
	<b>Subtotal FY 2025/26 Costs</b>	<b>17,932,065</b>			<b>750,000</b>			<b>-</b>			<b>17,182,065</b>					
2026/27	Beginning Balance		4,447,859	8,480,476		178,673	1,144,924		3,463,925	3,463,925		805,261	3,871,627			
	Estimated SDC Revenue		9,552,474	11,675,246		2,288,859	2,797,494		-	-		7,263,616	8,877,752			
	Estimated SDC Affordable Housing 30% AMI (100% Waiver)	-			-			-			-					
	Estimated SDC Affordable Housing 60% AMI (50% Waiver)	-			-			-			-					
	Estimated Available Funding		14,000,333	20,155,723		2,467,531	3,942,418		3,463,925	3,463,925		8,068,877	12,749,380			
	New Neighborhood Park Development, Concept Planning: SWQ-7 (SW 175th Ave & SW Goldcrest Ln)	336,719	13,663,614	19,819,004							336,719	7,732,158	12,412,661			
	New Neighborhood Park Development, Concept Planning: SWQ-4 (SW 165th Ave & SW Farmington Rd)	330,092	13,333,522	19,488,912							330,092	7,402,066	12,082,569			
	Land Acquisition - Infill/Cooper Mountain	1,500,000	11,833,522	17,988,912							1,500,000	5,902,066	10,582,569			
	<b>Subtotal FY 2026/27 Costs</b>	<b>2,166,811</b>			<b>-</b>			<b>-</b>			<b>2,166,811</b>					

Fiscal Year	Project or Item Description	Annual Available Funding			Cost Estimate	Annual Available Funding			Cost Estimate	Annual Available Funding			Cost Estimate	Annual Available Funding		
		Cost Estimate	Low Estimate	High Estimate		Low Estimate	High Estimate	Low Estimate		High Estimate	Low Estimate	High Estimate				
2027/28	Beginning Balance		11,833,522	17,988,912		2,467,531	3,942,418		3,463,925	3,463,925		5,902,066	10,582,569			
	Estimated SDC Revenue		9,886,811	12,083,880		2,368,969	2,895,406		-	-		7,517,842	9,188,474			
	Estimated SDC Affordable Housing 30% AMI (100% Waiver)	-			-				-			-				
	Estimated SDC Affordable Housing 60% AMI (50% Waiver)	-			-				-			-				
	Estimated Available Funding		21,720,333	30,072,792		4,836,500	6,837,824		3,463,925	3,463,925		13,419,908	19,771,043			
	New Neighborhood Park Development, Concept Planning: Park Blocks	284,031	21,436,302	29,788,761	284,031	4,552,469	6,553,793									
	New Neighborhood Park Development, Concept Planning: SEQ-1 (SW Murray Blvd & SW Sexton Mtn Dr)	329,312	21,106,990	29,459,449							329,312	13,090,596	19,441,731			
	New Neighborhood Park Development, Design & Permitting: SWQ-4 (SW 165th Ave & SW Farmington Rd)	1,677,400	19,429,590	27,782,049							1,677,400	11,413,196	17,764,331			
	New Neighborhood Park Development, Design & Permitting: SWQ-7 (SW 175th Ave & SW Goldcrest Ln)	1,677,156	17,752,434	26,104,893							1,677,156	9,736,040	16,087,175			
	New Regional Trail Development - Westside Trail Segments 16-Remainder of 18, Design & Permitting	433,113	17,319,320	25,671,779							433,113	9,302,927	15,654,061			
	New regional Trail Development - Westside Trail Segments 16-Remainder of 18, Construction	1,773,140	15,546,180	23,898,639							1,773,140	7,529,786	13,880,921			
	Land Acquisition - Infill/Cooper Mountain	1,500,000	14,046,180	22,398,639							1,500,000	6,029,786	12,380,921			
	<b>Subtotal FY 2027/28 Costs</b>	<b>7,674,153</b>			<b>284,031</b>				<b>-</b>		<b>7,390,122</b>					
2028/29	Beginning Balance		14,046,180	22,398,639		4,552,469	6,553,793		3,463,925	3,463,925		6,029,786	12,380,921			
	Estimated SDC Revenue		10,232,849	12,506,816		2,451,883	2,996,745		-	-		7,780,967	9,510,070			
	Estimated SDC Affordable Housing 30% AMI (100% Waiver)	-			-				-			-				
	Estimated SDC Affordable Housing 60% AMI (50% Waiver)	-			-				-			-				
	Estimated Available Funding		24,279,029	34,905,455		7,004,351	9,550,538		3,463,925	3,463,925		13,810,753	21,890,991			
	New Neighborhood Park Development, Design & Permitting: Park Blocks	1,185,593	23,093,436	33,719,862	1,185,593	5,818,758	8,364,945									
	New Neighborhood Park Development, Concept Planning: NEQ-2 (NW Saltzman Rd & Laidlaw Rd)	447,333	22,646,103	33,272,529				447,333	3,016,592	3,016,592						
	New Neighborhood Park Development, Design & Permitting: SEQ-1 (SW Murray Blvd & SW Sexton Mtn Dr)	1,341,562	21,304,541	31,930,967							1,341,562	12,469,191	20,549,429			
	New Neighborhood Park Development, Construction: SWQ-4 (SW 165th Ave & SW Farmington Rd)	5,646,805	15,657,736	26,284,162							5,646,805	6,822,386	14,902,624			
	New Neighborhood Park Development, Construction: SWQ-7 (SW 175th Ave & SW Goldcrest Ln)	5,794,095	9,863,641	20,490,067							5,794,095	1,028,291	9,108,529			
	New Neighborhood Park Development, Construction: SWQ-5 (SW Miller Hill Rd & SW Millennium Ter)	4,173,885	5,689,756	16,316,182							4,173,885	(3,145,594)	4,934,644			
	Land Acquisition - Infill/Cooper Mountain	1,500,000	4,189,756	14,816,182							1,500,000	(4,645,594)	3,434,644			
	<b>Subtotal FY 2028/29 Costs</b>	<b>20,089,273</b>			<b>1,185,593</b>				<b>447,333</b>		<b>18,456,347</b>					

Fiscal Year	Project or Item Description	Annual Available Funding			Annual Available Funding			Annual Available Funding			Annual Available Funding		
		Cost Estimate	Low Estimate	High Estimate	Cost Estimate	Low Estimate	High Estimate	Cost Estimate	Low Estimate	High Estimate	Cost Estimate	Low Estimate	High Estimate
2029/30	Beginning Balance		4,189,756	14,816,182		5,818,758	8,364,945		3,463,925	3,463,925		(4,645,594)	3,434,644
	Estimated SDC Revenue		10,590,999	12,944,554		2,537,698	3,101,631		-	-		8,053,300	9,842,923
	Estimated SDC Affordable Housing 30% AMI (100% Waiver)	-											
	Estimated SDC Affordable Housing 60% AMI (50% Waiver)	-											
	Estimated Available Funding		14,780,755	27,760,736		8,356,457	11,466,577		3,463,925	3,463,925		3,407,706	13,277,567
	New Neighborhood Park Development, Concept Planning: NWQ-7 (NW Liberty & NW 163rd Ter)	262,107	14,518,648	27,498,629	262,107	8,094,350	11,204,470						
	New Neighborhood Park Development, Design & Permitting: NEQ-2 (NW Saltzman Rd & Laidlaw Rd)	1,847,999	12,670,649	25,650,630				1,847,999	1,615,926	1,615,926			
	New Neighborhood Park Development, Construction: SEQ-1 (SW Murray Blvd & SW Sexton Mtn Dr)	5,965,352	6,705,297	19,685,278							5,965,352	(2,557,646)	7,312,215
	Land Acquisition - Infill/Cooper Mountain	1,500,000	5,205,297	18,185,278							1,500,000	(4,057,646)	5,812,215
	Subtotal FY 2029/30 Costs	9,575,458			262,107			1,847,999			7,465,352		
	Total for 5-year CIP List	71,528,791			6,581,731			2,295,332			62,651,728		
<b>Five Year CIP Credit Projects</b>													
	New Trail Development: Finnley Woods Area *****	168,776	5,036,521	18,016,502	168,776	7,925,574	11,035,694						
	New Neighborhood Park Development & Trail: SWQ-8 (SW Scholls Ferry & Tile Flat Rd)	1,500,000	3,536,521	16,516,502							1,500,000	(5,557,646)	4,312,215
	New Park Development: SCM Main Street Park	850,000	2,686,521	15,666,502							850,000	(6,407,646)	3,462,215
	New Pocket Park Development: Scholls Heights *****	201,077	2,485,444	15,465,425							201,077	(6,608,723)	3,261,138
	New Neighborhood Parks and Community Trail: South Cooper Mountain Blackbird Farms Parks A & B	2,814,278	(328,834)	12,651,147							2,814,278	(9,423,001)	446,860
	SCM Heights New Neighborhood Park & Community Trail: SWQ-6 (SW Albatross Ln & Oystercatcher Ln)	1,500,000	(1,828,834)	11,151,147							1,500,000	(10,923,001)	(1,053,140)
	New Trail Acquisition & Development: SCM Vineyard (NEW)	1,500,000	(3,328,834)	9,651,147							1,500,000	(12,423,001)	(2,553,140)
	New Neighborhood Park Development: NWQ-11 (NW Eleanor Ave and NW Evelyn St)****	1,250,000	(4,578,834)	8,401,147	1,250,000	6,675,574	9,785,694						
	New Trail Acquisition & Development: Abbey Creek Terrace ****	1,800,000	(6,378,834)	6,601,147	1,800,000	4,875,574	7,985,694						
	Subtotal Credit Projects	11,584,131			3,218,776			-			8,365,355		
	Fund Balance		(6,378,834)	6,601,147		4,875,574	7,985,694		1,615,926	1,615,926		(12,423,001)	(2,553,140)

\*Trail costs are 40% of total estimated costs

\*\*Improvement/Development Costs for Community Parks are 75% of Total Estimated Project Cost

\*\*\* Fiscal year 2025-2026 funding increases for carryover projects

\*\*\*\* Escrow Project - Budget accounted for in SDC revenue through escrow projections

\*\*\*\*\* Credit project complete. Holding value of credits on 5-year list to track future impact to fund balances



# MEMORANDUM

**DATE:** February 28, 2025  
**TO:** Doug Menke, General Manager  
**FROM:** Aisha Panas, Deputy General Manager  
**RE:** **Intergovernmental Agreement with U.S. Department of Housing and Urban Development for Community Project Funding**

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## Introduction

Staff is requesting board of director's authorization for the general manager or designee to sign an intergovernmental agreement (IGA) with the U.S. Department of Housing and Urban Development for FY 2024 Community Project Funding to complete the Tualatin Hills Community Shelter Improvements, Emergency Operations, and Natural Hazard Mitigation project activities. The IGA is attached as Attachment A to this memo and valued at \$946,956.

## Background

Under the rules of the House Appropriations Committee, members of Congress can submit up to 15 Community Project Funding requests for consideration in the annual appropriations legislative process. This process allows members of Congress to advocate for specific community financial support in a local, highly competitive process that typically occurs in February/March each year.

In 2023, THPRD submitted the Tualatin Hills Community Shelter Improvements, Emergency Operations, and Natural Hazard Mitigation project for consideration in the FY2024 appropriations to all four members of Congress representing the community in the district's service area. Members include Senator Jeff Merkley, Senator Ron Wyden, Congresswoman Suzanne Bonamici, and Congresswoman Andrea Salinas. The project, championed by Congresswoman Suzanne Bonamici and supported by Senators Jeff Merkley and Ron Wyden, was approved by the appropriations committee for FY2024. After delays in passing the federal budget, THPRD received the official notice of grant award on August 28, 2024.

The Tualatin Hills Community Shelter Improvements, Emergency Operations, and Natural Hazard Mitigation project addresses community sheltering and preparedness needs during emergencies, including public health and natural disasters due to extreme weather conditions and wildfires. Project components increase the number of facilities that can handle community disaster response and complete five of seventeen actions identified in the THPRD's annex to Washington County's Natural Hazard Mitigation Plan approved by the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) Region 10 on April 18, 2023. These actions include the following:

- Install air cooling and heating at sites, enabling them to serve as cooling and warming sheltering centers during extreme weather events. Sites include Cedar Hills Recreation Center, Conestoga Recreation and Aquatic Center, and Babette Horenstein Tennis Center.
- Purchase air purifiers for sites, enabling them to serve as safe air-filtered sheltering centers during wildfires. Sites include Cedar Hills Recreation Center, Conestoga Recreation and Aquatic Center, Garden Home Recreation Center, Elsie Stuhr Center, Tualatin Hills Athletic Center, and Babette Horenstein Tennis Center.
- Purchase technology enabling sites across the district to maintain communication in emergencies. Sites include Aloha Swim Center, Beaverton Swim Center, Cedar Hills Recreation Center, Conestoga Recreation and Aquatic Center, Elsie Stuhr Center, Administration Building, Garden Home Recreation Center, Harman Swim Center, HMT (Aquatics, Athletic and Tennis Centers), Raleigh Swim Center, Somerset West Swim Center, Sunset Swim Center, and Tualatin Hills Nature Center.
- Conduct seismic and solar evaluations of the THPRD site that serves as the emergency operations hub.

### **Outcomes of Proposal**

In recent years, the increasing number of days that require public shelter due to extreme weather, poor air quality because of fires, and public health emergencies has created an urgency for THPRD to work toward ensuring that its facilities can continue operations, serving as shelters at will, regardless of the type of emergency. This project is essential as it increases THPRD's capacity to serve its underserved and most vulnerable community members who require respite and shelter but who do not have access to adequate facilities. Providing shelter in such emergencies reduces the instance of negative health and safety impacts on community members who would otherwise have nowhere else to go.

### **Public Engagement**

As an annex to the Washington County Natural Hazard Mitigation Plan, THPRD's specific plan was included in the county's public engagement plan. Two public engagement workshops were held on May 18, 2022, and June 3, 2022, in collaboration with county partners, including THPRD. Surveys made available as part of the public engagement were available in English and Spanish and posted on the THPRD social media accounts and website. A draft of the county plan, including the THPRD annex, was available for public comment on the Washington County Emergency Management Cooperative website from February 3, 2023, to March 5, 2023. Public feedback about the draft plan was incorporated as appropriate and applicable.

### **Action Requested**

Board of directors' authorization for the general manager or designee to execute the intergovernmental agreement with the U.S. Department of Housing and Urban Development for the FY 2024 Community Project Funding Grant Agreement.

**FY 2024 COMMUNITY PROJECT FUNDING  
GRANT AGREEMENT NO. B-24-CP-XX-####**

**Grantee Name:**

**Grantee Address:**

**Grantee's Unique Entity Identifier (UEI):**

**Grantee's Employer Identification Number (EIN):**

**Federal Award Identification Number (FAIN):** B-24-CP-XX-####

**Assistance Listing Number and Name:** 14.251 Economic Development Initiative, Community Project Funding, and Miscellaneous Grants

**Period of Performance/Budget Period Start Date:** [Enter date the agreement is executed by HUD]

**Period of Performance/Budget Period End Date:** August 31, 2032

This Grant Agreement between the U.S. Department of Housing and Urban Development (HUD) and [GRANTEE NAME] (the Grantee) is made pursuant to the authority of the Consolidated Appropriations Act, 2024 (Public Law 118-42) and the Explanatory Statement for Division L of that Act, which was printed in the Senate section of the Congressional Record on March 5, 2024 (Explanatory Statement) as deemed to be amended by the Further Consolidated Appropriations Act, 2024 (Public Laws 118-47).

In reliance upon and in consideration of the mutual representations and obligations under this Grant Agreement, HUD and the Grantee agree as follows:

**ARTICLE I. Definitions**

The definitions at 2 CFR 200.1 apply to this Grant Agreement, except where this Grant Agreement specifically states otherwise.

Budget period is defined in 2 CFR 200.1 and begins and ends on the dates specified above for the Period of Performance/Budget Period Start Date and Period of Performance/Budget Period End Date.

Period of Performance is defined in 2 CFR 200.1 and begins and ends on the dates specified above for the Period of Performance/Budget Period Start Date and Period of Performance/Budget Period End Date.

**ARTICLE II. Total Grant Amount**

Subject to the provisions of the Grant Agreement, HUD will make grant funds in the amount of \$[GRANT AWARD AMOUNT] available to the Grantee.



### **ARTICLE III. Award-Specific Requirements**

A. Federal Award Description. The Grantee must use the Federal funds provided under this Grant Agreement (Grant Funds) to carry out the Grantee's "Project." Unless changed in accordance with Article III, section C of this Grant Agreement, the Grantee's Project shall be as described in the Project Narrative that is approved by HUD as of the date that HUD signs this Grant Agreement. For reference, HUD will attach this approved Project Narrative as Appendix 1 to the Grant Agreement on the date that HUD signs this Grant Agreement.

B. Approved Budget. The Grantee must use the Grant Funds as provided by the Approved Budget. Unless changed in accordance with Article III, section C of this Grant Agreement, the Approved Budget shall be the line-item budget that is approved by HUD as of the date that HUD signs this Grant Agreement. For reference, HUD will attach this approved line-item budget as Appendix 2 to this Grant Agreement on the date that HUD signs this Grant Agreement.

C. Project and Budget Changes. All changes to the Grantee's Project or Approved Budget must be made in accordance with 2 CFR 200.308 and this Grant Agreement. To request HUD's approval for a change in the approved Project Narrative and/or Budget, the Grantee must submit a formal letter to HUD's Office of Economic Development - Congressional Grants Division (CGD) Director through the assigned Grant Officer in accordance with HUD's instructions for amending the Project Narrative and/or Project Budget found in the document titled "FY2024 Economic Development Initiative - Community Project Funding Grant Guide" that accompanies the Grant Agreement. The Grantee is prohibited from making project or budget changes that would conflict with the Applicable Appropriations Act Conditions described in Article III, section D of this Grant Agreement. The assigned Grant Officer for this grant is provided in the Award Letter for this grant and found on HUD's website. The CGD will notify the Grantee of whether HUD approves or disapproves of the change. Before the Grantee expends Grant Funds in accordance with any change approved by HUD or otherwise allowed by 2 CFR 200.308, the Grantee must update its grant information in HUD's Disaster Recovery Grant Reporting (DRGR) to reflect that change.

D. Applicable Appropriations Act Conditions. The conditions that apply to the Grant Funds under the Consolidated Appropriations Act, 2024, and the Explanatory Statement, as modified by the Further Consolidated Appropriations Act, 2024 or a later act, are incorporated by this reference and made part of this Grant Agreement. The Grant Funds are not subject to the Community Development Block Grants regulations at 24 CFR part 570 or Title I of the Housing and Community Development Act of 1974.

E. In accordance with 2 CFR 200.307, costs incidental to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the grant. As authorized under 2 CFR 200.307, program income may be treated as an addition to the Federal award, provided that the Grantee uses that income for allowable costs under this Grant Agreement. Any program income that cannot be expended on allowable costs under this Grant Agreement must be reported and paid to HUD within 120 days after the period of performance, unless otherwise specified by an applicable Federal statute.

F. The Grantee must use the Grant Funds only for costs (including indirect costs) that meet the applicable requirements in 2 CFR part 200 (including appendices). The Grantee's indirect cost rate information is as provided in Appendix 3 to this Grant Agreement. Unless the Grantee is an Institution of Higher Education, the Grantee must immediately notify HUD upon any change in the Grantee's indirect cost rate during the Period of Performance, so that HUD can amend the Grant Agreement to reflect the change if necessary. Consistent with 2 CFR Part 200, Appendix III (C.7), if the Grantee is an Institution of Higher Education and has a negotiated rate in effect on the date this Grant Agreement is signed by HUD, the Grantee may use only that rate for its indirect costs during the Period of Performance.

G. The Grantee must comply with any specific conditions that HUD may apply to this Grant Agreement as provided by 2 CFR 200.208. If applicable, these conditions will be listed or added as Appendix 5 to this Grant Agreement.

H. The Grantee is responsible for managing the Project and ensuring the proper use of the Grant Funds. The Grantee is also responsible for ensuring the completion of the Project, the grant closeout, and compliance with all applicable federal requirements. All subawards made with funding under this Grant Agreement are subject to the subaward requirements under 2 CFR Part 200, including 2 CFR 200.332, and other requirements provided by this Grant Agreement. The Grantee is responsible for ensuring each subrecipient complies with all requirements under this Grant Agreement, including the general federal requirements in Article IV. A subaward may be made to a for-profit entity only if HUD expressly approves that subaward and the for-profit entity is made subject to the same Federal requirements that apply to all other subrecipients, including all requirements 2 CFR part 200 provides with respect to a subaward, except the audit requirements in 2 CFR part 200, subpart F.

#### **ARTICLE IV. General Federal Requirements**

A. If the Grantee is a unit of general local government, a State, an Indian Tribe, or an Alaskan Native Village, the Grantee is the Responsible Entity (as defined in 24 CFR part 58) and agrees to assume all of the responsibilities for environmental review and decision-making and action, as specified and required in regulations issued by the Secretary pursuant to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 and published in 24 CFR Part 58.

B. If the Grantee is a housing authority, redevelopment agency, academic institution, hospital or other non-profit organization, the Grantee shall request the unit of general local government, Indian Tribe or Alaskan Native Village, within which the Project is located and which exercises land use responsibility, to act as Responsible Entity and assume all of the responsibilities for environmental review and decision-making and action as specified in paragraph A above, and the Grantee shall carry out all of the responsibilities of a grantee under 24 CFR Part 58.

C. After March 9, 2024, neither the Grantee nor any of its contractors, subrecipients, and other funding and development partners may undertake, or commit or expend Grant Funds or

local funds for, project activities (other than for planning, management, development and administration activities), unless a contract requiring those activities was already executed on or before March 9, 2024, until one of the following occurs:

(i) the Responsible Entity has completed the environmental review procedures required by 24 CFR part 58, and HUD has approved the environmental certification and given a release of funds;

(ii) the Responsible Entity has determined and documented in its environmental review record that the activities are exempt under 24 CFR 58.34 or are categorically excluded and not subject to compliance with environmental laws under 24 CFR 58.35(b); or

(iii) HUD has performed an environmental review under 24 CFR part 50 and has notified Grantee in writing of environmental approval of the activities.

D. Following completion of the environmental review process, the Grantee shall exercise oversight, monitoring, and enforcement as necessary to assure that decisions and mitigation measures adopted through the environmental review process are carried out during project development and implementation.

E. The Grantee must comply with the generally applicable HUD and CPD requirements in 24 CFR Part 5, subpart A, including all applicable fair housing, and civil rights requirements. The Grantee must report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of the Grantee's Project, consistent with the instructions and forms provided by HUD in order to carry out its responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987 (e.g. HUD-27061).

F. The Grantee must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR part 200, as may be amended from time to time. If 2 CFR part 200 is amended to replace or renumber sections of part 200 that are cited specifically in this Grant Agreement, the part 200 requirements as renumbered or replaced by the amendments will govern the obligations of HUD and the Grantee after those amendments become effective.

G. The Grantee must comply with the Award Term in Appendix A to 2 CFR Part 25 ("System for Award Management and Universal Identifier Requirements") and the Award Term in Appendix A to 2 CFR Part 170 ("Reporting Subawards and Executive Compensation"), which by this reference are incorporated into and made part of this Grant Agreement.

H. If the Total Grant Amount, as provided in Article II of this Grant Agreement, is greater than \$500,000, the Grantee must comply with the Award Term and Condition for Grantee Integrity and Performance Matters in Appendix 4 to this Grant Agreement.

I. Unless the Grantee is exempt from the Byrd Amendment as explained below, the Grantee must comply with the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment) and 24 CFR Part 87, which prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, loan, or cooperative agreement. The Grantee must sign the corresponding certification in Appendix 8 to this Grant Agreement and return it to HUD with this Grant Agreement. The Grantee must include in its award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements), the requirements for the certification required by Appendix A to 24 CFR Part 87 and for disclosure using the *Disclosure of Lobbying Activities* (SF-LLL) form. In addition, the Grantee must obtain the executed certification required by Appendix A and an SF-LLL from all covered persons. "Person" is as defined by 24 CFR Part 87. Federally recognized Indian tribes and TDHEs established by Federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment. State-recognized Indian tribes and TDHEs established only under state law must comply with this requirement.

J. The Grantee must comply with drug-free workplace requirements in Subpart B of 2 CFR Part 2429, which adopts the governmentwide implementation (2 CFR Part 182) of sections 5152-5158 of the Drug-Free Workplace Act of 1988, Pub. L. 100-690, Title V, Subtitle D (41 U.S.C. 701-707).

K. Unless the Grantee is a Federally recognized Tribe, the Grantee must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) as implemented by regulations at 49 CFR Part 24. The URA applies to acquisitions of real property and relocation occurring as a direct result of the acquisition, rehabilitation, or demolition of real property for Federal or Federally funded programs or projects. Real property acquisition that receives Federal financial assistance for a program or project, as defined in 49 CFR 24.2, must comply with the acquisition requirements contained in 49 CFR part 24, subpart B. Unless otherwise specified in law, the relocation requirements of the URA and its implementing regulations at 49 CFR part 24, cover any displaced person who moves from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD financial assistance.

L. If Grant Funds are used for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).

M. The Grantee must comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u, and HUD's regulations at 24 CFR part 75, as applicable, including the reporting requirements in 24 CFR 75.25. Grants made to Tribes and TDHEs are subject to Indian Preference requirements in Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)). As stated in 24 CFR 75.3(c), grants to Tribes and TDHEs are subject to Indian Preference requirements in lieu of Section 3.

Grantees that are not exempt from Section 3 must submit annual reports of Section 3 accomplishment Performance Measures in DRGR in January of the calendar year. This report reflects Section 3 accomplishments for the previous calendar year.

N. The Grantee must not use any Grant Funds to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use includes use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118). Public use does not include economic development that primarily benefits private entities.

O. The Grantee must not use any Grant Funds to maintain or establish a computer network that does not block the viewing, downloading, and exchanging of pornography. This requirement does not limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

P. The Grantee must administer its Grant Funds in accordance with the Conflict-of-Interest requirements set forth in Appendix 6 of this Grant Agreement.

Q. The Grantee must comply with the governmentwide debarment and suspension requirements in 2 CFR part 180 as incorporated and supplemented by HUD's regulations at 2 CFR part 2424.

R. The Grantee must comply with the award term regarding trafficking in persons in Appendix 7 of this Grant Agreement.

S. The assurances and certifications the Grantee has made and submitted to HUD are incorporated by this reference and made part of this Grant Agreement.

T. Any person who becomes aware of the existence or apparent existence of fraud, waste or abuse of any HUD award must report such incidents to both the HUD official responsible for the award and to HUD's Office of Inspector General (OIG). HUD OIG is available to receive allegations of fraud, waste, and abuse related to HUD programs via its hotline number (1-800-347-3735) and its online hotline form. The Grantee must comply with 41 U.S.C. § 4712, which includes informing employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, an employee of the Grantee or a subrecipient—as well as a personal services contractor—who makes a protected disclosure about a Federal grant or contract cannot be discharged, demoted, or otherwise discriminated against as long as they reasonably believe the information they disclose is evidence of:

1. Gross mismanagement of a Federal contract or grant;

2. Waste of Federal funds;
3. Abuse of authority relating to a Federal contract or grant;
4. Substantial and specific danger to public health and safety; or
5. Violations of law, rule, or regulation related to a Federal contract or grant.

U. The Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

#### **ARTICLE V. Drawdown Requirements**

A. The Grantee may not draw down Grant Funds until HUD has received and approved any certifications and disclosures required by 24 CFR 87.100 concerning lobbying, if applicable.

B. The Grantee must use DRGR to draw down Grant Funds and report to HUD on activities.

C. The Grantee must enter activity and budget information in DRGR that is consistent with the Grantee's Approved Project Narrative and Approved Budget as described in Article III, sections A and B of this Grant Agreement and complies with HUD's instructions for entering information in DRGR found in the document titled "Grant Award Instructions" that accompanies the Grant Agreement.

D. The Grantee must only enter activities in DRGR that are described in the Approved Budget.

E. The Grantee must expend all Grant Funds in accordance with the activity and budget information in DRGR.

F. Each drawdown of Grant Funds constitutes a representation by the Grantee that the funds will be used in accordance with this Grant Agreement.

G. The Grantee must use DRGR to track the use of program income and must report the receipt and use of program income in the reports the Grantee submits to HUD under Article VI of this Grant Agreement. The Grantee must expend program income before drawing down Grant Funds through DRGR.

H. Notwithstanding any other provision of this grant agreement, HUD will not be responsible for payment of any Grant Funds after the date Treasury closes the account in accordance with 31 U.S.C. § 1552. Because Treasury may close the account up to one week

before the September 30 date specified by 31 U.S.C. § 1552, the Grantee is advised to make its final request for payment under the grant no later than September 15, 2022.

## **ARTICLE VI. Program-Specific Reporting Requirements**

In addition to the general reporting requirements that apply under other provisions of this Agreement, the following program-specific reporting requirements apply to the Grantee:

A. The Grantee must submit a performance report in DRGR on a semi-annual basis and must include a completed Federal financial report as an attachment to each performance report in DRGR. Performance reports shall consist of a narrative of work accomplished during the reporting period. During the Period of Performance, the Grantee must submit these reports in DRGR no later than 30 calendar days after the end of the 6-month reporting period. The first of these reporting periods begins on the first of January or June (whichever occurs first) after the date this Grant Agreement is signed by HUD.

B. The performance report must contain the information required for reporting program performance under 2 CFR 200.329(c)(2) and (d), including a comparison of actual accomplishments to the objectives of the Project as described in Article III, section A of this Grant Agreement, the reasons why established goals were not met, if appropriate, and additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

C. Financial reports must be submitted using DRGR or such future collections HUD may require and as approved by OMB and listed on the Grants.gov website (<https://grants.gov/forms/forms-repository/post-award-reporting-forms>).

D. The performance and financial reports will undergo review and approval by HUD. If a report submission is insufficient, HUD will reject the report in DRGR and identify the corrections the Grantee must make.

E. No drawdown of funds will be allowed through DRGR while the Grantee has an overdue performance or financial report.

F. The Grantee must report and account for all property acquired or improved with Grant Funds as provided by 2 CFR part 200 using the applicable common forms approved by OMB and provided on the Grants.gov website (<https://grants.gov/forms/forms-repository/post-award-reporting-forms>). This reporting obligation includes submitting status reports on real property at least annually as provided by 2 CFR 200.330, accounting for real and personal property acquired or improved with Grant Funds as part of Project Closeout, and promptly submitting requests for disposition instructions as provided by 2 CFR 200.311, 200.31, and 200.314.

## **ARTICLE VII. Project Closeout**

A. The grant will be closed out in accordance with 2 CFR part 200, as may be amended from time to time, except as otherwise specified in this Grant Agreement.

B. The Grantee must submit to HUD a written request to close out the grant no later than 30 calendar days after the Grantee has drawn down all Grant Funds and completed the Project as described in Article III, section A of this Grant Agreement. HUD will then send the Closeout Agreement and Closeout Certification to the Grantee.

C. At HUD's option, the Grantee may delay initiation of project closeout until the resolution of any findings as a result of the review of semi-annual activity reports in DRGR. If HUD exercises this option, the Grantee must promptly resolve the findings.

D. The Grantee recognizes that the closeout process may entail a review by HUD to determine compliance with the Grant Agreement by the Grantee and all participating parties. The Grantee agrees to cooperate with any HUD review, including reasonable requests for on-site inspection of property acquired or improved with grant funds.

E. No later than 120 calendar days after the Period of Performance, Grantees shall provide to HUD the following documentation:

1. A Certification of Project Completion.
2. A Grant Closeout Agreement.
3. A final financial report giving:
  - i) the amount and types of project costs charged to the grant (that meet the allowability and allocability requirements of 2 CFR part 200, subpart E);
  - ii) a certification of the costs; and
  - iii) the amounts and sources of other project funds.
4. A final performance report providing a comparison of actual accomplishments with the objectives of the Project, the reasons for slippage if established objectives were not met and additional pertinent information including explanation of significant cost overruns.
5. A final property report, if specifically requested by HUD at the time of closeout.



**ARTICLE VIII. Default**

A default under this Grant Agreement shall consist of any use of Grant Funds for a purpose other than as authorized by this Grant Agreement, any noncompliance with statutory, regulatory, or other requirements applicable to the Grant Funds, any other material breach of this Grant Agreement, or any material misrepresentation in the Grantee’s submissions to HUD in anticipation of this award. If the Grantee fails to comply with the terms and conditions of the Grant Agreement, HUD may adjust specific conditions of this Grant Agreement as described in 2 CFR part 200, as may be amended from time to time. If HUD determines that noncompliance cannot be remedied by imposing additional conditions, HUD may take one or more of the remedies for noncompliance described in 2 CFR part 200, as may be amended from time to time. HUD may also terminate all or a part of this award as provided by 2 CFR 200.340 and other applicable provisions of 2 CFR part 200, as may be amended from time to time. Nothing in this Grant Agreement shall be construed as creating or justifying any claim against the Federal government or the Grantee by any third party.

**ARTICLE IX. HUD Contact Information**

Except where this Grant Agreement specifically states otherwise, all requests, submissions, and reports the Grantee is required to make to HUD under this Grant Agreement must be made in accordance with HUD’s grant instructions found in the document titled “FY2024 Economic Development Initiative - Community Project Funding Grant Guide” that accompanies the Grant Agreement.

**This agreement is hereby executed on behalf of the Grantee and HUD as follows:**

**GRANTEE**

\_\_\_\_\_  
(Name of Organization)

BY: \_\_\_\_\_  
(Signature of Authorized Official)

\_\_\_\_\_  
(Typed Name and Title of Authorized Official)

\_\_\_\_\_  
(Date)

**HUD**

BY: \_\_\_\_\_

Nadab Bynum,  
Acting Deputy Assistant Secretary for Economic Development

\_\_\_\_\_  
(Date)

REFERENCE ONLY

**APPENDIX 1 – Project Narrative**

REFERENCE ONLY

**APPENDIX 2 – Approved Budget**

REFERENCE ONLY

**APPENDIX 3 – Grantee’s Indirect Cost Rate Information**

As the duly authorized representative of the Grantee, I certify that the Grantee:

- Will not use an indirect cost rate to calculate and charge indirect costs under the grant.
- Will calculate and charge indirect costs under the grant by applying a *de minimis* rate as provided by 2 CFR 200.414(f), as may be amended from time to time.
- Will calculate and charge indirect costs under the grant using the indirect cost rate(s) listed below, and each rate listed is included in an indirect cost rate proposal developed in accordance with the applicable appendix to 2 CFR part 200 and, *if required*, was approved by the cognizant agency for indirect costs.

Agency/department/major function	Indirect cost rate	Type of Direct Cost Base
	%	
	%	
	%	

**Name of Authorized Official:**

**Signature:**

X \_\_\_\_\_

**Date (mm/dd/yyyy):**

/ /

**Position/Title:**

Instructions for the Grantee’s Authorized Representative:

You must mark the one (and only one) checkbox above that best reflects how the Grantee’s indirect costs will be calculated and charged under the grant. Do not include indirect cost rate information for subrecipients.

The table following the third box must be completed only if that box is checked. When listing a rate in the table, enter both the percentage amount (e.g., 10%) and the type of direct cost base to be used. For example, if the direct cost base used for calculating indirect costs is Modified Total Direct Costs, then enter “MTDC” in the “Type of Direct Cost Base” column.

If using the Simplified Allocation Method for indirect costs, enter the applicable indirect cost rate and type of direct cost base in the first row of the table.

If using the Multiple Allocation Base Method, enter each major function of the organization for which a rate was developed and will be used under the grant, the indirect cost rate applicable to that major function, and the type of direct cost base to which the rate will be applied.

If the Grantee is a government and more than one agency or department will carry out activities under the grant, enter each agency or department that will carry out activities under the grant, the indirect cost rate(s) for that agency or department, and the type of direct cost base to which each rate will be applied.

To learn more about the indirect cost requirements, see 2 CFR part 200, subpart E; Appendix III to Part 200 (for Institutions of Higher Education); Appendix IV to Part 200 (for nonprofit organizations); Appendix VII to Part 200 (for state and local governments and Indian Tribes); and Appendix IX to Part 200 (for hospitals).

**APPENDIX 4 –  
Award Term and Condition for Grantee Integrity and Performance Matters**

Reporting of Matters Related to Grantee Integrity and Performance

(a) General Reporting Requirement.

(1) If the total value of your active grants, cooperative agreements, and procurement contracts from all Federal agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the grantee must ensure the information available in the responsibility/qualification records through the System for Award Management (SAM.gov), about civil, criminal, or administrative proceedings described in paragraph (b) of this award term is current and complete. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in responsibility/qualification records in SAM.gov on or after April 15, 2011 (except past performance reviews required for Federal procurement contracts) will be publicly available.

(b) Proceedings About Which You Must Report.

(1) You must submit the required information about each proceeding that—

(i) Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

(ii) Reached its final disposition during the most recent five-year period; and

(iii) Is one of the following—

(A) A criminal proceeding that resulted in a conviction;

(B) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;

(C) An administrative proceeding that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or

(D) Any other criminal, civil, or administrative proceeding if—

(1) It could have led to an outcome described in paragraph (b)(1)(iii)(A) through (C);

(2) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(3) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.

(c) Reporting Procedures.

Enter the required information in SAM.gov for each proceeding described in paragraph (b) of this award term. You do not need to submit the information a second time under grants and cooperative agreements that you received if you already provided the information in SAM.gov because you were required to do so under Federal procurement contracts that you were awarded.

(d) Reporting Frequency.

During any period of time when you are subject to the requirement in paragraph (a) of this award term, you must report proceedings information in SAM.gov for the most recent five-year period, either to report new information about a proceeding that you have not reported previously or affirm that there is no new information to report. If you have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000, you must disclose semiannually any information about the criminal, civil, and administrative proceedings.

(e) Definitions.

For purposes of this award term—

Administrative proceeding means a non-judicial process that is adjudicatory in nature to make a determination of fault or liability (for example, Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with the performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

Conviction means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

Total value of currently active grants, cooperative agreements, and procurement contracts includes the value of the Federal share already received plus any anticipated Federal share under those awards (such as continuation funding).

**APPENDIX 5 – Specific Award Conditions**

NONE.

**APPENDIX 6 – Conflict of Interest Requirements**

1. *Conflicts Subject to Procurement Regulations.* When procuring property or services, the grantee and its subrecipients shall comply with the applicable conflict-of-interest rules in 2 CFR 200.317 and 2 CFR 200.318(c). In all cases not governed by 2 CFR 200.317 and 2 CFR

200.318(c), the Grantee and its subrecipients must follow the requirements contained in paragraphs 2-5 below.

2. *General prohibition.* No person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee or subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have a financial interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage, or adoption) the spouse, parent (including a stepparent), child (including a stepchild), sibling (including a stepsibling), grandparent, grandchild, and in-laws of a covered person.

3. *Exceptions.* HUD may grant an exception to the general prohibition in paragraph (ii) upon the Grantee's written request and satisfaction of the threshold requirements in paragraph (iv), if HUD determines the exception will further the Federal purpose of the award and the effective and efficient administration of the Grantee's Project, considering the cumulative effects of the factors in paragraph (v).

4. *Threshold requirements for exceptions.* HUD will consider an exception only after the Grantee has provided the following documentation:

- a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how that disclosure was made; and
- b. An opinion of the Grantee's attorney that the interest for which the exception is sought would not violate state or local law.

5. *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the Grantee has satisfactorily met the threshold requirements in paragraph (iii), HUD will consider the cumulative effect of the following factors, where applicable:

- a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- b. Whether an opportunity was provided for open competitive bidding or negotiation;
- c. Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;



- d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process regarding the assisted activity in question;
- e. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (ii);
- f. Whether undue hardship will result either to the Grantee or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- g. Any other relevant considerations.

6. *Disclosure of potential conflicts of interest.* The Grantee must disclose in writing to HUD any potential conflict of interest.

#### **APPENDIX 7 – Award Term Regarding Trafficking in Persons**

The following award term and condition, which is required by 2 CFR part 175, applies as written:

(a) *Provisions applicable to a grantee that is a private entity.*

(1) Under this award, the grantee, its employees, subrecipients under this award, and subrecipient's employees must not engage in:

(i) Severe forms of trafficking in persons;

(ii) The procurement of a commercial sex act during the period of time that this award or any subaward is in effect;

(iii) The use of forced labor in the performance of this award or any subaward; or

(iv) Acts that directly support or advance trafficking in persons, including the following acts:

(A) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;

(B) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:

(1) Exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant or cooperative agreement;  
or

(2) The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action;

(C) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;

(D) Charging recruited employees a placement or recruitment fee; or

(E) Providing or arranging housing that fails to meet the host country's housing and safety standards.

(2) The Federal agency may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if any private entity under this award:

(i) Is determined to have violated a prohibition in paragraph (a)(1) of this appendix; or

(ii) Has an employee that is determined to have violated a prohibition in paragraph (a)(1) of this this appendix through conduct that is either:

(A) Associated with the performance under this award; or

(B) Imputed to the grantee or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by HUD at 2 CFR part 2424.

*(b) Provision applicable to a grantee other than a private entity.*

(1) The Federal agency may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if a subrecipient that is a private entity under this award:

(i) Is determined to have violated a prohibition in paragraph (a)(1) of this appendix; or

(ii) Has an employee that is determined to have violated a prohibition in paragraph (a)(1) of this appendix through conduct that is either:

(A) Associated with the performance under this award; or

(B) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by HUD at 2 CFR part 2424.

*(c) Provisions applicable to any grantee.*

(1) The grantee must inform the Federal agency and the Inspector General of the Federal agency immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a)(1) of this appendix.

(2) The Federal agency's right to unilaterally terminate this award as described in paragraphs (a)(2) or (b)(1) of this appendix:

(i) Implements the requirements of 22 U.S.C. 78, and

(ii) Is in addition to all other remedies for noncompliance that are available to the Federal agency under this award.

(3) The grantee must include the requirements of paragraph (a)(1) of this award term in any subaward it makes to a private entity.

(4) If applicable, the grantee must also comply with the compliance plan and certification requirements in 2 CFR 175.105(b).

(d) *Definitions. For purposes of this award term:*

“Employee” means either:

(1) An individual employed by the grantee or a subrecipient who is engaged in the performance of the project or program under this award; or

(2) Another person engaged in the performance of the project or program under this award and not compensated by the grantee including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing requirements.

“Private Entity” means any entity, including for-profit organizations, nonprofit organizations, institutions of higher education, and hospitals. The term does not include foreign public entities, Indian Tribes, local governments, or states as defined in 2 CFR 200.1.

The terms “severe forms of trafficking in persons,” “commercial sex act,” “sex trafficking,” “Abuse or threatened abuse of law or legal process,” “coercion,” “debt bondage,” and “involuntary servitude” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

**APPENDIX 8 – Certification Regarding Lobbying**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
(Signature of Authorized Official)

\_\_\_\_\_  
(Typed Name and Title of Authorized Official)

\_\_\_\_\_  
(Date)

**NOTE:** This certification is not required for Federally recognized Indian tribes and Tribally Designated Housing Entities (TDHEs) established by a federally recognized Indian tribe through the tribe’s sovereign power. However, this exemption does not apply to State-recognized Indian tribes and TDHEs established under State law.

**Name of Authorized Official:**

**Signature:**

X \_\_\_\_\_

**Date (mm/dd/yyyy):**

/ /

**Position/Title:**

REFERENCE ONLY



# MEMORANDUM

**DATE:** February 24, 2025  
**TO:** Doug Menke, General Manager  
**FROM:** Aisha Panas, Deputy General Manager  
**RE:** **Willow Creek Greenway Boardwalk Construction Contract**

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## Introduction

Staff is seeking board of directors' approval of the lowest responsible bid for the Willow Creek Greenway Boardwalk construction contract, and authorization to execute a contract with Wurdinger Excavating, Inc. (Wurdinger) for the amount of \$1,514,090. Staff also request the use of \$645,000 from the undesignated Metro Bond Local Share capital fund to supplement project costs.

## Background

In October 2020, the district completed a feasibility study to identify boardwalk alignment options to rebuild or relocate portions of the existing boardwalks in Willow Creek Greenway. A funding strategy and phased replacement plan was developed, with the initial section of boardwalk deck being rebuilt in 2021 under the district's adopted FY 2020/21 General Fund Capital Projects budget. The cost of the remaining boardwalk repairs required significant funds which led staff to search for grant opportunities. After board approval in September 2021 of Resolution No. 2021-14, staff applied to the Oregon Metro 2019 Parks and Nature Bond Measure Local Share Program and were awarded funding in the amount of \$1,713,500 to design and construct the east boardwalk in the Willow Creek Greenway.

An intergovernmental agreement between Metro and THPRD was executed in July 2022 and at the January 2023 regular board meeting, the board approved the consultant contract with AKS Engineering & Forestry for the Willow Creek Greenway East Boardwalk Replacement project. Since then, staff has worked with the consultant team to finalize a new boardwalk alignment and permit the project for construction. In anticipation of construction and to minimize impacts on local wildlife and nesting birds, the existing boardwalk and trees were removed in fall 2024 by Elk Mountain Construction. Elk Mountain's bid amount for this work was \$183,188 which was within the project's overall budget and under the consultant's demolition estimate of \$198,188.

Subsequently, the new boardwalk installation was advertised for bid in the Daily Journal of Commerce on January 20, 2025. Staff also contacted five companies who have active memberships with the Certification Office for Business Inclusion and Diversity (COBID). The district received two bids on February 11, 2025, and upon thorough review determined that one of the bids was non-responsible. Wurdinger provided the lowest responsive and responsible bid in the amount of \$1,514,090. Wurdinger's bid amount is higher than the consultant's construction estimate of \$1,459,986 for this work by \$54,104. Of the two bids received, neither of the companies hold COBID certification. However, while Wurdinger is not COBID certified, they have selected a COBID certified sub-contractor to perform approximately 9% of their contract amount.

The total available project budget of \$1,713,500 is identified in the adopted FY 2024-2025 Metro Local Share funds budget. In addition to the boardwalk demolition and tree removal contract of

\$183,188 and the boardwalk construction contract of \$1,514,090, the project hard costs also include an estimated \$11,500 for district-purchased supplies and materials. Therefore, the total project hard cost is \$1,708,778. The addition of project soft cost expenses of \$483,545, and the project contingency of \$164,425 brings the total project cost to \$2,356,748. The project contingency was lowered to 7.5% for the construction phase, which is our standard practice at bid award.

The available project budget of \$1,713,500 is less than the estimated total project cost of \$2,356,748, for a total project shortfall of \$643,248. The district is obligated to complete the Willow Creek Greenway East Boardwalk Replacement project, and staff recommend appropriating \$645,000 of the \$1,025,242 in undesignated Metro Local Share funds to increase the available project budget to \$2,358,500. It should be noted that Saqsqa Park (formerly NWQ-8 Heckman Road New Neighborhood Park & Trail), also funded with Metro Local Share funds, received two additional grants worth \$1,300,000 that will be available to backfill the Metro Local Shares funds. The total project costs are shown in the table below.

**Willow Creek Greenway East Boardwalk Replacement Budget Information**

<b>Budget Source</b>	<b>Budget Amount</b>
FY 2024-25 Metro Local Share Funds	\$1,713,500
FY 2024-25 Undesignated Metro Local Share Funds*	+ \$645,000
Project budget variance (over) under	\$1,752
<b>Budget Item</b>	<b>Current Project Cost</b>
Construction	\$1,708,778 Includes: \$1,514,090 ( <i>boardwalk construction</i> ) + \$183,188 ( <i>demo &amp; tree removals</i> ) + \$11,500 ( <i>district supplied materials</i> )
Soft costs	\$483,545
Contingency	\$164,425
Total project cost	\$2,356,748

\* Pending approval from the board of directors at the March 12, 2025, regular board meeting.

Staff has submitted project permits to the City of Beaverton and will be ready to proceed with the boardwalk construction phase pending board approval. Notice to Proceed for Wurdinger is expected to be issued in May 2025, and it is anticipated that the work will be completed in approximately six months during the summer/fall construction season. This construction schedule allows for the best overall sequencing and value for the district.

Included in this memo for additional reference is a vicinity map (Attachment A).

### **Proposal Request**

Staff is seeking board of directors' approval of the lowest responsible bid of \$1,514,090 from Wurdinger for the construction of the Willow Creek Greenway East Boardwalk Replacement project. Staff also requests the use of \$645,000 from the undesignated Metro Bond Local Share capital fund to supplement project costs.

### **Outcomes of Proposal**

Approval of the lowest responsible bid and authorization to use additional Local Share funds will allow staff to move forward with completion of the Willow Creek Greenway East Boardwalk Replacement project and help fulfill the district's obligation to expend designated Local Share funds.

This project will replace an aging non-ADA-compliant section of the Willow Creek boardwalk and allow continued access for neighborhood residents and regional visitors to the Willow Creek Greenway natural area. The new ADA-accessible boardwalk will also connect to the Waterhouse Community Trail network, which connects to the Westside Regional Trail system and the greater public transportation network.

### **Public Engagement**

Public engagement is not considered in the solicitation of public improvement contracts. Community members will be informed of construction activities through postcard mailers, webpage alerts, social media, and signage posted at the project site. The proposed improvements align with the district's Vision Action Plan to provide safe and accessible facilities for community benefit as well as support the district's 'Access for All' initiative.

During the project planning phase, an internal design team was assembled to assess project goals and expectations, review design plans, evaluate public input, and help guide project outcomes. Staff and the consultant worked with community members to generate inclusive boardwalk design elements by considering resting places, viewing areas, and opportunities to recognize history and contributions of the local BIPOC community. This will help ensure the new boardwalk is safer and welcoming for BIPOC community members while improving access to nature and recreation for all.

### **Action Requested**

Board of directors' approval of the following items:

1. Approval to award the Willow Creek Greenway Boardwalk Construction contract to Wurdinger Excavating, Inc., the lowest responsible bidder, for the total bid of \$1,514,090; and,
2. Authorization for the general manager or designee to execute the contract; and,
3. Approval of the use of \$645,000 from the undesignated Metro Bond Local Share capital fund to supplement project costs.



**Tualatin Hills Park & Recreation District  
PROJECT AWARD RECOMMENDATION REPORT**

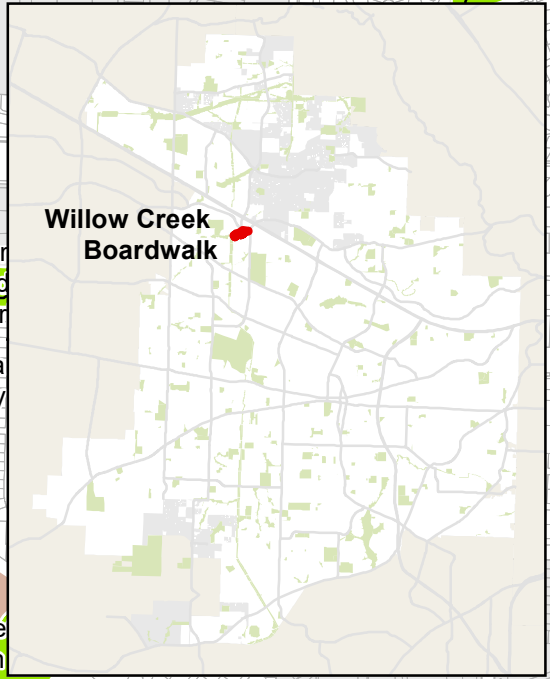
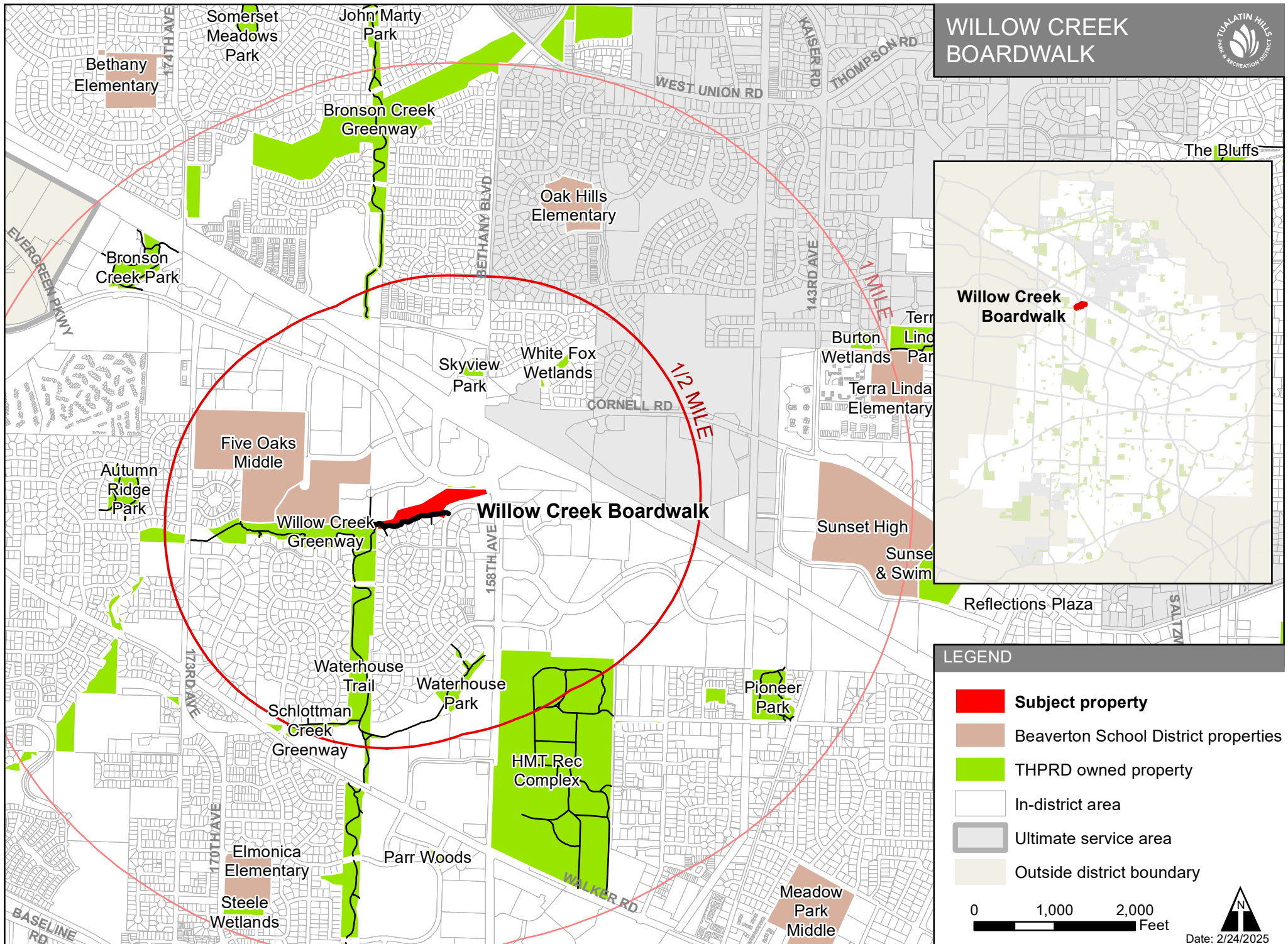
<b>Project:</b>	Willow Creek Greenway East Boardwalk Replacement	
<b>Contractor:</b>	Wurdinger Excavation, Inc.	
Contractor worked for THPRD previously: No		
Contractor references checked: Yes		
Contractor registered with appropriate boards: Yes		
<b>SCOPE OF WORK</b>		
<b>Location:</b>	Willow Creek Greenway, East Boardwalk (South of Autumn Ridge between 173rd & 176th)	
<b>Description:</b>	Construction of boardwalk replacement.	
<b>FUNDING</b>		
<b>Funds Budgeted and Estimated Costs</b>	<b>Amount:</b>	<b>Page:</b>
<b>Current Total Project Budget:</b> Metro Local Share Funds	\$1,713,500	
<b>Estimated Project Cost:</b> (expenditures, lowest contractor bid and district project purchases)	\$2,356,748	
<b>Project Budget Variance:</b> (over) under	(\$643,248)	

<b>BID PROPOSALS RECEIVED</b>			
<b>Low to High Bid</b>	<b>Contractor</b>	<b>Base Bid Amt.</b>	<b>Completed Bid forms</b>
1	Wurdinger Excavating, Inc.	\$1,514,090.00	Yes

<b>PROJECTED PROJECT SCHEDULE</b>	
Invitation to Bidders	January 20 & 22, 2025
Bid Opening	February 11, 2025
Final Bid Review / Memo to Board	February 26, 2025
THPRD Board Meeting	March 12, 2025
Notice of Intent to Award	March 13, 2025
Notice to Proceed (approx.)	May 1 – 15, 2025
Site Mobilization	May 26, 2025
Desired Project Duration – Notice to Proceed to Substantial Completion	September 29, 2025 (152 days)
Final Acceptance	October 27, 2025



# WILLOW CREEK BOARDWALK



**LEGEND**

- Subject property**
- Beaverton School District properties
- THPRD owned property
- In-district area
- Ultimate service area
- Outside district boundary

0 1,000 2,000 Feet

Date: 2/24/2025



# MEMORANDUM

**DATE:** February 22, 2025  
**TO:** Doug Menke, General Manager  
**FROM:** Aisha Panas, Deputy General Manager  
**RE** **ADA On-Call Contract**

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## **Introduction**

Staff are seeking board of directors' approval to award contracts for Americans with Disabilities Act (ADA) services. Purchases above \$300,000 must be authorized by the board of directors.

## **Background**

To further implement the district's ADA Transition Plan, staff solicited planning, architecture, and ADA compliance companies with a request for proposals (RFP). Eight firms qualified and will each sign a professional services main agreement. Approved companies will perform a variety of planning to ensure our parks, facilities, and trails are ADA compliant. The agreement will be established for the 2024-2025 fiscal year and may be renewed for three additional one-year periods. THPRD staff selected companies for the list based upon technical expertise, corporate responsibility, and price.

THPRD purchasing procedures require staff to develop specifications and solicit minimum numbers of vendors. Purchases under \$300,000 may be authorized by the general manager or designee. Purchases above \$300,000 have additional requirements and must be authorized by the board of directors. Over the entire contract period, which could extend to four years, the total amount of dollars that could be expended may exceed \$300,000, therefore board approval of the contract is required.

## **Proposal Request**

Staff is seeking board of directors' approval to name the following consulting firms to a professional services main agreement:

- Accessology
- AKS Engineering & Forestry, LLC
- BBL Architects
- David Evans and Associates Inc.
- Direct Access Consultancy, LLC
- Kimley Horn
- MIG
- SZS Engineering Access, Inc

## **Outcomes of Proposal**

Approval will allow staff and contractors to plan for improvements to increase access for all patrons.

## **Public Engagement**

To encourage a fair and diverse workforce, staff researched, contacted, and invited businesses certified with the state's Certification Office for Business Inclusion and Diversity (COBID) to bid on this project. In addition, the original RFP was published in the Portland Daily Journal of

Commerce on January 22, 2025. Three of the top-ranked companies are certified as Minorities, Women and Emerging Small Businesses.

**Action Requested**

Board of directors' approval to name the top eight companies to a professional services main agreement, for a total not to exceed \$350,000 across all consultants within a single fiscal year, and authorization for the general manager or designee to execute the professional services main agreements and subsequent contracts.



# MEMORANDUM

**DATE:** February 24, 2025  
**TO:** Doug Menke, General Manager  
**FROM:** Aisha Panas, Deputy General Manager  
**RE:** **2025 Legislative Session**

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At the board's March 12 meeting, Aisha Panas, deputy general manager, and Kylie Grunow with Meriwether Strategies, the district's state lobbyist, will present an update on the 2025 Oregon Legislative Session. The update will include a brief review of the THPRD legislative platform, a discussion of bills filed to date, and opportunity to discuss emerging priority areas for the district.

The update will also include information regarding the newly rebranded National Special Districts Association, a collective of state special district associations that lobbies on the federal level for special district interests, such as a federally-recognized definition for special districts and equal access to funding granted to states, counties, and cities.



# MEMORANDUM

**DATE:** February 26, 2025  
**TO:** Board of Directors  
**FROM:** Doug Menke, General Manager  
**RE:** **General Manager's Report**

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## **Jenkins Estate Updates**

Heather Marshall, program specialist, Andrea Gallegos, program assistant, and Isabella Barone, Diversify intern, will attend the March board meeting to provide an update on the programs, events, and future vision for the Jenkins Estate.

## **Functional Plan Updates**

Staff are updating four existing functional plans (Athletic Facilities, Natural Resources, Parks, and Trails) and writing one new plan (Facilities). Functional plans provide staff with guidance on how to approach work in specific areas. The plans include standards, prioritization criteria, and decision-making rubrics. Bruce Barbarasch, Sustainability manager, and Peter Swinton, urban planner II, will attend the March board meeting to provide an overview of the functional plan development process.