



BOARD OF DIRECTORS
Paul Kylo, Chairperson • Chuck Lee, Vice Chairperson
Sheronne Blasi • Kathy Goss • Jim Green
Marty Heyen • Jesse Lippold
PO Box 12024, Salem, Oregon 97309-0024
503-399-3001

Christy Perry, Superintendent

AGENDA

BOARD MEETING (Business Session, including Executive Session)

March 13, 2018

5 p.m.

Unless otherwise noted, board meetings are held at Support Services Center, 2575 Commercial Street SE, Salem, Oregon 97302.

1. **CALL TO ORDER** Chairperson

2. **EXECUTIVE SESSION** Chairperson
 - a. To conduct deliberations with persons designated to carry on labor negotiations, pursuant to ORS 912.660(2)(d).
 - b. To conduct deliberations to negotiate real property transactions, pursuant to ORS 912.660(2)(e).

Representatives of the news media are allowed to attend executive sessions, except for those sessions held in regards to expulsions. All other audience members are excluded from executive sessions and are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during executive sessions, except to state the general subject of the session as listed on the agenda. No recording of executive sessions is allowed without express permission from the Board.

3. **RECONVENE** (6 p.m. or immediately following Executive Session) Chairperson
 - a. Pledge of Allegiance
 - b. Board Attendance
 - c. Agenda Modifications

4. **SPOTLIGHTS** Superintendent
 - a. *Spotlight on Success

5. **PUBLIC COMMENT** Chairperson
 - a. Public comment related to agenda items only
If you wish to speak, please sign in at the table prior to the meeting, keep comments to three minutes, and provide 10 copies of any printed material to the board secretary. Meetings may be taped and televised by the media.

6. **ACTION ITEMS** Chairperson
 - a. *Approve the 2016-17 Evaluation of Superintendent Christy Perry
 - b. *Approve Curriculum Associates' Ready Mathematics for the Common Core as the District's new mathematics instructional materials at the elementary level
 - c. *Approve the lease between Salem-Keizer School District and CRTCTEC for the use of the CTEC building for the Career Technical Education Center subject to the successful completion and approval of the new agreement between MWCTEC and the District, and authorize the Chief Operations Officer to execute the lease once the SKSD/MWCTEC Agreement is finalized.
 - d. *Proclamation: April – Child Abuse Prevention Month

- | | | |
|------------|---|----------------|
| 7. | <u>CONSENT CALENDAR</u> | Chairperson |
| | a. *Appropriation of Grant Budgets | |
| | b. Personnel Actions (document will be walked in) | |
| | c. *Superintendent Contract Extension | |
| 8. | <u>READINGS</u> | Chairperson |
| | a. *Property Tax Exemptions | |
| 9. | <u>REPORTS</u> | Superintendent |
| | a. *Monitoring Report: Executive Limitation 9 – Asset Protection | |
| | b. *Monitoring Report: Strategic Plan 4 – Positive Behavioral Intervention & Supports (PBIS) | |
| 10. | <u>INFORMATION</u> (These items are information only unless pulled for individual consideration.) | Chairperson |
| | a. *Board & Budget Committee Calendar | |
| 11. | <u>PUBLIC COMMENT</u> | Chairperson |
| | a. Public comment related to non-agenda items only | |
| | If you wish to speak, please sign in at the table prior to the meeting, keep comments to three minutes, and provide 10 copies of any printed material to the board secretary. Meetings may be taped and televised by the media. | |
| 12. | <u>BOARD ACTIVITY REPORT</u> | School Board |
| 13. | <u>SUPERINTENDENT'S REPORT</u> | Superintendent |
| 14. | <u>ADJOURNMENT</u> | Chairperson |

*Support Material Included

SPOTLIGHT ON SUCCESS

Background/Discussion

The superintendent and her executive cabinet are pleased to recognize the following individuals and/or groups for their outstanding work and/or contributions to our school district and community.

Honoring: McKay High School Athletic Booster Club
Recognition: Volunteers of the Month
Presenter: Krina Lee, Executive Director
Salem-Keizer Education Foundation

Honoring: Raul Marquez, Student McKay High School
Recognition: United Way Grant
Presenter: Lillian Govus, Director Community Relations and Communications

Honoring: Epic Fitness
Recognition: Business Partner of the Month
Presenter: Lillian Govus, Director Community Relations and Communications

Recommendation/Board Action

For Information Only

SUPERINTENDENT EVALUATION

Background/Discussion

It is the Board's duty to evaluate the superintendent's performance on an annual basis, and in compliance with Board policy, specifically Board Staff Linkages 3 (BSL-3), "Monitoring Superintendent Performance," and per the contract with the superintendent. The evaluation is to be completed by March 15 of each contract year. The contract language is as follows:

It is intended that the schedule for formal annual evaluation of the Superintendent will be congruent with Board Policy BSL-3. The Superintendent's evaluation shall be completed annually, no later than March 15th of each year under this contract.

Recommendation/Board Action

The recommendation is that the Board approve the 2016-17 evaluation of Superintendent Christy Perry.

ADOPTION OF ELEMENTARY MATHEMATICS CURRICULUM

Background/ Discussion

At the February 13, 2018, Board meeting, staff described the process by which they identified an elementary math curriculum that is being recommended for adoption. Since that meeting, the following has occurred:

- Materials have continued to be available for review at the Lancaster Professional Center. All School Board members were invited to review these materials.
- A mid-year data review was presented to school and district staff by Curriculum Associates, showing the math performance and growth data for students in the pilot elementary schools: Hayesville, Highland, Keizer, Morningside, Salem Heights, and Scott. The data showed significant growth among all students, as well as the disaggregated data for English Learners and students in Special Education.

Recommendation/Board Action

Staff recommends the Board approve Curriculum Associates' Ready Mathematics for the Common Core as the district's new mathematics instructional material at the elementary level.

CTEC LEASE AGREEMENT

Background/Discussion

We have a lease with Mountain West Career Technical Education Center (MWCTEC) for the occupancy of the Career Technical Education Center for students to take CTE coursework. This lease was approved by the School Board and executed by the parties on July 24, 2015.

The lease allows the District to use space at CTEC, which is fully renovated and ready for occupancy by students and staff for the CTE programs offered by the District. The lease has been amended from time to time as new spaces are renovated and ready for occupancy when the District is ready to start a new CTE program at CTEC.

MWCTEC has donated the CTEC premises (building, fixtures, and equipment) to Community Resource Trust Career Technical Education Center (CRTCTEC), a local nonprofit limited liability company. This successor lease generally follows the original lease with MWCTEC for the current occupied spaces at CTEC.

The lease differs from the original lease as follows:

- Lease Term: The MWCTEC lease was 84 months plus two additional terms of 5-years. The CRTCTEC lease is 55 months plus two additional terms of 5-years.
- Both leases charge \$1.00 (one-dollar) per year.
- CRTCTEC may not transfer the premises without the District's consent. (Section 6)
- CRTCTEC may terminate the lease, but this triggers a requirement that CRTCTEC offer to donate the premises to the District. (Section 19) Under the MWCTEC lease, MWCTEC and Mountain West Investment Corporation (MWIC) agreed to indemnify and defend the District on claims relating to environmental hazards. Under the CRTCTEC lease, CRTCTEC indemnifies the District. (Section 46)
- If the owner of the land (Suntek) donates the land to either CRTCTEC or the District, CRTCTEC shall offer to donate the land and the premises to the District. The School Board can accept or not accept the donation. (Section 51)
- CRTCTEC must offer to donate the premises to the District if it decides it can no longer own the premises. CRTCTEC cannot transfer the property without first offering to donate the property to the District. (Section 52)
- The deed for the donated property will contain a restriction that if the District accepts the donation, it may not sell the property. It must offer it back to CRTCTEC. (Section 53)

The District and MWCTEC are working on a separate agreement that will be approved at the time this lease is executed by the Chief Operations Officer following Board approval that will:

- Reaffirm MWIC and MWCTEC's obligations to indemnify and defend the District from claims relating to environmental hazards.
- Reaffirm MWCTEC's responsibility to continue the development of Phases IV and V of the CTEC project.
- Reaffirm MWCTEC's responsibility to pay real property taxes, the amounts due under the ground lease with Suntek, maintenance and repair of the property, and to continue to fund the remaining improvements.

Recommendation/Board Action

It is recommended the Board approve the lease between Salem-Keizer School District and CRTCTEC for the use of the CTEC building for the Career Technical Education Center subject to the successful completion and approval of the new agreement between MWCTEC and the District, and authorize the Chief Operations Officer to execute the lease once the SKSD/MWCTEC Agreement is finalized.

**Board of Directors
Salem-Keizer School District 24J
Salem, Oregon**

April: Child Abuse Prevention Month

Proclamation

- WHEREAS, every child deserves to live in a safe, loving, and caring family environment; and
- WHEREAS, in 2016 there were 11,843 reported victims of child abuse and neglect in Oregon; and
- WHEREAS, we endeavor to join together as individuals, organizations, and government agencies to prevent child abuse in our state by providing opportunities to educate, train, and support caregivers by raising awareness of relevant topics, including child development, basic care skills, discipline strategies, and goal-setting for parents; and
- WHEREAS, by strengthening families and providing safe, stable, and nurturing environments that are free from violence, abuse, and neglect, opportunities are created for children's optimal growth and success, ensuring a secure future for our communities, where the needs of children are a priority and the needs of families are met;
- NOW THEREFORE, the Board of Directors of Salem-Keizer School District 24J asks everyone to join together in protecting our children and does hereby proclaim April 2018 as **CHILD ABUSE PREVENTION MONTH.**

Paul Kylo, Chairperson, Board of Directors
Salem-Keizer Public Schools

Date

ADOPTION AND APPROPRIATION OF GRANT BUDGETS

Background/Discussion

Grant funds for special projects, which are consistent with District goals and objectives, are recognized as desirable funding sources. Each year millions of dollars in grant fund budgets are submitted to the School Board for approval.

G174H Title IIA 16-17 Carryover

\$337,999

Professional Learning

This grant provides funds for improvement of staff quality, and, thus, increases student academic achievement.

Funding breakdown:

| | |
|---------------|-----------|
| Instructional | \$0 |
| Support | \$316,553 |
| Community | \$21,446 |

Funding Source: ODE

G18H9 IDEA Part B, Section 611

\$6,986,458

Student Services

IDEA funds provide for the excess costs of special education and related services to students with disabilities. This grant primarily covers special education staffing.

Funding breakdown:

| | |
|---------------|-------------|
| Instructional | \$5,644,503 |
| Support | \$1,341,955 |
| Community | \$0 |

Funding Source: ODE

Board Action

Staff recommends the Board adopt and appropriate the grant/contract budgets and authorize the Chief Operations Officer to enter into a contract with the organizations in the above listed grant/contract awards. Additionally, the Board is requested to authorize an inter-fund loan if necessary from the General Fund to the Special Revenue Fund for the period between program expenditures and the receipt of program reimbursement. Money so loaned will be returned to the General Fund.

SUPERINTENDENT CONTRACT EXTENSION

Background/Discussion

The current employment contract with the superintendent is for a three-year period beginning July 1, 2016, extending through June 30, 2019. We are in year two of the contract. The contract language is as follows:

After the evaluation [of the superintendent], and no later than March 15 of the 2nd year of this contract, the Board will decide upon renewal or extension of the Superintendent's contract and, thereafter, inform the Superintendent of that decision.

Recommendation/Board Action

The recommendation is that the Board approve extension of the contract with the superintendent and give authority to Board leadership to enter into contract negotiations for a new three-year contract beginning July 1, 2019.

TAX EXEMPTION CONCURRENCE FOR NONPROFIT LOW-INCOME HOUSING PROVIDERS
BOARD GOVERNANCE POLICY 13 (BG-13)

Background/Discussion

Legislation that had historically granted property tax exemptions for low-income housing owned by nonprofit organizations was challenged, resulting in a moratorium for granting tax exemptions beginning in 2012. Properties exempt at the time have been “grandfathered” until 2022 while a legislative task force works on developing a viable long-term solution.

To encourage nonprofit organizations to provide additional low-income housing, several Oregon cities and counties have adopted local ordinances that allow nonprofit organizations to apply for property tax exemptions on properties built after 2012. Even if a city or county adopts a supporting ordinance, concurrence is still required from the taxing jurisdictions equaling 51% of the total tax base.

The Marion County Board of Commissioners adopted Resolution No. 17R-30 on November 22, 2017, which states in part, “Marion County agrees to the policy of exemption under ORS 307.540 to 307.458 pursuant to ORS 307.543(2).” The Salem City Council voted to approve Ordinance Bill No. 29-17 at the January 8, 2018, City Council meeting. The ordinance reads in part, “This ordinance is in the best interest of the City of Salem because it implements a Nonprofit Corporation Low Income Housing tax exemption authorized by ORS 307.540 to 307.548, and will lower costs for certain providers of low income housing, which is an identified need in the community.”

At the February 27, 2018, Board meeting, the SKPS Board concurred with the following tax exemption for Catholic Community Services:

539 Statesman St NE, Salem

- 12 units - One five-bedroom, six one-bedroom, one two-bedroom, and four three-bedroom units located within Englewood Elementary, Parrish Middle, and North Salem High School boundaries.
- 2017-18 Property Taxes \$3,180.15

2579-2587 Wallace Rd NW, Salem

- 12 units - One five-bedroom, six one-bedroom, and five two-bedroom units located within Harritt Elementary, Walker Middle, and West Salem High School boundaries.
- 2017-18 Property Taxes \$4,112.39

The Board has requested criteria and information for greater understanding about when it should concur with tax exemptions for specific properties in the future.

Policy BG-13 provides a policy that outlines a process for the Board to use in making decision regarding requests for tax exemption concurrence.

Recommendation/Board Action

No action required. This policy is provided for first reading.

Process for Tax Exemption Consideration

This Board policy provides an avenue for nonprofit low-income housing providers to request concurrence of property tax exemptions in response to a nonprofit corporation low-income housing tax exemption authorized by ORS 307.540 to 307.548, which may lower costs for certain low-income housing providers, which is a need identified in the Salem-Keizer community.

The Salem-Keizer School Board will consider concurring with property tax exemptions for nonprofit low-income housing providers that are approved by the City of Salem through City of Salem Ordinance Bill No. 29-17 or by Marion County through Marion County Board of Commissioners Resolution No. 17R-30. The process for making a request is as follows:

1. The nonprofit low-income housing provider shall submit a request for concurrence of property tax exemption in writing to the Salem-Keizer School Board, including evidence (e.g., approved application, official meeting minutes, or other formal notification), that the City of Salem or Marion County has approved a related request. The requestor must also demonstrate notification has been made to all other jurisdictions.
2. Upon receipt of the request for concurrence of property tax exemption, the School Board will place the item as a first reading on an upcoming regular Board business meeting that is determined to be within a reasonable timeframe to allow for proper notifications and collection of documentation. The item may be placed as a second reading and/or action item on the agenda of a future regular Board business meeting as the Board determines necessary, again within a reasonable timeframe that allows for proper notifications and collection of documentation.
3. Upon receipt of the request, the District will notify all other taxing jurisdictions of the Board meeting date and time at which the request is being considered.

It is the responsibility of the requestor to work within the District's parameters and follow the process in a manner that allows the requestor to meet its own deadlines.

1 (1) The property is owned or being purchased by a corporation described in
2 section 501(c)(d) or (4) of the Internal Revenue Code that is exempt from income
3 taxation under section 501(a) of the Internal Revenue Code;

4 (2) Upon liquidation, the assets of the corporation are required to be applied first
5 in payment of all outstanding obligations, and the balance remaining, in cash and in
6 kind, to be distributed to corporations exempt from taxation and operated exclusively
7 for religious, charitable, scientific, literary or educational purposes or to the State of
8 Oregon;

9 (3) At the time the application is filed, the property is:

10 (A) Occupied by low income persons; or

11 (B) Held for a period not to exceed two years from the date the exemption
12 is granted, for the purpose of developing low income housing.

13 (4) The property or portion of the property receiving the exemption, if occupied,
14 is actually and exclusively used for the purposes described in section 501(c)(3) or (4)
15 of the Internal Revenue Code;

16 (5) The property, at the time of application, and throughout the period of
17 exemption, is maintained in a safe and habitable condition;

18 (6) Within 30 days of the date the exemption is granted by Council, the owner of
19 the property has established, and shall maintain for the period of the exemption, a
20 capital reserve for the property of at least \$100 per housing unit per month. The
21 Director may periodically adjust the required minimum reserve amount per housing
22 unit;

23 (7) The property, and uses on the property, at the time the application is filed, and
24 throughout the period of exemption comply with all applicable laws, regulations, and
25 Council policies; and

26 (8) The exemption has been approved as provided in Sec. 2.900 of this chapter.

27 (b) For purposes of subsection (1) of this section, a corporation that has only a
28 leasehold interest in property is deemed to be a purchaser of that property if;

29 (1) The corporation is obligated under the terms of the lease to pay the ad valorem
30 taxes on the real and personal property used in this activity on that property, or

1 (2) The rent payable by the corporation has been established to reflect the savings
2 resulting from the exemption from taxation.

3 (c) A partnership shall be treated the same as a corporation to which this section
4 applies if the corporation is a general partner of the partnership, and responsible for the
5 day-to-day operation of the property that is the subject of the exemption.

6 **Sec. 2.880. Length of exemption; limited to levy of the City; exception.**

7 (a) An exemption granted by the City under Sec. 2.900 shall be valid for a maximum
8 period ten years from the date of the determination by Council at which time the
9 exemption shall automatically expire, unless terminated earlier as provided by law. An
10 exemption may not be renewed or reauthorized after the ten year period expires, without
11 express approval by Council.

12 (b) Except as set forth in subsection (c) of this Section, an exemption granted by the
13 City shall only apply to the tax levy of the City for the property.

14 (c) Pursuant to ORS 307.543, to permit the exemption applied for to apply to the
15 combined tax levy for the property of all applicable taxing districts, the City may submit
16 a request to the governing bodies of taxing districts for which the property is certified,
17 whose rate of taxation, when combined with the City's, equal 51 percent or more of the
18 total combined rate of taxation on the property granted exemption, to agree to the policy
19 of exemption.

20 **Sec. 2.890. Application for exemption; annual certification; when due.**

21 (a) Application for Exemption. Before a request for exemption will be considered, an
22 applicant must file an application for exemption with the Director, containing all
23 information and material necessary to consider the application, on or before September 1
24 of the year preceding the assessment year for which the exemption is sought. The
25 Director may, in the Director's sole discretion, grant a variance for good cause shown to
26 allow a complete application to be filed after September 1. An application must contain
27 the following:

- 28 (1) A description of the property for which the exemption is requested,
29 (2) A description of the charitable purpose of the project and whether all or a
30 portion of the property is being used for that purpose;
(3) A certification of income levels of low income occupants,

- 1 (4) A description of how the tax exemption will benefit project residents,
2 (5) If, at the time the application is submitted, the property is being held for future
3 low income housing development, a declaration that;
4 (i) The low income housing development will be completed and a certificate
5 of occupancy obtained, for uses consistent with the exemption within two
6 years of the date the exemption is granted;
7 (ii) A description of the anticipated low income housing development,
8 (iii) The minimum number of housing units to be provided, and
9 (iv) Identification of any features or amenities that will be provided as part of
10 the development.
- 11 (6) A declaration that the corporation has been granted exemption from income
12 taxation under section 501(a) of the Internal Revenue Code as an organization
13 described in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code,
14 (7) A description of how the corporation and the property, respectively meet the
15 criteria set forth in Sec. 2.870 of this chapter,
16 (8) Any other information reasonably required by the Director,
17 (9) An oath or affirmation signed by a person with authority to bind the
18 corporation verifying the accuracy of the information submitted in the
19 application, and
20 (10) Payment of the applicable fees as set by resolution of Council.
- 21 (b) Annual certification; request for extension. After an exemption has been granted,
22 by September 1 of each year prior to the assessment year for which the exemption is
23 sought, the owner shall submit a request to the Director that the exemption be extended
24 for an additional year. The request must be accompanied by a certification from the
25 owner attesting that the property continues to comply with Council's determination
26 granting the exemption, and all the information and applicable fees identified in
27 subsection (a) of this section.
- 28 (1) After review of the request and inspection of the property, if the Director finds
29 that the property continues to meet the requirements of Council's
30 determination, the Director shall, in writing, grant the extension for an
additional year.

1 (2) If the Director finds that the property no longer meets the requirements of
2 Council's determination, the Director shall submit a recommendation to
3 Council that the exemption be terminated pursuant to Sec. 2.910 of this
4 chapter.

5 (c) Applications for exemption and requests for extension will be reviewed for
6 completeness by the City, and untimely or incomplete applications or requests will be
7 rejected, and an explanation of the rejection provided to the applicant, which explains the
8 basis for the rejection and what information or materials must be submitted to make the
9 application complete.

10 **Sec. 2.900. Determination of eligibility, notice to county assessor.** Within 60 days of
11 receipt of a complete application for exemption, and any payment of fees due, the
12 Director shall;

13 (a) If the property is already developed with low income housing, schedule an
14 inspection of the property during normal working hours, and prepare written findings
15 determining whether the property is maintained in a safe and habitable condition,

16 (b) For all applications, prepare a report to Council, including preliminary findings
17 whether the application meets the criteria set forth in Sec. 2.870, and whether the
18 exemption should be granted.

19 (c) Within 120 days of the filing of a complete application and payment of the
20 applicable fees under Sec. 2.890 of this chapter, the Council shall adopt a resolution
21 determining whether the property shall be granted the exemption, and specifying;

22 (1) What portion of the property, if any, is exempt from taxation,

23 (2) Any conditions that shall be met to qualify for and maintain the exemption,

24 and

25 (d) If Council determines that the applicant qualifies for the exemption, Council shall
26 certify to the assessor of the county where the real property is located, as set forth in
27 307.512, that all or a portion of the property is exempt from taxation under the levy of the
28 City.

29 (e) Notwithstanding subsection (d) of this section, Council may send the certification
30 on or before the deadline specified in ORS 307.512, or as promptly as practicable after
making it determination, whichever is later.

1 (f) Upon issuance of Council's resolution granting an exemption, the applicant shall
2 be approved to seek agreement to the policy of exemption from other taxing districts in
3 order qualify for an exemption from the total combined rate of taxation on the property
4 pursuant to sec. 2.880 of this chapter.

5 **Sec. 2.910. Termination of exemption, additional taxes.** If, after an exemption is
6 granted, the property is being used for any purpose inconsistent with the Council's
7 determination granting the exemption, the Director shall follow the procedures for
8 termination set forth in ORS 307.548, except that any final decision to terminate an
9 exemption shall be made by Council.

10 **Section 3. Codification.** In preparing this ordinance for publication and distribution, the
11 City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but
12 within such limitations, may:

- 13 (a) Renumber sections and parts of sections of the ordinance;
- 14 (b) Rearrange sections;
- 15 (c) Change reference numbers to agree with renumbered chapters, sections or other
16 parts;
- 17 (d) Delete references to repealed sections;
- 18 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 19 (f) Change capitalization and spelling for the purpose of uniformity;
- 20 (g) Add headings for purposes of grouping like sections together for ease of
21 reference; and
- 22 (h) Correct manifest clerical, grammatical or typographical errors.

23 **Section 4. Severability.** Each section of this ordinance, and any part thereof, is
24 severable, and if any part of this ordinance is held invalid by a court of competent
25 jurisdiction, the remainder of this ordinance shall remain in full force and effect.

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1 **Section 5. Emergency Clause.** This act being necessary for the immediate preservation of the
2 public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in
3 full force and effect from and after the date of its passage.

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5 PASSED by the City Council this 8th day of January, 2018.

6 ATTEST:

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9 City Recorder
10 Approved by City Attorney: 

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12 Checked by:K.Retherford

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BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

In the matter of adopting the provisions of)
ORS 307.540 to 307.548.)

RESOLUTION No. 17R-30

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on [DAY], [DATE].

WHEREAS, the Marion County Board of Commissioners finds that providing property tax exemption incentives for non-profit organizations that own or purchase property for use as low income housing will encourage the further development of much needed low income housing units in Marion County; and

WHEREAS, the Marion County Board of Commissioners finds that delaying adoption of the property tax exemption for qualifying non-profit organizations will further delay the development of much needed additional low income housing units in Marion County; and

WHEREAS, the purpose of this resolution is to adopt the provisions of ORS 307.540 to 307.548, pursuant to ORS 307.543(1), and to agree to the policy of exemption under ORS 307.540 to 307.548, pursuant to ORS 307.543(2); now, therefore,

IT IS HEREBY RESOLVED that Marion County adopts the provisions of ORS 307.540 to 307.548 pursuant to ORS 307.543(1) as set forth in Exhibit A attached hereto.

IT IS FURTHER RESOLVED that Marion County agrees to the policy of exemption

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under ORS 307.540 to 307.548 pursuant to ORS 307.543(2).

DATED at Salem, Oregon, this ____ day of _____ 20__.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner



MARION COUNTY BOARD OF COMMISSIONERS

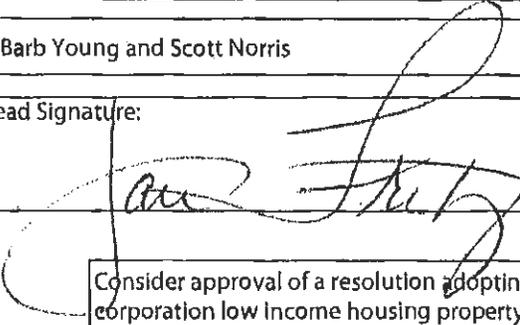
Board Session Agenda Review Form

Meeting date: November 22, 2017

Department: Board of Commissioners Agenda Planning Date: 11/15/17 Time required: 15 mins.

Audio/Visual aids

Contact: Barb Young and Scott Norris Phone: x3263 and x5690

Department Head Signature: 

TITLE Consider approval of a resolution adopting the provisions of ORS 307.540 to 307.548 allowing nonprofit corporation low income housing property tax exemptions.

Issue, Description & Background ORS 307.540 - 307.548 create a process by which local governments may exempt from property taxes properties owned by nonprofit corporations which are being rented as or are being held for development of low income housing. Catholic Community Services (CCS) is a nonprofit corporation that owns low income housing, and is requesting the board to adopt the provisions of ORS 307.540 to 307.548.

Financial Impacts: CCS owns at least one property (the "Statesman" property) which could be subject to this exemption. The initial impact if the exemption is applied to the Statesman property is \$9,854.21. The impact is unknown beyond this property.

Impacts to Department & External Agencies Small reduction in property tax revenues to all taxing districts applicable to a given exempt property.

Options for Consideration:
1. Approve the resolution allowing for low income housing property tax exemptions.
2. Do not approve the resolution allowing for low income housing property tax exemptions.

Recommendation: Approve the resolution allowing for low income housing property tax exemptions.

List of attachments:
1. Resolution adopting the provisions of ORS 307.540 to 307.548 allowing low income housing property tax exemptions.
2. Exhibit A

Presenter: Scott Norris, Legal Counsel
Jim Seymour, Catholic Community Services

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to: Barb Young, Board of Commissioners Office
Tom Rohlifing, Assessor
Steve Miner, Deputy Assessor

EXHIBIT A

Non-profit Corporation Low Income Housing Property Tax Exemption

Section 1 Definitions

- 1.1 "Governing body" means the Marion County Board of Commissioners.
- 1.2 "Low Income" means : (A) For the initial year that persons occupy property for which an application for exemption is filed under section 3 below, income at or below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; and (B) For every subsequent consecutive year that the persons occupy the property, income at or below 80 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development.

Section 2 Non-profit corporation low income housing exemption; criteria

- 2.1 Property that meets all of the following criteria shall be exempt from real property taxation as provided in this section:
- 2.1.1 The property is located within the unincorporated area of Marion County.
- 2.1.2 The property is owned or being purchased by a corporation described in section 501(c)(3) or (4) of the Internal Revenue Code that is exempt from income taxation under section 501(a) of the Internal Revenue Code.
- 2.1.3 Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary or educational purposes or to the State of Oregon.
- 2.1.4 The property is:
- 2.1.4.1 Occupied by low income persons; or
- 2.1.4.2 Held for the purpose of developing low income housing for a period not exceeding five years from the date of acquisition or original contract date if the purchase is incomplete.
- 2.1.5 The property or portion of the property receiving the exemption, if occupied, is actually and exclusively used for the purposes described in section 501(c)(3) or (4) of the Internal Revenue Code.
- 2.1.6 The exemption has been approved as provided in section 4 below.
- 2.1.7 The property was or is being purchased by a corporation described in sections 2.1.2 and 2.1.3 above on or after July 1, 2012.

2.1.8 The tax levy of all other taxing districts applicable to the property which have adopted the provisions of ORS 307.540 to 307.548, when combined with the tax levy of Marion County applicable to the property, equals 51 percent or more of the total combined rate of taxation on the property.

2.2 For purposes of section 2.1 above, a corporation that has only a leasehold interest in property is deemed to be a purchaser of that property if:

2.1.1 The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or

2.1.2 The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.

2.3 A partnership shall be treated the same as a corporation to which this section applies if the corporation is:

2.3.1 A general partner of the partnership; and

2.3.2 Responsible for the day-to-day operation of the property that is the subject of the exemption.

Section 3 Application for exemption

3.1 A corporation seeking the exemption granted under section 2 above must file an application for exemption with the governing body for each assessment year the corporation wants the exemption. The application must be filed on or before March 1 of the assessment year for which the exemption is sought, except that when the property designated is acquired after March 1 and before July 1, the application for that year must be filed within 30 days after the date of acquisition.

3.2 The application must include the following information, as applicable:

3.2.1 A description of the property for which the exemption is requested;

3.2.2 A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;

3.2.3 A certification of income levels of low income occupants;

3.2.4 A description of how the tax exemption will benefit project residents;

3.2.5 A description of the development of the property if the property is being held for future low income housing development;

3.2.6 A declaration that the corporation has been granted exemption from income taxation under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code; and

3.2.7 A description of how the property meets the criteria set forth in sections 2.1.1, 2.1.7, and 2.1.8 above.

3.3 The applicant shall verify the information in the application by oath or affirmation.

Section 4 Determination of eligibility for exemption; notice to county assessor

4.1 Within 30 days of the filing of an application under section 3 above, the governing body shall determine whether the applicant qualifies for the exemption granted under section 2 above.

4.2 If the governing body determines that the applicant qualifies, the governing body shall certify to the Marion County Assessor, as set forth in ORS 307.512, that all or a portion of the property is exempt from taxation under the levy of the certifying governing body.

4.3 Notwithstanding section 4.2 above, the governing body may send the certification required under this subsection on or before the deadline specified in ORS 307.512, or as promptly as practicable after making the determination under section 4.1 above, whichever is later.

4.4 Upon receipt of certification sent pursuant to section 4.2 or 4.3 above, the Marion County Assessor shall exempt the property from taxation to the extent certified by the governing body.

Section 5 Termination of exemption; additional taxes

5.1 If the governing body that has granted an exemption under section 4 above to property in anticipation of future development of low income housing in connection with the exempt property finds that the property is being used for any purpose other than the provision of low income housing, or that any provision of this resolution is not being complied with, the governing body shall give notice of the proposed termination of the exemption to the owner, by mailing the notice to the last-known address of the owner, and to every known lender, by mailing the notice to the last-known address of every known lender. The notice required under this subsection shall state the reasons for the proposed termination and shall require the owner to appear at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.

5.2 If the owner fails to appear and show cause why the exemption should not be terminated, the governing body shall notify every known lender, and shall allow any lender not less than 30 days after the date the notice of the failure to appear and show cause is mailed to cure any noncompliance or to provide assurance adequate to the governing body that all noncompliance will be remedied.

5.3 If the owner fails to appear and show cause why the exemption should not be terminated, and the lender fails to cure or give adequate assurance of the cure of any noncompliance, the governing body shall adopt a resolution stating its findings that terminate the exemption. A copy of the resolution required under this subsection shall be filed within 10 days after its adoption with the Marion County Assessor, and a copy shall be sent to the owner at the owner's last-known address

and to the lender at the last-known address of the lender within 10 days after its adoption.

5.4 Upon the Marion County Assessor's receipt of the governing body's termination findings:

5.4.1 The exemption granted the housing unit or portion under section 4 above terminates immediately, without right of notice or appeal;

5.4.2 The property shall be assessed and taxed as other property similarly situated is assessed and taxed; and

5.4.3 Notwithstanding ORS 311.235, there shall be added to the general property tax roll for the tax year next following the presentation or discovery, to be collected and distributed in the same manner as other real property tax, an amount equal to the difference between the taxes assessed against the property and the taxes that would have been assessed against the property had it not been exempt under this resolution for each of the years, not to exceed the last 10 years, during which the property was exempt from taxation under this resolution.

5.5 Notwithstanding section 5.4 above, if at the time of presentation or discovery, the property is no longer exempt, additional taxes may be collected as provided in section 5.4 above, except that the number of years for which the additional taxes shall be collected shall be reduced by one year for each year that has elapsed since the year the property was last granted exemption, beginning with the oldest year for which additional taxes are due.

5.6 The assessment and tax rolls shall show potential additional tax liability for each property granted exemption under section 4 above because the property is being held for future development of low income housing.

5.7 Additional taxes collected under this section shall be deemed to have been imposed in the year to which the additional taxes relate.

Section 6. Delegation of administrative authority

6.1 The governing body hereby delegates to the Marion County Assessor all authority necessary to make all determinations and otherwise administer the provisions of this resolution, excepting determinations and actions required to be made or taken by the governing body pursuant to section 5 above.

EXECUTIVE LIMITATION 9: ASSET PROTECTION**Background/Discussion**

This is the ninth of twelve monitoring reports scheduled for 2017-18 school year and is designed to provide the School Board with information to determine if the superintendent is meeting the criteria established within the adopted Executive Limitations.

Executive Limitation 9: Asset Protection

The superintendent shall not allow assets to be unprotected, inadequately maintained, inappropriately used, or unnecessarily risked.

Accordingly, the Superintendent shall not:

1. Fail to establish and maintain policies and procedures to ensure reasonable protection of the District's assets.

Evidence of Compliance

The District has established policies, procedures, manuals, and forms ranging from specific duties of employees and use of facilities to cash handling and routine maintenance of schools and support facilities, all designed to protect District assets.

Evidence of Non-compliance

One area of risk continues to be the handling of cash and the use of pro-cards in our schools. During the past year, the District has experienced incidents of theft and misuse of pro-cards. Because of this, we have tightened controls and oversight on petty cash and pro-card use. Each incident has been investigated, and appropriate actions have been taken. The District is reviewing current policies, practices, and training to determine the next steps in oversight and internal controls.

2. Fail to maintain the District's self insurance fund at a level necessary to provide coverage against theft and casualty losses and against liability losses to Board members, staff and the District itself in an amount that is reasonable for school Districts of like size and in accordance with state law.

Evidence of Compliance

The District maintains an amount in the risk management fund to cover potential losses in the areas of general liability and property, as well as workers' compensation and unemployment liability. The District is self-insured for the first \$800,000 of liability loss, first \$500,000 of property loss, and the first \$600,000 of loss per worker's compensation claim. As of June 30, 2017, the District's Risk Management Fund contained a balance of approximately \$13 million. Staff believe that this is a reasonable balance that provides the District with a sufficient fund amount to address significant losses, in the near term, without jeopardizing the General Fund. However, a more detailed analysis is warranted to ensure the viability of this fund over the next five to seven years. The Risk Management Fund balance is reviewed annually by the District's insurance broker to ensure that the District is protected from catastrophic risks.

Evidence of Non-compliance

None

3. Fail to maintain excess insurance to cover losses in excess of the District's self-insured retention.

Evidence of Compliance

The District has excess liability coverage, through June 30, 2018, with Genesis Insurance Company with limits of \$10 million. The District has excess property insurance with Travelers Insurance through June 30, 2018, and uses replacement cost for buildings, equipment, and hardware with policy limits of \$250 million per occurrence. Earthquake and flood coverage are each limited to \$25 million. Additional flood insurance through American Bankers covers the main buildings of North High and Parrish Middle School for \$500,000 each and \$500,000 for contents each. The District has excess workers' compensation insurance with State National Insurance Company through June 30, 2018.

Evidence of Non-compliance

None

4. Receive, process, and disburse funds under controls, which are insufficient under generally accepted accounting principles for governments.

Evidence of Compliance

The District maintains internal financial controls to minimize fraud and theft from occurring. These controls can be as basic as locking cabinets and having passwords for computers, or more focused on behaviors such as separating out financial duties so no one individual has control over an entire financial transaction. Internal controls over financial reporting are tested as part of the District's annual external audit.

Evidence of Non-compliance

The current Comprehensive Annual Financial Report (CAFR) contains the auditor's report concerning internal controls (page 190). While no material weaknesses were identified, the auditors did identify internal control deficiencies regarding the approval of additional earnings related to grant funds. The District has implemented a corrective action plan to address the deficiencies stated above.

5. Acquire, encumber, or dispose of land without approval of the Board.
 - a. Routine encumbrances, identified as not significantly affecting the continued use of the real property by the District, and related to easements for utilities and/or easements for right-of-way do not require Board approval and are exempt from this Executive Limitation

Evidence of Compliance

The District has not acquired, encumbered, or disposed of land without approval of the Board. At the December 2016 Board meeting, approval was given to the chief operations officer to proceed with a land transaction project involving the City of Salem and multiple school sites throughout the District. The property transaction should be completed prior to June 30, 2018, and will come to the Board for final approval.

Evidence of Non-compliance

None

6. Knowingly or recklessly expose the District, its Board, or staff to legal liability.

Evidence of Compliance

Staff works closely with the District's legal counsel to evaluate and address active and threatened litigation. We are aware of no instances where the District, Board, or staff have knowingly or recklessly exposed the District, staff, or Board to legal liability.

Evidence of Non-compliance

None

7. Fail to implement procedures to protect intellectual property, information, and files from loss or significant damage due to negligence.

Evidence of Compliance

The District has technological solutions in place to protect intellectual property, information, and files from loss or significant damage due to negligence. Electronic information is protected through a system of passwords, firewalls, anti-virus, and other technologies and processes to enhance our cyber security posture. We are updating policies and procedures as part of our new cyber security awareness program to keep staff informed of best practices and protocols for keeping electronic data safe. Additionally, sensitive or confidential hard copy information is protected by physical and electronic access control measures and/or fireproof safes when appropriate and available. Policies and procedures are in place and are reviewed and updated regularly to inform staff of best practices and protocols for keeping data safe. The District is not aware of any significant gaps in our systems of protection.

Evidence of Non-compliance

None

8. Fail to preserve and dispose of all records related to affairs or business of the District in accordance with state and federal law.

Evidence of Compliance

The District maintains a records retention schedule that complies with state and federal requirements. Records past the retention requirement are purged and disposed of where appropriate and feasible, on an annual basis and in accordance with statute.

Evidence of Non-compliance

None

9. Knowingly or recklessly endanger the District's public image or credibility, thereby jeopardizing the District's ability to accomplish its mission.

Evidence of Compliance

The District makes every effort to preserve and enhance its public image and credibility within the community. Media relations, publications, community meetings, and electronic communications are examples of efforts to ensure the public is aware of relevant issues.

Evidence of Non-compliance

None

Pending Executive Limitation Information

None

Recommendation/Board Action

This report is provided to the School Board for discussion and consensus on content.



**STRATEGIC PLAN REPORT
2017-2018
Positive Behavioral Interventions & Supports**

| | | | | | | | | | |
|---------------------------------|--|---------------------------|-------------------------------------|---------------------------------|-------------------------|-----------------------|---|--------------------------------|---|
| Date | March 13, 2018 | | | | | | | | |
| Submitted by: | Teri Lewis, Charisse Elliott, Michelle Massar, Linda Myers | | | | | | | | |
| Strategic Plan: | Continue the phased implementation of Positive Behavioral Interventions and Supports (PBIS) creating a Tier I baseline in all schools and instituting Tier II structures at designated schools. | | | | | | | | |
| Background: | PBIS was originally implemented in Focus Title I Schools as a means to support schools looking at their school climate. Based on this pilot and an identified need to support staff with frequent and chronic discipline issues, it was decided to implement a PBIS Framework across the entire district. The 2015-16 school year focused on district planning and preparation for implementation. School training, professional development, coaching and technical assistance began in 2016-17 with one full time employee. In its second year of implementation, district capacity for schools has increased and there are now three full-time employees available to provide on-going support. | | | | | | | | |
| Current Actions: | <p>Training: At of March 2018, 100% of schools have received Tier I training, 77.2% have received Tier II training and 21% have received Tier III Training.</p> <p>Professional Development: The most frequently requested topics by schools include: (a) PBIS overview, (b) Functional Behavior Assessments & Behavior Intervention Plans, and (c) Effective Punishment. This year, professional development was provided to the Transportation Department and the bus drivers through focused trainings and coaching. In addition, we have provided PBIS trainings to PE Teachers, Music Teachers, school office staff, Student Services staff, and CSOCs. We have also presented to Elementary Principals and new secondary administrators.</p> <p>Coaching: Three types of coaching are available to schools: <i>Block Monthly Coaching.</i> Monthly four hour time session where schools can choose to come to a location for coaching. Schools may attend as teams, or as individuals. The topics are school driven and will cover all three tiers. <i>Drop-in.</i> PBIS Coaches drop-in during school-based scheduled PBIS team meetings. These visits are meant as support and schools are not expected to have extra preparations to accommodate the coaches. <i>School Requested.</i> PBIS district team provides on-site coaching based on school needs and specific requests.</p> <p>Technical Assistance On-line resources are now available to school teams. We use Yammer as a format for schools to share resources and ask questions. We also post updates, opportunities and school highlights on our Yammer account. Currently we are developing a Sharepoint site and are working on a public website for families and community members.</p> | | | | | | | | |
| Future Actions: | <p>Training: There are 7 additional trainings scheduled throughout April and May, 2018.</p> <p>Professional Development</p> <ul style="list-style-type: none"> - Continue to provide school and/or department based PD as requested - Continue to provide on-going PD to Behavior Specialists and Cadre - Continue to work with Transportation on their three-tiered system (e.g., PBIS Manual, RIDE card program) <p>Coaching: Monthly Block Coaching (March 9, April 16 and May 11)</p> <p>Technical Assistance</p> <ul style="list-style-type: none"> - Continue to develop our on-line presence (One Note, Yammer, Sharepoint and District Website) - Continue to create district level systems to support implementation (e.g., tools, guides, activities) | | | | | | | | |
| Data: | Please see reverse side for 2017-18 data. | | | | | | | | |
| Summary: | <p>PBIS is a three-tiered framework and not a scripted curriculum. The program relies on evidence-based practices and data-based decision-making and is centered on building relationships with our students, families and colleagues. PBIS Tier I focuses on establishing a school-wide foundation that will support the social success of about 80% of students. Tier II increases support for the 10-15% of students who benefit from additional instruction, support and feedback. Finally, Tier III provides intensive and individualized support to the 1-5% of students who needs require comprehensive strategies to increase their ability to succeed.</p> <p>PBIS implementation is associated with:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">-Reduced problem behavior</td> <td style="width: 50%;">-Improved organizational efficiency</td> </tr> <tr> <td>-Increased academic performance</td> <td>-Reduced staff turnover</td> </tr> <tr> <td>-Increased attendance</td> <td>-Increased perception of teacher efficacy</td> </tr> <tr> <td>-Improved perception of safety</td> <td>-Reduced disparities in discipline (i.e. equity concerns)</td> </tr> </table> | -Reduced problem behavior | -Improved organizational efficiency | -Increased academic performance | -Reduced staff turnover | -Increased attendance | -Increased perception of teacher efficacy | -Improved perception of safety | -Reduced disparities in discipline (i.e. equity concerns) |
| -Reduced problem behavior | -Improved organizational efficiency | | | | | | | | |
| -Increased academic performance | -Reduced staff turnover | | | | | | | | |
| -Increased attendance | -Increased perception of teacher efficacy | | | | | | | | |
| -Improved perception of safety | -Reduced disparities in discipline (i.e. equity concerns) | | | | | | | | |



STRATEGIC PLAN REPORT 2017-2018 Positive Behavioral Interventions & Supports

Based on a recent Office of Behavioral Learning Survey the majority of staff responded that they had been provided appropriate training and support related to our district implementation of PBIS.

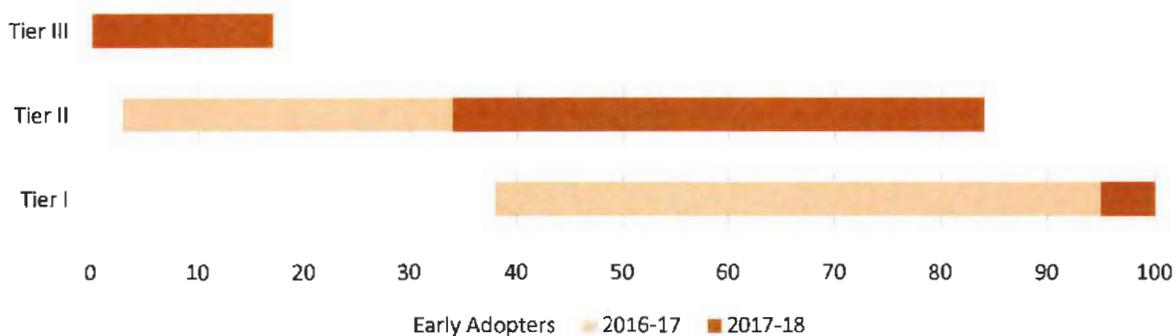
- High Schools 73%
- Middle Schools 71%
- Elementary Schools 81%

PBIS Trainings for Schools

| | Early Adopters | 2016-17 | 2017-18 | Remaining |
|--------------------------|----------------|---------|---------|-----------|
| Elementary (n=44) | | | | |
| Tier I | 21 | 20 | 3 | 0 |
| Tier II | 2 | 17 | 20 | 5 |
| Tier III | 0 | 0 | 11 | 33 |
| Future | 19 | 7 | 0 | 0 |
| Middle (n=11) | | | | |
| Tier I | 3 | 8 | 0 | 0 |
| Tier II | 0 | 3 | 7 | 1 |
| Tier III | 0 | 0 | 0 | 11 |
| Future | 8 | 0 | 0 | 0 |
| High (n=8) | | | | |
| Tier I | 0 | 8 | 0 | 0 |
| Tier II | 0 | 0 | 5 | 3 |
| Tier III | 0 | 0 | 0 | 8 |
| Future | 8 | 0 | 0 | 0 |
| All (n= 63) | | | | |
| Tier I | 21 | 36 | 3 | 0 |
| Tier II | 2 | 20 | 32 | 9 |
| Tier III | 0 | 0 | 11 | 52 |
| Future | 35 | 7 | 0 | 0 |

* Howard Street and JGEMS declined participation in training or coaching

All Schools Trained by Tier (Percent)



Upcoming School Board *and* Budget Committee Meeting Calendar

March 20 (3rd Tuesday due to Spring Break)

6 p.m. Budget Committee Meeting

- Organizational Meeting

April 10

6 p.m. Board Meeting (Business Session)

April 24

6 p.m. Budget Committee Meeting

- Superintendent's Budget Message

May 8

5:30 p.m. Board Meeting (Business Session)

7 p.m. Budget Committee Meeting

- Public Comment

May 15 (*Tentative/If Needed*) (This is Election Day)

5:30 p.m. Budget Committee Meeting

May 21

6 p.m. Budget Committee Meeting

- Public Testimony and Deliberations

May 22

6 p.m. Budget Committee Meeting

- Public Testimony and Deliberations

May 23 (*Tentative/If Needed*)

6 p.m. Budget Committee Meeting

May 24 (*Tentative/If Needed*)

6 p.m. Budget Committee Meeting

June 12

6 p.m. Board Meeting (Business Session)

June 26

6 p.m. Board Meeting (Work Session)