

DIVISION 55

REGIONAL BOARDS, PARTNERSHIPS AND INVESTMENT PLANS

General

123-055-0100

Purpose and Scope

In implementing the Regional Economic Development Act under ORS 285B.230 to 285B.269, this division of administrative rules is intended to clarify, facilitate and establish the following key pieces in the successful design, deliberation, execution and updating of a long-term planning framework for achieving economic development results:

- (1) Regional associations and consensus among counties of this state;
- (2) Boards of citizens for strategic planning and oversight of funded activities;
- (3) Special, broad-based partnership arrangements to augment and, in some cases, to act as an umbrella for county-appointed boards;
- (4) Processes for public development and approval of the locally determined investment strategies; and
- (5) Statewide interaction and support.

Stat. Auth.: ORS 285A.075, 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0120

Definitions

For purposes of this division of administrative rules, unless the context demands otherwise:

- (1) Commission means the State of Oregon Economic and Community Development Commission established by ORS 285A.040.
- (2) County-based region means a region established by formal recognition of the Economic and Community Development Department on the basis of county government initiative, without a regional partnership.
- (3) Department means the State of Oregon Economic and Community Development Department as organized under ORS 285A.070.
- (4) Director means the director of the department as appointed under ORS 285A.070.

(5) Fiscal entity means a unit of local government, intergovernmental entity or nonprofit corporation jointly designated by the governing bodies of the counties comprising the region and responsible for assisting the regional board in developing, implementing and administering the investment strategy, such that:

(a) If the governing bodies of the counties comprising the region establish the regional board as an intergovernmental entity, the regional board may be the region's fiscal entity; and

(b) The fiscal entity must in all cases have the authority and legal power to enter into a contract with the department for receipt of regionally controlled funds and with other entities receiving such funds as authorized by the regional board pursuant to and for purposes of the investment strategy.

(6) Investment strategy means the document described under ORS 285B.239 and prepared by the regional board under ORS 285B.242, in accordance with OAR 123-055-0300 to 123-055-0399.

(7) Partnership-based region means a region for which:

(a) A regional partnership is associated with the regional board through and with agreement of the county partners; and

(b) Its specific geographic area essentially coincides with that of the regional partnership. (This definition in no way limits the types or purposes of regional partnerships).

(8) Region means a geographic area under ORS 285B.230(1), as described in OAR 123-055-0200, and represented by a regional board that prepares and submits an investment strategy. It may be either a county-based region or a partnership-based region.

(9) Regional board means a group of individuals appointed by county courts and boards of county commissioners under ORS 285B.230(2) and 285B.242(1), as described in OAR 123-055-0200 to 123-055-0299.

(10) Regional partnership means an association under ORS 285B.230(4), formed by agreement of local and regional partners with the requisite agencies of the state government. It includes but is not limited to a partnership-based region.

(11) Regionally controlled funds means the Regional Investment Fund described in division 057 of this chapter of administrative rules, and the moneys allocated, disbursed or expended thereunder for the projects of a particular region, and all interest earned on such money by or for the region. This term shall in no way be interpreted as affecting resources from any other fund or program under state law or associated with the department.

(12) Multi-region project means a project that has a demonstrable economic impact in more than one region where two or more regional investment boards participate in the funding of the project.

Stat. Auth.: ORS 285A.075, 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07

thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

Regions and Regional Investment Boards

123-055-0200

Formation and Reconfiguration

- (1) Prior to designating a county-based region, the department shall do the following:
 - (a) Communicate with and assist representatives of county governments with considerations in forming a region, which may include special meetings, fora, etc.; and
 - (b) Receive materials and advice from the counties' governing bodies, describing the region's geographic area and the historical, cultural and economic linkages that underpin and justify its creation, including regional planning activities that already exist.
- (2) The geographic area of a county-based region may not include any area in another region and shall consist of the following:
 - (a) Two or more counties;
 - (b) The entire area of the counties comprising the region, unless the remaining portion of a county is contained in a partnership-based region; and
 - (c) A common border between at least two member counties, although any other county in the region need not be contiguous to any or all of the other counties.
- (3) Each regional board and its members, as well as the associated fiscal entity, operate in the public trust and shall comply (in relevant part or in entirety) with state and local statutes, laws and regulations for the following, and are solely responsible for legal adherence.
- (4) A partnership-based region is not bound by section (1) or (2) of this rule, and may encompass any geographic area consistent with the participation/involvement of relevant sub-county partners. The department shall recognize it, insofar as it:
 - (a) Contains no area of another region;
 - (b) Includes area in at least two counties; and
 - (c) Is clearly described in or as part of the regional partnership memorandum of understanding or associated information as provided to the department.
- (5) In order for any county area to be divided among two or more regions:
 - (a) At least part of the county must be in a partnership-based region;

- (b) The county's governing body must be a party to each applicable agreement in OAR 123-055-0240 and must appoint one or more members to the respective regional boards; and
- (c) No such constituent part of the county may be attached to a region as established or recognized by the department, until all such parts are associated with an acknowledged region.
- (6) Regions may be reconfigured pursuant to the mutual consent of all affected counties (and partners of an ongoing regional partnership), and subject to the preparation, modification or amendment and approval of an investment strategy or strategies for the new/reconfigured region(s).

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230, 285B.236 & 285B.242

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0220

Board Composition and Implications

- (1) Every region must have a regional board, whose members are:
 - (a) Named individuals appointed by the governing bodies of the counties, through any method of the bodies' choice, including by clear arrangement or extension of a regional partnership; and
 - (b) Effective representatives of the interests prescribed under ORS 285B.242(1).
- (2) Each regional board and its members, as well as the associated fiscal entity, operate in the public trust and shall comply (in relevant part or in entirety) with state and local statutes, laws and regulations for the following, and are solely responsible for legal adherence and mandatory actions thereunder, regardless of any assistance provided by or through the commission or department:
 - (a) Public bodies, meetings and records (ORS Ch. 192);
 - (b) Government standards and practices (ethics, ORS Ch. 244);
 - (c) Public contracting and procurement (ORS Ch. 279A, 279B & 279C);
 - (d) Public funds (ORS Ch. 295);
 - (e) Minimum wage and hour standards;
 - (f) Municipal budgeting and audit laws; and
 - (g) Other similar matters.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 & 285B.242

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0240

Regional Accords and Fiscal Entities

(1) The governing bodies of the counties comprising a region shall jointly enter into a written agreement forming the region and specifying applicable elements as follows:

(a) The size, makeup and organization of the regional board and the methods for nominating and appointing its members by the governing bodies;

(b) Indication of a regional partnership in the case of a partnership-based region;

(c) Any special name to be used in reference to the region;

(d) Procedures, policies, duties and authority for the activities of the regional board and for the preparation and implementation of the investment strategy;

(e) If desired by the governing bodies of the counties comprising the region, establishment of the regional board as an intergovernmental entity under ORS 190.010(5), 190.080 and 190.085 and designation of the regional board as the region's fiscal entity; or

(f) Any other matters deemed appropriate by the governing bodies.

(2) If the agreement described in section (1) of this rule establishes the regional board as an intergovernmental entity and designates the regional board as the region's fiscal entity, that agreement shall also specify the following:

(a) The authority, duties and functions of the regional board in its capacity as the fiscal entity for region;

(b) The regional board's financial responsibility and budgetary processes with respect to regionally controlled funds; and

(c) Contractual terms and other relevant administrative or fiduciary issues.

(3) If the regional board is not established as an intergovernmental entity that acts as the region's fiscal entity, then the governing bodies of the counties comprising the region shall jointly designate the fiscal entity for the regional board and enter into an agreement with that fiscal entity (preferably, one that is subsequent to and separate from the agreement described in section (1) of this rule) that specifies the following:

(a) The corporate/legal identity, role, function and duties of the fiscal entity for purposes of assisting the regional board in developing, implementing and administering the investment strategy;

(b) Powers and responsibilities of the regional board over the fiscal entity;

- (c) The authority, financial responsibility and budgetary processes of the fiscal entity with respect to decisions by the regional board and with respect to the receipt and use of regionally controlled funds; and
- (d) Contractual terms and other relevant administrative or fiduciary issues.

(4) The governing bodies of the counties comprising the region shall jointly notify the department in writing, as soon as reasonably possible, of the following:

(a) The identity of the fiscal entity; and

(b) Any actual or formally contemplated change in the designated fiscal entity.

(5) Alternatively for sections (3) and (4) of this rule, the regional board may directly designate and contract with the fiscal entity, and notify the department accordingly, if it is established as an intergovernmental entity but not as the region's fiscal entity.

(6) Other agreements that supplement or incorporate what is described in this rule may be executed as necessary and appropriate, especially for a partnership-based region.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

Content of Regional Investment Plan

123-055-0300

Content of Regional Investment Strategy

The regional investment program is intended to identify, address and coordinate economic development priorities, as well as coordinate public and private resources, in accordance with ORS 285B.233. Therefore, an investment strategy shall explicitly do the following:

(1) Address the statewide economic development strategy outlined in ORS 285A.020(3) to:

(a) Promote a favorable investment climate to strengthen businesses, create jobs and raise real wages;

(b) Improve the national and global competitiveness of Oregon companies; and

(c) Assist Oregon communities in building capacity to retain, expand and attract businesses.

(2) Focus on priorities identified by the regional board, along with the following priorities, as taken from ORS 285B.230(3):

(a) Promote the structures and processes of public and private organizations to effectively create, adapt, foster and sustain economic development in this state, emphasizing rural and distressed areas;

- (b) Ensure that economic strategies will reinforce Oregon's long-term prosperity and livability; and
 - (c) Coordinate economic development efforts and efforts to support a locally skilled workforce in order to compete in the global economy
- (3) Address required elements in the form of an investment strategy pursuant to ORS 285B.239, including a rural action plan based on the strategy development handbook titled, "Elements of a Regional Investment Strategy" prepared by the department;
- (4) Demonstrate in measurable terms the extent to which, as well as how, the priorities in section (1-2) of this rule will be accomplished, as required under ORS 285B.236(2), by relating these to the regional performance measurements and regional benchmarks in the investment strategy under ORS 285B.239(h) and to regional performance measures as described in OAR 123-055-0620.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285A.020, 285B.230, 285B.233, 285B.236 & 285B.239

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0340

Using Other Planning Exercises

Regions are encouraged to take advantage of other planning activities or sources of helpful guidance that exist in association with federal programs or resources, at the local level and in other circumstances, such that:

(1) In preparing and developing an investment strategy, a regional board may borrow and rely on technical resources and methods for strategic or economic planning, or the region may integrate and make reference to recently completed planning work, including those associated with but not limited to the following:

- (a) U.S. Economic Development Administration;
- (b) U.S. Empowerment Zone/Enterprise Community Initiative; or
- (c) Local comprehensive land use plans.

(2) In using models or relevant work as indicated in section (1) of this rule, the regional board shall ensure that all of the elements required under ORS 285B.230 to 285B.269 for a complete investment strategy are still included therein and are easily identified or identifiable through use of a key or other instructions in the primary document that the region adopts.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

Plan Development, Approval, Implementation and Update

123-055-0400

Plan Development, Approval, Implementation and Update

For purposes of developing Investment Strategies:

(1) The department shall extend reasonable assistance to each regional board, its members and its fiscal entity, which may include provision of program guidance, attendance at local meetings or contact information for relevant organizations or government agencies, as the department's time and resources permit. The department shall guide in the development of investment strategies and shall assist with information gathering for any region, if so requested by the board chair.

(2) For all regions:

(a) In addressing the general preparation and substance of the investment strategy, the regional board shall provide opportunity for consultation with applicable representatives in the region from the following:

(A) Private industries, the for-profit business community, the nonprofit sector and workforce committees;

(B) Local/city governments and public service providers, including ports and other special districts;

(C) Tribal governments or councils; and

(D) State and federal agency partners, especially those listed under ORS 285B.230(4).

(b) The regional board may work with the department in the refinement of the investment strategy through drafting stages and to ensure compliance with applicable statutes and addressing priorities outlined in OAR 123-055-0300.

(c) Public hearings shall be scheduled and conducted, as follows:

(A) A public hearing shall be held by each county governing body in the region, after published notice, in accordance with the county's adopted public notice requirement, inviting public comments on the proposed investment strategy. After the public hearing in that county, the governing body shall take formal action on the adoption of the investment strategy.

(B) The investment strategy shall be made available to the public for inspection during the public notice period preceding the public hearing.

(d) In order for the final investment strategy to be regionally adopted, it must be approved by motion or resolution of the following:

(A) All of the counties in the region (by a majority vote of each county governing body, as specified in the county charter); and

(B) The regional board (pursuant to its own procedures or bylaws).

(3) In response to a recommendation from the department, commission, or regional partnership, an investment strategy that has been regionally adopted may be modified, amended or appended by the regional board if the county governing bodies in the region, by formal action, authorize the Regional Board to make non-substantive or minor changes.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.242

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0420

Review/Approval by Commission or Through Regional Partnership

The regional board shall provide a complete copy of the regionally adopted investment strategy, as developed and adopted consistent with OAR 123-055-0400, to the department, at which point the investment strategy shall be handled according to either section (1) or (2) of this rule:

(1) Review and approval shall be done through a regional partnership, such that:

(a) These functions have been delegated to the regional partnership either by communication from the commission to the director or by a joint recommendation of the state agency directors under ORS 285B.230(4) (or their regional designees);

(b) The review and approval of the investment strategy proceeds according to the regional partnership's discretion and criteria, including but not limited to compliance with all applicable statutes; and

(c) Final approval of the investment strategy is formally submitted to the commission or the state agency directors under ORS 285B.230(4) (or their regional designees) for recognition by the department.

(2) Without delegation under subsection (1)(a) of this rule, review and approval shall proceed as follows:

(a) The department examines the investment strategy to ensure compliance with applicable statutes and may seek and obtain missing or corrected information, as necessary, from the regional board;

(b) The department submits the investment strategy to the commission with summaries or assessments, as are appropriate or requested by the commission;

(c) The commission considers the submission by the department and;

(d) Pursuant to any consultation that it chooses to have with the regional board, the commission takes action either by returning the investment strategy to the regional board with instructions for modification or granting final approval of the Investment Strategy.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.242

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-

2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0440

Strategy Implementation and Six-Year Update

Once approved as described in OAR 123-055-0420:

(1) An investment strategy shall be implemented at the direction and by authority of the regional board, in cooperation with a regional partnership as applicable, such that:

(a) The department shall assist with implementation, as staff resources and time permit, especially for purposes of coordination with resources at the department's disposal;

(b) Leverage of resources and opportunities other than regionally controlled funds are to be continually considered for effectively and efficiently achieving economic development results; and

(c) Measuring and reporting progress, spending and so forth under the investment strategy shall be integral to implementation.

(2) An investment strategy is a living document, and at a minimum every six years, the regional board shall revise it as necessary and improve it wherever suitable. The revised and updated investment strategy shall be developed and approved consistent with OAR 123-055-0400 and 123-055-0420,

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.242 & 285B.245

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

123-055-0460

Relationship of Plan to Regionally Based Funding

For purposes of disbursing regionally controlled funds to a region, in accordance with division 057 of this chapter of administrative rules:

(1) All disbursements of regionally controlled funds will be made to the region's fiscal entity, as designated in accordance with OAR 123-055-0240.

(2) Except for moneys described in OAR 123-057-0330 or 123-057-0430, the department may make such disbursements only pursuant to final approval of the investment strategy.

(3) Such disbursements further depend on an effective and enforceable contract between the department and the fiscal entity, as described in OAR 123-057-0170 and will not be made without such a contract.

(4) If a region fails to adopt, submit or have an investment strategy finally approved, it may not receive its counties' regionally controlled fund allocations, and the department at the end of the biennium may proportionally reallocate such moneys to other regions.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

Relating Provisions for Regional Partnerships

123-055-0501

Rule Number Reservation

OAR 123-055-0500 to 123-055-0599 are reserved for use, as necessary, in describing the formation and efforts of Regional Partnerships and the relationship to entities and activities described in this division of administrative rules, for purpose of ORS 285B.230(1) and (4), 285B.236(3), and 285B.242(8)

Stat. Auth.: ORS 285A.075(5), 285A.110 & 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.251 & 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00

123-055-0525

Relationship of Local Entities to Partnership

For purposes of regional partnerships under ORS 285B.230(4):

(1) The memorandum of understanding among local partners and the directors of the seven state agencies may take the form of two or more agreements or memoranda for purposes of establishing certain structures, objectives and efforts of the regional partnership.

(2) The local partners may join together under separate arrangements to form a mutual agreement as a unit, in order to achieve the following or comparable purposes:

(a) Simplify and more efficiently execute an agreement or memorandum between such unit and the directors of the seven state agencies; and

(b) Allow for designation of one or more representatives of the local partners to do the following:

(A) Act on behalf of that unit (or the union between that unit and the seven state agencies); and

(B) Interface with a fiscal agent for handling moneys (though not regionally controlled funds) on behalf of that unit, regardless of whether this fiscal agent is the same as the fiscal entity for a corresponding partnership-based region.

(3) Not all of the local partners as indicated in ORS 285B.230(4) need to be included in a regional partnership, but shall participate only as interested, however:

(a) The county governments, as well as the major cities that are central to the regional economy, are expected to be part of the regional partnership; and

(b) No local partner that has a significant and applicable presence in the regional partnership's area shall be excluded if expressing a clear desire to actively participate in the general business of the regional partnership, prior to its formation. A regional partnership may make accommodations for revising its composition, whenever it redefines its basic objectives.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

Interregional Coordination and Interim Indicators

123-055-0600

Agency Efforts

The following are matters for the Department in coordinating Regions and Investment Strategies under ORS 285B.230 to 285B.269 to achieve desirable economic development results across the state:

(1) Investment Strategies provide an opportunity by which the Department can:

(a) Identify commonality among the priorities and objectives of various Regions;

(b) Pursue methods and organized efforts to take advantage of strategic regional investment projects or activities consistent with ORS 285B.263(2); and

(c) Coordinate regional priorities and resources with existing state and local efforts and strategies, especially so that various types of resources may be used (or leveraged) in the most effective, efficient and appropriate way possible, including in cooperation with federal programs and other state agencies.

(2) In response to the quality of a Region's investment planning, the Department shall strive to complement the Region's resources and the flexibility of Regionally Controlled Funds through special consideration in the use of programs and funding sources within the Department's authority.

(3) The Department shall strive to include all parts of the state in this program, by:

(a) Ensuring that every county is included in a Region (and if necessary, may delay Investment Strategy approval or disbursement of Regionally Controlled Funds, pending a county's inclusion in a Region); and

(b) Taking appropriate action to see that each Region's Investment Strategy is approved.

Stat. Auth.: ORS 285A.075(5), 285A.110 & 285B.236(1)

Stats. Implemented: ORS 285B.239, 285B.242, 25B.245 & 285B.248

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04

123-055-0620

Regional Performance Measures and Periodic Performance Reports by Region

In direct relation to the regional benchmarks established in the investment strategy under ORS 285B.239(h):

(1) Every regional board shall identify quantitative targets for regional performance measures that measure and evaluate the accomplishments of the region's adopted priorities, including target goals for measuring:

(a) Long-term and short-term job creation and retention, including the number of jobs created and retained and wage levels.

(b) Leveraging long-term investments.

(c) Maximizing moneys leveraged with short-term investments;

(2) Every regional board shall propose criteria for the use, distribution and evaluation of its investment funds consistent with its adopted and approved implementation strategy.

(3) The proposed regional performance measures and distribution criteria shall be submitted to the department for review by the commission, which may recommend changes to the regional board, such that the regional board may adopt the recommendation or make counter-proposals to the commission, and so forth, or other procedures may be arranged for negotiating regional performance measures and distribution criteria between the commission and the region or regions, in order to finalize regional performance measures and distribution criteria, which the commission may ultimately resolve as necessary.

(4) In addition to sections (1) to (3) of this rule, the commission and the department may develop models or methods to coordinate and facilitate the adoption and use of regional performance measures and distribution criteria by regions at their discretion, and as the time and resources of the commission or department allow.

(5) Each report required under this rule shall be submitted to the governing bodies of the counties comprising the region, the commission, the Governor, the Legislative Assembly, the department and other parties of the regional board's choosing.

(6) Periodically as determined and described by the department, every regional investment board shall in accordance with ORS 285B.239(i) to submit reports on regional performance measures allowing the department, the commission, the Legislature and the Governor to evaluate the effectiveness of each regions implementation strategy and ensuring the resources are being effectively used.

(7) The reports shall, at a minimum, relate to and be integrated with the regional board's biennial report to the Governor, Commission and the Legislative Assembly on the expenditure of regionally controlled funds under 285B.239(h) and 285B.263(6).

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.239

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 10-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08

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Waiver of Provisions Not Required by Statute

The director or the director's designee may waive non-statutory requirements of this division of administrative rules, if demonstrated to the satisfaction of the director that such a waiver serves to further the goals and objectives of ORS 285B.230 to 285B.269, and that it contributes to sound economic or community development.

Stat. Auth.: ORS 285A.075 & 285B.236(1)

Stats. Implemented: ORS 285B.230 - 285B.269

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 19-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 7-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 29-2008, f. 8-28-08, cert. ef. 9-1-08