

DIVISION 57

REGIONALLY BASED FUNDS

General

123-057-0110

Purpose and Scope

This division of administrative rules is intended to establish technical clarity for the actual allocation, distribution, uses and evaluation of a regional board's past performance of their implementation strategies with moneys from the Regional Investment Fund for effective implementation of long-term regional investment strategy in addition to other available resources.

Stat. Auth.: ORS 285A.075, 285B.236(1) & 285B.263(2)

Stats. Implemented: ORS 285B.260 & 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0130

Definitions

For purposes of this division of administrative rules, the definitions described in OAR 123-055-0120 apply. Moreover, unless the context demands otherwise:

- (1) Fixed assets mean plant, equipment or other tangible assets of an individual private business that have a useful life lasting longer than one year, and that are normally subject to depreciation for income tax purposes.
- (2) Grant contract means the contract between the department and the fiscal entity for disbursement of regionally controlled funds to the region, as described in OAR 123-057-0170.
- (3) Strategic regional investment opportunity Fund project means a project or activity funded in collaboration by the department and regional boards, as determined under ORS 285B.263(2), to award projects or activities
- (4) Regional fund means the Regional Investment Fund under ORS 285B.260 and 285B.263.

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)

Stats. Implemented: 285B.260 & 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0150

Allocation to Regions

For purposes of allocating moneys from the regionally controlled funds to each region for a biennium:

- (1) The department shall in communication with interested parties devise a methodology for apportioning such moneys among all 36 counties, so that regions may align as is most suitable for serving their needs and relationships.
- (2) This methodology shall utilize demographic, economic, financial or other data and statistics to appropriately and effectively capture both the relative size and economic conditions of the counties and thus the regions that comprise them.
- (3) The department shall report the methodology to the commission for consideration.
- (4) The department shall review and may make improvements to the methodology with each biennium.
- (5) In the case where a region subdivides a county, the splitting of funds allocated to that county shall be determined by agreement among the regions that contain parts of the county, and the county in question shall provide the department with ratios for disbursement to the respective fiscal entities, such that:
 - (a) The ratios for the regional fund shall not greatly deviate from those of the relative population in each part of the county; and
 - (b) The department shall disburse no moneys to any affected region until the ratios have been determined and reported, as described in this section.

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)

Stats. Implemented: ORS 285B.260 & 285B.263

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0170

Agreement of Department with Fiscal Entity

For purposes of the Department's distribution of moneys to the Regions:

- (1) Prior to the disbursement of any Regionally Controlled Funds to the Region through the Fiscal Entity, there must be a Grant Contract between the Department and the Fiscal Entity, duly authorized, executed and delivered by the Fiscal Entity, such that the following shall already be in effect:
 - (a) Recognition of the Region as issued by the Director; and
 - (b) Either the agreement entered into by the governing bodies of the counties comprising the Region and their designated Fiscal Entity or the agreement designating the Regional Board as the Fiscal Entity, in accordance with OAR 123-055-0240, such that the agreement is attached to and referenced in the Grant Contract.

(2) The Department reserves the right to terminate the Grant Contract, terminate the disbursement of Regionally Controlled Funds or take legal action, if the Fiscal Entity fails to maintain its duties, violates its covenants or exceeds its authority under the Grant Contract, an agreement described in OAR 123-055-0240, the Investment Strategy or this division of administrative rule.

Stat. Auth.: ORS 285A.075(5), 285A.110, 285B.236(1), 285B.254(3) & 285B.263(2)

Stats. Implemented: ORS 285B.254, 285B.257, 285B.260 & 285B.263

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 20-2004, f. & cert. ef. 8-2-04

123-057-0190

General Availability and Use of Funds

Subject to the Grant Contract:

(1) No moneys shall be disbursed to the fiscal entity until the investment strategy or its relevant update has been finally approved in accordance with division 055 of this chapter of administrative rules, except as described in OAR 123-057-0330 and 123-057-0430.

(2) Unless otherwise directed by the department, regionally controlled funds that are received by the region through the fiscal entity shall be promptly returned to the department:

(a) If not obligated by formal action of the regional board on or before July 1, one year after the end of the biennium; and

(b) If unexpended at the termination or expiration of the grant contract.

(3) Public entities that directly or indirectly receive regionally controlled funds shall comply with public procurement guidelines, minimum wage and hour standards, municipal budget and audit laws, and other applicable state and local regulations.

(4) The department's payment of regionally controlled funds is subject to the availability of money in the regional fund. Regions shall proportionately share in any shortfall of lottery revenue.

(5) The fiscal entity shall maintain records of all activities associated with the investment strategy and expenditures of regionally controlled funds. The department is entitled to monitor the fiscal entity's records to verify compliance with the grant contract.

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)

Stats. Implemented: 285B.260 & 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

Project-Specific Parameters for Funding

123-057-0210

Common Requirements

Regionally controlled funds for implementing the investment strategy shall be obligated and expended subject to the regional board's evaluation of the merit and readiness of the project, in accordance with the adopted project selection criteria and subject to the consistency of the project with the priorities of the investment and implementation strategy, such that:

- (1) All projects or activities funded meet the funding criteria as set forth in the investment strategy approved by the commission to ensure funded projects and activities are in compliance 285B.239(1)(a)–(j) and in accordance with OAR 123-055-0620.
- (2) The expenditure of the regional controlled funds must be authorized by the regional board, according to the region's procedures governing such authorization.
- (3) Regionally controlled funds shall not be used as prohibited in OAR 123-057-0230.
- (4) Any activity or project funded through this division of administrative rules shall indicate that it is state lottery-funded and authorized by the regional board in all public documentation and on a publicly visible sign associated with any project involving construction activity. The sign shall be provided by the regional board funding the project and the sign shall be approved by the department prior to placing the sign at the project site.
- (5) Any public facility, as defined in ORS 447.210, for which construction costs are in any part paid for with regionally controlled funds, shall be accessible to and made useable by handicapped persons in accordance with the U.S. Americans with Disabilities Act of 1990 (Public Laws 101-336).
- (6) Any activity paid for in whole or in part with regionally controlled funds that affects physical development of land shall comply with the applicable requirements of division 008 of this chapter of administrative rules, this state's land use laws and the local comprehensive plan.
- (7) An individual private business receiving direct or substantial benefits from regionally controlled funds may be required to comply with Division 070 of this chapter of administrative rules for entering into a first-source hiring agreement, but only if required by the regional board in the investment strategy.
- (8) Regionally controlled funds may only be provided to private for-profit businesses for a project and activity, whether as a grant or a loan, if that project and activity is consistent in its own right with an activity specified in the investment strategy (apart from any general objective for financially inducing business development, recruitment or expansion) in accordance with ORS 285B.263(4).

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)

Stats. Implemented: ORS 285B.245, 285B.260, 285B.263 & 461.740

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 20-2004, f. & cert. ef. 8-2-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0230

Common Prohibitions

Regionally Controlled Funds may not be used to do any of the following:

- (1) Retire any debt;
- (2) Reimburse any person or municipality for expenditures made or expenses incurred before final approval of the investment strategy, except for preparation and administration as described in 123-057-0430;
- (3) Substitute for available budgeted resources in supporting ongoing public services or infrastructure that already exist, but rather shall support only new or enhanced local services benefiting the region's capacity for economic development;
- (4) Maintain existing staff of a public or private entity, except for staff time dedicated to:
 - (a) The administrative needs of the investment strategy or the regional board;
 - (b) Redirected or augmented efforts consistent with the investment strategy, such as new technical assistance for enhancing regional coordination or local economic development activities/capacity; or
 - (c) Continue to fulfill objectives or activities of the investment strategy as initiated in a previous biennium; or
- (5) Assist in any way with the relocation of a business facility within this state from one labor market area to another, unless:
 - (a) The job losses in the originating labor market area are less than or equal to 0.1 percent of the most recently available estimate for the civilian labor force therein; or
 - (b) The relocation entails an improvement in the quality and a significant increase in the size of the business's total in-state employment, without being detrimental to any rural area, subject to determinations of the department.

Stat. Auth.: ORS 285A.075, 285B.236(1), & 285B.263(2)

Stats. Implemented: ORS 285B.245, 285B.260 & 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

Rural Investment Fund: Specific Issues

123-057-0330

Rural Set Aside

Moneys dedicated to the rural set aside, as described in ORS 285B.239(2), shall be used for funding eligible activities in the rural action plan as a part of the investment strategy as described in ORS 285B.239, such that: The amount of money dedicated to the rural set aside is determined by the regional board prior to awarding funds for projects. The amount of money so dedicated each biennium to the rural set aside is sufficient to adequately implement the rural action plan in that biennium.

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0350

Rural Action Plan

(1) The rural action plan is an element of the investment strategy, and shall be reviewed and approved in the context of the six-year investment strategy subject to satisfaction of OAR 123-055-0400 and 123-055-0420

(2) The rural action plan may merely refer to and highlight other investment strategy elements if the investment strategy is entirely or mostly oriented towards rural areas.

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

Stats. Implemented: ORS 285B.239

Hist.: EDD 6-2000, f. & cert. ef. 4-3-00; EDD 8-2000(Temp), f. 5-2-00, cert. ef. 5-2-00 thru 9-30-00; EDD 13-2000, f. & cert. ef. 8-15-00; EDD 6-2004(Temp), f. & cert. ef. 2-3-04 thru 8-1-04; EDD 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

Regional Investment Fund: Specific Issues

123-057-0410

Components

The regional fund is used for the following:

(1) Technical assistance and staff support for preparation and update of the investment strategy and for development and administration of a regional partnership;

(2) Personnel and expenses for administering the investment strategy and its implementation; and

(3) Projects and activities implementing an approved investment strategy.

(4) Other activities consistent with the adopted investment strategy in accordance with ORS 285B.239.

Stat. Auth.: ORS 285A.075, 285B.236(1) & 285B.263(2)

Stats. Implemented: ORS 285B.260, 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0430

Dedicated to Strategy Preparation

As determined by the commission, a maximum percentage of the moneys from the regional fund in each biennium may be dedicated by a regional board for preparation of the investment strategy and for support of a regional partnership, such that:

- (1) The maximum limit established by the commission is expressively included in the grant contract;
- (2) The department shall take reasonable efforts to make such moneys available prior to approval of the investment strategy, including but not limited to executing the grant contract and specifically disbursing such moneys through it;
- (3) The moneys may only be used for technical assistance and staff support for:
 - (a) Development and refinement of the investment strategy; or
 - (b) Development and administration of a regional partnership; and
- (4) Such moneys may be spent on relevant work and expenses incurred prior to disbursement of the funds or final approval of the investment strategy, regardless of OAR 123-057-0230(2).

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

Stats. Implemented: ORS 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0450

Guidelines for Financing Fixed Asset Acquisitions of Private Businesses

For purposes of grants or loans from the regional fund to individual private businesses for the acquisition of fixed assets, under ORS 285B.263(4), to complement existing public and private financing:

- (1) Only a portion (not all) of the moneys for projects and activities in any biennium may be used for such purposes, including but not limited to the capitalization of a revolving loan fund or funds for private business projects.
- (2) The investment strategy must contain the terms and conditions for such grants or loans, when the investment strategy is submitted for review pending final state-level approval, along with other provisions in the investment strategy applicable to relevant activities.

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

Stats. Implemented: ORS 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0470

Tourism and Industrial Marketing

For purposes of ORS 285B.245(2) and expending regional fund money for projects to market a region for creating, expanding or retaining tourism or industrial activity, investments and related jobs:

(1) If a region intends to use any of its regional fund allocation for such purposes, then the investment strategy must generally show how the projects to be funded will complement and will not conflict with statewide marketing campaigns and efforts aimed at travelers/tourists or at industrial investors, such that:

(a) This section may be fulfilled by describing procedural steps, criteria or the like for selecting and authorizing projects; and

(b) The investment strategy needs only to address the basic thrust of statewide campaigns, as they exist at the time that the investment strategy is locally adopted or updated in each biennium.

(2) Consistent with OAR 123-055-0600, the department shall seek to coordinate such marketing efforts at the state and regional level, especially by emphasizing ways to effectively take advantage of each level's respective resources (or other types of resources).

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

Stats. Implemented: ORS 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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

Strategic Regional Investment Opportunity Fund Projects

123-057-0510

Allocation

In each biennium: In accordance with ORS 285B.263 and 285B.266(3), the department may allocate a specific portion of the Strategic Reserve Fund to be used as the Strategic Regional Investment Opportunity Fund.

Stat. Auth.: ORS 285A.075, 285B.236(1) & 285B.263(2)

Stats. Implemented: ORS 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0530

Use and Criteria of Strategic Regional Investment Opportunity Project Moneys

In each biennium, the commission may allocate funds from the Strategic Reserve Fund to create a Strategic Regional Investment Opportunity Fund. The department shall allocate a portion of the fund to each Regional Investment Board based upon consultation with Association of Oregon Counties, League of Oregon Cities, and Oregon Public Ports Association. This allocation shall:

- (1) Ensure that each Strategic Regional Investment Opportunity Fund Project actualizes one or more of the following:
- (a) The project is developed and brought forward to the department by a regional partnership or board, Business Development Officers or business partners;
 - (b) The project can demonstrate a significant private business investment, short or long term job creation or other long-term economic development impacts that results in job creation. ;
 - (c) Greater competitiveness and productivity by the regions' traded-sector industries resulting in short term job creation or retention;
 - (d) The investment of these funds will close a critical gap in funding for eligible activities;
 - (e) Significant improvement in the variety, wage level and quality of jobs in the participating regions;
 - (f) Collaboration with one or more industries or institutions that are important to the regions' future:
 - (A) Eliminate barriers that impede competitiveness of existing businesses;
 - (B) Foster new or expanded businesses emerging in the regions;
 - (C) Internationally market goods and services from the regions; or
 - (D)(i) Diversify the regional economies;
 - (ii) Similar goals consistent with or conducive to statewide efforts and priorities for economic and community development.
- (2) Insist that Strategic Regional Investment Opportunity Projects adhere to funding standards, as follows:
- (a) By satisfying sound investment/underwriting principles;
 - (b) By combining with funds from private, local, regional, state or federal sources; and
 - (c) By ensuring that the project is ready to proceed in terms of delivering planned outcomes in a reasonable time, including but not limited to a thorough scope of work in the project application, contract and reporting requirements as described in this rule, clear commitment of other resources and the absence of barriers to the project's timely commencement.
- (3) Forbid Strategic Regional Investment Opportunity Fund Projects that amount to the following:
- (a) A subsidy for ongoing capacity of an organization or for ongoing operation and maintenance of a facility;
 - (b) Open-ended efforts that lack a demonstrable and realistic plan for effectively concluding the project, generating future resources or ensuring the usefulness of any deliverables/capacity in the future; or
 - (c) A failure to demonstrate the criteria as described in section 1(b) of this rule.

(4) The department shall fund projects in accordance with the following:

(a) The department shall facilitate the identification and undertaking of Strategic Regional Investment Opportunity Fund Projects, through communications and assistance to regional boards and fiscal entities through the department's Business Development Officers. Regions seeking to access their allocated portion of the funds shall do so through their regionally assigned Business Development Officer.

(b) Strategic Regional Investment Opportunity Fund projects addressing projects that meet the criteria as described in this rule may be advanced for approval upon joint recommendation of a regional partnership or regional boards response committee and a Business Development Officer. If the project is recommended, the Business Development Officer will draft a staff recommendation for signature.

(c) Following approval of project funding, projects are assigned to the most appropriate Division within the department to negotiate final project conditions if any, performance measures and to develop and execute contract documents. The contract will specify the process and timing of disbursements of funds, conditions for reporting results, terms for repayment of funds where appropriate and the process for project closeout.

Stat. Auth.: ORS 285A.075, 285B.236(1) & 285B.263(2)

Stats. Implemented: ORS 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

Biennial Report to the Commission and the Legislature

123-057-0710

General Guidance

For purposes of ORS 285B.263(6), each region shall prepare and submit a biennial report to the Governor, Commission and Legislative Assembly:

(1) This biennial report shall be prepared and submitted in conformance with the following:

(a) Format and procedures that the department may prescribe; and

(b) The region's periodic performance reports and regional performance measures and distribution criteria including goals pursuant to OAR 123-055-0620 and ORS 285B.239.

(2) The final biennial report shall be due at a time determined by the department in relation to each general session of the legislature, and shall include information from prior biennia not covered in the previous biennial report, as well as the most currently available information for the ongoing biennium.

(3) The biennial report shall describe all expenditures of regionally controlled funds and, where multiple state funds are invested in a job creation or retention projects such as Strategic Regional Investment Opportunity Fund projects, the department will:

(a) In some manner, differentiate and proportion between the funding sources when reporting these job creation projects to the legislature.

(4) The biennial report shall indicate the success of projects and programs as funded or completed, not only in terms of the project or program itself, but also in terms of how each one contributes to:

(a) Carrying out the investment strategy as whole;

(b) Carrying out the rural action plan specifically;

(c) Affecting performance measures and regional benchmarks specified therein; and

(d) Achieving identified priorities for regional economic priorities, as both defined in statute and by the regional board itself in the investment strategy.

(5) The biennial report may (in addition to information about expenditures of regionally controlled funds and about funded projects) address the regional board and the investment strategy's general progress and impact, especially in coordination with other resources and entities.

(6) The biennial report shall indicate the success of projects and activities as funded in accordance with the regionally adopted, six-year Commission approved investment strategy and project funding criteria that has been established by the adoption of the strategy and goals as described in ORS 285B.239 thru 285B.263. The regions will be evaluated by department staff in accordance with ORS 285B.239(1)(h)(A), (B), (C) and 285B.239(1)(i), (j). If the department determines the region has funded projects not complying with the approved investment strategy, the department shall reduce future allocations from the Regional Fund in a like percent of the funds spent on the projects not meeting the adopted criteria established by the investment strategy.

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

Stats. Implemented: ORS 285B.260 & 285B.263

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 20-2004, f. & cert. ef. 8-2-04; EDD 11-2007(Temp), f. & cert. ef. 9-5-07 thru 2-29-08; EDD 8-2008(Temp), f. & cert. ef. 3-4-08 thru 8-31-08; EDD 30-2008, f. 8-28-08, cert. ef. 9-1-08

123-057-0910

Waiver of Nonstatutory Requirements

The Director or the Director's designee may waive non-statutory requirements of this division of administrative rules, if demonstrated 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. The burden of proof in justifying such a waiver shall be on the Region seeking the waiver.

Stat. Auth.: ORS 285A.075(5), 285A.110, 285B.236(1), 285B.254(3) & 285B.263(2)

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

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

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Stat. Auth.: ORS 285A.075, 285B.236(1), 285B.254(3) & 285B.263(2)

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

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