



December 15, 2011

Ms. France Fitzpatrick  
CASA of Oregon  
20512 SW Roy Rogers Rd.  
Suite 150  
Sherwood, OR 97140

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: St. Joseph Shelter Rehabilitation  
Requested by: CASA of Oregon

Dear Ms. Fitzpatrick:

On November 30, 2011, you submitted a request on behalf of the Community and Shelter Assistance Corporation (“CASA of Oregon”) asking if the Prevailing Wage Rate law would apply to the St. Joseph Shelter Rehabilitation project (“project”). Sufficient information to make a determination was received on December 13, 2011, and therefore, the commissioner issues the following determination:

**FINDINGS OF FACT:**

1. CASA of Oregon plans to help St. Joseph Shelter acquire and rehabilitate Bede Hall in Mt. Angel. St. Joseph Shelter is a private domestic non-profit established in 2005. Bede Hall is currently owned by the Benedictine Sisters of Mt. Angel and is used as a dormitory for single, male migrant farmworkers. St. Joseph Shelter will purchase “Bede Hall” from the Benedictine Sisters for \$10.00. The Benedictine Sisters of Mt. Angel will maintain ownership of the project land and will lease it to St. Joseph Shelter.
2. CASA of Oregon is a private domestic non-profit established in 1988. Its mission is to develop housing, programs and facilities that improve the quality of life and self-sufficiency of farmworkers and other low-income populations. CASA of Oregon will be the developer on the proposed project.

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3. The renovation project will convert Bede Hall from dormitory style housing into apartment-style temporary housing for migrant farmworkers and their families. The project will convert Bede Hall into two studio apartments and eight two-bedroom apartments. Each apartment unit will have its own full kitchen and full bathroom. Each unit will be designated affordable housing and none of the occupants will have incomes greater than 60% of the area median. The building will also include a mudroom, a laundry room, a common bathroom, a sitting room and a meeting/classroom space. The meeting/classroom space is for residents of the building only.
4. The total development cost for this project will be \$2,087,543. Funding will come from the following sources:
  - a. Funds of a public agency: \$492,500
    - i. Oregon Housing & Community Services
      1. \$485,000 – General Housing Account Program (GHAP)
      2. \$7,500 – Low Income Weatherization Assistance Program
  - b. Other funds: \$2,445,043
    - i. HUD: \$300,000 – Rural Innovation Fund Program
    - ii. OHCS: \$602,093 – Farmworker Housing Tax Credits
    - iii. Private Donations: \$592,960
    - iv. Meyer Memorial Trust: \$300,000 (tentative funding)
    - v. Federal Home Loan Bank of Seattle: \$99,990 (tentative funding)
    - vi. CASA Community Development Financial Institution (CDFI) loan (tentative): \$100,000
    - vii. Private bank loan (tentative): Up to \$450,000

#### **CONCLUSIONS OF LAW:**

1. The definition of “public works” under ORS 279C.800(6)(a)(A) will not apply because the project will not be carried on or contracted for by a public agency.
2. The definition of “public works” under ORS 279C.800(6)(a)(B) includes projects for the “construction, reconstruction, major renovation or painting of a privately owned road, highway, building, structure or improvement of any type that uses funds of a private entity and \$750,000 or more of funds of a public agency.” The proposed project won’t meet this definition of “public works” because the proposed project will not use more than \$750,000 in funds of a public agency.

**DETERMINATION:**

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed construction, reconstruction, major renovation and/or painting of the St. Joseph Shelter Rehabilitation project.

This determination is based on the agency's file as of the date of this determination. The commissioner may make a different determination if any of the project information is incorrect, or if the project or project documents are modified or supplemented after the date of this determination.

**REQUEST FOR RECONSIDERATION:**

After the commissioner issues a determination, the requestor or any public agency served with a copy of the determination may request that the commissioner reconsider the determination. A request for reconsideration must be submitted in writing to the Prevailing Wage Rate Unit, must include the reason or reasons for the request and any documents in support of the request, and must be received within 15 calendar days of the date the determination was mailed. A request for reconsideration does not toll the time period for requesting a contested case hearing on the determination.

**RIGHT TO A HEARING:**

The requestor and any person adversely affected or aggrieved by this determination are entitled to a hearing as provided by the Administrative Procedures Act (ORS 183.413 to 183.470) and ORS 279C.817. If you want a hearing, the Bureau of Labor and Industries, Wage and Hour Division, must receive your written request for hearing within 21 days from the date this notice was mailed. Hearing requests should be addressed and delivered to:

Administrator  
Wage and Hour Division  
Bureau of Labor and Industries  
800 NE Oregon St., Suite 1045  
Portland, OR 97232

If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

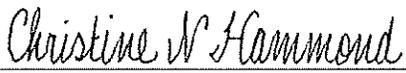
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be

represented by either legal counsel or an authorized representative. If you request a hearing, you will receive information on Contested Case Rights and Procedures before the hearing. After the hearing, an order confirming, modifying or reversing this determination will be issued. This determination shall remain in effect until the final order is issued.

If you request a hearing, but fail to appear at any scheduled hearing, you will have waived your right to hearing, and the commissioner may issue a final order by default. If the commissioner issues a final order by default, the agency file on this matter shall serve as the record for purposes of proving a prima facie case. You are not entitled to judicial review of this determination order unless you have made a timely request for a hearing.

Date: December 15, 2011

BRAD AVAKIAN, Commissioner  
Bureau of Labor and Industries

  
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CHRISTINE N. HAMMOND,  
Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

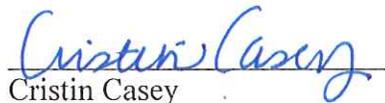
## Certificate of Service

On December 15, 2011, I mailed the Prevailing Wage Rate Determination for the St.

Joseph Shelter project to the requestor, as follows:

France Fitzpatrick  
CASA of Oregon  
20512 SW Roy Rogers Rd.  
Suite 150  
Sherwood, OR 97140

Certified Mail – Return Receipt Requested  
Article #: 7009 2820 0001 4829 2404



Cristin Casey  
Compliance Specialist  
Wage and Hour Division  
Bureau of Labor and Industries