

Oregon Business Development Department

Chapter 123

Division 61

REGIONAL INFRASTRUCTURE FUND

123-061-0010

Purpose

These rules establish the criteria and process for selecting projects to be funded by the Regional Infrastructure Fund. The 2013 Oregon Legislature created the Regional Infrastructure Fund for the purpose of providing grants and loans to local governments for Regional Solutions implementation projects including long-range planning, research, and design. As provided in 786 OL 2013 § 3, the Oregon Business Development Department shall administer the Regional Infrastructure Fund.

Statutory/Other Authority: ORS 285A.075 & OL 2013 c.786 §3

Statutes/Other Implemented: ORS 285B.551 & OL 2013 c.786 §3

History:

OBDD 15-2016, f. & cert. ef. 12-22-16

OBDD 7-2014, f. 4-30-14, cert. ef. 5-1-14

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Definitions

The following terms have the following definitions, unless the context clearly indicates otherwise:

- (1) "Department" means the Oregon Business Development Department defined in ORS 285A.070.
- (2) "Fund" means the Regional Infrastructure Fund.
- (3) "Grant" means funds for an awarded project that are not required to be repaid, if contract conditions are met.
- (4) "Grant and Loan Review Committee" means a committee designated by the Department, comprised of a geographically diverse, odd number of members from the Oregon Business Development Commission and the Oregon Infrastructure Finance Authority Board, to determine project awards. The Committee must include at least one member that is a representative from a city and at least one member that is a representative from a county.
- (5) "Loan" means a non-revolving loan for an awarded project. Loan funds are required to be repaid after project completion.
- (6) "Project" means a project funded by the Regional Infrastructure Fund that supports regional economic and community development.
- (7) "Local government" means a city, county, authority or entity organized under state statute or city or county charter, and includes any council of governments.
- (8) "Region" means an economic development district in Oregon, created by the Economic Development Administration of the United States Department of Commerce, for which the Governor has appointed a Regional Solutions Advisory Committee.
- (9) "Regional priorities" means the priorities for economic and community development established by a Regional Solutions Advisory Committee.
- (10) "Regionally-based planning committees" means Regional Solutions Advisory Committees appointed by the Governor as described in Chapter 82 Oregon Laws 2014.

Statutory/Other Authority: ORS 285A.075 & OL 2013 c.786 §3

Statutes/Other Implemented: OL 2013 c.786 §3, OL 2014 c.82 §2, 3 & 5

History:

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Project Applications

- (1) Regional Solutions, in coordination with the Department, will develop an application to apply for project funding and develop procedures for review and award. Applications will be received by the Department.
- (2) Regional Solutions, in coordination with the Department, will announce periods for local governments to submit applications for funding.
- (3) The announcement will identify the types of funds available and the eligible uses.
- (4) The applicant must be an Oregon local government. A project must have a local government sponsor but may provide either a public or private benefit.
- (5) If a project or applicant is deemed ineligible, the applicant will be notified by the Department. The director of the Department, or a designate, will consider appeals of the eligibility determination. Only the applicant may appeal, and appeals must be submitted in writing to the director within 15 calendar date of the decision being appealed. The director's decision is final.

Statutory/Other Authority: OL 2013 c.786 §3

Statutes/Other Implemented: OL 2013 c.786 §3, OL 2014 c.82 §2, 3 & 5

History:

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Project Criteria

Projects shall be evaluated by the Department and the Regional Solutions Teams for whether the project will:

- (1) Address one or more regional priorities.
- (2) Support the retention or creation of jobs in the region directly impacted by the project.
- (3) Not require or rely upon continuing subsidies from the Department for ongoing operations.
- (4) Help meet the sustainable community objectives as noted in ORS 184.423(2).
- (5) Be ready for implementation. The project has:
 - (a) Identified all applicable and required permits within the project schedule.
 - (b) Committed funding contributions from other public, private, or philanthropic resources.
 - (c) Demonstrated community support.
- (6) For economic development projects, be consistent with Oregon Business Development Department strategic plan priorities.

Statutory/Other Authority: OL 2013 c.786 §3

Statutes/Other Implemented: OL 2013 c.786 §3, OL 2014 c.82 §2, 3 & 5

History:

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Public Involvement

Eligible projects will be forwarded to the applicable Regional Advisory Committee for review and recommendation of projects from that respective region. Regional Solutions Advisory Committees must provide at least 14 days for the public to review meeting agendas, projects materials and provide comment on proposed projects before such a Committee makes its final recommendation.

Statutory/Other Authority: OL 2013 c.786 §3

Statutes/Other Implemented: OL 2013 c.786 §3, OL 2014 c.82 §2, 3 & 5

History:

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Funding Allocation and Project Recommendation

(1) Each region will receive a base of five percent of the total amount available during any round of applications. If a region does not submit a timely application or submits one for less than five percent, the five percent or remaining percent for that region may be awarded to other projects.

(2) Regional Solutions Advisory Committees will recommend projects from their region to the Grant and Loan Review Committee.

(3) The Department will establish a Grant and Loan Review Committee, which will review project recommendations, determine projects and amounts to award.

Statutory/Other Authority: OL 2013 c.786 §3

Statutes/Other Implemented: OL 2013 c.786 §3, OL 2014 c.82 §2, 3 & 5

History:

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Contracts

(1) Upon approval of an award from the Fund, the Department will enter into a binding contract with the local government.

(2) The contract for a grant and/or loan shall be in a form provided by the Department and will include but not be limited to:

(a) A provision that disbursements from the Fund will be according to the terms of the contract;

(b) The eligible use of funds;

(c) The performance standards expected of the local government;

(d) The repayment obligation of the local government for failure to perform the specified project activity.

(e) Other provisions that the Department considers necessary or appropriate to implement the award.

(3) In the event of a contract default, any recovered funds will be returned to the Fund and may be awarded to another project.

(4) A contract for a loan must be authorized by an ordinance, order or resolution adopted by the governing body of the local government in accordance with the local government's requirements for public notice and authorizing debt.

Statutory/Other Authority: ORS 285A.075 & OL 2013 c.786 §3

Statutes/Other Implemented: OL 2013 c.786 §3

History:

OBDD 15-2016, f. & cert. ef. 12-22-16

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