



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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DECEMBER 2, 2004

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. If Needed Executive Session
Pg 3	9:30 a.m. Multnomah County Auditor Annual Report 2004
Pg 3	9:50 a.m. Citizen Involvement Committee Annual Report
Pg 3	10:05 a.m. Resolution Adopting High Performance Green Building Policies
Pg 3	10:30 a.m. Ordinance Adopting Portland's Recent Land Use Code, Plan and Map Revisions
Pg 4	10:45 a.m. Ordinance Adopting Provisions for the Review of Demands for Compensation under Oregon Revised Statutes Chapter 197 as Amended by Ballot Measure 37

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television

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Thursday, December 2, 2004 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.
-

Thursday, December 2, 2004 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

- C-1 ORDER Reappointing Melvin Y. Zucker as a Commissioner to the Ramsey-Walmar Special Road District
- C-2 Budget Modification NOND-01 Correcting a Clerical Error in the Public Affairs Office Fiscal Year 2005 Budget
- C-3 RESOLUTION Approving a Consortium Agreement [Government Non-Expenditure Contract (190 Agreement) 0405156] Between Multnomah and Washington Counties and the City of Portland and Designating the County Chair as the Elected Official from Multnomah County to Serve on the Consortium Governing Board

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-4 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to GAIL L. HUFF

- C-5 RESOLUTION Authorizing Execution of Contract between Multnomah County, Seller, and EDWARD OZERUGA, Purchaser, for Tax-Foreclosed Property sold at Public Sale, and Deed to Purchaser at Contract Completion
- C-6 RESOLUTION Authorizing Execution of Contract between Multnomah County, Seller, and JAMES Q. TETTEH, Purchaser, for Tax-Foreclosed Property Sold at Public Sale, and Deed to Purchaser at Contract Completion

SHERIFF'S OFFICE

- C-7 RESOLUTION Recognizing the Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees at the Multnomah County Jails

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

NON-DEPARTMENTAL - 9:30 AM

- R-1 Multnomah County Auditor Annual Report 2004. Presented by Suzanne Flynn. 20 MINUTES REQUESTED.
- R-2 Multnomah County Citizen Involvement Committee Annual Report. Presented by Committee Chair Ken Ray. 15 MINUTES REQUESTED.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 10:00 AM

- R-3 RESOLUTION Declaring the Hooper Memorial Center as Surplus Property, Authorizing Sale of the Building, and Authorizing the County Chair to Approve the Terms of Sale and Execute Appropriate Documents to Complete the Sale (Continued from November 18, 2004)
- R-4 RESOLUTION Adopting High Performance Green Building Policy Recommendations for Multnomah County. Presented by Amy Joslin, Doug Butler and John Echlin. 30 MINUTES REQUESTED.
- R-5 First Reading and Possible Adoption of a Proposed ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's

Recent Land Use Code, Plan and Map Revisions Related to Historic Preservation and Demolition in Compliance with Metro's Functional Plan and Declaring an Emergency

- R-6 RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian and Bicyclist Bridge Over Beaver Creek in the City of Troutdale
- R-7 RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Installing a Traffic Signal
- R-8 First Reading and Possible Adoption of a Proposed ORDINANCE Adopting New Provisions in Chapter 7 of the Multnomah County Code for the Review of Demands for Compensation under Oregon Revised Statutes Chapter 197 as Amended by Ballot Measure 37 Passed November 2, 2004, and Declaring an Emergency
- R-9 Budget Modification BCS-05 Reclassifying Nineteen Positions in County Business Services

DEPARTMENT OF COUNTY HUMAN SERVICES - 11:15 AM

- R-10 Budget Modification DCHS-05 Increasing the Mental Health and Addiction Services Budget by \$785,172 to Reflect Funding Revisions to the State Mental Health Grant Award that Increase Non-Residential Adult Outpatient Mental Health Funds (Service Element 20)
- R-11 Budget Modification DCHS-06 Increasing the Domestic Violence Budget by \$131,250 to Reflect a US Department of Justice Safe Havens Supervised Visitation and Safe Exchange Program Grant
- R-12 Budget Modification DCHS-07 Increasing the Domestic Violence Budget by \$23,881 to Reflect a National Institute of Health/National Institute of Nursing Research Grant Award for Workplace Strategies to Prevent Violence Program, in Collaboration with Oregon Health and Sciences University

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: December 2, 2004

Agenda Item #: C-1

Est. Start Time: 9:30 AM

Date Submitted: 11/01/04

Requested Date: December 2, 2004

Time Requested: N/A

Department: Non-Departmental

Division: Attorney's Office

Contact/s: Matthew Ryan, Assistant County Attorney

Phone: 503.988-3138

Ext.: 83138

I/O Address: 503/500

Presenters: Consent Calendar

Agenda Title: ORDER Reappointing Melvin Y. Zucker as a Commissioner to the Ramsey-Walmar Special Road District

**NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.**

1. **What action are you requesting from the Board? What is the department/agency recommendation?**

Approval of the ORDER Reappointing Melvin Y. Zucker as a Commissioner to the Ramsey-Walmar Special Road District.

2. **Please provide sufficient background information for the Board and the public to understand this issue.**

The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District not maintained by Multnomah County because such roads do not meet County standards.

ORS 371.338 provides the powers of the special road district vested in a Board of three Commissioners appointed by the Board of Commissioners.

The three year term of Melvin Y. Zucker, who was last reappointed as a Commissioner of the Ramsey-Walmar Special Road District pursuant to Order 01-164, ends on

December 31, 2004. Mr. Zucker has diligently served on this Board since 1985, and he has indicated he is willing and able to continue serving as a Commissioner until such time as a willing and qualified replacement is found.

3. Explain the fiscal impact (current year and ongoing).

None to Multnomah County.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

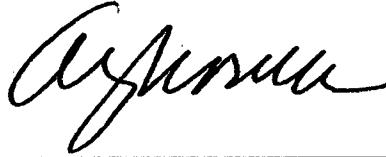
4. Explain any legal and/or policy issues involved.

Pursuant to ORS 371.338(3), before entering upon the duties of office, Mr. Zucker shall take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of his knowledge and ability.

5. Explain any citizen and/or other government participation that has or will take place.

The Ramsey-Walmar Special Road District files appropriate documents with the Multnomah County Assessment and Taxation Division. Typically, the appointees do not attend the County Commission meeting when the Board considers and votes on their appointments.

Required Signatures:



Department/Agency Director: _____

Date: 11/01/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Reappointing Melvin Y. Zucker as a Commissioner to the Ramsey-Walmar Special Road District

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District not maintained by Multnomah County because such roads do not meet County standards.
- b. ORS 371.338 provides the powers of the special road district vested in a board of three commissioners appointed by the Board of Commissioners.
- c. The term of Melvin Y. Zucker, who was last appointed pursuant to Board Order 01-164 expires December 31, 2004 and Mr. Zucker has indicated he is willing and able to continue to serve as a commissioner.

The Multnomah County Board of Commissioners Orders:

1. Melvin Y. Zucker is reappointed a commissioner of the Ramsey-Walmar Special Road District, for a three year term to beginning January 1, 2005 and ending December 31, 2007, consistent with ORS 371.338(1).
2. Pursuant to ORS 371.338(3), before entering upon the duties of office, Mr. Zucker shall take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of his knowledge and ability.

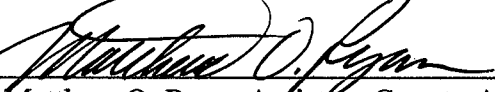
ADOPTED this 2nd day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 04-171

Reappointing Melvin Y. Zucker as a Commissioner to the Ramsey-Walmar Special Road District

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District not maintained by Multnomah County because such roads do not meet County standards.
- b. ORS 371.338 provides the powers of the special road district vested in a board of three commissioners appointed by the Board of Commissioners.
- c. The term of Melvin Y. Zucker, who was last appointed pursuant to Board Order 01-164 expires December 31, 2004 and Mr. Zucker has indicated he is willing and able to continue to serve as a commissioner.

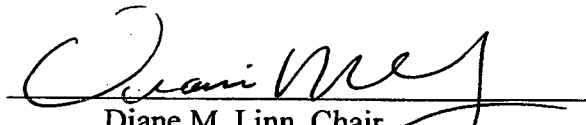
The Multnomah County Board of Commissioners Orders:

1. Melvin Y. Zucker is reappointed a commissioner of the Ramsey-Walmar Special Road District, for a three year term to beginning January 1, 2005 and ending December 31, 2007, consistent with ORS 371.338(1).
2. Pursuant to ORS 371.338(3), before entering upon the duties of office, Mr. Zucker shall take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of his knowledge and ability.

ADOPTED this 2nd day of December, 2004.

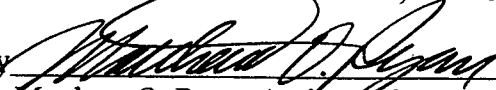


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney



Deborah L. Bogstad, Board Clerk

MULTNOMAH COUNTY OREGON

**Multnomah County Board of Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax**

December 6, 2004

Mr. Melvin Y. Zucker
2222 NW Ramsey Drive
Portland, Oregon 97229

Ramsey-Walmar Special Road District

Dear Mr. Zucker:

In its December 2, 2004 meeting, the Multnomah County Board of Commissioners unanimously voted to reappoint you to an additional three-year term as Commissioner to the Ramsey-Walmar Special Road District. Chair Diane Linn specifically acknowledged and thanked you for your continued contributions to the District.

Enclosed are copies of the executed order of your appointment and two original oaths of office forms to be executed as soon after December 31, 2004 as convenient. Please sign them before a Notary Public, retaining one for your records and returning one to me in the envelope provided.

Thank you so much, Mr. Zucker, for your continued willingness to serve the District. I send my fondest wishes to you and your family for a safe and happy holiday season.

Sincerely,

Deb Bogstad
Multnomah County Board Clerk

Enclosures

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 04-171

Reappointing Melvin Y. Zucker as a Commissioner to the Ramsey-Walmar Special Road District

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Board of Commissioners formed the Ramsey-Walmar Special Road District by Order on September 19, 1985, in accordance with ORS 371.305 to 371.360 for the purpose of providing regular maintenance of roads within the District not maintained by Multnomah County because such roads do not meet County standards.
- b. ORS 371.338 provides the powers of the special road district vested in a board of three commissioners appointed by the Board of Commissioners.
- c. The term of Melvin Y. Zucker, who was last appointed pursuant to Board Order 01-164 expires December 31, 2004 and Mr. Zucker has indicated he is willing and able to continue to serve as a commissioner.

The Multnomah County Board of Commissioners Orders:

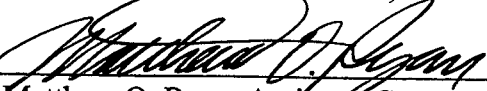
1. Melvin Y. Zucker is reappointed a commissioner of the Ramsey-Walmar Special Road District, for a three year term to beginning January 1, 2005 and ending December 31, 2007, consistent with ORS 371.338(1).
2. Pursuant to ORS 371.338(3), before entering upon the duties of office, Mr. Zucker shall take and subscribe an oath to support the Constitution and laws of the State of Oregon and of the United States, and to well and faithfully perform the duties of office to the best of his knowledge and ability.

ADOPTED this 2nd day of December, 2004.

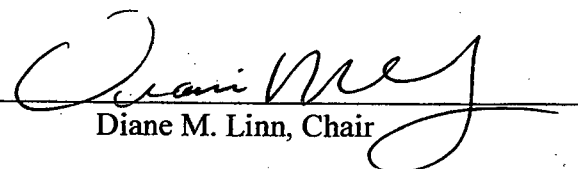


REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair



OATH OF OFFICE MULTNOMAH COUNTY OREGON

STATE OF OREGON)

) ss

County of Multnomah)

*I, **Melvin Y. Zucker**, do solemnly affirm that I will support the Constitution and the laws of the of the State of Oregon and of the United States of America and to well and faithfully perform the duties of the Office of **Commissioner to the Ramsey-Walmar Special Road District**, to which I have been elected, to the best of my ability.*



Signed: _____

Subscribed and affirmed to before me this _____ day of January, 2005.

Notary: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 12-02-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/02/04
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 11/10/04

BUDGET MODIFICATION: NOND - 01

Agenda Title: Budget Modification NOND-01 Correcting Clerical Error in Public Affairs
Office Fiscal Year 2005 Budget

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>December 2, 2004</u>	Time Requested:	<u>consent calendar</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Public Affairs Office</u>
Contact(s):	<u>Julie Neburka</u>		
Phone:	<u>503-988-3312</u>	Ext.	<u>27351</u>
		I/O Address:	<u>503/5/531</u>
Presenter(s):	<u>N/A</u>		

General Information

1. What action are you requesting from the Board?

The Budget Office requests Board approval for budget modification Nond 01, which corrects a clerical error in the Public Affairs Office's (PAO's) FY 2005 adopted budget. Funding was included in the PAO's budget for 0.5 FTE Public Affairs Coordinator, but position authorization was omitted. Approval of this budget modification will correct that oversight and allow the PAO to fill a vacant position prior to the FY 2005-2007 Legislative session.

2. Please provide sufficient background information for the Board and the public to understand this issue.

Funding was provided to the Public Affairs Office in the County's FY 2005 executive budget to increase a half-time Public Affairs Coordinator position to full-time. The increase in funding and position authority was provided due to workload increase and in light of the upcoming legislative session. During preparation of the budget documents, however, position authorization for the 0.5 FTE was omitted. This omission was due to a clerical error.

3. Explain the fiscal impact (current year and ongoing).

Restoring 0.5 FTE will have no fiscal impact to the Public Affairs Office's budget. Funding was

included in the FY 2005 budget for 1.0 FTE. This action only provides position authorization.

4. Explain any legal and/or policy issues involved.

N/A

5. Explain any citizen and/or other government participation that has or will take place.

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?
No revenues are being changed.
- What budgets are increased/decreased?
No expenditure budgets are changed. This action changes FTE only.
- What do the changes accomplish?
The proposed changes will allow the PAO to recruit for a full-time Public Affairs Coordinator, as was anticipated during the FY 2005 budget process.
- Do any personnel actions result from this budget modification? Explain.
Yes. An existing half-time position is increased to full-time.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
All costs are included in the FY 2005 budget.
- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

Contingency Request

If the request is a **Contingency Request**, please answer all of the following in detail:

- Why was the expenditure not included in the annual budget process?
- What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- Why are no other department/agency fund sources available?
- Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?
- Has this request been made before? When? What was the outcome?

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- Who is the granting agency?
- Specify grant (matching, reporting and other) requirements and goals.
- Explain grant funding detail – is this a one time only or long term commitment?
- What are the estimated filing timelines?
- If a grant, what period does the grant cover?
- When the grant expires, what are funding plans?
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

ATTACHMENT B

BUDGET MODIFICATION: NOND - 01

Required Signatures

**Department/
Agency Director:**



Date: 11/22/04

Budget Analyst:



Date: 11/10/04

Department HR:

Date: _____

Countywide HR:

Date: _____

5. ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6089	61026	Public Affairs Coordinator		0.50	22,206	5,233	6,400	33,839
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL ANNUALIZED CHANGES		0.50	22,206	5,233	6,400	33,839

6. CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6089	61026	Public Affairs Coordinator		0.50	0	0	0	0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			TOTAL CURRENT FY CHANGES		0.50	0	0	0	0

BOGSTAD Deborah L

From: NEBURKA Julie Z
Sent: Wednesday, November 10, 2004 2:12 PM
To: BOGSTAD Deborah L
Cc: DARGAN Karyne A; MATTIODA Gina M
Subject: APR Nond 01 PAO 0.5 FTE Position only.doc

Hi Deb--here is a wee bud mod for the consent calendar on December 2nd, if possible. You only need to print the "FTE" tab on the Excel workbook. There are no dollar changes associated with this bud mod. I'll get signed copies up to you asap.

Please let me know if you have any questions--thanks!

Julie

Gina's Signature
for scanning

A handwritten signature in black ink, appearing to read 'Gina Mattioda'. The signature is stylized with a large 'G' and a long horizontal stroke. Above the signature, there is a small handwritten note 'Gina's Signature for scanning'.

11/15/2004



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/02/04
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 11/17/04

BUDGET MODIFICATION:

Agenda Title: Resolution Approving a Consortium Agreement Between Multnomah and Washington Counties and the City of Portland and Designating the County Chair as the Elected Official from Multnomah County to Serve on the Consortium Governing Board

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested: December 2, 2004 Time Requested: N/A
Department: Non-Departmental Division: Chair Diane Linn
Contact(s): Lisa Goldberg, John Ball
Phone: 503-988-4765 Ext. 84765 I/O Address: 503/600
Presenter(s):

General Information

1. What action are you requesting from the Board?

We request that the Board adopt a resolution approving the Consortium Agreement Between Multnomah County, Washington County, and the City of Portland and authorize the County Chair to serve on the consortium's Governing Board, with the ability to designate an alternate to represent the County on the Governing Board or Workforce Investment Board, including the Workforce Investment Board Executive Committee.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The purpose of this Consortium Agreement is to update the previous IGA approved in 1997 under the Job Training Partnership Act (JTPA) creating a Workforce Development Board. JTPA was replaced with the Workforce Investment Act of 1998 (WIA), which also requires that multi-jurisdictional workforce investment areas enter into consortium agreements. The Consortium Agreement establishes Multnomah County, Washington County, and the City

of Portland as a Workforce Investment Area.

The Consortium Agreement also establishes a Governing Board consisting of an elected official from each of the three member jurisdictions to carry out the functions assigned to local elected officials under WIA. It also lays out the representation of the membership of the Workforce Investment Board, which will serve as the Board of Directors for Worksystems Inc. (WSI) and designates WSI as the grant recipient and fiscal agent for the Workforce Investment Area.

3. Explain the fiscal impact (current year and ongoing).

This Consortium Agreement will not result in any fiscal impact to the County.

4. Explain any legal and/or policy issues involved.

5. Explain any citizen and/or other government participation that has or will take place.

Washington County and the City of Portland must also approve this agreement.

Required Signatures

**Department/
Agency Director:**



Date: 11/18/04

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving A Consortium Agreement Between Multnomah And Washington Counties And The City Of Portland And Designating The County Chair As The Elected Official From Multnomah County To Serve On The Consortium Governing Board.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County, Washington County, and the City of Portland ("the Parties") previously entered into an Intergovernmental Agreement ("IGA") pursuant to the federal Job Training Partnership Act of 1982 ("JTPA") in order to create a Workforce Development Board.
- b. JTPA was replaced with the Workforce Investment Act of 1998 ("WIA") which also requires that multi-jurisdictional workforce investment areas enter into consortium agreements.
- c. The Parties have negotiated a new Consortium Agreement which conforms to current law to replace the IGA. Multnomah County, Washington County, and the City of Portland have been designated by the Governor as a local Workforce Investment Area ("Area") for the purposes of WIA;
- d. Worksystems Inc. currently serves as the grant recipient and fiscal agent for the Area, and as such, funds career placement and training services in Multnomah and Washington Counties and the City of Portland. Worksystems Inc. will continue to serve this function after the Consortium Agreement is executed by the Parties;
- e. The Consortium Agreement provides for inclusion of broad-based representation from the community, including significant representation from the private business sector and labor organizations, on the Workforce Investment Board that governs Worksystems Inc., which will enable it to provide effective oversight of and strategic direction to the region's workforce development system.

The Multnomah County Board of Commissioners Resolves:

1. The Consortium Agreement between Multnomah and Washington Counties and the City of Portland attached to this Resolution is approved and the County Chair is authorized to sign the Agreement on behalf of the Board.

2. The County Chair is designated as the elected official from Multnomah County to serve on the Consortium Governing Board. The Chair is authorized to select an alternate to represent the County on the Governing Board or the Workforce Investment Board, including the Workforce Investment Board Executive Committee, at the Chair's discretion.

ADOPTED this 2nd day of December, 2004.

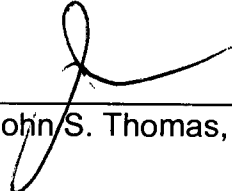
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



John S. Thomas, Assistant County Attorney

CONSORTIUM AGREEMENT
between
MULTNOMAH and WASHINGTON COUNTIES
and the
CITY OF PORTLAND

This agreement is between Multnomah and Washington Counties and the City of Portland, hereinafter collectively referred to as the "Parties."

WHEREAS, the Parties recognize the serious and complex problems resulting from unemployment and low wages among their citizens, and

WHEREAS, increased globalization, technological advances and accelerating demographic changes continually add to the mismatch between labor force skills and employer needs, and

WHEREAS, workforce development problems and solutions transcend traditional governmental boundaries, and

WHEREAS, a productive workforce investment system can most effectively be created and expanded in partnership with the private sector, and

WHEREAS, the Parties previously entered into an Intergovernmental Agreement ("IGA") pursuant to the federal Job Training Partnership Act of 1982 ("JTPA") in order to create a Workforce Development Board, and

WHEREAS, JTPA was replaced with the Workforce Investment Act of 1998 ("WIA") which also requires that multi-jurisdictional workforce investment areas enter into consortium agreements, and

WHEREAS, the Parties desire to replace the IGA with this Consortium Agreement,
NOW, THEREFORE, BE IT RESOLVED as follows:

1. **WORKFORCE INVESTMENT AREA**

A Workforce Investment Area ("Area") is hereby established including all of Multnomah and Washington Counties and the City of Portland.

2. **GOVERNING BOARD**

The Parties also establish a Governing Board made up of one local elected official from each of the local governments signing this agreement. The Governing Board shall carry out all functions assigned to local elected officials under WIA, as amended from time to time, and by implementing Federal and State of Oregon rules, policies and procedures.

3. **GOVERNING BOARD DECISIONS**

Each of the Governing Board members shall have one vote. The Governing Board members may each select one alternate who shall have all the powers and rights of the Governing Board member who selected them, and who shall also count towards a quorum, when that Board member is absent. Decisions require the unanimous vote of the

three members. A quorum consists of not less than three members present at the time a decision is made. The Governing Board may elect to adopt bylaws consistent with this agreement.

4. CHAIR

The Governing Board shall annually elect a Chair who shall sign documents as authorized by and on behalf of the Governing Board. The Chair shall serve until a successor is elected or until resignation. The Governing Board may elect other officers as it sees fit.

5. GOVERNING BOARD MEETINGS

The Governing Board shall meet at least annually and at such other times as are deemed necessary. Meetings may be called by the Chair or by any two Governing Board members by providing reasonable advance written notice to all Governing Board members and to any alternates. Meeting notices shall contain the time, place and agenda for all meetings. Meetings may be held by conference call and advance notice and other meeting requirements may be waived, to the extent permitted by law, by unanimous consent of Governing Board members.

6. WORKFORCE INVESTMENT BOARD APPOINTMENTS

A. All Workforce Investment Board ("WIB") members shall be appointed in accordance with WIA, Federal, State and local statutes, rules, policies and procedures and this agreement.

B. A majority of WIB members shall be private sector business representatives. WIB business members shall be appointed by the Governing Board member in whose jurisdiction they conduct business. The number of WIB business members from each of the three units of local government shall be in approximate proportion to the respective populations of each of the three local governments and shall reasonably represent the business and industrial sectors within the workforce investment area. For the purposes of this paragraph, Multnomah County's population shall not include individuals residing within the City of Portland.

C. A minority of WIB members shall represent the following non-business sectors. To the extent WIA is amended or interpreted to allow fewer non-business representatives, the Governing Board may elect to leave some of these positions unfilled. Additional non-business sector representatives may also be appointed to the WIB by the Governing Board so long as a private sector business majority remains. Non-business WIB members shall be appointed by unanimous consent of the Governing Board.

1. One K-12 education representative;
2. One community college representative;
3. Two economic development representatives;

4. Three organized labor representatives;
5. One representative of the State Employment Department;
6. One representative of Adult and Family Services;
7. At least two representatives of community based organizations;
8. One vocational rehabilitation representative;
9. One public housing representatives;
10. One migrant and seasonal farm worker program representative;
11. One Job Corps representative; and,
12. One older workers program representative.

D. WIB appointments shall be for three year terms or until a successor is appointed.

E. WIB business members shall serve at the pleasure of the appointing local elected official and may be removed by that local elected official without cause. Non-business sector members may be removed without cause by a unanimous vote of the Governing Board.

F. The WIB may enact bylaws or rules which, to the extent consistent with this agreement, shall further govern WIB membership and conduct.

7. WIB EXECUTIVE COMMITTEE

Each of the three Governing Board members or their designated alternate shall serve on the WIB's Executive Committee along with all WIB committee chairs and officers. The duties of the WIB's Executive Committee shall include recruitment and evaluation of the WIB's President and recommendations concerning his or her hiring and retention and other duties and powers delegated to the Executive Committee by the WIB or the Governing Board.

8. GRANT RECIPIENT DESIGNATION

The parties designate Worksystems, Inc. ("WSI"), a private nonprofit Oregon corporation whose Board of Directors is the WIB, as the grant recipient and fiscal agent for the Area. WSI's powers shall be further delineated in a written agreement with the Governing Board.

9. LIABILITY

In the event liability for WSI's expenditures or operations occurs, the following priorities shall apply:

A. First Priority: WSI shall attempt to recover funds from the contractor, agent or third party causing the liability;

B. Second Priority: WSI shall attempt to recover funds from an insurance carrier or bond issuer;

C. Third Priority: WSI shall attempt to obtain a waiver of liability or offset liability against current or future grant revenues;

D. Fourth Priority: WSI shall repay the liability from its funds to the extent permitted by law;

E. Fifth and Final Priority: As a last resort and only to the extent required by the WIA and permitted by Oregon statutes and local governmental charters, the Parties agree to cover unmet liabilities to the State and Federal governments. The Parties shall share liability to the State and Federal governments in proportion to their respective populations using the most recent census data available on the date the acts occurred which gave rise to the unmet liability. For purposes of this paragraph, Multnomah County shall include only the population of the county outside of the City of Portland.

Nothing in this agreement shall be interpreted in a manner that would violate any constitutional or statutory limitation on liability applicable to a Party government, or shall be construed as a waiver of any limitation on liability to which a Party government or its agents would otherwise be entitled under the constitution or laws of the State of Oregon.

10. DURATION AND TERMINATION

This agreement shall become effective when signed by all of the three Parties and shall remain in effect until terminated pursuant to the following paragraph. In the event one of the three local governmental Parties fails to sign or withdraws from this agreement, this agreement shall be null and void with respect to that government. The term "Area" as used in this agreement shall refer only to the geographic boundaries covered by signatory local governments. For purposes of this paragraph, Multnomah County shall include the area of the county outside the City of Portland.

A. Any Party may withdraw by notifying the other Parties and WSI in writing of its intent to do so at least one hundred eighty (180) days prior to the end of the WIA program year (June 30th). Withdrawal shall become effective at midnight on the last day of the program year in which notice is given, and shall not affect the participation of the remaining two Parties or the validity of this agreement with respect to the remaining Parties.

B. This agreement completely replaces previous agreements between the Parties pursuant to the predecessor Job Training Partnership Act and WIA. Those agreements shall be null and void when this agreement is executed.

11. INDEMNIFICATION

To the extent allowable by the Oregon Constitution and the Oregon Tort Claims Act, each of the parties hereto agrees to indemnify and save the other harmless from any claims, liability or damages fees arising out of or resulting from any error, omission or act of negligence on the part of the indemnifying party, its officers, or employees in the performance of this Agreement.

12. AMENDMENTS

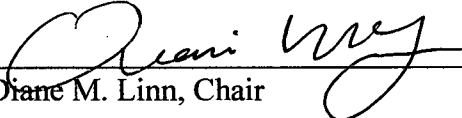
This Agreement may be amended from time to time by written consent of all the Parties.

13. SIGNATURES

By signing this agreement, each local elected official certifies that his or her signature has been duly authorized by official action of their governmental body. The agreement may be executed in one or more counterparts, each of which, when combined with all other counterparts, will constitute a completely executed agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have executed this agreement as of the dates set forth below.

For Multnomah County:



Diane M. Linn, Chair

Date: 12, 2, 2004

For Washington County:

John Leeper, Commissioner


Date: _____, 2004

For the City of Portland:

Vera Katz, Mayor

Date: _____, 2004

REVIEWED:
AGNES SOWDE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

BY 
ASSISTANT COUNTY ATTORNEY
DATE 11/23/04

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached Contract #: 0405156
Amendment #:

CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue
		CLASS III B <input type="checkbox"/> Government Contracts (Non-190 Agreement) <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue
		<input type="checkbox"/> Interdepartmental Contracts

Department: Chair's Office Division: Date: 11/17/04
 Originator: Lisa Goldberg Phone: 988-4765 Bldg/Rm: 503/6
 Contact: John Ball Phone: 988-3958 Bldg/Rm: 503/6
 Description of Contract:

RENEWAL: ☐ PREVIOUS CONTRACT #(S):
 RFP/BID: RFP/BID DATE:
 EXEMPTION #: ORS/AR #:
 Effective DATE: EXPIRATION DATE:
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# or ☐ Self Cert ☐ Non-Profit ☐ N/A (Check all boxes that apply)

Contractor: Washington County, City of Portland		Remittance address	
Address		(If different)	
City/State			
ZIP Code			
Phone			
Employer ID# or SS#		Payment Schedule / Terms	
Contract Effective Date	Term Date	<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Amendment Effect Date	New Term Date	<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
		<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
		<input type="checkbox"/> Requirements Funding Info:	
Original Contract Amount	\$	Original Requirements Amount	\$
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$
Amount of Amendment	\$	Requirements Amount Amendment:	\$
Total Amount of Agreement \$	\$	Total Amount of Requirements	\$

REQUIRED SIGNATURES:

Department Manager: [Signature] DATE: 11/17/04
 Purchasing Manager: [Signature] DATE: 11.17.04
 County Attorney: [Signature] DATE: 12.2.04
 County Chair: [Signature] DATE:
 Sheriff: [Signature] DATE:
 Contract Administration: [Signature] DATE:

COMMENTS:

APPROVED: MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-3 DATE 12-02-04

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-172

Approving a Consortium Agreement Between Multnomah and Washington Counties and the City of Portland and Designating the County Chair as the Elected Official from Multnomah County to Serve on the Consortium Governing Board

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County, Washington County, and the City of Portland ("the Parties") previously entered into an Intergovernmental Agreement ("IGA") pursuant to the federal Job Training Partnership Act of 1982 ("JTPA") in order to create a Workforce Development Board.
- b. JTPA was replaced with the Workforce Investment Act of 1998 ("WIA") which also requires that multi-jurisdictional workforce investment areas enter into consortium agreements.
- c. The Parties have negotiated a new Consortium Agreement which conforms to current law to replace the IGA. Multnomah County, Washington County, and the City of Portland have been designated by the Governor as a local Workforce Investment Area ("Area") for the purposes of WIA;
- d. Worksystems Inc. currently serves as the grant recipient and fiscal agent for the Area, and as such, funds career placement and training services in Multnomah and Washington Counties and the City of Portland. Worksystems Inc. will continue to serve this function after the Consortium Agreement is executed by the Parties;
- e. The Consortium Agreement provides for inclusion of broad-based representation from the community, including significant representation from the private business sector and labor organizations, on the Workforce Investment Board that governs Worksystems Inc., which will enable it to provide effective oversight of and strategic direction to the region's workforce development system.

The Multnomah County Board of Commissioners Resolves:

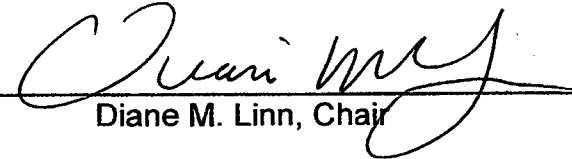
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2. The County Chair is designated as the elected official from Multnomah County to serve on the Consortium Governing Board. The Chair is authorized to select an alternate to represent the County on the Governing Board or the Workforce Investment Board, including the Workforce Investment Board Executive Committee, at the Chair's discretion.

ADOPTED this 2nd day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON




Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


John S. Thomas, Assistant County Attorney

CONSORTIUM AGREEMENT
between
MULTNOMAH and WASHINGTON COUNTIES
and the
CITY OF PORTLAND

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WHEREAS, the Parties recognize the serious and complex problems resulting from unemployment and low wages among their citizens, and

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3. GOVERNING BOARD DECISIONS

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B. This agreement completely replaces previous agreements between the Parties pursuant to the predecessor Job Training Partnership Act and WIA. Those agreements shall be null and void when this agreement is executed.

11. INDEMNIFICATION

To the extent allowable by the Oregon Constitution and the Oregon Tort Claims Act, each of the parties hereto agrees to indemnify and save the other harmless from any claims, liability or damages fees arising out of or resulting from any error, omission or act of negligence on the part of the indemnifying party, its officers, or employees in the performance of this Agreement.

12. AMENDMENTS

This Agreement may be amended from time to time by written consent of all the Parties.

13. SIGNATURES

By signing this agreement, each local elected official certifies that his or her signature has been duly authorized by official action of their governmental body. The agreement may be executed in one or more counterparts, each of which, when combined with all other counterparts, will constitute a completely executed agreement.

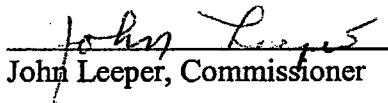
IN WITNESS WHEREOF, the duly authorized representatives of the Parties have executed this agreement as of the dates set forth below.

For Multnomah County:


Diane M. Linn, Chair

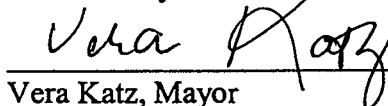
Date: 12.2.04, 2004

For Washington County:


John Leeper, Commissioner

Date: 11/16, 2004

For the City of Portland:


Vera Katz, Mayor

Date: 11/24, 2004

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: December 2, 2004

Agenda Item #: C-4

Est. Start Time: 9:30 AM

Date Submitted: 11/01/04

Requested Date: December 2, 2004

Time Requested: N/A

Department: DBCS

Division: Tax Title

Contact/s: Gary Thomas

Phone: 503-988-3590

Ext.: 22591

I/O Address: 503/4 Tax Title

Presenters: Consent Calendar

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to GAIL L. HUFF

NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Tax Title Section is requesting the Board to approve the private sale of one tax foreclosed property to GAIL L. HUFF. The Department of Business and Community Services recommends that the private sale be approved.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The subject property is a vacant lot approximately 35' x 71' that came into Multnomah County ownership through the foreclosure of delinquent property tax liens on September 24, 2002. The lot is located between a house located at 6804 SE 39th and a vacant lot. The parcel is currently vacant and in undeveloped yard area. We propose to enter into a private sale with the property owner, Gail Huff, who lives at 6804 SE 39th Ave. This is the same person who the county foreclosed on and resulted in the subject property coming into county ownership. Ms Huff is current on the property taxes for the house she lives in. In addition, her son and an accountant have taken partial responsibility for managing her funds and keeping her property taxes current.

The subject lot is located adjacent to the detached garage for 6804 SE 39th Ave and appears to have always been associated with that property. Past sales transactions have always included the subject in the legal descriptions until it was divided into a separate tax lot. The lot by itself is not suitable for the construction or placement of a dwelling. The subject could easily be landscaped and incorporated into the property as improved yard area. The property was made available to AHDP.

The attached Exhibit A, a plat map shows the location of the property. The attached Exhibit B is an aerial photo that shows the location of the lot in relation to 6804 SE 39th Ave. Two photos of the property that are a part of Exhibit C show the location of the lot in relation to the detached garage and the composition of the lot.

Although no written confirmation from the City of Portland was officially obtained, verification was received from the Affordable Housing Development Program that the city indicated to them that the subject property is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

3. **Explain the fiscal impact (current year and ongoing).**
The Private Sale will allow for a recovery of the delinquent taxes, fees, and expenses (see Exhibit D).
4. **Explain any legal and/or policy issues.**
No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.
5. **Explain any citizen and/or other government participation that has or will take place.**
No citizen or government participation is anticipated.

Required Signatures:

Department/Agency Director: *Robert A Maestre* Date: 11/01/04

Budget Analyst

By: Date:

Dept/Countywide HR

By: Date:

EXHIBIT A

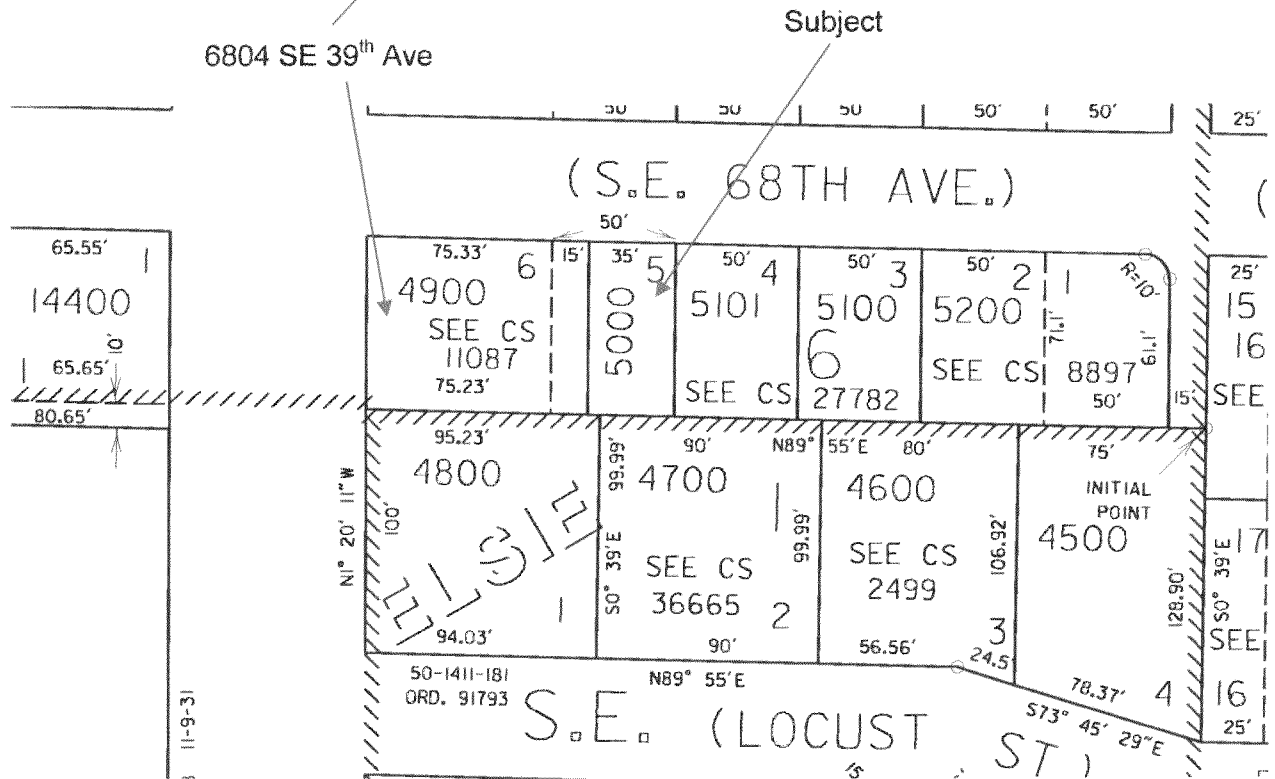
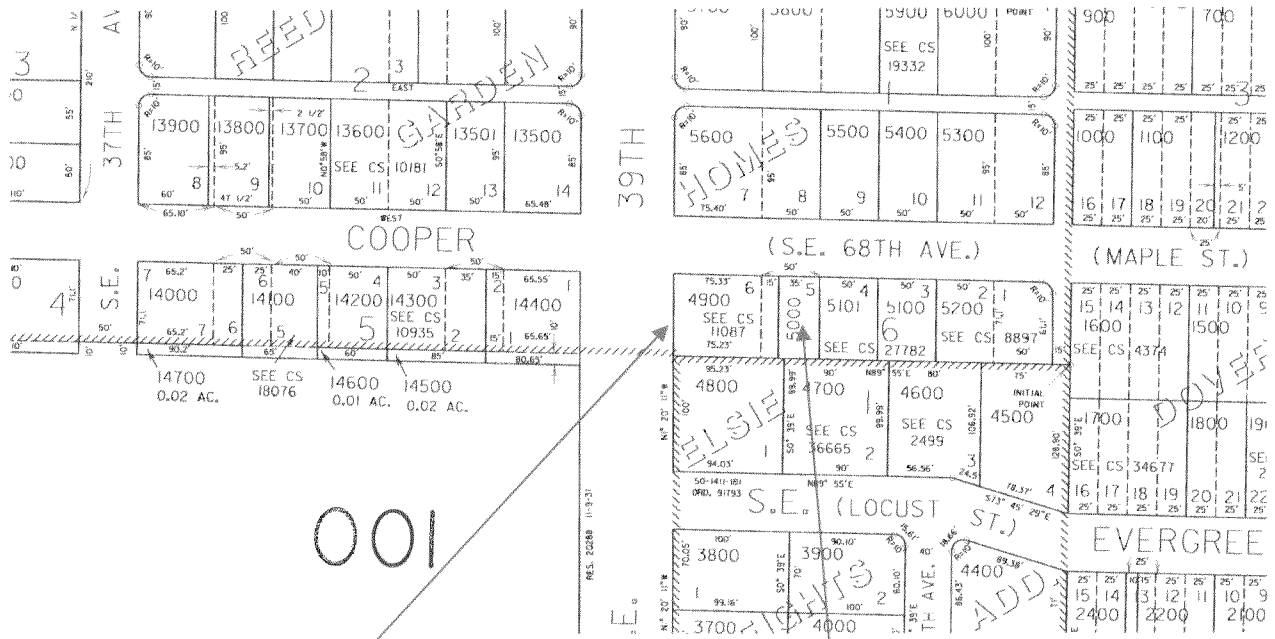
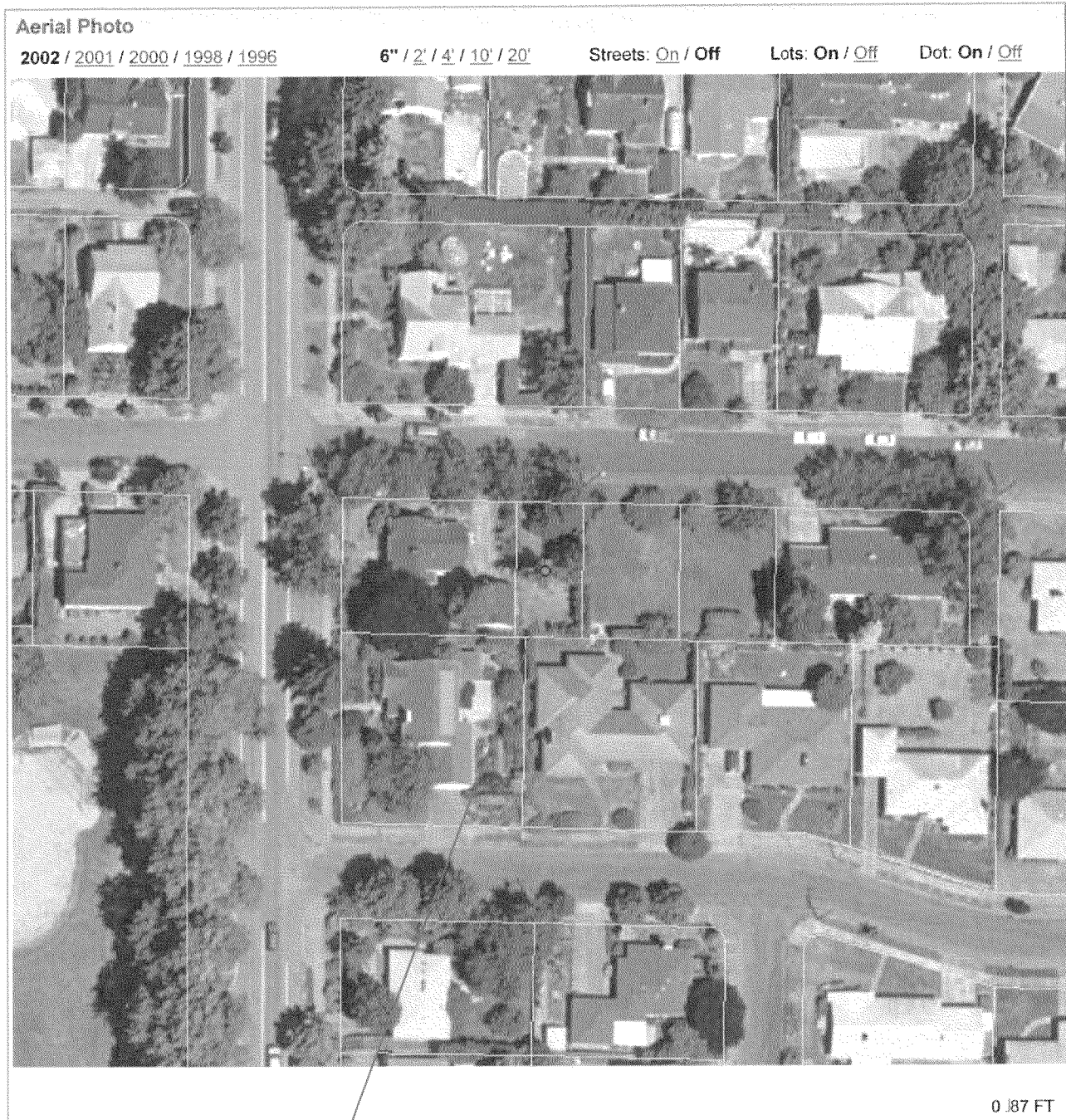


EXHIBIT B



Subject

EXHIBIT C



Subject property

detached garage to Huff property

**EXHIBIT D
PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2004-05**

LEGAL DESCRIPTION:

E 35' OF LOT 5, BLOCK 6, REED GARDEN HOMES

ADJACENT PROPERTY ADDRESS: 6804 SE 39th Ave.

TAX ACCOUNT NUMBER: R253166

GREENSPACE DESIGNATION: No designation

SIZE OF PARCEL: Approximately 35' x 71' (approx. 2,485sf)

ASSESSED VALUE: \$3,710.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

\$582.22

TAX TITLE MAINTENANCE COST & EXPENSES:

\$367.50

ADVERTISING COST:

-0-

RECORDING FEE:

\$26.00

CITY LIENS:

-0-

SUB-TOTAL

\$975.72

MINIMUM PRICE REQUEST OF PRIVATE SALE

\$3,500.00

BOGSTAD Deborah L

From: GRACE Becky J
Sent: Monday, November 01, 2004 10:03 AM
To: BOGSTAD Deborah L
Subject: FW: Dec 2 Board Agenda Huff Private Sale

-----Original Message-----

From: CREAN Christopher D
Sent: Friday, October 29, 2004 1:32 PM
To: GRACE Becky J
Subject: RE: Dec 2 Board Agenda Huff Private Sale

Becky -

In the Resolution, paragraph c) in the Findings, please delete the existing text and insert the following:

"Although no written confirmation was received from the City of Portland, the County has received verification from the Affordable Housing Development Program that the subject lot does not lawfully as a legal lot for residential construction. Therefore, as required under ORS 275.225, the County has determined that the lot is unsuitable for residential construction or placement of a dwelling thereon under current zoning ordinances."

With this modification, the Resolution and deed may be forwarded to the Board. Thanks.

- Chris

-----Original Message-----

From: GRACE Becky J
Sent: Thursday, October 28, 2004 11:41 AM
To: CREAN Christopher D
Subject: Dec 2 Board Agenda Huff Private Sale

Hi Chris,

Attached for your review and approval are the Huff Private Sale Documents for the December 2nd Board Agenda.
Thanks,

Becky Grace
Tax Title, Multnomah County
501 SE Hawthorne, Suite 310
Portland, OR 97214
503.988.3590 x27145

11/1/2004

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

RESOLUTION NO. _____

Authorizing Private Sale of Certain Tax Foreclosed Property to GAIL L. HUFF.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described below through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$3,710 on the County's current tax roll.
- c) Although no written confirmation was received from the City of Portland, the County has received verification from the Affordable Housing Development Program that the subject lot does not lawfully qualify as a legal lot for residential construction. Therefore, as required under ORS 275.225, the County has determined that the lot is unsuitable for residential construction or placement of a dwelling thereon under current zoning ordinances.
- d) GAIL L. HUFF, has agreed to pay \$3,500, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

- 1. Upon Tax Title's receipt of the payment of \$3,500, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to GAIL L. HUFF, the following described real property:

The East 35 Feet of Lot 5, Block 6, REED GARDEN HOMES in the City of
Portland, Multnomah County, Oregon.

ADOPTED this 2nd day of December 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Christopher D. Crean, Assistant County Attorney

GAIL L. HUFF
6804 SE 39TH AVE
PORTLAND, OR 97202-7717

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

Deed D051991

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to GAIL L. HUFF, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The East 35 Feet of Lot 5, Block 6, REED GARDEN HOMES

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$3,500.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 2nd day of December 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 2nd day of December 2004, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-173

Authorizing Private Sale of Certain Tax Foreclosed Property to GAIL L. HUFF

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described below through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$3,710 on the County's current tax roll.
- c) Although no written confirmation was received from the City of Portland, the County has received verification from the Affordable Housing Development Program that the subject lot does not lawfully qualify as a legal lot for residential construction. Therefore, as required under ORS 275.225, the County has determined that the lot is unsuitable for residential construction or placement of a dwelling thereon under current zoning ordinances.
- d) GAIL L. HUFF, has agreed to pay \$3,500, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

- 1. Upon Tax Title's receipt of the payment of \$3,500, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to GAIL L. HUFF, the following described real property:


The East 35 Feet of Lot 5, Block 6, REED GARDEN HOMES in the City of Portland, Multnomah County, Oregon.

ADOPTED this 2nd day of December 2004.

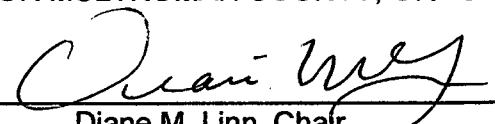


REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Christopher D. Crean, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

GAIL L. HUFF
6804 SE 39th AVE
PORTLAND, OR 97202-7717

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

Deed D051990

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to GAIL L. HUFF, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The East 35 Feet of Lot 5, Block 6, REED GARDEN HOMES

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$3,500.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 2nd day of December 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Christopher D. Crean
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 2nd day of December 2004, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

GAIL L. HUFF
6804 SE 39th AVE
PORTLAND, OR 97202-7717

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

Deed D051990

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to GAIL L. HUFF, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The East 35 Feet of Lot 5, Block 6, REED GARDEN HOMES


The true and actual consideration paid for this transfer, stated in the terms of dollars is \$3,500.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 2nd day of December 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**


Diane M. Linn, Chair

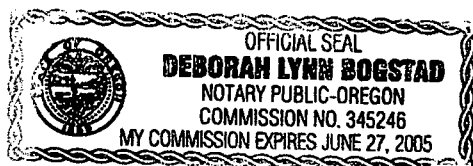
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Christopher D. Crean
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 2nd day of December 2004, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad
Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: December 2, 2004

Agenda Item #: C-5

Est. Start Time: 9:30 AM

Date Submitted: 11/01/04

Requested Date: December 2, 2004

Time Requested: N/A

Department: DBCS

Division: Tax Title

Contact/s: Gary Thomas

Phone: 503-988-3590

Ext.: 22591

I/O Address: 503/4 Tax Title

Presenters: Consent Calendar

Agenda Title: RESOLUTION Authorizing Execution of Contract between Multnomah County, Seller, and EDWARD OZERUGA, Purchaser, for Tax-Foreclosed Property sold at Public Sale, and Deed to Purchaser at Contract Completion

NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Tax Title Section is requesting the Board to approve the execution of a contract to EDWARD OZERUGA and the sale of a Tax Foreclosed property that is identified as Auction Property No. 5 as shown in exhibit A. The Department of Business and Community Services recommends that the contract and sale be approved.

2. Please provide sufficient background information for the Board and the public to understand this issue.

Auction Property No 5: R160139

Vacant lot between 840 & 856 N Russet St – Came into County ownership through foreclosure on 9/19/01. The lot is approximately 25' x 100' (2,500sf) in size. It appears to have been used for access at one time to commercial properties that front on N Lombard but a pile of dirt and other barriers have been placed at one end to prevent any through access. A letter was obtained from the City of Portland stating that the parcel could be buildable. The property was made available to AHDP.

EDWARD OZERUGA, was the highest bidder at the Public Sale with a bid of \$35,000. The County acknowledges receipt of the sum of \$375, as deposit paid by the Buyer on the day of the sale, with \$6,625 due at the contract signing, the remaining balance of \$28,000 to be carried on a ten year contract at 7% annual interest.

3. **Explain the fiscal impact (current year and ongoing).**
The Public Sale will allow for the full recovery of delinquent taxes, fees, and expenses of this property. The sale will also reinstate this property on the tax roll.
4. **Explain any legal and/or policy issues.**
No legal issues are expected. The parcels will be sold "As Is" without guarantee of clear title. This property conforms to those policies as outlined in Multnomah County Code Chapter 7.
5. **Explain any citizen and/or other government participation that has or will take place.**
No citizen or government participation is anticipated.

Required Signatures:

Department/Agency Director: *Robert A Maestre*

Date: 11/01/04

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

Property No.:5
Tax Account R160139, (26790-3120)
Location: Between 840 & 856 N Russet



BOGSTAD Deborah L

From: GRACE Becky J
Sent: Friday, October 29, 2004 3:30 PM
To: BOGSTAD Deborah L
Subject: FW: Dec 2nd Board Agenda Doc's Requesting authorization to sell an auction property to Edward Ozeruga on Contract

-----Original Message-----

From: CREAN Christopher D
Sent: Friday, October 29, 2004 9:18 AM
To: GRACE Becky J
Subject: RE: Dec 2nd Board Agenda Doc's Requesting authorization to sell an auction property to Edward Ozeruga on Contract

Becky -

I have reviewed the proposed contract and resolution for the Ozeruga sale and they may be forwarded to the Board as proposed. Thanks.

- Chris

-----Original Message-----

From: GRACE Becky J
Sent: Tuesday, October 26, 2004 1:51 PM
To: CREAN Christopher D
Subject: Dec 2nd Board Agenda Doc's Requesting authorization to sell an auction property to Edward Ozeruga on Contract

Hi Chris,

Attached for your review and approval are the Board Agenda Documents for Edward Ozeruga authorizing execution of a contract for the property purchased at auction.

Thanks,

Becky Grace
Tax Title, Multnomah County
501 SE Hawthorne, Suite 310
Portland, OR 97214
503.988.3590 x27145

11/1/2004

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY**

RESOLUTION NO. _____

Authorizing execution of Contract between Multnomah County, Seller, and EDWARD OZERUGA, Purchaser, for Tax-Foreclosed Property sold at Public Sale, and Deed to Purchaser at contract completion.

The Multnomah County Board of Commissioners Finds:

- a. On October 12, 2004 Multnomah County conducted a public auction and sale of tax-foreclosed real properties, including the property described below (property).
- b. The public sale was conducted consistent with the requirements of ORS 275.110 to 275.250 and MCC Chapter 7.
- c. EDWARD OZERUGA, was the highest bidder at the sale for the property with a bid of \$35,000, and the County acknowledges receipt of the sum of \$375, as deposit paid by Buyer on the day of the sale, with \$6,625 due at the contract signing. The balance remaining \$28,000 is to be paid pursuant to the proposed Contract.
- d. The Sheriff delivered to the Buyer a Certificate of Sale as required under ORS 275.150 containing the legal description of the property, the whole purchase price, the amount paid in cash, and the date upon which the future payment will become due.

The Multnomah County Board of Commissioners Resolves:

1. The Chair on behalf of Multnomah County is authorized to execute the attached Contract.
2. Upon Purchaser's performance of all the obligations of the Contract and upon Tax Title's receipt of the full balance due, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to EDWARD OZERUGA, the following described real property:

LOT 16, BLOCK 23, FAIRPORT, in the City of Portland, Multnomah County, Oregon.

ADOPTED this 2nd day of December 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Christopher Crean, Assistant County Attorney

Until a change is requested, all tax statements shall be sent to the following address:

EDWARD OZERUGA
PO BOX 11778
PORTLAND OR 97211

After recording please return to:
MULTNOMAH COUNTY TAX TITLE
503/4TH

CONTRACT 15814 OF SALE

THIS CONTRACT is made and entered into on _____
by Multnomah County, Oregon, ("the County"), a municipal corporation, and
EDWARD OZERUGA, ("purchaser").

The County agrees to sell, in accordance with the statutes of the State of Oregon and in consideration of the covenants and agreements made on the part of the purchaser, and purchaser agrees to buy the certain real property situated in the City of Portland, Multnomah County, Oregon, described as follows:

LOT 16, BLOCK 23, FAIRPORT

Purchase Price

Purchaser agrees to pay for described real property the sum of \$35,000 which is the true and actual consideration paid for this transfer. A down payment in the amount of \$375 has been paid, with receipt acknowledged by the County. An additional down payment amount of \$6,625, representing 20% of the full sale price is due at the time this contract is executed. At the time this contract is executed, the down payments of \$335 and \$6,625 shall be credited to the purchase price and the purchaser shall pay to the County the remaining \$28,000 with interest charged at a rate of 7% per annum on the dates and in the amounts as follows:

Not less than \$325 on the 15th of January 2005, and a payment on the 15th day of each month for a period of 10 years, until the full amount of both the principal and interest has been paid in full, provided always that the purchaser may pay the full amount of both principal and interest due at any time without penalty for early payment.

If any monthly payment of interest and principal, or part of such payments has not been received by the Tax Title Division on the 26th day of each month, a late-charge of \$25.00 will be assessed to the purchaser.

Application of Payments

All payments on the contract shall be applied first to the interest due on the contract, and then to late charges, if any, then the remaining amount shall be applied to the principal. Payments will be credited as of the due date without adjustment of interest when paid either before or after the due date. Purchaser

may prepay at any time all or part of the principal amount due on this contract without payment of penalties or premiums, provided that purchaser is not under default under this contract and the payment is identified as prepayment of the principal.

If an agreement is reached between the County and the purchaser to accept payments in a smaller amount than the originally agreed upon payments, the County shall not be held to have breached this contract, nor to have waived its right to insist upon strict compliance by the purchaser with the terms of this contract. The County may proceed with its legal remedies at any time, without notice to the purchaser except as stated within the terms of this contract. Such notice, if extended to the purchaser, shall be accepted by the purchaser as a courtesy only.

Default

Time is of the essence in this contract and the County has the discretion to declare a contract in default due to unpaid payments. The purchaser's default can be cured by following the procedures set forth in Oregon Revised Statutes 93.920 and by paying all costs and expenses actually incurred by the County in enforcing the contract, including but not limited to late charges, attorney fees of \$500.00 and costs of the title search.

In addition, the County may declare the contract in default if:

1. Purchaser fails to make any payment within 15 days after it is due;
2. Purchaser fails to perform or comply with any condition and does not commence corrective action within ten days after written notice from the County specifying the nature of the default, or, if the default cannot be cured within that time, fails to commence and pursue curative action with reasonable diligence;
3. Purchaser becomes insolvent; a receiver, trustee or custodian is appointed to take possession of all or a substantial part of purchaser's property or properties; purchaser makes an assignment for the benefit of creditors or files a voluntary petition in bankruptcy; or purchaser is subject to an involuntary bankruptcy which is not dismissed within ninety days; or
4. Purchaser makes or allows to be made a fraudulent transfer under applicable federal or state law, conceals any of his/her property from creditors; makes or allows to be made a preference within the meaning of the federal bankruptcy laws; or allows a lien or distraint upon any of his/her property.

Tax Payments.

In addition to payment of installments as agreed in this contract, purchaser agrees to pay all taxes and fees lawfully assessed and levied against said property during the term of this contract before they become delinquent.

Terms and Conditions.

1. Purchaser agrees to pay and discharge all municipal liens and assessments of any kind and nature assessed against the property before they become delinquent.
2. Purchaser will promptly comply with and cause all other persons to comply with all laws, ordinances, regulations, directions, rules and other requirements of all governmental authorities applicable to the use of the property.
3. Purchaser will not use or permit others to use any of the property for any "prohibited conduct" as that term is defined in ORS 475.005 or any "nuisance" as described in ORS 105.555, as those statutes may now or hereafter be amended, supplemented or superseded, or otherwise do or allow any act or omission on or about the property that could subject the property or any interest therein to forfeiture or the risk of forfeiture.
4. In any proceeding to enforce any provision of this contract, the Purchaser shall be liable to the County for any costs, including attorney fees, incurred by the County in the proceeding, provided only that the County is determined to be a prevailing party in the proceeding.

Binding Effect/Assignment Restricted

This contract is binding on and will inure to the benefit of the County, purchaser and their respective heirs, legal representatives, successors and assigns. No assignment of this contract or any interest therein or any interest in any of the property herein described is valid unless approved by County. Terms of this contract may be amended by County upon assignment. Subject to the foregoing restriction, the terms of this contract shall be binding upon the heirs, successors-in-interest and assigned of Purchaser.

Indemnity and Hold Harmless Agreement

Purchaser will indemnify, defend, and hold harmless the County, its elected officials, officers, and employees from and against any claims, loss or liability of any kind arising out of or related to any activity on the property occurring while purchaser is entitled to occupy the property under this or any predecessor

agreement, whether or not the property is leased to others. This indemnification of the County by purchaser includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial, removal, or restoration work required by any federal, state, or local governmental agency or political subdivision because of hazardous material present in the soil or groundwater or under the property. Without limiting the foregoing, if the presence of any hazardous material on property caused or permitted by Purchaser or purchaser's agents or contractors results in any contamination of the property, Purchaser shall promptly take all actions at Purchaser's sole expense as are necessary to return the property to the condition existing prior to the release of any such hazardous material onto the property, provided that the County's approval of such action shall first be obtained, and approval shall not be unreasonably withheld, as long as such actions would not potentially have any material adverse long-term or short-term effect on the property. This indemnification by Purchaser includes, without limitation, reimbursement for any diminution in the value of the property and reimbursement for sums paid in settlement of claims, attorney fees, consultant fees, and expert fees. The obligations agreed to with regard to the indemnity and hold harmless provisions of this contract shall survive any termination or cancellation of the contract for any reason.

Waste

It is understood and agreed between the parties that the purchaser shall not commit any strip or waste on the premises or sever any growing timber from the premises nor shall the purchaser suffer or permit any strip or waste to be committed on the property. All improvements placed on the property shall remain and shall not be removed before final payment is made

Hazardous Materials

As used in this contract, the term Hazardous Material means any hazardous or toxic substance, material, or waste, including, but not limited to those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR § 172.101), or by the United States Environmental Protection Agency as hazardous substances (40 CFR pt 302) and amendments thereto, petroleum products, or other such substances, materials, and wastes that are or become regulated under any applicable local, state, or federal law.

Purchaser will not cause or permit any hazardous material to be brought upon, kept, or used in or about the property by purchaser or purchaser's agents, employees, contractors, or invitees without the prior written consent of the County, which shall not be unreasonably withheld as long as purchaser demonstrates to County's reasonable satisfaction that such hazardous material is necessary to purchaser's business and will be used, kept, and stored in a

manner that complies with all laws regulating any such hazardous materials brought upon or used or kept in or about the property.

Title Insurance

The County does not provide title insurance.

Property Sold "AS IS".

Purchaser agrees that it has accepted and executed this contract on the basis of its own examination and personal knowledge of the Property; County makes no representations or warranties with respect to the physical condition or any other aspect of the Property, including, without limitation, whether the Property conforms to past, current, or future zoning or building code requirements, the existence of soil stability, past soil repair, soil additions, conditions of soil fill or susceptibility to land slides, the sufficiency of any under-shoring, the sufficiency of any drainage, whether the Property is located either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the Property. Purchaser expressly acknowledges that the Property is being sold and accepted "**AS IS**", and purchaser hereby unconditionally and irrevocably waives any and all actual or potential rights purchaser may have regarding any form of warranty, except as set forth in this contract, express or implied, of any kind or type, relating to the Property. Such waiver is absolute, complete, total, and unlimited in any way.

Tax Notice

Until a change of address is requested, all tax statements shall be sent to the following address:

EDWARD OZERUGA
PO BOX 11778
PORTLAND OR 97211

Remedies.

TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT.

1. The parties agree the remedies for the failure to close this transaction shall be limited to the remedies set forth in this contract and the parties waive any further remedies, which may be available to either. If this transaction does not close, the County may pursue cancellation of this contract under ORS 275.220.

2. Nothing herein shall be interpreted to limit the purchaser's obligations under any provision of this contract as applicable, to defend, hold harmless and indemnify the County.

Severability

If any term or provision of this Contract of the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this contract and the application of such term or provision to person or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term or provision of this contract shall be valid and enforceable to the fullest extent permitted by law.

Entire Agreement

This contract sets forth the entire understanding of the parties with respect to the purchase and sale of the property. This contract supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This contract may not be modified or amended except by a written agreement executed by both parties.

Conveyance of Title

Upon complete performance by Purchaser of all the terms and conditions of this contract, County agrees to convey to Purchaser the title to the aforesaid property by Bargain & Sale Deed.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, purchaser has set his/her hand the year and day first above written, and County has caused these presents to be executed by the Chair of the Multnomah Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

BUYER

By _____
Christopher D. Crean, Asst County Attorney

Edward Ozeruga

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Contract was acknowledged before me this 2nd day of December 2004, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-174

Authorizing Execution of Contract between Multnomah County, Seller, and EDWARD OZERUGA, Purchaser, for Tax-Foreclosed Property sold at Public Sale, and Deed to Purchaser at Contract Completion

The Multnomah County Board of Commissioners Finds:

- a. On October 12, 2004 Multnomah County conducted a public auction and sale of tax-foreclosed real properties, including the property described below (property).
- b. The public sale was conducted consistent with the requirements of ORS 275.110 to 275.250 and MCC Chapter 7.
- c. EDWARD OZERUGA, was the highest bidder at the sale for the property with a bid of \$35,000, and the County acknowledges receipt of the sum of \$375, as deposit paid by Buyer on the day of the sale, with \$6,625 due at the contract signing. The balance remaining \$28,000 is to be paid pursuant to the proposed Contract.
- d. The Sheriff delivered to the Buyer a Certificate of Sale as required under ORS 275.150 containing the legal description of the property, the whole purchase price, the amount paid in cash, and the date upon which the future payment will become due.

The Multnomah County Board of Commissioners Resolves:


1. The Chair on behalf of Multnomah County is authorized to execute the attached Contract.
2. Upon Purchaser's performance of all the obligations of the Contract and upon Tax Title's receipt of the full balance due, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to EDWARD OZERUGA, the following described real property:

LOT 16, BLOCK 23, FAIRPORT, in the City of Portland, Multnomah County, Oregon.

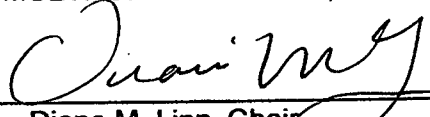
ADOPTED this 2nd day of December 2004.



AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Christopher O'nean, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

Until a change is requested, all tax statements shall be sent to the following address:
EDWARD OZERUGA
PO BOX 11778
PORTLAND OR 97211

After recording please return to:
MULTNOMAH COUNTY TAX TITLE
503/4TH

CONTRACT 15814 OF SALE

THIS CONTRACT is made and entered into on _____
by Multnomah County, Oregon, ("the County"), a municipal corporation, and
EDWARD OZERUGA, ("purchaser").

The County agrees to sell, in accordance with the statutes of the State of Oregon and in consideration of the covenants and agreements made on the part of the purchaser, and purchaser agrees to buy the certain real property situated in the City of Portland, Multnomah County, Oregon, described as follows:

LOT 16, BLOCK 23, FAIRPORT

Purchase Price

Purchaser agrees to pay for described real property the sum of \$35,000 which is the true and actual consideration paid for this transfer. A down payment in the amount of \$375 has been paid, with receipt acknowledged by the County. An additional down payment amount of \$6,625, representing 20% of the full sale price is due at the time this contract is executed. At the time this contract is executed, the down payments of \$335 and \$6,625 shall be credited to the purchase price and the purchaser shall pay to the County the remaining \$28,000 with interest charged at a rate of 7% per annum on the dates and in the amounts as follows:

Not less than \$325 on the 15th of January 2005, and a payment on the 15th day of each month for a period of 10 years, until the full amount of both the principal and interest has been paid in full, provided always that the purchaser may pay the full amount of both principal and interest due at any time without penalty for early payment.

If any monthly payment of interest and principal, or part of such payments has not been received by the Tax Title Division on the 26th day of each month, a late-charge of \$25.00 will be assessed to the purchaser.

Application of Payments

All payments on the contract shall be applied first to the interest due on the contract, and then to late charges, if any, then the remaining amount shall be applied to the principal. Payments will be credited as of the due date without adjustment of interest when paid either before or after the due date. Purchaser

may prepay at any time all or part of the principal amount due on this contract without payment of penalties or premiums, provided that purchaser is not under default under this contract and the payment is identified as prepayment of the principal.

If an agreement is reached between the County and the purchaser to accept payments in a smaller amount than the originally agreed upon payments, the County shall not be held to have breached this contract, nor to have waived its right to insist upon strict compliance by the purchaser with the terms of this contract. The County may proceed with its legal remedies at any time, without notice to the purchaser except as stated within the terms of this contract. Such notice, if extended to the purchaser, shall be accepted by the purchaser as a courtesy only.

Default

Time is of the essence in this contract and the County has the discretion to declare a contract in default due to unpaid payments. The purchaser's default can be cured by following the procedures set forth in Oregon Revised Statutes 93.920 and by paying all costs and expenses actually incurred by the County in enforcing the contract, including but not limited to late charges, attorney fees of \$500.00 and costs of the title search.

In addition, the County may declare the contract in default if:

1. Purchaser fails to make any payment within 15 days after it is due;
2. Purchaser fails to perform or comply with any condition and does not commence corrective action within ten days after written notice from the County specifying the nature of the default, or, if the default cannot be cured within that time, fails to commence and pursue curative action with reasonable diligence;
3. Purchaser becomes insolvent; a receiver, trustee or custodian is appointed to take possession of all or a substantial part of purchaser's property or properties; purchaser makes an assignment for the benefit of creditors or files a voluntary petition in bankruptcy; or purchaser is subject to an involuntary bankruptcy which is not dismissed within ninety days; or
4. Purchaser makes or allows to be made a fraudulent transfer under applicable federal or state law, conceals any of his/her property from creditors; makes or allows to be made a preference within the meaning of the federal bankruptcy laws; or allows a lien or distraint upon any of his/her property.

Tax Payments.

In addition to payment of installments as agreed in this contract, purchaser agrees to pay all taxes and fees lawfully assessed and levied against said property during the term of this contract before they become delinquent.

Terms and Conditions.

1. Purchaser agrees to pay and discharge all municipal liens and assessments of any kind and nature assessed against the property before they become delinquent.
2. Purchaser will promptly comply with and cause all other persons to comply with all laws, ordinances, regulations, directions, rules and other requirements of all governmental authorities applicable to the use of the property.
3. Purchaser will not use or permit others to use any of the property for any "prohibited conduct" as that term is defined in ORS 475.005 or any "nuisance" as described in ORS 105.555, as those statutes may now or hereafter be amended, supplemented or superseded, or otherwise do or allow any act or omission on or about the property that could subject the property or any interest therein to forfeiture or the risk of forfeiture.
4. In any proceeding to enforce any provision of this contract, the Purchaser shall be liable to the County for any costs, including attorney fees, incurred by the County in the proceeding, provided only that the County is determined to be a prevailing party in the proceeding.

Binding Effect/Assignment Restricted

This contract is binding on and will inure to the benefit of the County, purchaser and their respective heirs, legal representatives, successors and assigns. No assignment of this contract or any interest therein or any interest in any of the property herein described is valid unless approved by County. Terms of this contract may be amended by County upon assignment. Subject to the foregoing restriction, the terms of this contract shall be binding upon the heirs, successors-in-interest and assigned of Purchaser.

Indemnity and Hold Harmless Agreement

Purchaser will indemnify, defend, and hold harmless the County, its elected officials, officers, and employees from and against any claims, loss or liability of any kind arising out of or related to any activity on the property occurring while purchaser is entitled to occupy the property under this or any predecessor

agreement, whether or not the property is leased to others. This indemnification of the County by purchaser includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup, remedial, removal, or restoration work required by any federal, state, or local governmental agency or political subdivision because of hazardous material present in the soil or groundwater or under the property. Without limiting the foregoing, if the presence of any hazardous material on property caused or permitted by Purchaser or purchaser's agents or contractors results in any contamination of the property, Purchaser shall promptly take all actions at Purchaser's sole expense as are necessary to return the property to the condition existing prior to the release of any such hazardous material onto the property, provided that the County's approval of such action shall first be obtained, and approval shall not be unreasonably withheld, as long as such actions would not potentially have any material adverse long-term or short-term effect on the property. This indemnification by Purchaser includes, without limitation, reimbursement for any diminution in the value of the property and reimbursement for sums paid in settlement of claims, attorney fees, consultant fees, and expert fees. The obligations agreed to with regard to the indemnity and hold harmless provisions of this contract shall survive any termination or cancellation of the contract for any reason.

Waste

It is understood and agreed between the parties that the purchaser shall not commit any strip or waste on the premises or sever any growing timber from the premises nor shall the purchaser suffer or permit any strip or waste to be committed on the property. All improvements placed on the property shall remain and shall not be removed before final payment is made

Hazardous Materials

As used in this contract, the term Hazardous Material means any hazardous or toxic substance, material, or waste, including, but not limited to those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR § 172.101), or by the United States Environmental Protection Agency as hazardous substances (40 CFR pt 302) and amendments thereto, petroleum products, or other such substances, materials, and wastes that are or become regulated under any applicable local, state, or federal law.

Purchaser will not cause or permit any hazardous material to be brought upon, kept, or used in or about the property by purchaser or purchaser's agents, employees, contractors, or invitees without the prior written consent of the County, which shall not be unreasonably withheld as long as purchaser demonstrates to County's reasonable satisfaction that such hazardous material is necessary to purchaser's business and will be used, kept, and stored in a

manner that complies with all laws regulating any such hazardous materials brought upon or used or kept in or about the property.

Title Insurance

The County does not provide title insurance.

Property Sold "AS IS".

Purchaser agrees that it has accepted and executed this contract on the basis of its own examination and personal knowledge of the Property; County makes no representations or warranties with respect to the physical condition or any other aspect of the Property, including, without limitation, whether the Property conforms to past, current, or future zoning or building code requirements, the existence of soil stability, past soil repair, soil additions, conditions of soil fill or susceptibility to land slides, the sufficiency of any under-shoring, the sufficiency of any drainage, whether the Property is located either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the Property. Purchaser expressly acknowledges that the Property is being sold and accepted "AS IS", and purchaser hereby unconditionally and irrevocably waives any and all actual or potential rights purchaser may have regarding any form of warranty, except as set forth in this contract, express or implied, of any kind or type, relating to the Property. Such waiver is absolute, complete, total, and unlimited in any way.

Tax Notice

Until a change of address is requested, all tax statements shall be sent to the following address:

EDWARD OZERUGA
PO BOX 11778
PORTLAND OR 97211

Remedies.

TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT.

1. The parties agree the remedies for the failure to close this transaction shall be limited to the remedies set forth in this contract and the parties waive any further remedies, which may be available to either. If this transaction does not close, the County may pursue cancellation of this contract under ORS 275.220.

2. Nothing herein shall be interpreted to limit the purchaser's obligations under any provision of this contract as applicable, to defend, hold harmless and indemnify the County.

Severability

If any term or provision of this Contract or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this contract and the application of such term or provision to person or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term or provision of this contract shall be valid and enforceable to the fullest extent permitted by law.

Entire Agreement

This contract sets forth the entire understanding of the parties with respect to the purchase and sale of the property. This contract supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This contract may not be modified or amended except by a written agreement executed by both parties.

Conveyance of Title

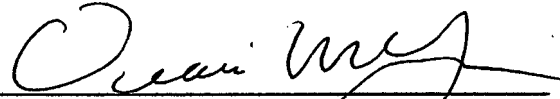
Upon complete performance by Purchaser of all the terms and conditions of this contract, County agrees to convey to Purchaser the title to the aforesaid property by Bargain & Sale Deed.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, purchaser has set his/her hand the year and day first above written, and County has caused these presents to be executed by the Chair of the Multnomah Board of County Commissioners heretofore entered of record.

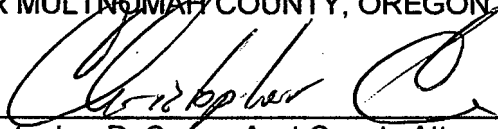


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

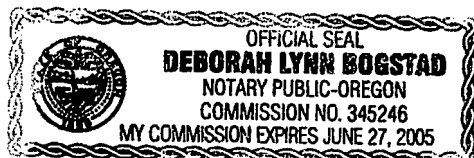
By 
Christopher D. Crean, Asst County Attorney

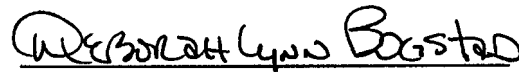
BUYER

Edward Ozeruga

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Contract was acknowledged before me this 2nd day of December 2004, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.




Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Contract was signed and attested before me on December _____, 2004, by Edward Ozeruga.

Notary Public for Oregon
My Commission expires: _____

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: December 2, 2004

Agenda Item #: C-6

Est. Start Time: 9:30 AM

Date Submitted: 10/27/04

Requested Date: December 2, 2004

Time Requested: N/A

Department: DBCS

Division: Tax Title

Contact/s: Gary Thomas

Phone: 503-988-3590

Ext.: 22591

I/O Address: 503/4 Tax Title

Presenters: Consent Calendar

Agenda Title: RESOLUTION Authorizing Execution of Contract between Multnomah County, Seller, and JAMES Q. TETTEH, Purchaser, for Tax-Foreclosed Property Sold at Public Sale, and Deed to Purchaser at Contract Completion

NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Tax Title Section is requesting the Board to approve the execution of a contract to JAMES Q. TETTEH and the sale of a Tax Foreclosed property that is identified as Auction Property No. 2 as shown in exhibit A. The Department of Business and Community Services recommends that the contract and sale be approved.

2. Please provide sufficient background information for the Board and the public to understand this issue.

Auction Property No 2: R124185

1. Vacant lot east of 6135 SW Capitol Highway Came into County ownership through foreclosure on 10/11/96. Lot is adjacent to 6135 SW Capitol Highway. Fairly steep, wooded hillside parcel. The property was made available to government agencies and AHDP. It was offered for sale at the 4/25/00 auction but did not sell.

JAMES Q. TETTEH, was the highest bidder at the Public Sale with a bid of \$41,000. The County acknowledges receipt of the sum of \$7,610, as deposit paid by the Buyer on the day of the sale, the remaining balance of \$33,390 to be carried on a ten year contract at 7% annual interest.

3. **Explain the fiscal impact (current year and ongoing).**
The Public Sale will allow for the full recovery of delinquent taxes, fees, and expenses of this property. The sale will also reinstate this property on the tax roll.
4. **Explain any legal and/or policy issues.**
No legal issues are expected. The parcels will be sold "As Is" without guarantee of clear title. This property conforms to those policies as outlined in Multnomah County Code Chapter 7.
5. **Explain any citizen and/or other government participation that has or will take place.**
No citizen or government participation is anticipated.

Required Signatures:

Department/Agency Director: *Robert A Maestre*

Date: 11/01/04

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

Exhibit A

Property No. 2

Tax Account Number: R124185, (R11910-7470)

Location: 6135 W/ SW Capitol HWY



BOGSTAD Deborah L

From: GRACE Becky J
Sent: Wednesday, October 27, 2004 3:13 PM
To: BOGSTAD Deborah L
Subject: FW: Dec 2nd Board Agenda Auction Purchase by Contract by James Tetteh

-----Original Message-----

From: CREAN Christopher D
Sent: Tuesday, October 26, 2004 1:44 PM
To: GRACE Becky J
Subject: RE: Dec 2nd Board Agenda Auction Purchase by Contract by James Tetteh

Becky -

I have reviewed the attached contract and resolution regarding the real property sale to James Tetteh and they may be forwarded to the Board as proposed. Thanks.

- Chris

-----Original Message-----

From: GRACE Becky J
Sent: Tuesday, October 26, 2004 1:32 PM
To: CREAN Christopher D
Subject: Dec 2nd Board Agenda Auction Purchase by Contract by James Tetteh

Hi Chris,

Attached for your review and approval are the agenda documents authorizing execution of a contract for property sold at auction.
Thanks,

Becky Grace
Tax Title, Multnomah County
501 SE Hawthorne, Suite 310
Portland, OR 97214
503.988.3590 x27145

10/27/2004

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY**

RESOLUTION NO. _____

Authorizing execution of Contract between Multnomah County, Seller, and JAMES Q. TETTEH, Purchaser, for Tax-Foreclosed Property sold at Public Sale, and Deed to Purchaser at contract completion.

The Multnomah County Board of Commissioners Finds:

- a. On October 12, 2004 Multnomah County conducted a public auction and sale of tax-foreclosed real properties, including the property described below (property).
- b. The public sale was conducted consistent with the requirements of ORS 275.110 to 275.250 and MCC Chapter 7.
- c. JAMES Q. TETTEH, was the highest bidder at the sale for the property with a bid of \$41,000, and the County acknowledges receipt of the sum of \$6,710, as deposit paid by Buyer. The balance remaining \$33,390 is to be paid pursuant to the proposed Contract.
- d. The Sheriff delivered to the Buyer a Certificate of Sale as required under ORS 275.150 containing the legal description of the property, the whole purchase price, the amount paid in cash, and the date upon which the future payment will become due.

The Multnomah County Board of Commissioners Resolves:

1. The Chair on behalf of Multnomah County is authorized to execute the attached Contract
2. Upon Purchaser's performance of all the obligations of the Contract and upon Tax Title's receipt of the full balance due, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to JAMES Q. TETTEH, the following described real property:

LOT 15, BLOCK 61, BURLINGAME, in the City of Portland, Multnomah County, Oregon.

ADOPTED this 2nd day of December 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Christopher Crean, Assistant County Attorney

Until a change is requested, all tax statements shall be sent to the following address:
JAMES Q. TETTEH
1915 NE AINSWORTH
PORTLAND OR 97211

After recording please return to:
MULTNOMAH COUNTY TAX TITLE
503/4TH

CONTRACT 15815 OF SALE

THIS CONTRACT is made and entered into on _____
by Multnomah County, Oregon, ("the County"), a municipal corporation, and
JAMES Q. TETTEH, ("purchaser").

The County agrees to sell, in accordance with the statutes of the State of Oregon and in consideration of the covenants and agreements made on the part of the purchaser, and purchaser agrees to buy the certain real property situated in the City of Portland, Multnomah County, Oregon, described as follows:

LOT 15, BLOCK 61, BURLINGAME

Purchase Price

Purchaser agrees to pay for described real property the sum of \$41,000 which is the true and actual consideration paid for this transfer. A down payment in the amount of \$7,610 has been paid, with receipt acknowledged by the County. At the time this contract is executed, the down payment of \$7,610 shall be credited to the purchase price and the purchaser shall pay to the County the remaining \$33,390 with interest charged at a rate of 7% per annum on the dates and in the amounts as follows:

Not less than \$388 on the 15th of January 2005, and a payment on the 15th day of each month for a period of 10 years, until the full amount of both the principal and interest has been paid in full, provided always that the purchaser may pay the full amount of both principal and interest due at any time without penalty for early payment.

If any monthly payment of interest and principal, or part of such payments has not been received by the Tax Title Division on the 26th day of each month, a late-charge of \$25.00 will be assessed to the purchaser.

Application of Payments

All payments on the contract shall be applied first to the interest due on the contract, and then to late charges, if any, then the remaining amount shall be applied to the principal. Payments will be credited as of the due date without adjustment of interest when paid either before or after the due date. Purchaser may prepay at any time all or part of the principal amount due on this contract without payment of penalties or premiums, provided that purchaser is not under

default under this contract and the payment is identified as prepayment of the principal.

If an agreement is reached between the County and the purchaser to accept payments in a smaller amount than the originally agreed upon payments, the County shall not be held to have breached this contract, nor to have waived its right to insist upon strict compliance by the purchaser with the terms of this contract. The County may proceed with its legal remedies at any time, without notice to the purchaser except as stated within the terms of this contract. Such notice, if extended to the purchaser, shall be accepted by the purchaser as a courtesy only.

Default

Time is of the essence in this contract and the County has the discretion to declare a contract in default due to unpaid payments. The purchaser's default can be cured by following the procedures set forth in Oregon Revised Statutes 93.920 and by paying all costs and expenses actually incurred by the County in enforcing the contract, including but not limited to late charges, attorney fees of \$500.00 and costs of the title search.

In addition, the County may declare the contract in default if:

1. Purchaser fails to make any payment within 15 days after it is due;
2. Purchaser fails to perform or comply with any condition and does not commence corrective action within ten days after written notice from the County specifying the nature of the default, or, if the default cannot be cured within that time, fails to commence and pursue curative action with reasonable diligence;
3. Purchaser becomes insolvent; a receiver, trustee or custodian is appointed to take possession of all or a substantial part of purchaser's property or properties; purchaser makes an assignment for the benefit of creditors or files a voluntary petition in bankruptcy; or purchaser is subject to an involuntary bankruptcy which is not dismissed within ninety days; or
4. Purchaser makes or allows to be made a fraudulent transfer under applicable federal or state law, conceals any of his/her property from creditors; makes or allows to be made a preference within the meaning of the federal bankruptcy laws; or allows a lien or distraint upon any of his/her property.

Tax Payments.

In addition to payment of installments as agreed in this contract, purchaser agrees to pay all taxes lawfully assessed and levied against said property during the term of this contract before they become delinquent.

Terms and Conditions.

1. Purchaser agrees to pay and discharge all municipal liens and assessments of any kind and nature assessed against the property before they become delinquent.
2. Purchaser will promptly comply with and cause all other persons to comply with all laws, ordinances, regulations, directions, rules and other requirements of all governmental authorities applicable to the use of the property.
3. Purchaser will not use or permit others to use any of the property for any "prohibited conduct" as that term is defined in ORS 475.005 or any "nuisance" as described in ORS 105.555, as those statutes may now or hereafter be amended, supplemented or superseded, or otherwise do or allow any act or omission on or about the property that could subject the property of the County's or Purchaser's interest therein to forfeiture or the risk of forfeiture.
4. In any proceeding to enforce any provision of this contract, the Purchaser shall be liable to the County for any costs, including attorney fees, incurred by the County in the proceeding, provided only that the County is determined to be a prevailing party in the proceeding.

Binding Effect/Assignment Restricted

This contract is binding on and will inure to the benefit of the County, purchaser and their respective heirs, legal representatives, successors and assigns. No assignment of this contract or any interest therein or any interest in any of the property herein described shall be valid unless it is approved by County. Terms of this contract may be amended by County upon assignment. Subject to the foregoing restriction, the terms of this contract shall be binding upon the heirs, successors-in-interest and assigned of Purchaser.

Indemnity and Hold Harmless Agreement

Purchaser will indemnify, defend, and hold harmless the County, its elected officials, officers, and employees from and against any claims, loss or liability of any kind arising out of or related to any activity on the property occurring while purchaser is entitled to occupy the property under this or any predecessor agreement, whether or not the property is leased to others. This indemnification of the County by purchaser includes, without limitation, costs incurred in

connection with any investigation of site conditions or any cleanup, remedial, removal, or restoration work required by any federal, state, or local governmental agency or political subdivision because of hazardous material present in the soil or groundwater or under the property. Without limiting the foregoing, if the presence of any hazardous material on property caused or permitted by Purchaser or purchaser's agents or contractors results in any contamination of the property, Purchaser shall promptly take all actions at Purchaser's sole expense as are necessary to return the property to the condition existing prior to the release of any such hazardous material onto the property, provided that the County's approval of such action shall first be obtained, and approval shall not be unreasonably withheld, as long as such actions would not potentially have any material adverse long-term or short-term effect on the property. This indemnification by Purchaser includes, without limitation, reimbursement for any diminution in the value of the property and reimbursement for sums paid in settlement of claims, attorney fees, consultant fees, and expert fees. The obligations agreed to with regard to the indemnity and hold harmless provisions of this contract shall survive any termination or cancellation of the contract for any reason.

Waste

It is understood and agreed between the parties that the purchaser shall not commit any strip or waste on the premises or sever any growing timber from the premises nor shall the purchaser suffer or permit any strip or waste to be committed on the property. All improvements placed on the property shall remain and shall not be removed before final decision is made.

Hazardous Materials

As used in this contract, the term Hazardous Material means any hazardous or toxic substance, material, or waste, including, but not limited to those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR § 172.101), or by the United States Environmental Protection Agency as hazardous substances (40 CFR pt 302) and amendments thereto, petroleum products, or other such substances, materials, and wastes that are or become regulated under any applicable local, state, or federal law.

Purchaser will not cause or permit any hazardous material to be brought upon, kept, or used in or about the property by purchaser or purchaser's agents, employees, contractors, or invitees without the prior written consent of the County, which shall not be unreasonably withheld as long as purchaser demonstrates to County's reasonable satisfaction that such hazardous material is necessary to purchaser's business and will be used, kept, and stored in a manner that complies with all laws regulating any such hazardous materials brought upon or used or kept in or about the property.

Title Insurance

The County does not provide title insurance.

Property Sold "AS IS".

Purchaser agrees that it has accepted and executed this contract on the basis of its own examination and personal knowledge of the Property; County makes no representations or warranties with respect to the physical condition or any other aspect of the Property, including, without limitation, whether the Property conforms to past, current, or future zoning or building code requirements, the existence of soil stability, past soil repair, soil additions, conditions of soil fill or susceptibility to land slides, the sufficiency of any under-shoring, the sufficiency of any drainage, whether the Property is located either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the Property. Purchaser expressly acknowledges that the Property is being sold and accepted "**AS IS**", and purchaser hereby unconditionally and irrevocably waives any and all actual or potential rights purchaser may have regarding any form of warranty, except as set forth in this contract, express or implied, of any kind or type, relating to the Property. Such waiver is absolute, complete, total, and unlimited in any way.

Tax Notice

Until a change of address is requested, all tax statements shall be sent to the following address:

JAMES Q. TETTEH
1915 NE AINSWORTH
PORTLAND OR 97211

Remedies.

TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT.

1. The parties agree the remedies for the failure to close this transaction shall be limited to the remedies set forth in this contract and the parties waive any further remedies, which may be available to either. If this transaction does not close, the County may pursue cancellation of this contract under ORS 275.220.
2. Nothing herein shall be interpreted to limit the purchaser's obligations under any provision of this contract as applicable, to defend, hold harmless and indemnify the County.

Severability

If any term or provision of this Contract of the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this contract and the application of such term or provision to person or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term or provision of this contract shall be valid and enforceable to the fullest extent permitted by law.

Entire Agreement

This contract sets forth the entire understanding of the parties with respect to the purchase and sale of the property. This contract supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This contract may not be modified or amended except by a written agreement executed by both parties.

Conveyance of Title

Upon complete performance by Purchaser of all the terms and conditions of this contract, County agrees to convey to Purchaser the title to the aforesaid property by Bargain & Sale Deed.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, purchaser has set his/her hand the year and day first above written, and County has caused these presents to be executed by the Chair of the Multnomah Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

BUYER

By _____
Christopher D. Crean, Asst County Attorney

James Q. Tetteh

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Contract was acknowledged before me this 2nd day of December 2004, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-175

Authorizing Execution of Contract between Multnomah County, Seller, and JAMES Q. TETTEH, Purchaser, for Tax-Foreclosed Property Sold at Public Sale, and Deed to Purchaser at Contract Completion

The Multnomah County Board of Commissioners Finds:

- a. On October 12, 2004 Multnomah County conducted a public auction and sale of tax-foreclosed real properties, including the property described below (property).
- b. The public sale was conducted consistent with the requirements of ORS 275.110 to 275.250 and MCC Chapter 7.
- c. JAMES Q. TETTEH was the highest bidder at the sale for the property with a bid of \$41,000, and the County acknowledges receipt of the sum of \$7,610, as deposit paid by Buyer. The balance remaining \$33,390 is to be paid pursuant to the proposed Contract.
- d. The Sheriff delivered to the Buyer a Certificate of Sale as required under ORS 275.150 containing the legal description of the property, the whole purchase price, the amount paid in cash, and the date upon which the future payment will become due.

The Multnomah County Board of Commissioners Resolves:

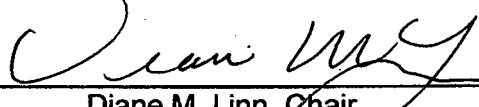
1. The Chair on behalf of Multnomah County is authorized to execute the attached Contract.
2. Upon Purchaser's performance of all the obligations of the Contract and upon Tax Title's receipt of the full balance due, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to JAMES Q. TETTEH, the following described real property:

LOT 15, BLOCK 61, BURLINGAME, in the City of Portland, Multnomah County, Oregon.

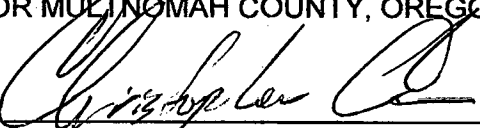
ADOPTED this 2nd day of December 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Christopher Crean, Assistant County Attorney

Until a change is requested, all tax statements shall be sent to the following address:

JAMES Q. TETTEH
1915 NE AINSWORTH
PORTLAND OR 97211

After recording please return to:
MULTNOMAH COUNTY TAX TITLE
503/4TH

CONTRACT 15815 OF SALE

THIS CONTRACT is made and entered into on _____
by Multnomah County, Oregon, ("the County"), a municipal corporation, and
JAMES Q. TETTEH, ("purchaser").

The County agrees to sell, in accordance with the statutes of the State of Oregon and in consideration of the covenants and agreements made on the part of the purchaser, and purchaser agrees to buy the certain real property situated in the City of Portland, Multnomah County, Oregon, described as follows:

LOT 15, BLOCK 61, BURLINGAME

Purchase Price

Purchaser agrees to pay for described real property the sum of \$41,000 which is the true and actual consideration paid for this transfer. A down payment in the amount of \$7,610 has been paid, with receipt acknowledged by the County. At the time this contract is executed, the down payment of \$7,610 shall be credited to the purchase price and the purchaser shall pay to the County the remaining \$33,390 with interest charged at a rate of 7% per annum on the dates and in the amounts as follows:

Not less than \$388 on the 15th of January 2005, and a payment on the 15th day of each month for a period of 10 years, until the full amount of both the principal and interest has been paid in full, provided always that the purchaser may pay the full amount of both principal and interest due at any time without penalty for early payment.

If any monthly payment of interest and principal, or part of such payments has not been received by the Tax Title Division on the 26th day of each month, a late-charge of \$25.00 will be assessed to the purchaser.

Application of Payments

All payments on the contract shall be applied first to the interest due on the contract, and then to late charges, if any, then the remaining amount shall be applied to the principal. Payments will be credited as of the due date without adjustment of interest when paid either before or after the due date. Purchaser may prepay at any time all or part of the principal amount due on this contract without payment of penalties or premiums, provided that purchaser is not under

default under this contract and the payment is identified as prepayment of the principal.

If an agreement is reached between the County and the purchaser to accept payments in a smaller amount than the originally agreed upon payments, the County shall not be held to have breached this contract, nor to have waived its right to insist upon strict compliance by the purchaser with the terms of this contract. The County may proceed with its legal remedies at any time, without notice to the purchaser except as stated within the terms of this contract. Such notice, if extended to the purchaser, shall be accepted by the purchaser as a courtesy only.

Default

Time is of the essence in this contract and the County has the discretion to declare a contract in default due to unpaid payments. The purchaser's default can be cured by following the procedures set forth in Oregon Revised Statutes 93.920 and by paying all costs and expenses actually incurred by the County in enforcing the contract, including but not limited to late charges, attorney fees of \$500.00 and costs of the title search.

In addition, the County may declare the contract in default if:

1. Purchaser fails to make any payment within 15 days after it is due;
2. Purchaser fails to perform or comply with any condition and does not commence corrective action within ten days after written notice from the County specifying the nature of the default, or, if the default cannot be cured within that time, fails to commence and pursue curative action with reasonable diligence;
3. Purchaser becomes insolvent; a receiver, trustee or custodian is appointed to take possession of all or a substantial part of purchaser's property or properties; purchaser makes an assignment for the benefit of creditors or files a voluntary petition in bankruptcy; or purchaser is subject to an involuntary bankruptcy which is not dismissed within ninety days; or
4. Purchaser makes or allows to be made a fraudulent transfer under applicable federal or state law, conceals any of his/her property from creditors; makes or allows to be made a preference within the meaning of the federal bankruptcy laws; or allows a lien or distraint upon any of his/her property.

Tax Payments.

In addition to payment of installments as agreed in this contract, purchaser agrees to pay all taxes lawfully assessed and levied against said property during the term of this contract before they become delinquent.

Terms and Conditions.

1. Purchaser agrees to pay and discharge all municipal liens and assessments of any kind and nature assessed against the property before they become delinquent.
2. Purchaser will promptly comply with and cause all other persons to comply with all laws, ordinances, regulations, directions, rules and other requirements of all governmental authorities applicable to the use of the property.
3. Purchaser will not use or permit others to use any of the property for any "prohibited conduct" as that term is defined in ORS 475.005 or any "nuisance" as described in ORS 105.555, as those statutes may now or hereafter be amended, supplemented or superseded, or otherwise do or allow any act or omission on or about the property that could subject the property of the County's or Purchaser's interest therein to forfeiture or the risk of forfeiture.
4. In any proceeding to enforce any provision of this contract, the Purchaser shall be liable to the County for any costs, including attorney fees, incurred by the County in the proceeding, provided only that the County is determined to be a prevailing party in the proceeding.

Binding Effect/Assignment Restricted

This contract is binding on and will inure to the benefit of the County, purchaser and their respective heirs, legal representatives, successors and assigns. No assignment of this contract or any interest therein or any interest in any of the property herein described shall be valid unless it is approved by County. Terms of this contract may be amended by County upon assignment. Subject to the foregoing restriction, the terms of this contract shall be binding upon the heirs, successors-in-interest and assigned of Purchaser.

Indemnity and Hold Harmless Agreement

Purchaser will indemnify, defend, and hold harmless the County, its elected officials, officers, and employees from and against any claims, loss or liability of any kind arising out of or related to any activity on the property occurring while purchaser is entitled to occupy the property under this or any predecessor agreement, whether or not the property is leased to others. This indemnification of the County by purchaser includes, without limitation, costs incurred in

connection with any investigation of site conditions or any cleanup, remedial, removal, or restoration work required by any federal, state, or local governmental agency or political subdivision because of hazardous material present in the soil or groundwater or under the property. Without limiting the foregoing, if the presence of any hazardous material on property caused or permitted by Purchaser or purchaser's agents or contractors results in any contamination of the property, Purchaser shall promptly take all actions at Purchaser's sole expense as are necessary to return the property to the condition existing prior to the release of any such hazardous material onto the property, provided that the County's approval of such action shall first be obtained, and approval shall not be unreasonably withheld, as long as such actions would not potentially have any material adverse long-term or short-term effect on the property. This indemnification by Purchaser includes, without limitation, reimbursement for any diminution in the value of the property and reimbursement for sums paid in settlement of claims, attorney fees, consultant fees, and expert fees. The obligations agreed to with regard to the indemnity and hold harmless provisions of this contract shall survive any termination or cancellation of the contract for any reason.

Waste

It is understood and agreed between the parties that the purchaser shall not commit any strip or waste on the premises or sever any growing timber from the premises nor shall the purchaser suffer or permit any strip or waste to be committed on the property. All improvements placed on the property shall remain and shall not be removed before final decision is made.

Hazardous Materials

As used in this contract, the term Hazardous Material means any hazardous or toxic substance, material, or waste, including, but not limited to those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR § 172.101), or by the United States Environmental Protection Agency as hazardous substances (40 CFR pt 302) and amendments thereto, petroleum products, or other such substances, materials, and wastes that are or become regulated under any applicable local, state, or federal law.

Purchaser will not cause or permit any hazardous material to be brought upon, kept, or used in or about the property by purchaser or purchaser's agents, employees, contractors, or invitees without the prior written consent of the County, which shall not be unreasonably withheld as long as purchaser demonstrates to County's reasonable satisfaction that such hazardous material is necessary to purchaser's business and will be used, kept, and stored in a manner that complies with all laws regulating any such hazardous materials brought upon or used or kept in or about the property.

Title Insurance

The County does not provide title insurance.

Property Sold "AS IS".

Purchaser agrees that it has accepted and executed this contract on the basis of its own examination and personal knowledge of the Property; County makes no representations or warranties with respect to the physical condition or any other aspect of the Property, including, without limitation, whether the Property conforms to past, current, or future zoning or building code requirements, the existence of soil stability, past soil repair, soil additions, conditions of soil fill or susceptibility to land slides, the sufficiency of any under-shoring, the sufficiency of any drainage, whether the Property is located either wholly or partially in a flood plain or a flood hazard boundary or similar area, or any other matter affecting the stability or integrity of the Property. Purchaser expressly acknowledges that the Property is being sold and accepted "AS IS", and purchaser hereby unconditionally and irrevocably waives any and all actual or potential rights purchaser may have regarding any form of warranty, except as set forth in this contract, express or implied, of any kind or type, relating to the Property. Such waiver is absolute, complete, total, and unlimited in any way.

Tax Notice

Until a change of address is requested, all tax statements shall be sent to the following address:

JAMES Q. TETTEH
1915 NE AINSWORTH
PORTLAND OR 97211

Remedies.

TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT.

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Entire Agreement

This contract sets forth the entire understanding of the parties with respect to the purchase and sale of the property. This contract supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This contract may not be modified or amended except by a written agreement executed by both parties.

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IN WITNESS WHEREOF, purchaser has set his/her hand the year and day first above written, and County has caused these presents to be executed by the Chair of the Multnomah Board of County Commissioners heretofore entered of record.



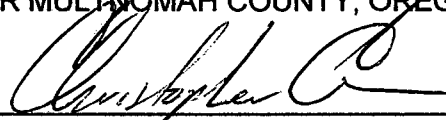
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

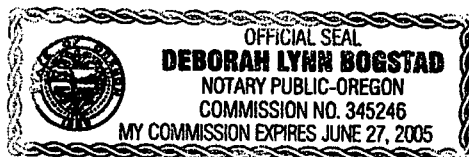
BUYER

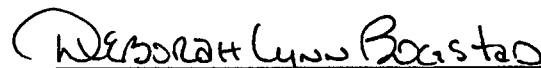
By 
Christopher D. Crean, Asst County Attorney

James Q. Tetteh

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Contract was acknowledged before me this 2nd day of December 2004, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.




Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Contract was signed and attested before me on December _____, 2004, by James Q. Tetteh.

Notary Public for Oregon
My Commission expires: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/02/04
Agenda Item #: C-7
Est. Start Time: 9:30 AM
Date Submitted: 11/22/04

BUDGET MODIFICATION: -

Agenda Title: Resolution recognizing the Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees at Multnomah County Jails.

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	December 2, 2004	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Business Services
Contact(s):	Wanda Yantis		
Phone:	503-988-4455	Ext.	84455
I/O Address:	503/350		
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

MCSO recommends the adoption of a resolution designating a portion of the compensation received by two of its Chaplains to be used as a Housing Allowance.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The Multnomah County Sheriff's Office employs Edward Stelle and Lewis Kyle as Chaplains serving inmates and employees at the county jails. The Sheriff's Office does not provide housing to either Chaplain. Based on 26 USC § 107(2) allows clergy to exclude from the calculation of their gross income, the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home.

3. Explain the fiscal impact (current year and ongoing).

The following Chaplains are allowed to designate the following amounts of their compensation as a housing allowance for calendar year 2004, subject to the requirements and limitations of internal revenue law:

Chaplain
Edward Stelle
Lewis Kyle

Housing Allowance
Amount Per Annum
\$10,000
\$19,000

4. Explain any legal and/or policy issues involved.

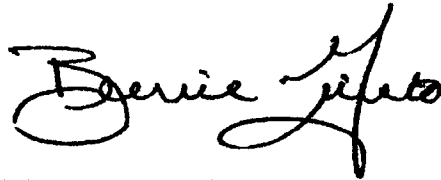
Allowance is in accordance with (US Code) 26 USC § 107(2).

5. Explain any citizen and/or other government participation that has or will take place.

None.

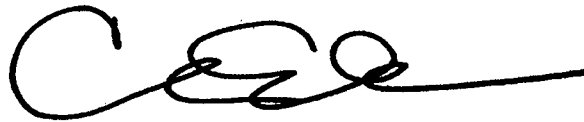
Required Signatures

**Department/
Agency Director:**



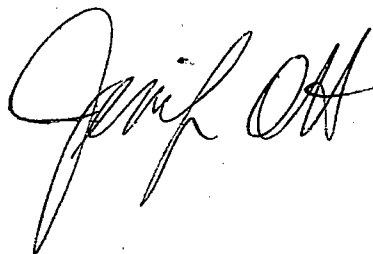
Date: 11/16/04

Budget Analyst:



Date: 11/19/04

Department HR:



Date: 11/19/04

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees at the Multnomah County Jails

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Sheriff's Office employs Edward Stelle and Lewis Kyle as chaplains serving inmates and employees at the county jails.
- b. The Sheriff's Office does not provide housing to either chaplain.
- c. 26 USC §107(2) allows clergy to exclude from the calculation of their gross income the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home.

The Multnomah County Board of Commissioners Resolves:

The following chaplains are allowed to designate the following amounts of their compensation as a housing allowance for calendar year 2005, subject to the requirements and limitations of internal revenue law:

<u>Chaplain</u>	<u>Housing Allowance Amount Per Annum</u>
Edward Stelle	\$10,000
Lewis Kyle	\$19,000

ADOPTED this 2nd day of December 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES A. SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____

Scott E. Asphaug, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-176

Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees at the Multnomah County Jails

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Sheriff's Office employs Edward Stelle and Lewis Kyle as chaplains serving inmates and employees at the county jails.
- b. The Sheriff's Office does not provide housing to either chaplain.
- c. 26 USC §107(2) allows clergy to exclude from the calculation of their gross income the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home.

The Multnomah County Board of Commissioners Resolves:

The following chaplains are allowed to designate the following amounts of their compensation as a housing allowance for calendar year 2005, subject to the requirements and limitations of internal revenue law:

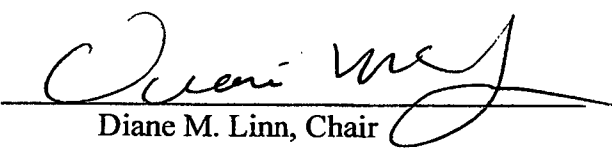
Chaplain
Edward Stelle
Lewis Kyle

Housing Allowance
Amount Per Annum
\$10,000
\$19,000

ADOPTED this 2nd day of December 2004.

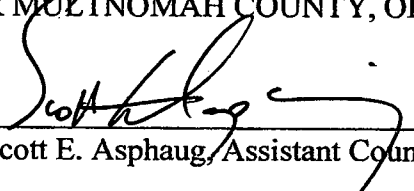


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES A. SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Scott E. Asphaug, Assistant County Attorney

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12/2/04

SUBJECT: County Mental Health Division

AGENDA NUMBER OR TOPIC: Public Comment

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: John Holmes, Director NAMI Multnomah

ADDRESS: 524 NE 52nd Ave

CITY/STATE/ZIP: Portland OR 97213

PHONE: DAYS: 503.228.5692

EVE: _____

EMAIL: j.holmes@nami.org

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/02/04
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 12/23/04

BUDGET MODIFICATION: -

Agenda Title: **Multnomah County Auditor: Annual Report 2004**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>December 2, 2004</u>	Time Requested:	<u>20 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Auditor - Suzanne Flynn</u>
Contact(s):	<u>Judy Rosenberger</u>		
Phone:	<u>503 988-3320</u>	Ext.	<u>83320</u>
Presenter(s):	<u>Suzanne Flynn</u>		
I/O Address:	<u>503/601</u>		

General Information

1. What action are you requesting from the Board?
Board Briefing
2. Please provide sufficient background information for the Board and the public to understand this issue.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 11/23/04

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

November 8, 2004

Dear Citizens of Multnomah County,

The County Charter requires the Auditor to conduct performance audits or other studies that measure or improve County operations. During performance audits, auditors examine the organization's goals and objectives and determine if they are being met. The Office follows government auditing standards as recommended by the U.S. Government Accountability Office. Since FY02 the Office has also followed up each audit with a detailed review of the progress made towards implementing recommendations.

In the past year, the Auditor's Office entered new territory. Beginning on July 1, 2003 the Auditor's Office, in partnership with the Portland City Auditor, began to audit the eight school districts in Multnomah County. This was the result of the personal income tax that was approved by county voters in May 2003. The temporary tax was designed to fund public safety, healthcare, senior programs, and the schools. Part of the funding was specified for audits of the school systems.

Three audits of the schools have been completed in the last fiscal year. These are available on the special web site www.multnomahschools.org. We have also continued to work hard on auditing County programs.

I think the work we do is important to citizens. I also believe that the Office should be a leader in accountability. This annual report to citizens is intended to be accountable for the services we provide. I also would like to thank Multnomah County's leaders and employees for working with us to improve the efficiency and effectiveness of services.



Suzanne Flynn
Multnomah County Auditor

A n n u a l R e p o r t 2004

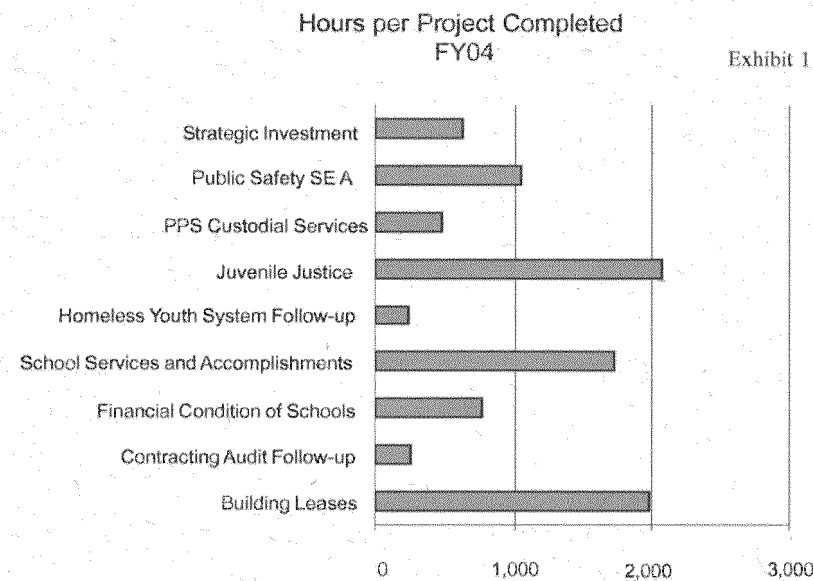
M 902
Multnomah County Auditor
501 SE Hawthorne Room 601
Portland OR 97214

Multnomah County Auditor

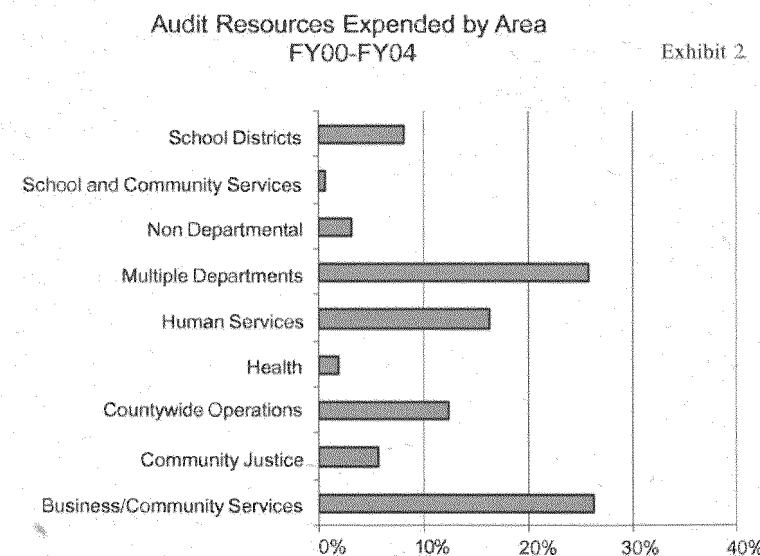
Annual
Report
2004



In FY04, the Office completed nine projects: six were on County programs, two were comprehensive looks at Multnomah County school districts, and one was on Portland Public Schools.

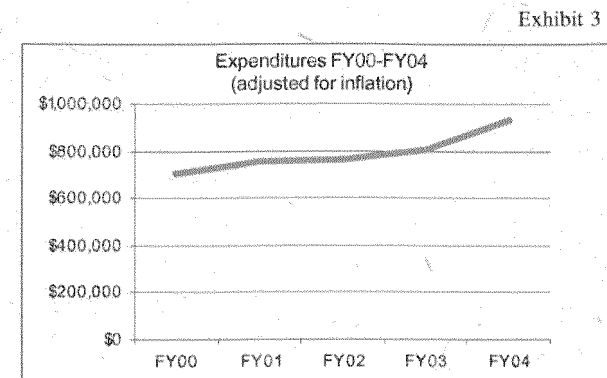


Each fiscal year, the Office develops an audit schedule. Audit areas are selected based upon the potential for savings or improvement, interest of the County Commissioners or the public, evidence of problems, the potential for loss or risk, the time since the last audit, and audit staff resources. Many audits involve several departments in the county. The chart below shows the distribution of audit hours by department in the last five years.



Annual Report

2004 County Auditor



In FY04 actual expenditure for the Office was \$932,840. Most of the spending was for personnel (84%). The cost per hour was \$47. In the Office, there were eight auditors who collectively had 86 years of auditing experience, seven advanced degrees, and five professional auditor certifications. Once adjusted for inflation, total spending has increased 32% since FY00 (Exhibit 3). The addition of two auditor positions to audit schools and increases in internal business and insurance costs explains most of the increase.

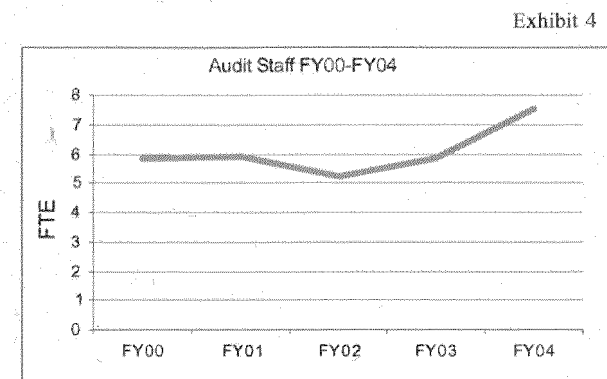
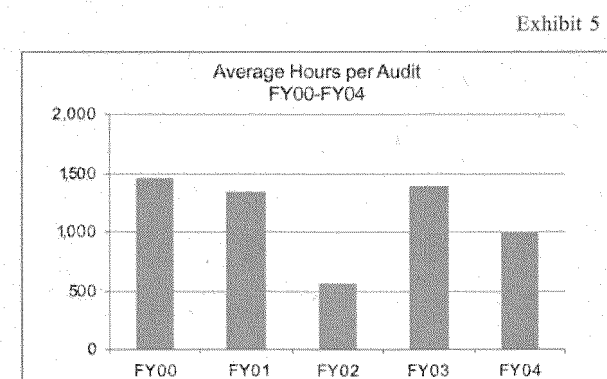
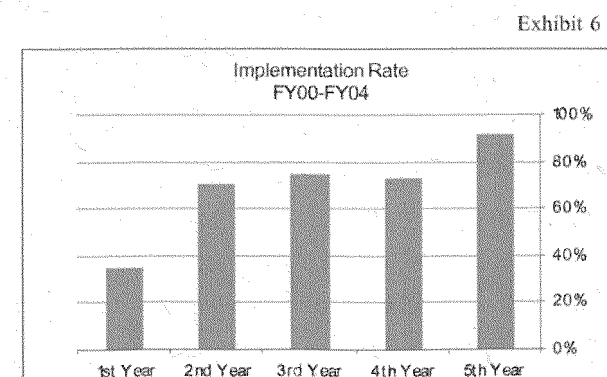


Exhibit 4 shows staffing levels in the past five years. In FY99 the number of auditor positions increased from five to six. The transition to a newly elected auditor in FY99 also affected staffing levels. The decrease in audit staff full-time equivalent (FTE) in FY02 and FY03 reflects a reduction in staff hours rather than positions. The increase in FY04 was the result of adding two auditors funded to audit schools.



Audit projects vary considerably by topic and complexity. As a result, the time that it takes to complete an audit varies. In FY03, the Office completed an audit of the County's capital construction process, one of the largest audits ever undertaken. To complete the audit it took three auditors almost 3,900 hours over the course of three fiscal years. The drop in average hours per audit completed in FY02 and sharp increase in FY03 is the result of the shorter projects completed in FY02 and the large audit completed in FY03.



Audit recommendations are either to improve the efficiency or the effectiveness of County operations. How quickly a recommendation is implemented depends upon its complexity. Exhibit 6 shows that by the fourth and fifth years after an audit is completed most of the recommendations have been implemented.

Annual Report FY03-04

Multnomah County Auditor's Office

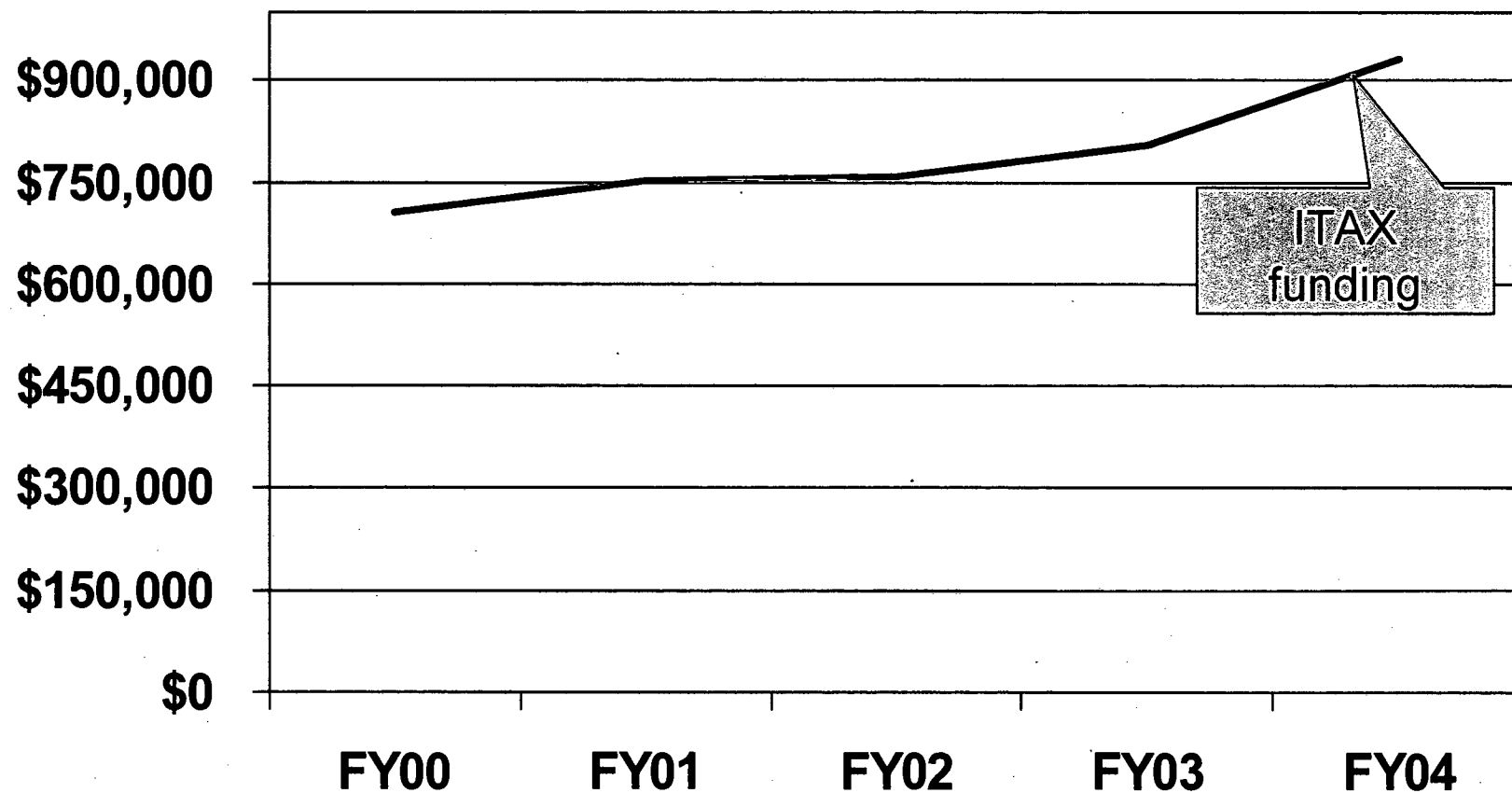
Mission

To ensure that County government is honest, efficient, effective, equitable, and fully accountable to its citizens.

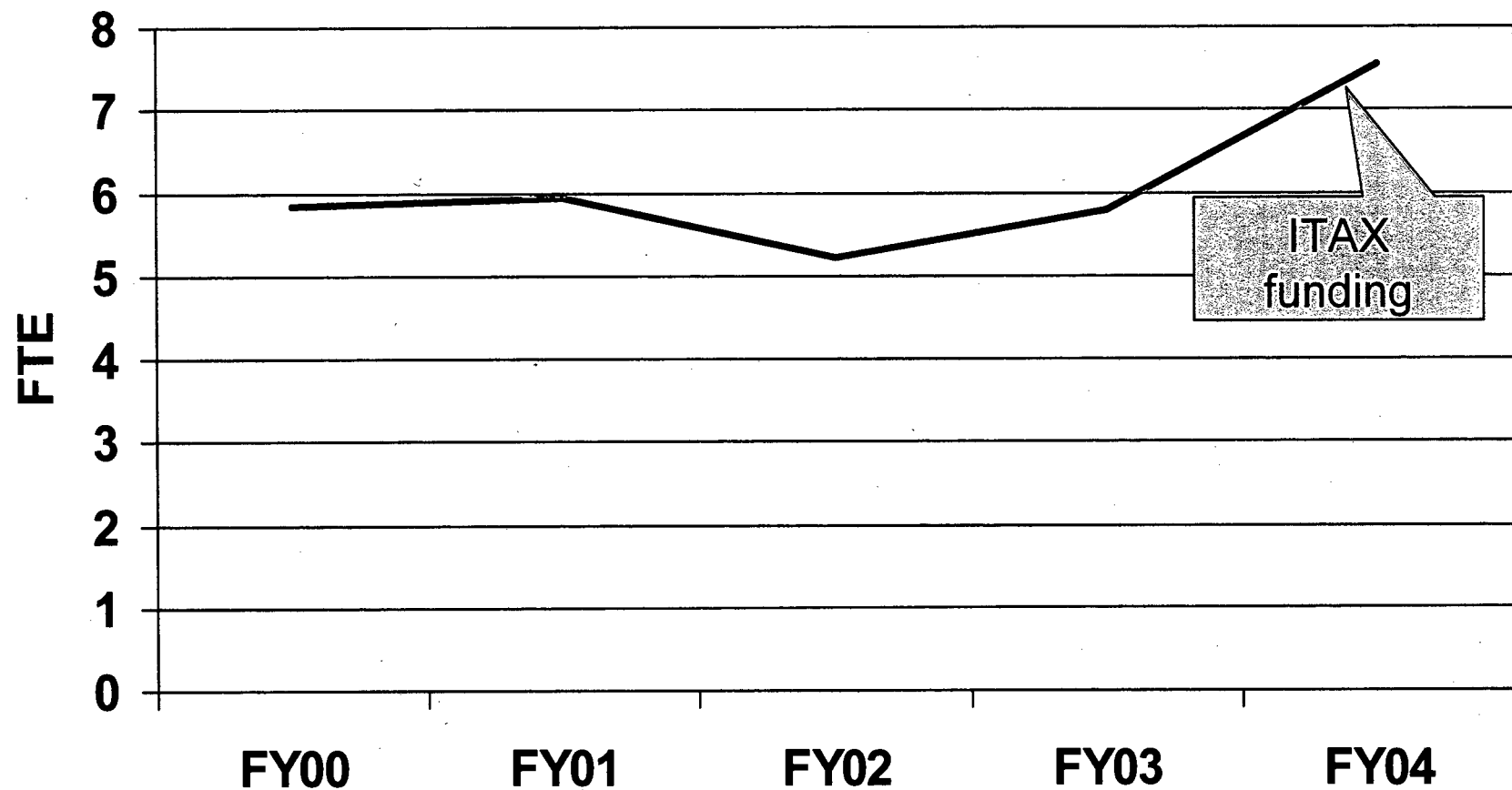
Projects Completed FY04

- 3 County audits
 - Strategic Investment Program
 - Juvenile Justice
 - Building Leases
- SEA – Public Safety
- 2 follow-up audits
 - Human Services Contracting
 - Homeless Youth System
- 3 audits of County school districts
 - PPS Custodial Services Contract
 - Financial Condition
 - Students, Spending, Services, and Accomplishments
- Other
 - DCJ Costing
 - Citizen Survey

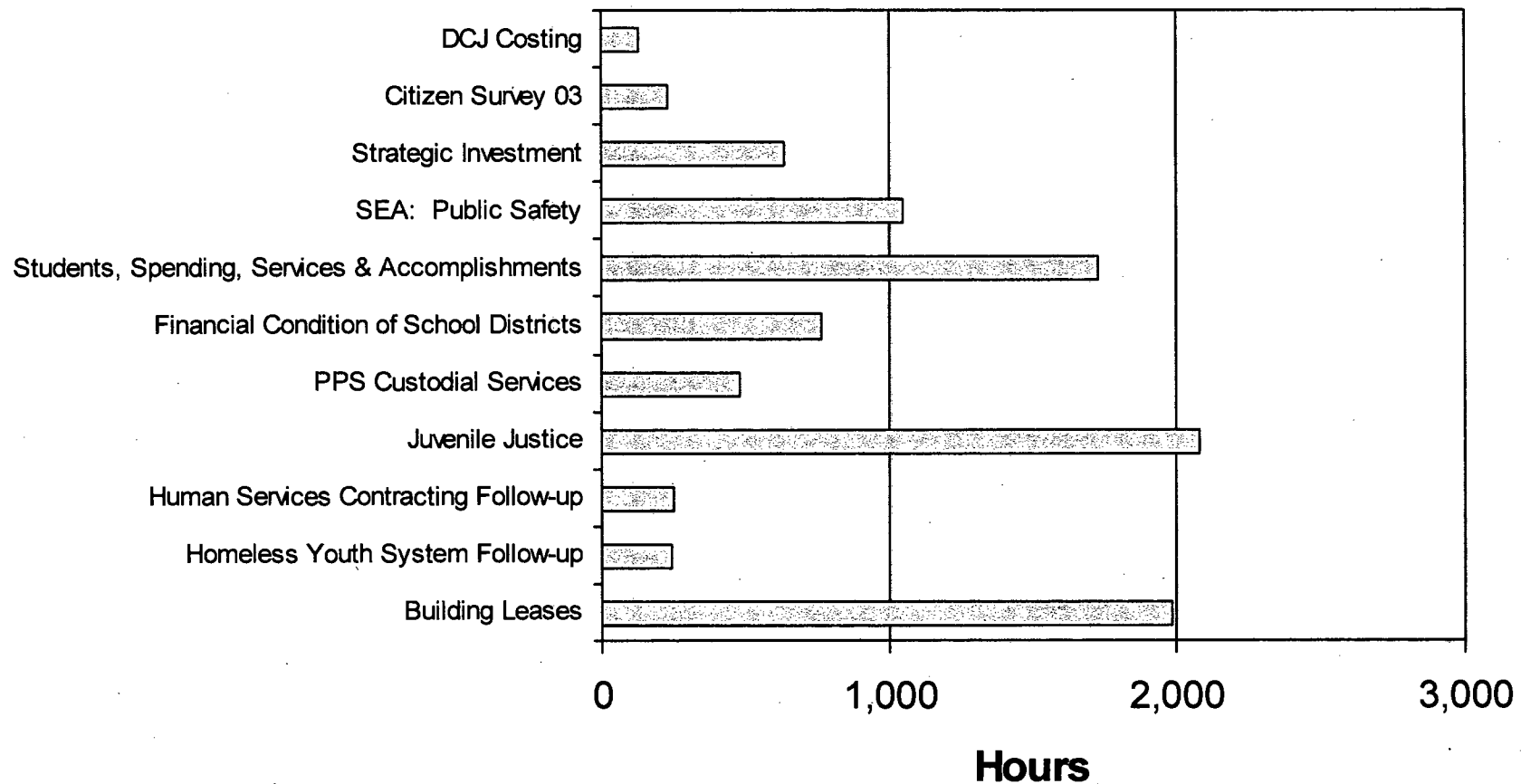
Spending



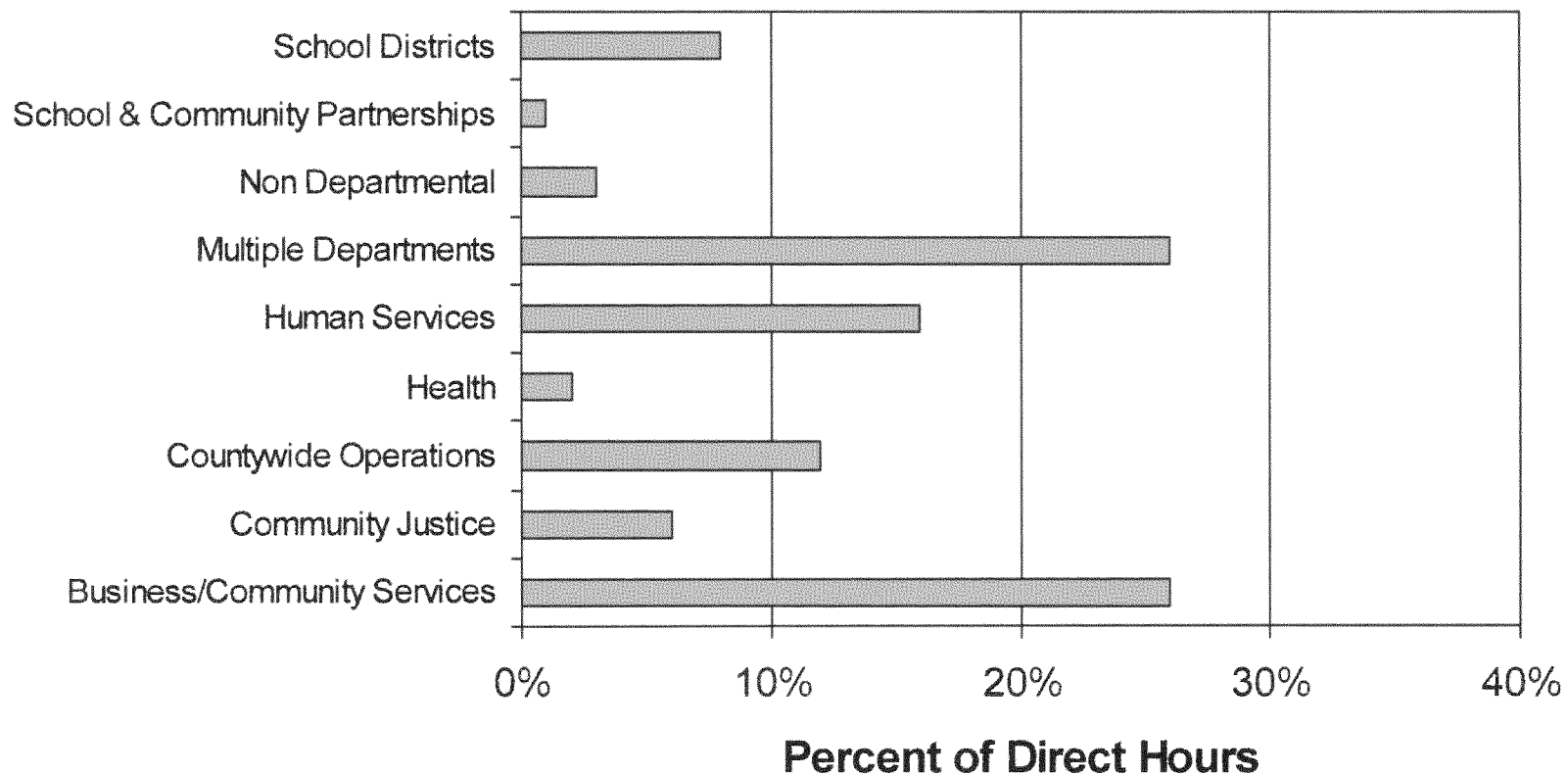
Staffing



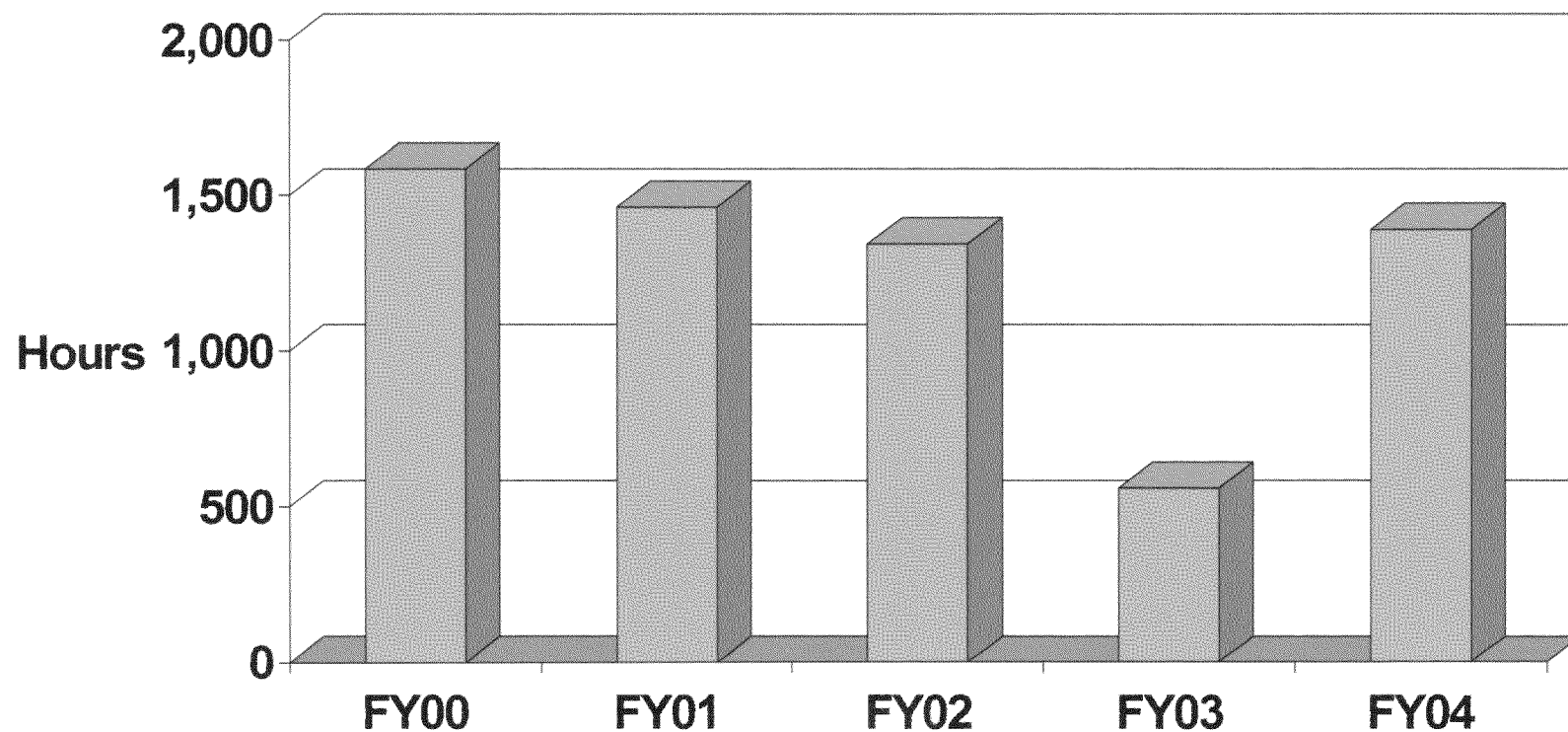
Direct Hours per Project Completed FY04



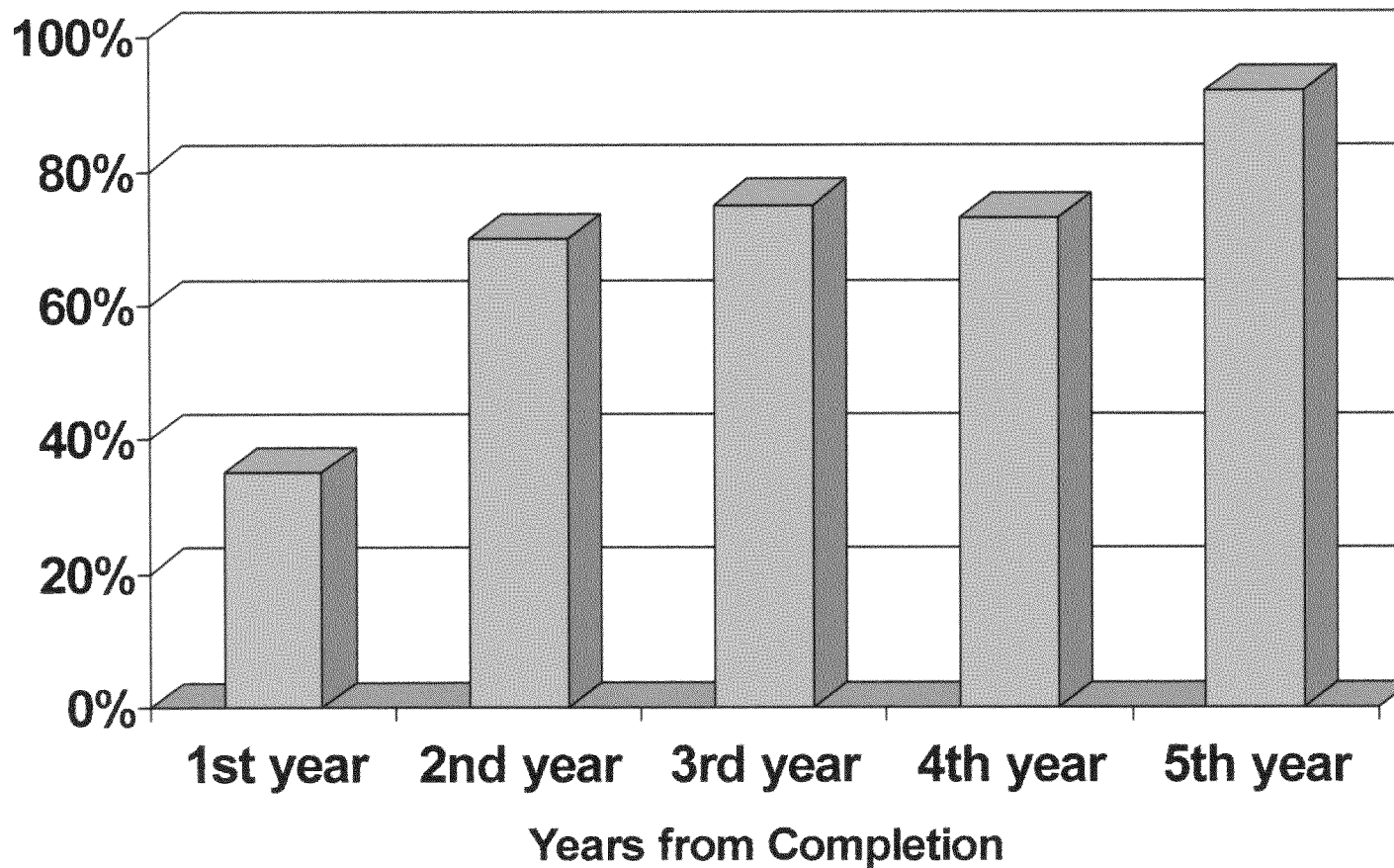
Audit Resources by Department FY00-FY04



Average Hours per Audit Completed FY00-FY04



Recommendations Implemented



Professional Excellence

- Nationally recognized in 1999 and 2002 for outstanding audits
- Judged to have met government auditing standards by peers
- 86 collective years of auditing experience
- Seven advanced degrees, five professional auditor certifications
- Active participation in National Association of Local Government Auditors and National Intergovernmental Audit Forum





MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/02/04
Agenda Item #: R-2
Est. Start Time: 9:50 AM
Date Submitted: 11/08/04

BUDGET MODIFICATION: -

Agenda Title: Multnomah County Citizen Involvement Committee Update

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	December 2, 2004	Time Requested:	15 mins
Department:	Non-Departmental	Division:	Chair/CIC
Contact(s):	Kathleen Todd		
Phone:	503-988-3450	Ext.	83450
I/O Address:	503/6th		
Presenter(s):	Ken Ray, Chair		

General Information

1. What action are you requesting from the Board?
Informational Only
2. Please provide sufficient background information for the Board and the public to understand this issue.
Presentation of Multnomah County Citizen Involvement Committee FY 03/04 Annual Report and focus for FY 04/05
3. Explain the fiscal impact (current year and ongoing).
NA
4. Explain any legal and/or policy issues involved.
NA
5. Explain any citizen and/or other government participation that has or will take place.
The focus of the Multnomah County Citizen Involvement Committee (CIC) and its Office of Citizen Involvement (OCI) is citizen driven. Periodic updates to the Board of County Commissioners on

CIC/OCI activities and plans are essential in fostering cooperative and cordial working relationships.

Required Signatures

**Department/
Agency Director:**

Kathleen M. Todd

Date: 11/8/04

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

**Multnomah County Citizen Involvement Committee
Annual Report for 2003-04
October 2004**

Introduction

The Citizen Involvement Committee (CIC) of Multnomah County was created by a vote of the people in 1984. Chapter 3.75 of the Multnomah County Charter establishes the Office of Citizen Involvement to develop and maintain citizen involvement programs and procedures designed to facilitate direct communication between citizens and the board of county commissioners; a citizens' committee; sufficient funds for operation of the office and the committee; and the authority of the committee to hire and fire its own staff.

The CIC is a 15-member citizen volunteer committee. Three members come from each of our four commission districts, nominated by citizen participation organizations, neighborhood association, neighborhood district coalitions, or community groups. Three additional members are chosen at-large, representing various civic boards and grassroots non-profit groups in the county. Membership is diverse in all respects.

The mission of the Citizen Involvement Committee is to involve, educate, empower and integrate the people of Multnomah County into all aspects of policy- and decision-making within county government.

The 2003-04 year was one of many changes that presented the Citizen Involvement Committee with many opportunities to expand its outreach and services to the citizens of Multnomah County.

At the beginning of the year, the Committee sought to focus on three primary goals:

1. Become a more visible, credible and integral partner in county governance.
2. Have all fifteen positions on the Committee filled by the end of the year.
3. Have two full FTE funded in FY 2004-2005 budget cycle.

The Committee fully achieved or made significant progress towards all three goals in 2003-04 and is continuing to focus on the first two goals in 2004-05.

Follow-up on Audit/Citizen Involvement Assessment Project

At its annual retreat in August 2003, the Citizen Involvement Committee made an assessment of citizen involvement in Multnomah County the primary focus of its work for 2003-2004.

In 2002 the Citizen Involvement Committee had asked the Auditor's office to complete a review of the Citizen Involvement Committee, its functions and its roles, and to identify potential areas for strengthening the citizen involvement program within the County. In early 2003, the auditor's report found that:

- The County's avenues for citizen involvement were organizationally weak,
- The roles and responsibilities of the CIC were unclear, and

- An ordinance change would be needed to clarify the County's responsibilities in providing a stronger citizen involvement process and to clarify the roles and responsibilities of the CIC.

Based on the findings and recommendations of the auditor's report, the CIC decided to assess the current state of citizen involvement in Multnomah County government and develop a baseline for assessing the success of future activity. The CIC also decided it was important to get a feel for how citizens viewed county government and their interests in contributing directly to policymaking decisions and their abilities to access needed resources and personnel in order to contribute their ideas and talents to improving county policies and services.

CIC members and staff members from the Office of Citizen Involvement completed a series of interviews with chairpersons of various County advisory boards and committees, as well as with representatives from various county departments who work directly in seeking and facilitating citizen involvement in their departmental activities and programs. Written and online surveys responses solicited from members of the public at-large were also reviewed and evaluated.

In May 2004, the CIC issued an interim report to the Board of County Commissioners on this assessment project with preliminary findings and recommendations. The findings of the interim report were:

1. There is a lack of transparency for how citizens can get involved in the county;
2. Neither citizens nor county staff are generally aware of the Citizen Involvement Committee or its functions; and
3. There are a large number of citizen committees but little oversight of their creation and operations. The result is that many committees' memberships are limited to people known to county staff, open meeting laws are sometimes inadvertently ignored and there is little ability for the average citizen to even be aware of the committees or their work.

Included in the recommendations were the following:

1. The Citizen Involvement Committee should establish a liaison program with existing boards and commissions to assure that there is communication between these involved citizens and the committee.
2. The county chair should create a working group of citizens and staff to develop policies and procedures for using new communications technology to improve citizen involvement. Specifically this committee should be charged with providing the ability for advisory groups to hold public meetings online.
3. The county should create a central database of committees and information about their members, vacancies, meetings etc so that any citizen can have easy access to this information.
4. The Citizen Involvement Committee should undertake regular in-depth reviews of specific departments to identify areas where citizen involvement can be improved. This would involve meeting with the appropriate staff to review the department's past activities and plans for the coming year and identify areas where citizens can be involved.

5. The County Chair should implement a program to identify the training needs of staff working with citizens and develop an ongoing training program in conjunction with the CIC.
6. The county needs to provide clear support for boards and commissions to stay in compliance with the open meeting laws including training and orientation for new and existing members.
7. A citizen advisory committee should be formed for the county's shared services program.
8. The County Commission should consider convening an annual county retreat or conference for the purpose of discussing county issues and providing a broader understanding of issues among citizens who are involved in county decisions.

CIC members and staff met with the County Chair and Commissioners to outline the details of the interim report and receive feedback on its recommendations and implementation. The CIC is continuing its assessment efforts into 2004-05 while seeking to implement these interim recommendations. The CIC hopes to complete its assessment and issue final recommendations by the end of 2004.

Citizen Budget Advisory Committees

The Office of Citizen Involvement continued to facilitate the Citizen Budget Advisory Committees (CBAC) and their central steering group in their work to analyze budgets and policies and provide independent reports to the Board and county managers. It has helped departments to recruit over 60 citizens to participate in the CBAC process. As a kickoff to the 2004-2005 budget, an orientation and training session was held in January to assist CBAC members in getting up to speed on the county financial picture for the next year. Chair Diane Linn, Auditor Suzanne Flynn and Karyne Dargan and Mark Campbell from the Budget Office assisted with this event.

Dedicated Funds from the Department of Business and Community Services were also reviewed by a sub-committee of the Central CBAC starting in the spring. Recommendations on these funds should be forwarded to elected officials, the department and the public in October.

Charter Review Committee

As required by the County's charter, a Charter Review Committee was empanelled in fall 2003 to review elements of the Charter and to make recommendations to the voters for improvements to the charter. The Charter Review Committee ultimately recommended seven amendments for the voters' consideration in the November 2004 election. At the beginning of the charter review process, the CIC committed to having one committee or staff member in attendance at all charter review committee meetings to monitor the proceedings, offer any needed assistance to Committee members and to report back to the CIC on the Committee's activities and needs.

In addition, at the request of the County Auditor, and as a follow-up to the 1998 Charter Review report, the Charter Review Committee reviewed the provisions of the charter pertaining to the Citizen Involvement Committee, and a subcommittee met with the CIC chair and staff, as well as

with the auditor, to discuss the CIC's roles and functions and determine if the existing charter review language should be modified. The full Charter Review Committee determined that the existing charter language governing the Citizen Involvement Committee was broad enough to allow the Committee sufficient autonomy and flexibility in carrying out its mission and that no changes were needed to the charter language.

Updated CIC Web Site

As part of its plan for 2003-2004, the CIC intended to introduce an entirely new web site that would include public forums with an opportunity for discussion of county issues. Having solved most of the technical difficulties with making such a site available on county web servers, the project was abandoned because of First Amendment concerns with moderating the content of posts on the site.

Nonetheless, the CIC has substantially upgraded and updated the information available on its web site and is looking to make further improvements in the future. Among the new information now available are links to news articles about the county, a list of boards and commissions, electronic versions of CIC publications and RSS newsfeeds of both news articles and public meetings. Information that duplicated that available on the main county web site has been largely been updated with links to the county page to ensure the most up-to-date information is available. The goal is to make information about the county and opportunities for involvement more easily accessible to the public.

We anticipate further expansion of the CIC web presence to continue. In addition a "MINT" county intranet site, specifically to provide resources for county employees working with citizens, is also under development.

Volunteer Coordinator Meetings

As a result of the assessment project, the Office of Citizen Involvement, along with Autumn Ray from the Department of Community Justice, helped initiate a monthly discussion group of the County Volunteer Coordinators. This new working relationship has provided a regular opportunity for sharing information on events, resources, best practices and generated a network for future projects. Currently they are working on a brochure that will highlight all volunteer opportunities in the county.

Foreign Visitors

In the last several years the office has hosted a number of foreign visitors sponsored through the U. S. Department of State's professional development program and this year was no exception. Visitors from China, Poland, Russia and South Korea discussed with us anti-corruption measures within local government as well as citizen involvement possibilities and citizen oversight of governmental budgets and policies.

Neighborhood/Community Group Recognition

One of the responsibilities of the CIC is to recognize neighborhood groups for inclusion in county notification for land use and other purposes. The Office of Citizen Involvement assisted representatives from Birdshill and Riverdale with the criteria and process for recognition as a community group. These groups currently do not receive notification of county land use changes because they are located outside the boundaries of any organized association. Once recognized by the CIC they will receive such notifications.

Recruitment for Boards and Commissions

The CIC undertook extensive recruitment efforts this year to fill vacancies on several boards and advisory committees, including the CIC itself. Through the efforts of the CIC and the staff in the Office of Citizen Involvement, more than 18 positions were filled in various County advisory boards and commissions. The CIC filled 12 of its 15 positions, the highest number of committee members in more than five years (while losing three members due to resignation or term limits). The CIC will seek to fill all 15 of its positions while also working to ensure full membership on all other County advisory boards and commissions.

Low-Income Forum

The CIC and the Commission on Children, Families and Communities hosted a public forum at Midland Library to solicit ideas from both low income residents and their advocates for how to better involve them in government decisions. The event, held Saturday, September 20, 2003, was well attended and included participation by Commissioner Lonnie Roberts. Attendees shared the need to get information to them early in the process and to come to where they are if government really wants participation from them.

Opportunities for Public Input

As part of each of its meetings, the CIC provides the opportunity for public comment. At the March 2004 meeting many members of the public used this forum as an opportunity to make their views known on the process that resulted in the county issuing marriage licenses to same-sex couples.

Conduit Newsletter

In March the CIC's regular publication, the *Conduit*, resumed publication for the first time since the fall of 2002. The focus of this issue was the ITAX, which was being paid for the first time in April. It included instructions on paying the tax and information on how typical taxpayers would

be affected. In addition there was a breakdown on how the money from the ITAX was allocated as well as longer descriptions of some of the county programs it funded,

Gladys McCoy Award and Volunteer Awards Ceremony

For the 10th year the Citizen Involvement Committee presented the Gladys McCoy Award for community service. This year's recipient was Kathy Minden of Gresham. The award was presented as part of the County's volunteer recognition ceremony which the CIC puts on each year. This is an opportunity for the entire county to recognize and honor the service of people who contribute their time to delivering county services. This year there were 48 volunteers recognized from the various departments of county government.

Hiring of Outreach Coordinator

Faced with a reduction in staffing from 2.0 to 1.5 FTE for the 2003-04 fiscal year, in spring 2003 the CIC decided to restructure the staffing of the Office of Citizen Involvement to focus the staff members' efforts -- as well as the committee's efforts -- more on direct citizen outreach. The Committee made some staffing changes that resulted, ultimately, in the hiring of Ross Williams as the office's first outreach coordinator in July 2003. Ross's services to the Committee and to the County as a whole have been invaluable. Ross has overseen the development and implementation of the Committee's countywide assessment of citizen involvement and has spearheaded successful efforts to recruit more citizens for various county advisory boards and committees, including the CIC itself.

Ross served the committee in a half-time position during 2003-04. Realizing the need for a minimum of two full-time positions in the office, and recognizing Ross's work and that of the Committee as a whole in promoting greater citizen involvement and awareness in the County, three Citizen Budget Advisory Committees endorsed the Citizen Involvement Committee's request in the 2004-05 to restore 2.0 FTE positions to the Office of Citizen Involvement. The Board of County Commissioners agreed and provided the needed funding for 2.0 FTE positions in the 2004-05 budget, making Ross a full-time employee as of July 1, 2004. The Committee gratefully acknowledges this decision by the Board of County Commissioners and the support of the community and of the Citizen Budget Advisory Committees.

Completion of office move

After many months of anticipation and planning, the Office of Citizen Involvement moved to its new home, Room 192 of the Multnomah Building, at 501 SE Hawthorne Blvd., in October 2003. The results of this office move have been positive in all aspects. This location, just inside the main entry of the building and close to the Commissioner's Boardroom, provides enhanced access and visibility of the Office for citizens. It also enables Committee members and staff with greater access to department staff and elected officials who work in the building. An open house

was held on December 4. Commission Chair Diane Linn and Commissioner Lisa Naito were in attendance, along with numerous citizens, department officials, and others.

Looking forward to 2004-05

For the year 2004-05, the CIC will be focused on continuing the outreach and assessment efforts undertaken in 2003-04. Specifically, these efforts will include:

- Completion of the comprehensive citizen involvement assessment, development of a final report, and identifying ideas and opportunities to enhance citizen involvement opportunities, programs and processes;
- A further clarification of the roles and responsibilities of the Citizen Involvement Committee and the Office of Citizen Involvement, as well as those of County elected officials and department managers, in facilitating and implementing a County-wide citizen involvement program;
- Continued recruitment and outreach to fill vacant positions on all County citizen boards and committees.

The members of the Citizen Involvement Committee and the staff in the Office of Citizen Involvement look forward to achieving these goals in the year ahead.

Respectfully submitted,

Ken Ray

Ken Ray, Chair

Citizen Involvement Committee Members, 2003-04

District 1

Wendy Radmacher-Willis

Ken Ray, Chair

Steve Schmunk

District 2

JC Kizak, Vice-Chair (term ended March 2004)

Sy Kornbrodt, Secretary/Treasurer

Gary Marschke

Richelle Corbo

District 3

Jim Davis

Cassandra Garrison

District 4

Marie Sowers

At-Large Members

M'Lou Christ

Fran Landfair (February 2004)

Jeanne McPherson

Alisa Simmons

Office of Citizen Involvement Staff

Kathleen Todd, Executive Director

Ross Williams, Outreach Coordinator

**Testimony of Ken Ray
Chair, Multnomah County Citizen Involvement Committee
Before the Board of County Commissioners
December 2, 2004**

Chair Linn and Commissioners, for the record, my name is Ken Ray. I am the chair of the Citizen Involvement Committee for Multnomah County.

You have before you a copy of the CIC's annual report for the 2003-2004 fiscal year. As you can tell from the report, we had a very active and productive year, and I want to thank all of you for your continuing support and your collaboration with our Committee in various projects to promote greater citizen involvement.

As noted in the report, the Citizen Involvement Committee, at the beginning of the 03-04 fiscal year, sought to focus on three primary goals:

1. To become a more visible, credible and integral partner in county governance;
2. To have all fifteen positions on the CIC filled by June 2004
3. To have two full FTE funded in the 2004-05 budget cycle.

We clearly achieved the first goal -- becoming a more visible, credible and integral partner in county governance -- and are working hard to sustain those efforts.

We didn't reach 15 members on the CIC by June 2004, but we reached 12 and are still looking to fill those extra positions.

And as for the third goal, we could not have achieved that without your support and commitment to ensuring that the County's Office of Citizen Involvement has adequate staffing to meet the needs of the citizenry. On behalf of the Committee, I want to thank you for your support in funding those needed two full-time positions.

As to some of the Committee's specific accomplishments from the past year, I'd like to touch on just a few of them briefly:

Early in the last fiscal year, the Committee determined that there was a need to undertake a comprehensive review of citizen involvement programs, functions and opportunities in various aspects of County government, identify what works well, and lay out some recommendations for enhancing the citizen involvement infrastructure in the County and ways for the Office of the Citizen Involvement and the CIC to provide needed assistance and services to County officials and departments in promoting greater citizen involvement. This assessment is still a work-in-progress, but in May the Committee issued an interim report with some initial findings and recommendations, which are detailed again in the annual report. We are moving forward on implementing some of these recommendations while completing our broader assessment of citizen involvement opportunities in the County.

One of the recommendations was that the Citizen Involvement Committee undertake regular in-depth reviews of specific programs to identify areas where citizen involvement can be improved. This would involve meeting with appropriate staff to review that program's past activities and

plans for the coming year and identify areas where citizens can be involved. In December we will undertake our first program review with Land Use and Transportation. We are also moving forward with a Citizen Advocate program to improve communications between the CIC and the members of other citizen boards and commissions in the county.

Secondly, the Citizen Budget Advisory Committees, which are coordinated through the Office of Citizen Involvement and staffed by representatives of different county departments, recruited more than sixty citizens to participate in the various budget advisory committees early in 2004. An orientation was held in January at which the County Chair, the Auditor, and staff members from the Budget Office gave an overview of the County's budget and financial forecast.

The work of the CBACs includes reviewing departmental budgets in detail in light of their assigned operations and stated policies. The committee members interview and make recommendations to departments and division managers and staff. CBAC members are free to advocate for and to criticize the departments they review, and they do both in their formal recommendations to the Board of County Commissioners on operations and policies as well as the budget. Recent recommendations for the CBACs have ranged from stressing the needs for targeted services for special needs populations that are not able to advocate for themselves to requesting sufficient maintenance and capital improvement funding so the County properties retain their program and financial value. Not all recommendations make it into the Adopted Budget every year but committee members have let us know that they feel that their concerns, advice and joint efforts have provided good results in the best use of County revenue and better County service delivery to its residents.

The CIC, along with the Commission on Children, Families and Communities and the Portland Office of Neighborhood Involvement, sponsored a public forum in September 2003 focused on generating ideas for better engaging lower-income citizens and their advocates in government decision-making processes.

The Committee once again hosted the annual Volunteer Recognition Awards Ceremony in April, where nearly 50 citizens were recognized by County departments, elected officials, and community organizations for outstanding dedication and service to improving the lives of others in Multnomah County. In March we also published our newsletter, the *Conduit*, which provided clear and comprehensive information to citizens on the I-Tax which they were just, for the first time, filing their returns for.

There were many other notable accomplishments from the past year which are detailed in the report. I also want to touch on a few other and more recent activities that the CIC has been actively involved with since the end of the last fiscal year.

We were pleased to work with staff from the Chair's office, from the budget office, and with each of you to co-sponsor four community forums, held throughout the County in October, to give citizens an opportunity to weigh in and provide comments on each of the six budget priority areas established by the design team, and to give citizens meaningful insights into what services the County provides. We received very positive feedback from citizens as to how the forums were conducted and how they were able to contribute to the discussions around the priority areas

for a re-designed county budget. We hope that these forums also provided each of you with some constructive and insightful feedback on how citizens in Multnomah County feel as to the importance and value they place on the services the County provides.

Now that Measure 26-64 has failed and the temporary income tax will remain in effect for the 2004 and 2005 tax years, the budget re-design and re-prioritization work continues, and so does the need to ensure the citizens are given constructive and meaningful opportunities to contribute to the discussions and decision-making processes. We look forward to continuing to work with each of you, with the staff from the budget and finance offices, the public affairs office, and other County departments to ensure that we have a redesigned budgeting process and set of priorities that has the broadest public support. I know our staff in the Office of Citizen Involvement is working closely with the budget office at the present time, and I will likely be coming before you again sometime in the next few months to talk more about this.

In the meantime, while remaining engaged in the budget re-design process, we will be moving forward in completing our assessment of citizen involvement within Multnomah County, implementing some of our recommendations from our interim report, and building on many of the other notable achievements from the past year.

Thank you for this opportunity to talk with you briefly this morning, and I would be happy to answer any questions you may have.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: December 2, 2004

Agenda Item #: R-3

Est. Start Time: 10:00 AM

Date Submitted: 10/25/04

Requested Date: December 2, 2004

Time Requested: 5 minutes

Department: DBCS

Division: FM

Contact/s: Doug Butler, Steve Pearson

Phone: 503 988-3278

Ext.: 83278

I/O Address: 274/FM

Presenters: Doug Butler

Agenda Title: RESOLUTION Declaring the Hooper Memorial Center as Surplus Property, Authorizing Sale of the Building, and Authorizing the County Chair to Approve the Terms of Sale and Execute Appropriate Documents to Complete the Sale (Continued from November 18, 2004)

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Department of Business and Community Services requests this Resolution be considered and approved.

This Agenda Placement Request supports the Resolution to declare the Hooper Memorial Center at 30 NE MLK Avenue surplus County property. Further, the resolution directs the County Facilities and Property Management Division (FPM) to negotiate, and the Chair to sign, an agreement with Central City Concern (CCC), the current tenant consistent with a Memorandum of Understanding (MOU) attached herein.

The Department of Business and Community Services, Facilities and Property Management Division, recommends adoption of the Resolution.

2. Please provide sufficient background information for the Board and the public to understand this issue.

- a. The County owns the Hooper Memorial Center building located at 30 NE MLK Avenue which was built in 1941 and has been leased to CCC for a sobering station and drug and alcohol treatment center.

- b. The lease to CCC is at no cost. However, the County experiences approximately \$140,000 of operating and maintenance cost annually.
- c. The County is anticipating significant reductions in its revenues from the loss of the temporary income tax and other sources and projects major reductions in programs and staff.
- d. CCC and the County believe it is in their mutual best interest to transfer the title to the property to CCC.
- e. The County would continue to maintain the building through June, 2005 after which CCC would take ownership and be responsible.
- f. Provisions of the MOU would cause CCC to share any sales proceeds with the County if CCC sold the property and did not use the funds to procure a substitute facility.

3. Explain the fiscal impact (current year and ongoing).

Currently Multnomah County maintains the Hooper Memorial Center at a cost of approximately \$140,000 per annum for facilities. There is no lease cost to CCC to utilize the property.

For fiscal FY05, the County would continue to maintain the building so there would be no change in the budget. For FY06, Facilities would not budget expenses for Hooper.

Additionally, there is currently an estimated \$686,000 in deferred maintenance for the Hooper Memorial Center. If transferred to CCC, the County would no longer have this long term liability.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

No Budget Modification is included or requested as part of this Resolution.

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

No Contingency Request is included as part of this Resolution.

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**

- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

No Grant application or notice of intent is included or anticipated as part of this Resolution.

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.

Passage of this Resolution is necessary to provide a process for the Board to:

- 1) approve the designation of this real property as surplus,
- 2) agree to the MOU and authorize the Chair to consummate a transaction consistent with the MOU with CCC

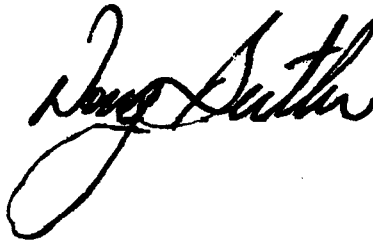
5. Explain any citizen and/or other government participation that has or will take place.

The County has developed the MOU in conjunction with Central City Concern

The MOU has been reviewed by the Director of Facilities & Property Management, Director of Finance, and County Attorney or their designees

The County Chair will be authorized to execute all appropriate documents necessary to close this sale.

Required Signatures:



Department/Agency Director:

Date: 10/25/04



Budget Analyst:

Date: 10/22/04

Dept/Countywide HR:

Date:

RESOLUTION NO. _____

The Multnomah County Board of Commissioners Finds:

Page 1 of 1 – Hooper Memorial Center Resolution

**Memorandum of Understanding
Transfer of Hooper Memorial Center Building**

Central City Concern ("CCC") and Multnomah County ("County") issue this Memorandum of Understanding (MOU) concerning the transfer of the Hooper Memorial Center Building. The purpose of this MOU is to clarify the understanding of the parties so that an agreement can be executed and the transfer of the Hooper Building closed on or before January 1, 2005.

1. Recitals:

- a. The County owns the Hooper Memorial Center Building and there is no debt against the building.
- b. CCC has been the sole tenant in the building for the past 22 years. The majority of this tenancy has been as a holdover (month-to-month) tenant at a rent of \$1 annually.
- c. CCC operates a "sobering station" and drug and alcohol treatment center in the facility. The County has helped support this operation from its inception and wants to be supportive of its continued operation.
- d. The County anticipates significant reductions in its revenues from the loss of the temporary income tax and other sources and projects major reductions in programs and staff.
- e. Annual County expenditures to support this building are approximately \$140,000/year on average.
- f. CCC and the County feel that it is in their mutual best interests to transfer title to this property to CCC.

2. Title Transfer

At closing the County shall transfer title to the Hooper Memorial Center Building to CCC free and clear of encumbrances except those acceptable to CCC.

3. Possession

CCC shall have possession of the Property on the date of closing.

4. Closing

Closing shall take place on December 31, 2004 or on a date mutually agreed to by the parties.

5. Responsibilities after Closing

After closing, CCC shall be responsible for all costs associated with operation and maintenance of the property, including but not limited to taxes, insurance, and (except as provided in paragraph 6 below) maintenance and repairs.

6. Maintenance


The County shall continue to provide routine maintenance (as will be more particularly defined in a future agreement) at no cost to CCC from the date of Closing until June 30, 2005. CCC shall provide for its own maintenance of the property after that date.

7. Consideration and Future Appreciation

The consideration for the transfer shall be \$0. However, the County will be entitled to share in any appreciation in the value of the Property if it is sold by CCC as follows:

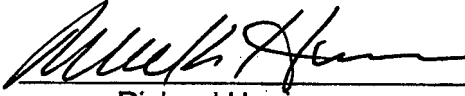
- a. CCC and the County will obtain an appraisal of the Property to determine its value as of the date of closing. CCC and the County shall jointly select and equally share in the cost of the appraiser.
 1. If CCC sells the Property in the future CCC and the County shall share equally the difference between the net sum received by CCC at closing and the appraised value of the property at the closing of the transfer of the Property to CCC. However, if CCC uses the proceeds of the sale of the building to provide a replacement facility providing the same or similar services currently housed in the building, CCC shall be entitled to keep the entire proceeds of the sale.

This Memorandum of Understanding is intended as a concept paper to discuss with our senior management and elected officials and is not binding on either party.



Doug Butler
Facilities Director
Multnomah County

Date: 10/25/04



Richard Harris
Executive Director
Central City Concern

Date: 10/25/04

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring the Hooper Memorial Center as Surplus Property, Authorizing Sale of the Building, and Authorizing the County Chair to Approve the Terms of Sale and Execute Appropriate Documents to Complete the Sale

The Multnomah County Board of Commissioners Finds:

- a. The County owns the Hooper Memorial Center located at 30 NE MLK Blvd. There is no debt against the building.
- b. It was built in 1941 and is currently leased (at no cost) to Central City Concern (CCC) which operates a "sobering station" and a drug and alcohol treatment center in the facility. CCC has been the sole tenant in the building for the past 22 years. The service is important to the community and is integral to the County's mission.
- c. The County has no personnel or programs in the building, and there is no projected need to locate County activities in the building.
- d. It currently costs the County approximately \$140,000 per year for operating maintenance on the building.
- e. The County is anticipating significant reductions in its revenues from the loss of the temporary income tax and other sources and projects major reductions in programs and staff.
- f. CCC and the County believe it is in their mutual best interests to transfer title to the property to CCC. This will allow CCC to continue to provide the service into the future.

The Multnomah County Board of Commissioners Resolves:

1. The Hooper Memorial Center at 30 NE MLK Blvd is surplus property.
2. The Facilities & Property Management Division shall negotiate an agreement with CCC substantively consistent with the attached Memorandum of Understanding.
3. The County Chair is authorized to approve the sale price and other terms of the sale consistent with paragraph 2 above, and to execute all appropriate documents necessary to complete the transaction.

ADOPTED this 2nd day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-177

Declaring the Hooper Memorial Center as Surplus Property, Authorizing Sale of the Building, and Authorizing the County Chair to Approve the Terms of Sale and Execute Appropriate Documents to Complete the Sale

The Multnomah County Board of Commissioners Finds:

- a. The County owns the Hooper Memorial Center located at 30 NE MLK Blvd. There is no debt against the building.
- b. It was built in 1941 and is currently leased (at no cost) to Central City Concern (CCC) which operates a "sobering station" and a drug and alcohol treatment center in the facility. CCC has been the sole tenant in the building for the past 22 years. The service is important to the community and is integral to the County's mission.
- c. The County has no personnel or programs in the building, and there is no projected need to locate County activities in the building.
- d. It currently costs the County approximately \$140,000 per year for operating maintenance on the building.
- e. The County is anticipating significant reductions in its revenues from the loss of the temporary income tax and other sources and projects major reductions in programs and staff.
- f. CCC and the County believe it is in their mutual best interests to transfer title to the property to CCC. This will allow CCC to continue to provide the service into the future.

The Multnomah County Board of Commissioners Resolves:

1. The Hooper Memorial Center at 30 NE MLK Blvd is surplus property.
2. The Facilities & Property Management Division shall negotiate an agreement with CCC substantively consistent with the attached Memorandum of Understanding.
3. The County Chair is authorized to approve the sale price and other terms of the sale consistent with paragraph 2 above, and to execute all appropriate documents necessary to complete the transaction.

ADOPTED this 2nd day of December, 2004.



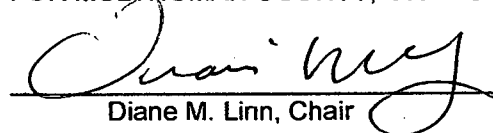
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


John S. Thomas, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

Memorandum of Understanding Transfer of Hooper Memorial Center Building

Central City Concern ("CCC") and Multnomah County ("County") issue this Memorandum of Understanding (MOU) concerning the transfer of the Hooper Memorial Center Building. The purpose of this MOU is to clarify the understanding of the parties so that an agreement can be executed and the transfer of the Hooper Building closed on or before January 1, 2005.

1. Recitals:

- a. The County owns the Hooper Memorial Center Building and there is no debt against the building.
- b. CCC has been the sole tenant in the building for the past 22 years. The majority of this tenancy has been as a holdover (month-to-month) tenant at a rent of \$1 annually.
- c. CCC operates a "sobering station" and drug and alcohol treatment center in the facility. The County has helped support this operation from its inception and wants to be supportive of its continued operation.
- d. The County anticipates significant reductions in its revenues from the loss of the temporary income tax and other sources and projects major reductions in programs and staff.
- e. Annual County expenditures to support this building are approximately \$140,000/year on average.
- f. CCC and the County feel that it is in their mutual best interests to transfer title to this property to CCC.

2. Title Transfer

At closing the County shall transfer title to the Hooper Memorial Center Building to CCC free and clear of encumbrances except those acceptable to CCC.

3. Possession

CCC shall have possession of the Property on the date of closing.

4. Closing

Closing shall take place on December 31, 2004 or on a date mutually agreed to by the parties.

5. Responsibilities after Closing

After closing, CCC shall be responsible for all costs associated with operation and maintenance of the property, including but not limited to taxes, insurance, and (except as provided in paragraph 6 below) maintenance and repairs.

6. Maintenance

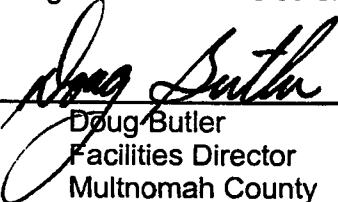
The County shall continue to provide routine maintenance (as will be more particularly defined in a future agreement) at no cost to CCC from the date of Closing until June 30, 2005. CCC shall provide for its own maintenance of the property after that date.

7. Consideration and Future Appreciation

- a. The consideration for the transfer shall be \$0.
- b. If CCC sells the Property in the future CCC and the County shall share equally the net proceeds received by CCC. However, if CCC uses the proceeds of the sale of the

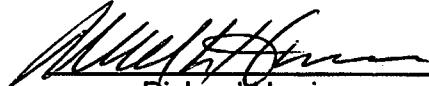
building to provide a replacement facility providing the same or similar services currently housed in the building, CCC shall be entitled to keep the entire proceeds of the sale.

This Memorandum of Understanding is intended as a concept paper to discuss with our senior management and elected officials and is not binding on either party.



Doug Butler
Facilities Director
Multnomah County

Date: 11/30/04



Richard Harris
Executive Director
Central City Concern

Date: 11/30/04



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date:	12/02/04
Agenda Item #:	R-4
Est. Start Time:	10:05 AM
Date Submitted:	11/08/04

BUDGET MODIFICATION: -

Agenda Title:	Resolution Adopting High Performance Green Building Policy Recommendations for Multnomah County
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Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	December 2, 2004	Time Requested:	30 minutes
Department:	Business and Community Services	Division:	CBS/ Sustainability
Contact(s):	Amy Joslin		
Phone:	503-988-4092	Ext.	84092
I/O Address:	503/4		
Presenter(s):	Amy Joslin, Doug Butler, John Echlin		

General Information

1. What action are you requesting from the Board?

To approve a High Performance Green Building Policy for Multnomah County.

2. Please provide sufficient background information for the Board and the public to understand this issue.

Building construction practices deplete natural resources and are a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming, and other negative consequences. In 2001 the Board of Commissioners for Multnomah County adopted a Local Action Plan on Global Warming, including a specific action to "develop and adopt energy- and resource-efficient building standards for all County new construction and major renovation." Development of a policy to adopt high performance green building (HPGB) practices is a way for Multnomah County to address the negative impacts of building construction practices as well as to meet specific actions called for in the Local Action Plan on Global Warming. HPGB refers to practices that increase the efficiency with which buildings and their sites use energy, water, and materials, and reduce building impacts on human health and the environment. A cross-departmental Policy Workgroup was convened to develop a HPGB policy. Its mission was to develop high

performance, energy and resource-efficient building standards for all Multnomah County building construction projects. After considering life cycle costs and benefits, operational integrity, flexibility, standardization, simplicity and practicality, the Policy Workgroup reached consensus on five recommendations:

1. High performance green building practices shall be utilized for all Multnomah County building construction projects.
2. U.S. Green Building Council Leadership in Energy and Environmental Design (LEEDTM) criteria shall be utilized as the metric to measure successful incorporation of high performance green building features into building construction projects.
3. The highest practical level of LEEDTM criteria shall be achieved once life cycle costs are considered on a project-by-project basis.
4. The High Performance Green Building Policy shall be used as a guideline rather than a requirement for leased facilities.
5. Periodic reporting on progress in implementing the High Performance Green Building Policy shall be performed by Facilities and Property Management (FPM) and the Sustainability Initiative together.

A key assumption of these recommendations is that HPGB measures will not negatively impact the operations or services provided by Multnomah County departments or offices, and that program delivery requirements (for example public safety, security, public health, and accreditations) are the first priority. Policy implementation anticipates FPM will need to train staff on LEEDTM criteria as well as develop appropriate administrative procedures while operating within existing resources.

What is LEEDTM and why is the Policy Workgroup recommending it? LEEDTM is a voluntary, market-driven third party certification system based on existing, proven technology and designed for rating new and existing commercial, institutional, and multi-family residential buildings. LEEDTM criteria are currently available for new construction with additional criteria in development for other building project types such as tenant improvements, operations and maintenance etc. Analysis performed by Portland State University students as part of their Masters in Business Administration found that the average up-front incremental cost for implementing LEEDTM criteria is currently two percent. This level of expenditure typically yields life cycle savings of over ten times the initial investment. The reference section of the policy document includes links to their complete report, as well as a summary of other regional agencies that are using LEEDTM criteria.

Many benefits can result to Multnomah County from adopting HPGB practices including:

- Lower Energy Bills
- Lower Water Bills
- Reduced Maintenance Costs
- Increased Employee Productivity
- Healthier Workspaces for Employees
- Minimized Waste
- Community Benefits
- Lower Environmental Impacts
- Reduced Dependence on Fossil Fuels

It is the conclusion of this Policy Workgroup that adopting a high performance green building policy for Multnomah County is a cost effective and sound business decision.

3. **Explain the fiscal impact (current year and ongoing).**

The average up-front increment cost is estimated to be 2% to include LEED criteria in County building construction projects. Research indicates this level of investment will yield a 10:1 benefit to cost ratio for Multnomah County over a 25 year building life cycle. It is the intent that this policy would not be applied retroactively to projects that have already been budgeted or are in design or construction prior to the date this policy is adopted, except where cost effective.

4. Explain any legal and/or policy issues involved.

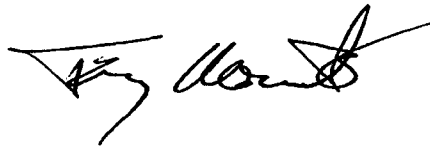
No legal issues are anticipated. Additionally, these recommendations support current adopted policy - specifically Resolution 01-052 Local Action Plan on Global Warming's goal to "develop and adopt energy- and resource-efficient building standards for all County new construction and major renovation projects."

5. Explain any citizen and/or other government participation that has or will take place.

The Sustainable Development Commission citizen advisory group reviewed the resolution and policy recommendations and supports this direction. The City of Portland Green Building program provided support and assistance for this policy development. We are anticipating the ability to share staff training opportunities if the policy is adopted.

Required Signatures

**Department/
Agency Director:**



Date: 11/08/04

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting High Performance Green Building Policy Recommendations for Multnomah County

The Multnomah County Board of Commissioners Finds:

- a. Recently completed new construction projects by Multnomah County, including the North Portland Health Clinic, Hillsdale Library and Wapato Jail, have all successfully incorporated high performance green building features – reducing future energy and water costs; creating healthier indoor environments; and optimizing resource use.
- b. High performance green building practices were utilized for these projects due to reports showing that buildings:
 - Are energy intensive – 65% of total U.S. electricity consumption is by residential and commercial buildings;
 - Are resource intensive – buildings account for 40% of all raw materials used globally;
 - Contribute to climate change – 55% of greenhouse gas emissions in Multnomah County is from buildings;
 - Produce waste – 26% of this region’s waste is from construction and demolition of buildings;
 - Have human health impacts – the U.S. Environmental Protection Agency ranks indoor air quality as one of the top five environmental risks to public health, with indoor contamination levels as much as 25 times higher than outdoors;
 - Cause employee productivity losses – indoor environmental conditions can have a measurable impact in worker performance; and
 - Are costly – traditional construction methods are more expensive in the long term when energy, maintenance, and employee costs are factored in.
- c. Previous action by Multnomah County with the adoption of the Local Action Plan on Global Warming (Resolution 01-052), established a goal for Multnomah County to “Develop and adopt energy- and resource-efficient building standards for all County new construction and major renovation projects.”
- d. In order to meet this goal, a cross-departmental County team was established including representatives from the Health Department, Library Department, Sheriff’s Office, District One, the Sustainability Initiative and Facilities and Property Management. With the assistance of a team of business students from Portland State University, both the cost and benefit of adopting a formal high performance green building policy was explored.
- e. Research results, based on both empirical and actual County performance data, found that the benefit of implementing high performance green building practices outweighed the cost by a factor of 10 to 1.

- f. Multnomah County is not alone in adopting high performance green building standards. Several regional government partners have successfully standardized on green building including: the City of Portland, the State of Oregon, King County, and the City of Seattle. Many other local governments and private developers are also embracing green building, with green building fast becoming the industry standard.
- g. High performance green building is a cost effective fiscal policy. With minimal up-front costs, the investment in green buildings for Multnomah County will yield far greater economic returns over the life cycle of our buildings.

The Multnomah County Board of Commissioners Resolves:

- 1. The Board adopts the policy recommendations contained in Section VI of the High Performance Green Building Policy document dated November 3rd, 2004, to utilize the U.S. Green Building Council's "Leadership in Energy and Environmental Design" criteria in future County building construction projects.
- 2. Facilities and Property Management is directed to develop administrative procedures to implement this policy.


ADOPTED this 2nd day of December 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Multnomah County High Performance Green Building Policy

November 8th, 2004

Prepared by: Amy Joslin, Sustainability Manager, with the guidance and input of the policy workgroup members.

Policy Workgroup Members:

Rob Bennett, G-Rated Program Manager for the City of Portland
Carol Ford, Deputy Director Health Department
Mike Harrington, Library Facilities Manager
Greg Herlean, Contracts Procurement Manager, Facilities
Gail Hochhalter, Mechanical Project Manager, Facilities
Clark Jurgemeyer, Project Manager, Facilities
John Lindenthal, Manager Capital Improvement Program, Facilities
Mike Meinecke, Energy Conservation Specialist, Facilities
Bob Nilsen, Project Manager, Sheriff Office
Matthew Lashua, Office of Commissioner Maria Rojo de Steffey
Jon Schrotzberger, Maintenance & Engineering Manager, Facilities
Steve Wright, Administrative Analyst, Sheriff Office
Wanda Yantis, Deputy Director, Facilities

I. Executive Summary

Building construction practices deplete natural resources and are a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming, and other negative consequences. In 2001 the Board of Commissioners for Multnomah County adopted a Local Action Plan on Global Warming, including a specific action to “develop and adopt energy- and resource-efficient building standards for all County new construction and major renovation.” Development of a policy to adopt high performance green building (HPGB) practices is a way for Multnomah County to address the negative impacts of building construction practices as well as to meet specific actions called for in the Local Action Plan on Global Warming. HPGB refers to practices that increase the efficiency with which buildings and their sites use energy, water, and materials, and reduce building impacts on human health and the environment. A cross-departmental Policy Workgroup was convened to develop a HPGB policy. Its mission was to develop high performance, energy and resource-efficient building standards for all Multnomah County building construction projects. After considering life cycle costs and benefits, operational integrity, flexibility, standardization, simplicity and practicality, the Policy Workgroup reached consensus on five recommendations:

1. High performance green building practices shall be utilized for all Multnomah County building construction projects.
2. U.S. Green Building Council Leadership in Energy and Environmental Design (LEEDTM) criteria shall be utilized as the metric to measure successful incorporation of high performance green building features into building construction projects.
3. The highest practical level of LEEDTM criteria shall be achieved once life cycle costs are considered on a project-by-project basis.
4. The High Performance Green Building Policy shall be used as a guideline rather than a requirement for leased facilities.
5. Periodic reporting on progress in implementing the High Performance Green Building Policy shall be performed by Facilities and Property Management (FPM) and the Sustainability Initiative together.

A key assumption of these recommendations is that HPGB measures will not negatively impact the operations or services provided by Multnomah County departments or offices, and that program delivery requirements (for example public safety, security, public health, and accreditations) are the first priority. Policy implementation

anticipates FPM will need to train staff on LEED™ criteria as well as develop appropriate administrative procedures while operating within existing resources.

What is LEED™ and why is the Policy Workgroup recommending it? LEED™ is a voluntary, market-driven third party certification system based on existing, proven technology and designed for rating new and existing commercial, institutional, and multi-family residential buildings. LEED™ criteria are currently available for new construction with additional criteria in development for other building project types such as tenant improvements, operations and maintenance etc. Analysis performed by Portland State University students as part of their Masters in Business Administration found that the average up-front incremental cost for implementing LEED™ criteria is currently two percent. This level of expenditure typically yields life cycle savings of over ten times the initial investment. The reference section of this report includes links to their complete report, as well as a summary of other regional agencies that are using LEED™ criteria.

Many benefits can result to Multnomah County from adopting HPGB practices including:

- Lower Energy Bills
- Lower Water Bills
- Reduced Maintenance Costs
- Increased Employee Productivity
- Healthier Workspaces for Employees
- Minimized Waste
- Community Benefits
- Lower Environmental Impacts
- Reduced Dependence on Fossil Fuels

It is the conclusion of this Policy Workgroup that adopting a high performance green building policy for Multnomah County is a cost effective and sound business decision.

II. Mission

To develop high performance, energy and resource-efficient building standards for all Multnomah County building construction projects.

III. Goals

1. Yield cost savings to County taxpayers through reduced maintenance and operating costs.
2. Contribute to achieving goals included in the County's Local Action Plan on Global Warming.
3. Protect, conserve and enhance environmental resources while minimizing waste.
4. Provide a healthy work environment for employees, customers and the public.

IV. Introduction

In April of 2001 the Board of Commissioners for Multnomah County adopted a "Local Action Plan on Global Warming" to reduce total Multnomah County emission of greenhouse gases by 10 percent from 1990 levels by the year 2010. In that plan, several goals were identified for energy efficiency in buildings, renewable energy resources, waste reduction and recycling. Government actions were identified both for the short term (2003) and long term (2010). This High Performance Green Building (HPGB) Policy intends to meet the specific action included in the Local Action Plan on Global Warming to "Develop and adopt energy- and resource-efficient building standards for all City and County new construction and major renovation projects."

The High Performance Green Building Policy recommends energy and resource efficient building practices as well as practices that contribute to employee health and productivity. The Office of the Federal Environmental Executive defines green building as "the practice of 1) increasing the efficiency with which buildings and their sites use energy, water, and materials, and 2) reducing building impacts on human health and the environment, through better siting, design, construction, operation, maintenance, and removal – the complete building life

cycle.”

High performance green building practices consider the impact of building construction on the environment. For example, the City of Portland has identified:

“Development and construction practices are main contributors to the depletion of natural resources and a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming, and other negative consequences. Buildings use one-quarter of the entire world’s wood harvest. Buildings consume two-fifths of all material and energy flows. Fifty-four percent of U.S. energy consumption is directly or indirectly related to buildings and their construction. Building construction and operations account for thirty-five percent of U.S. CO₂ emissions.” *City of Portland Green Building Policy*

As a trustee of public money, Multnomah County makes investment decisions for County buildings that reflect both short term budgetary realities and long term asset values. With that in mind, the Policy Workgroup carefully analyzed and discussed the impact of alternate high performance green building policies. In addition, the policy workgroup solicited the assistance of several Masters in Business Administration (MBA) students from Portland State University. This team performed an analysis on “Building the Business Case for High Performance Green Building at Multnomah County.” As a result, this policy document provides information on the cost of high performance green building, as well as the long term benefits and justification to the County for investing in HPGB practices.

V. The Business Case for High Performance Green Building

The Policy Workgroup solicited the assistance of several Masters in Business Administration (MBA) students with Portland State University. As part of their project, these students conducted an analytical study titled “How LEED Certification Can Pay Off for Multnomah County.” The MBA study found:

“Comprehensive analysis of the financial costs and benefits of green building conducted to date find that a minimal up-front investment of about two percent of construction costs ... typically yields life cycle savings of over ten times the initial investments.” Additionally, “many green buildings with integrated design cost no more to build – or are even less costly than alternatives because resource efficient strategies often allow downsizing of more costly mechanical, electrical or structural systems. Owners of green buildings can also benefit from specialized financial and regulatory incentive programs, e.g. State of Oregon’s Business Energy Tax Credit.”

For the purpose of their study, the life of the building was assumed conservatively to be 25 years. The numerous cost benefits of HPGB described in the report include: energy, waste disposal, water, environmental, emissions, operations and maintenance. As part of the report, the MBA team also evaluated the recently completed Hillsdale Library, which aims to achieve LEED™ gold certification. Their study found:

- “The experience from the Hillsdale Library demonstrates that while there are additional costs for LEED™ certification, these costs are offset to a large degree by the Sustainable Building Business Energy Tax Credits from the Oregon Department of Energy and other financial incentive programs available in the region. When future energy savings, worker productivity and additional cost savings are factored in, the benefits of LEED™ certification far outweigh the costs.”
- Based on a net present value calculation performed by the team, the energy savings alone for the new Hillsdale Library will save over \$195,000 over a 25 year life, and will pay for approximately 71% of the incremental costs for including green building features.

The executive summary from this study is attached as Appendix 1.

VI. High Performance Green Building Policy Recommendations

The Policy Workgroup recommends the following:

1. High performance green building practices shall be utilized for all Multnomah County building construction projects.

HPGB is a cost effective and sound business decision for Multnomah County. Numerous benefits to the environment, building occupant, long term facility operation and maintenance, and the County's bottom-line can be achieved through HPGB practices.

2. U.S. Green Building Council LEED™ criteria shall be utilized as the metric to measure successful incorporation of high performance green building features into building construction projects.

A variety of HPGB certification systems have been developed and adopted by governmental agencies. In the Northwest region however, the two primary certification systems are PGE Earth Advantage and U.S. Green Building Council Leadership in Energy and Environmental Design (LEED™). LEED™ is the most comprehensive and widely recognized performance standard. LEED™ rating system has industry consensus and is research-based; whereas PGE's Earth Advantage program for commercial buildings has some level of future uncertainty (based upon discussions between the Policy Workgroup and PGE representatives.) Adoption of a common method of building performance evaluation ensures all levels of government and private sector are using the same set of criteria – demonstrating coordinated leadership. Around the globe, government and private organizations use high performance green building practices (see References section.) These organizations adopt standards, including certification requirements to:

- Evaluate the performance of a building against an explicit set of criteria, and
- Provide objective measurements of progress toward high performance green building goals, i.e., reduction in greenhouse gas emissions, provision of a healthy work environment, reduced operating costs, and environmental protection.

3. The highest practical level of LEED™ criteria shall be achieved once life cycle costs are considered on a project-by-project basis.

Flexibility is critical to the successful achievement of LEED™ criteria. In recommending LEED criteria for all building construction projects, the Policy Workgroup recognizes that certification is not possible for all projects. Therefore, no one level for LEED™ certification is recommended for County construction projects. Instead, project specific calculations for LEED™ criteria and potential certification costs and benefits should be made during the budgeting period. Based on the analysis from the MBA team, the average up-front incremental cost anticipated for incorporating LEED™ criteria, including certification, is currently two percent.

4. The High Performance Green Building Policy shall be used as a guideline rather than a requirement for leased facilities.

Leased facilities are occupied by Multnomah County for varying time periods, with varying landlord stipulations. Investments in HPGB practices for existing leased spaces should be evaluated based on their feasibility and return on investments for remaining lease periods. In addition, when considering new spaces for lease, including condominium agreements with other agencies, an advantage should be given to high performance green buildings over conventional buildings. This would result in lower utility bills for Multnomah County as well as healthier building spaces for our employees. By leasing HPGB spaces, Multnomah County also sends a market signal to the building community that HPGB practices are important.

5. Periodic reporting on progress in implementing the High Performance Green Building Policy shall be performed by Facilities and Property Management (FPM) and the Sustainability Initiative together.
It is important that FPM prepares for incorporation of high performance green building practices in upcoming projects by conducting staff training, developing applicable procedures, and monitoring performance of green building practices. A process of continuous improvement requires on-going progress measures and feedback to update and refine implementation strategies. As experience in HPGB practices is gained, different tools and strategies will emerge to facilitate the success of meeting HPGB goals. Periodic reporting should provide quantifiable measures (i.e., energy and water savings, reduction in greenhouse gases and percentage of LEED™ credits incorporated).

VII. Policy Implementation

FPM will train staff and utilize existing resources as required to successfully implement this policy. In addition to LEED™ guidelines, additional tools are available to County staff including: a “Green Guidebook for Facility Managers” developed exclusively for Multnomah County as well as “Creating a High Performance Workspace,” a City of Portland Tenant Improvement Guide.

1. All County departments and offices responsible for financing, planning, designing, developing, constructing, and managing County owned facilities and buildings are affected by this policy.
County departments and offices should refer to FPM for appropriate administrative procedures to implement this high performance green building policy.
2. Project-by-project implementation of this policy is the responsibility of County Department/Office (D/O), FPM, Architect/Engineer team and the Sustainability Initiative in conjunction.
The project team is responsible for evaluating the costs and benefits for implementing LEED™ criteria. Implementation of this HPGB policy shall be required to be documented in project files.
3. Project-specific justification and documentation shall be required.
The criteria identified in the following section is recommended for use in development of project-specific justification for the use or non-use of specific LEED™ criteria.
4. The High Performance Green Building Policy shall not be applied retroactively to projects that have already been budgeted or are in design or construction prior to the date this policy is adopted, except where cost effective.
Adding HPGB features late in the process can add costs that if not already budgeted may require cuts in other program components. However, HPGB criteria should still be evaluated and incorporated for these projects where possible and cost effective from a life cycle perspective.
5. FPM will develop the appropriate administrative procedures to implement this policy for the range of capital improvement projects impacted after this policy is approved.
These recommendations do not include the detailed implementation steps required to administer this policy. Upon adoption of this policy, FPM will develop the administrative procedures and staff training needed to successfully implement high performance green building practices.

VIII. Criteria Used to Develop Policy Recommendations

In developing these policy recommendations, the Policy Workgroup considered and evaluated the following criteria:

1. *Life Cycle Cost:* Long term costs are important criteria used to recommend high performance green building practices for Multnomah County. The up-front design and construction costs required for

LEED™ as well as the life cycle savings for building operations and maintenance (such as energy, water, waste, and employee productivity) were considered to provide an overall cost benefit to Multnomah County.

2. *Operational Integrity / Program delivery:* Green building measures should not negatively impact the operations or services provided by Multnomah County departments or offices occupying the facility. The primary purpose of a building is to house the operations and services of its occupants. A successful HPGB policy would enhance the primary functions of the building, rather than act as a detriment. Program delivery requirements (for example public safety, security, public health, and accreditations) may override HPGB practices.
3. *Flexibility:* Flexibility is critical for different types of operations, asset management and program requirements. Multnomah County facilities have diverse uses, ranging from jails, clinics, libraries, and offices. In addition, FPM uses different guidelines for its facility portfolio depending on current occupancy, building conditions and long-range goals for the building.
4. *Simplicity and Practicality:* Required for any policy to be effective, the HPGB Policy must be simple to understand, and practical to implement. In particular, recognizing staff shortages within FPM and elsewhere in the County, this policy had to be one that would be reasonable to achieve with existing resources.
5. *Standardization:* Standardization promotes shared opportunities and information among government agencies. Using established and recognized criteria should decrease development and implementation cost. Aligning recommendations with established policies and practices used by other government agencies may provide opportunities to share training and experience with other regional governments.
6. *Benefits:* Both cost benefits and benefits that are not as easily quantified were considered by the Policy Workgroup and are discussed below.

IX. Benefit of High Performance Green Building to Multnomah County

There are many benefits to Multnomah County to adopt high performance green building practices. Just a few of these benefits are:

- **Lower Energy Bills** – Criteria for energy efficiency are a cornerstone of LEED™ certification. Included are prerequisites for minimum energy performance as well as additional credits for optimizing energy performance. The lower the energy used, the more credits a project can earn. Multnomah County's first experience applying LEED™ guidelines at the Hillsdale Library resulted in a building designed to be 20 percent more energy efficient than a building built to meet local energy codes. Actual energy bills that are beginning to come in support these savings estimates and are even exceeding design expectations at this point.
- **Lower Water Bills** – LEED™ criteria also emphasize water efficiency. Credits for water efficient landscaping, innovative wastewater technologies and water use reduction challenge project teams to design for lower water bills. For example, LEED™ credits for water conservation were achieved at Hillsdale Library by selecting native and drought-resistant plants and trees that eliminate the need for an irrigation system and have reduced need for pest control and maintenance. Stormwater from the roof was also re-routed into planted areas to hold and filter stormwater runoff. In addition, "low-flow" restroom faucets and toilets that conserve water were installed.
- **Reduced Maintenance Costs** – Application of high performance green building practices may also reduce maintenance costs in many instances. For example: improving air quality reduces the number of occupant complaints and time spent identifying and correcting air quality problems; installing low maintenance

landscaped areas reduces the dependence on water and chemical applications; and optimizing controls for building systems allows for more effective trouble-shooting and monitoring of systems by personnel.

- **Increased Employee Productivity** – Sustainable building practices can improve the productivity of workers, by making the work site a healthier and better place to work. Efficient lighting for example, can help people see better, which reduces mistakes, increases work quality, and boosts production. Optimal heating and cooling system can increase worker comfort and output. And, in a study of office worker performance and the indoor environment conducted by the California Energy Commission, better access to views consistently predicted better performance.
- **Healthier Workspaces for Employees** – High performance green buildings typically offer healthier and more satisfying work environments for tenants. Careful selection of building materials and chemicals used in a facility is particularly important. Use of less toxic materials can reduce exposure risks for employees and associated absenteeism.
- **Minimized Waste** – As construction and demolition (C&D) waste comprises a significant portion of the solid waste stream in the Portland Metro area, sustainable building design can boost recycling and recovery rates from a building project to over 90%. Currently, recycling C&D waste can offer a cost savings over tipping fees for landfill disposal of heavy, bulky waste typical of building projects. Waste minimization through high performance green building also helps to meet Portland Metro area C&D waste recycling requirements.
- **Community Benefits** – An additional benefit of high performance green building is job creation. “Public policies that encourage the local development of firms in [sustainable] industry could yield long-run benefits for workers, communities, and the entire regional economy. In particular, policies promoting the application of sustainable practices to the design, construction, and operation of public buildings could be an important part of a regional economic-development strategy.” (*Portland State University Center for Watershed and Community Health Report, Sustainable Practices, Public Buildings, and Jobs, 2001.*)
- **Lower Environmental Impacts** – Buildings leave a large environmental footprint. By incorporating high performance green building practices such as resource reuse, use of products with increased recycled content, or rapidly renewable materials, these impacts can be reduced.
- **Reduced Dependence on Fossil Fuels** – By including credits for alternative transportation, green power, and energy efficiency, LEED™ can aid in a transition to a renewable energy economy.

X. Definitions

- **High Performance Green Building** – Refers to building practices that are environmentally responsible and offer superior performance in a variety of areas, including functionality, energy and water efficiency, quality of the indoor environment, waste management and air emissions, site disturbance and storm water management, transportation options for occupants, and longevity (durability, adaptability to changing building user needs).
- **LEED™ Rating System** – LEED™ stands for Leadership in Energy and Environmental Design, and is a voluntary, consensus-based, market-driven green building rating system. It is based on existing proven technology and evaluates environmental performance from a “whole building” perspective. LEED™ is a third party certification system designed for rating new and existing commercial, institutional, and multi-family residential buildings. It contains prerequisites and credits in five categories: Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, and Indoor Environmental Quality. There are four rating levels: Certified, Silver, Gold, and Platinum. (*City of Seattle, Sustainable Building Policy, February 2000.*)
- **Life cycle cost** – Means the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs and disposal costs discounted over the lifetime of the product.

However, this definition does not include external costs (i.e., those not borne directly by the entity that owns and operates a product/service, such as environmental costs to society at large). Agencies are encouraged to consider all internal and external costs associated with a product, process, or activity throughout its entire life cycle—from raw materials acquisition to manufacture, recycling and final disposal. (U.S. Environmental Protection Agency, www.epa.gov/opptintr/epp/about/epptterms.htm)

- **Sustainable Building** – Integrates building materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction and operation of the built environment. (*City of Seattle, Sustainable Building Policy, February 2000*)

XI. References

Several documents and agencies were referenced in compiling these recommendations, including:

- City of Portland and Multnomah County Local Action Plan on Global Warming, April 2002.
<http://mint/dbcs/sustainability/warming/Global%20Warming%20Action%20Plan.pdf>
- Multnomah County Green Guidebook for Facility Managers http://mint/dbcs/sustainability/green_bld/
- USGBC LEED™ Reference Manual <http://www.usgbc.org/>
- *City of Portland* – Green Building Policy http://www.green-rated.org/resctr_research.asp?id=3
“New construction and major retrofit projects undertaken by the City or its contractors shall meet the “Certified” level of Portland LEED™ Green Building Rating System. In addition, projects are encouraged to obtain the highest Portland LEED rating (Silver, Gold, or Platinum) possible. All projects must be registered and certified by the USGBC in accordance to its rules and procedures.”
- *State of Oregon* – Sustainability Plan for the Department of Administrative Services
http://www.sustainableoregon.net/agency/DAS_report.cfm
“All state building construction and remodeling meet the equivalent of the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED™) SILVER rating.”
- *Washington State Correction* – <http://www.ga.wa.gov/eas/bcx/DOCMonroe-SOC-cx.pdf>
adopted LEED™ standards for WA jails and corrections facilities.
- *City of Seattle* – Seattle’s Sustainable Building Policy
<http://www.cityofseattle.net/sustainablebuilding/SBpolicy.htm>
Uses the US Green Building Council LEED™ Rating System to evaluate City projects and sets a policy goal of Silver Level performance for City funded projects with over 5000 square feet of occupied space.
- *British Columbia, Canada* – <http://www.buildsmart.ca/pdfs/ASSESSMENT%20REPORT.PDF>
selected LEED™ as a building environmental assessment method for BC because:
 - 1) LEED™ was anticipated to find more widespread adoption in North America,
 - 2) Stakeholder agencies could actively participate in its future development and evolution, and
 - 3) LEED™ enjoyed greater awareness, recognition and use by the private sector and design professionals.
- *U.S. General Services Administration*-
http://www.gsa.gov/Portal/gsa/ep/contentView.do?P=PL&contentId=8154&contentType=GSA_OVERVIEW
“Utilizes LEED™ as a goal in design criteria to help apply principles of sustainable design and development to their facilities projects. LEED™ is a consensus based market-driven rating system that can serve both as criteria and as measurement for GSA building projects. Beginning in FY 2003 all new GSA building projects must meet criteria for basic LEED™ certification.”

How LEED Certification Can Pay Off for Multnomah County

Written by: *Josh Arnold, Eva Buder, Marci Shuman, and James Washburn*

Portland State University (School of Business Administration) prepared for Multnomah County High Performance Green Building Workgroup

Dr. Janet Hamilton - PSU Advisor

August 2004

Executive Summary

The High Performance Green Building Policy Workgroup of Multnomah County, Oregon is determining whether or not to propose a Green Building policy as a standard for new construction in Multnomah County. The intention of this report is to provide guidance and research support on green building policy certification and standards to help the Workgroup determine what level of green building and certification standard to propose for Multnomah County. This report includes a detailed analysis of green building costs and benefits, addresses issues relevant to Multnomah County, and includes a life-cycle cost-benefit analysis of the Hillsdale county library. The report concludes with a list of three potential options for the Workgroup: Keep the baseline or Earth Advantage standard, promote LEED design and planning without LEED certification and promote LEED design and planning with LEED certification. Our recommendation is to adopt a standard based on the usage and occupancy of the building. Buildings with high levels of usage and occupancy should achieve LEED Silver or Gold Certification because the greatest cost benefit is found in these levels of LEED certification.

Multnomah County is fortunate to have the opportunity to take advantage of local and regional resources that make LEED certification as inexpensive as possible. At the time of the writing of this report, the City of Portland and the State of Oregon had the most LEED certified projects per capita in the entire country. The Multnomah County area is home to a wealth of resources that can provide technical and financial assistance to the county. A brief explanation of some of the key resources available to the county follows:

The Oregon Department of Energy issues business energy tax credits for energy efficiency measures in green buildings. The County can generate cash payments by utilizing the pass-through option. See section 3.5.3 for specific details about how this program can benefit Multnomah County.

The Energy Trust of Oregon, the Earth Advantage Program, the Oregon Department of Energy and other local and regional experts may have technical and financial assistance available to the county, including opportunities for streamlined LEED certification, grants and other assistance.

Even without these resources available, the decision to invest in LEED certified high performance green buildings is one that pays dividends over the long-term. Our research shows that the premiums for green buildings are repaid ten-fold over the life of the building through energy savings, increased worker productivity, reduced water and sewage costs, improved indoor air quality and improved operational efficiencies. Our research culled information from several recently completed professional studies addressing the same issues for other jurisdictions, such as the City of Portland, the City of Seattle, the State of Oregon and the State of California.

In addition to conducting a thorough literature review on the topics of green buildings cost benefits analyses, we also looked at the energy performance of three Multnomah County libraries. We performed a life cycle analysis

for the Hillsdale library that has applied for LEED Gold certification. The results of our analysis shows that green buildings in Multnomah County have similar costs and benefits as those in other parts of the country.

Our report identifies three options for Multnomah County's High Performance Green Building Policy: Baseline, LEED planning but no certification requirement, and LEED certification.

We conclude that LEED certification is the best investment for the county, with a focus on high occupancy and high usage buildings to take advantage of the largest benefits from LEED certification, namely the energy efficiencies and increased worker productivity. We recommend that Multnomah County adopt a baseline LEED Silver certification policy for buildings with high usage and occupancy, with a goal of LEED Gold certification (or LEED Platinum, if warranted) where the higher occupancy and usage levels are present.

We provide a series of suggestions for Multnomah County on how best to approach their decision regarding the adoption and implementation of their High Performance Green Building Policy.

Among the highlights:

- Adopt a high performance building standard using LEED Silver as a baseline certification for projects of appropriate usage and occupancy.
- Encourage project managers to plan for Gold LEED certification (or LEED Platinum) where projects of high usage and occupancy are available.
- Develop a set of metrics that are important to Multnomah County and track the performance of the Hillsdale library, as well as other LEED projects, over time.
- Utilize local and statewide technical and financial resources, such as The Energy Trust of Oregon, Portland LEED Certification and the Oregon Department of Energy, among others, to help build the market for high performance green buildings.
- Continue to assess the benefits and costs of high performance buildings as part of the high performance policy.

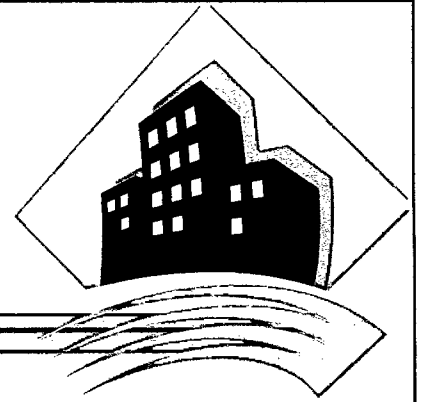
High Performance Green Building Policy for Multnomah County

Presented by:
Amy Joslin, Sustainability Manager
Doug Butler, Facilities & Property Management Director
December 2nd, 2004

Background

- In 2001 the Board of County Commissioners adopted a *Local Action Plan on Global Warming*
- Included action to “develop and adopt energy- and resource-efficient building standards for all County new construction & major renovation.”
- Cross-departmental workgroup was convened in March of 2004
- Result of 7 months of work: Resolution and High Performance Green Building Policy





***Why do we need this
policy?***

A black and white photograph of a city skyline reflected in water, with a bridge in the foreground. The skyline includes several tall buildings, and the water shows a clear reflection of the structures. A bridge with multiple supports spans the water in the foreground.

Buildings are Energy Intensive

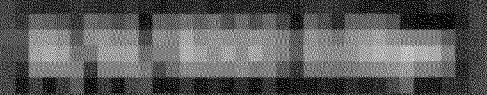
65% of total U.S. electricity consumption is by buildings

Buildings are Resource Intensive

40% of all raw materials used globally is for buildings

Buildings Contribute to Climate Change

***55% of greenhouse gas emissions
in Multnomah County is from
buildings***

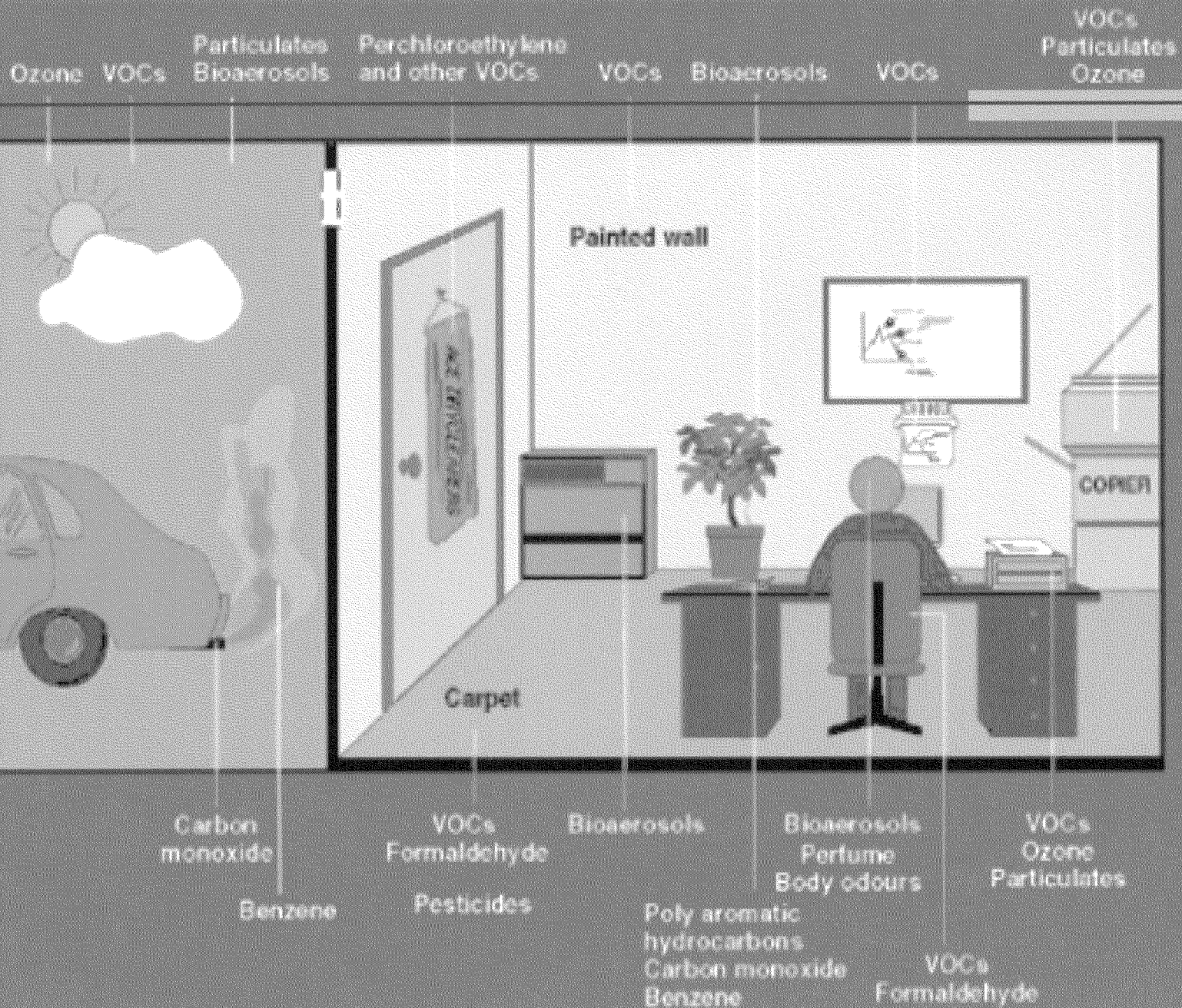


Building Produces Waste

***26% of this region's waste is from
construction & demolition of buildings***

Primary Sources of Indoor Air Pollution

- Outdoor air
- Building and Construction Materials and Furnishings
- Building Occupants and Activities
- Inadequate Building Design and Maintenance



Buildings Can Even Cause Employee Productivity Losses

***\$6 to 14 billion annually in lost
productivity from respiratory
illnesses (colds & flu) due to
poor ventilation in buildings***

Buildings are Costly

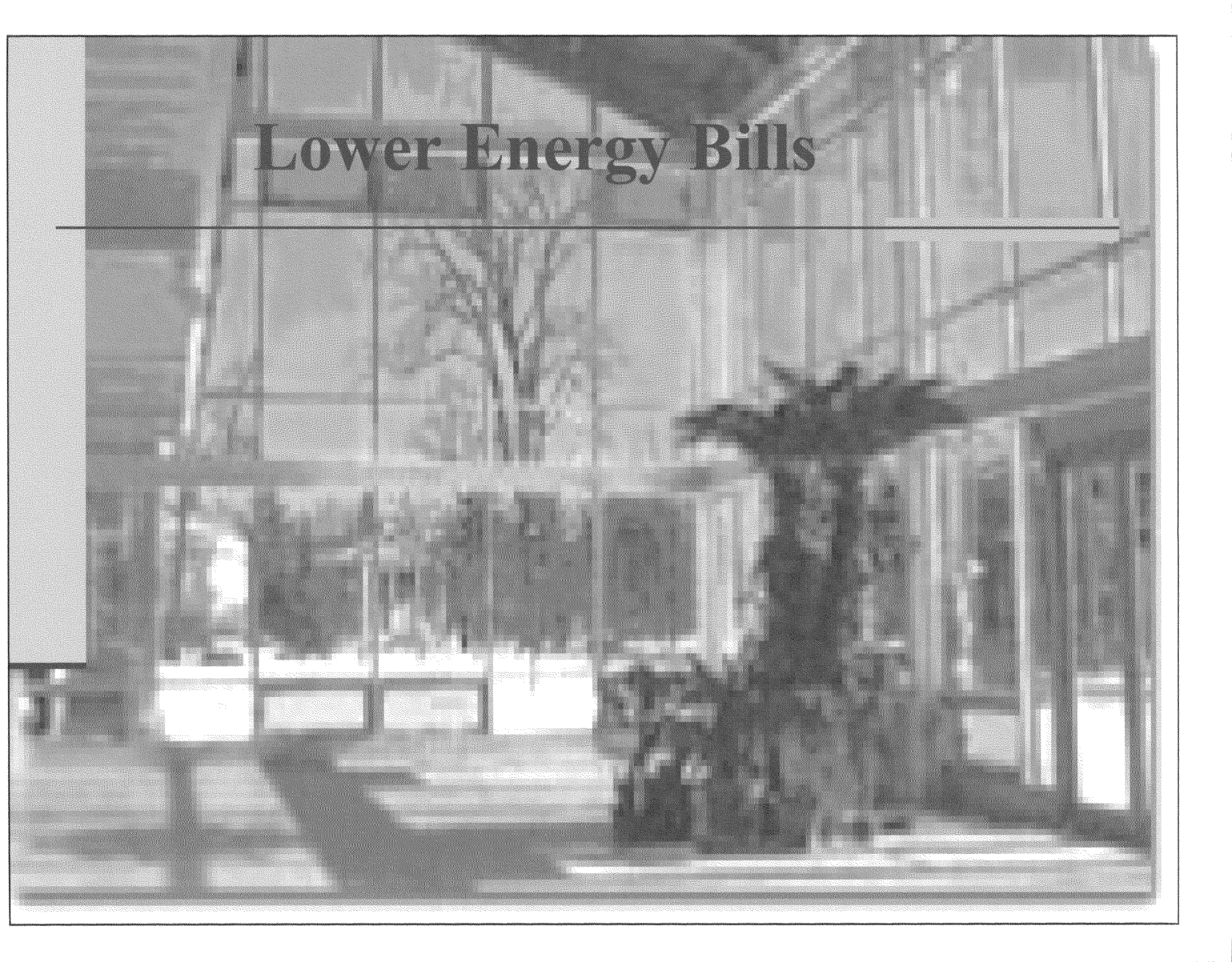
Multnomah County spends \$5 million on utilities and more than \$30 million annually on its buildings

Why “High Performance Green Building”?



- **Purpose: increase the efficiency with which buildings and their sites use energy, water, and materials, and reduce building impacts on human health and the environment.**
- **High Performance Green Building has many benefits.**

Lower Energy Bills



Lower Water Bills



Reduced Maintenance



Improved Employee Productivity



Healthier Workspaces



Minimized Waste



Community Benefits



Decreased Environmental Impacts





Decreased Dependence on Fossil Fuel

What is LEED?



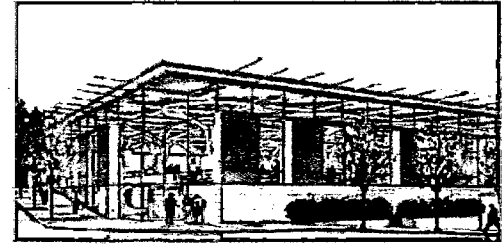
- ❑ *Leadership in Energy and Environmental Design*
- ❑ USGBC: national, non-profit organization
- ❑ **Third party certification system** for green building - Voluntary, market-driven based on proven technology
- ❑ Designed for rating new and existing commercial, institutional and multi-family residential buildings
- ❑ Five LEED credit categories: Indoor Environmental Quality, Sustainable Sites, Materials & Resources, Energy & Atmosphere, and Water Efficiency
- ❑ Four levels of certification
 - ❑ LEED Certified 26 - 32 points
 - ❑ Silver Level 33 - 38 points
 - ❑ Gold Level 39 - 51 points
 - ❑ Platinum Level 52+ points (69 possible)

Specific Recommendations

1. High performance green building (HPGB) practices shall be utilized for all Multnomah County building construction projects.
2. U.S. Green Building Council Leadership in Energy and Environmental Design (LEED™) criteria shall be utilized as the metric to measure successful incorporation of HPGB features into *all* building projects.
3. The highest practical level of LEED™ criteria shall be achieved once life cycle costs are considered on a project-by-project basis.
4. The HPGB Policy shall be used as a guideline rather than a requirement for leased facilities.
5. Periodic reporting on progress in implementing the HPGB Policy shall be performed by FPM and the Sustainability Initiative together.

So What is the Difference?

Hillsdale Library Example



LEED credits included in design:

- ❑ Deconstruction previous building – 75% of construction waste was salvaged or recycled
- ❑ Building materials –
 - ❑ More than 50% contain significant recycled content including carpet, tile, drywall, concrete and steel.
 - ❑ At least 20% manufactured locally.
 - ❑ More than 50% of new wood is certified to originate from sustainable forests.
- ❑ Energy Efficient - building designed to be 20% more efficient than code.
- ❑ Water Efficient – used native and drought-resistant plants, eliminating need for irrigation system.
- ❑ Indoor Environmental Quality –
 - ❑ carbon dioxide monitoring adjusts air flow
 - ❑ Paints, adhesives & sealants are low VOC (reduced chemical toxicity)
 - ❑ Windows, clerestory & skylights for access to views & natural light



Costs

- Portland State University MBA study “How LEED Certification Can Pay Off for Multnomah County”
- Results:
 1. Average up-front incremental cost for implementing LEED criteria is currently 2%.
 2. This level of expenditure typically yields ***life cycle cost savings of over ten times the initial investment.***
 3. Hillsdale Library example- energy savings alone will pay for over 70% of the incremental costs of LEED over 25 year life of the building

Conclusion

- High Performance Green Building Policy for Multnomah County is a cost effective and sound business decision.
- Many environmental & community benefits.
- County has positive experience with implementing high performance green building (Hillsdale Library, North Portland Health Clinic, and others).
- Consistent with industry and regional trends (State of Oregon, City of Portland, Federal agencies).
- The time is now – as County reduces the number of buildings we own & operate, balance should be made as efficient and healthy spaces as possible.



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-178

Adopting High Performance Green Building Policy Recommendations for Multnomah County

The Multnomah County Board of Commissioners Finds:

- a. Recently completed new construction projects by Multnomah County, including the North Portland Health Clinic, Hillsdale Library and Wapato Jail, have all successfully incorporated high performance green building features – reducing future energy and water costs; creating healthier indoor environments; and optimizing resource use.
- b. High performance green building practices were utilized for these projects due to reports showing that buildings:
 - Are energy intensive – 65% of total U.S. electricity consumption is by residential and commercial buildings;
 - Are resource intensive – buildings account for 40% of all raw materials used globally;
 - Contribute to climate change – 55% of greenhouse gas emissions in Multnomah County is from buildings;
 - Produce waste – 26% of this region's waste is from construction and demolition of buildings;
 - Have human health impacts – the U.S. Environmental Protection Agency ranks indoor air quality as one of the top five environmental risks to public health, with indoor contamination levels as much as 25 times higher than outdoors;
 - Cause employee productivity losses – indoor environmental conditions can have a measurable impact in worker performance; and
 - Are costly – traditional construction methods are more expensive in the long term when energy, maintenance, and employee costs are factored in.
- c. Previous action by Multnomah County with the adoption of the Local Action Plan on Global Warming (Resolution 01-052), established a goal for Multnomah County to "Develop and adopt energy- and resource-efficient building standards for all County new construction and major renovation projects."
- d. In order to meet this goal, a cross-departmental County team was established including representatives from the Health Department, Library Department, Sheriff's Office, Commission District One, the Sustainability Initiative and Facilities and Property Management. With the assistance of a team of business students from Portland State University, both the cost and benefit of adopting a formal high performance green building policy was explored.

- e. Research results, based on both empirical and actual County performance data, found that the benefit of implementing high performance green building practices outweighed the cost by a factor of 10 to 1.
- f. Multnomah County is not alone in adopting high performance green building standards. Several regional government partners have successfully standardized on green building including: the City of Portland, the State of Oregon, King County, and the City of Seattle. Many other local governments and private developers are also embracing green building, with green building fast becoming the industry standard.
- g. High performance green building is a cost effective fiscal policy. With minimal up-front costs, the investment in green buildings for Multnomah County will yield far greater economic returns over the life cycle of our buildings.

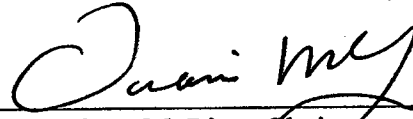
The Multnomah County Board of Commissioners Resolves:

1. The Board adopts the policy recommendations contained in Section VI of the High Performance Green Building Policy document dated November 3, 2004, to utilize the U.S. Green Building Council's "Leadership in Energy and Environmental Design" criteria in future County building construction projects.
2. Facilities and Property Management is directed to develop administrative procedures to implement this policy.

ADOPTED this 2nd day of December 2004.

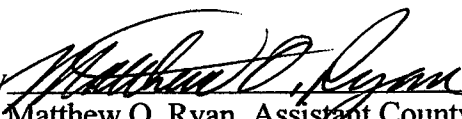


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

Multnomah County High Performance Green Building Policy

November 3, 2004

Prepared by: Amy Joslin, Sustainability Manager, with the guidance and input of the policy workgroup members.

Policy Workgroup Members:

Rob Bennett, G-Rated Program Manager for the City of Portland
Carol Ford, Deputy Director Health Department
Mike Harrington, Library Facilities Manager
Greg Herlean, Contracts Procurement Manager, Facilities
Gail Hochhalter, Mechanical Project Manager, Facilities
Clark Jurgemeyer, Project Manager, Facilities
John Lindenthal, Manager Capital Improvement Program, Facilities
Mike Meinecke, Energy Conservation Specialist, Facilities
Bob Nilsen, Project Manager, Sheriff Office
Matthew Lashua, Office of Commissioner Maria Rojo de Steffey
Jon Schrotzberger, Maintenance & Engineering Manager, Facilities
Steve Wright, Administrative Analyst, Sheriff Office
Wanda Yantis, Deputy Director, Facilities

I. Executive Summary

Building construction practices deplete natural resources and are a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming, and other negative consequences. In 2001 the Board of Commissioners for Multnomah County adopted a Local Action Plan on Global Warming, including a specific action to “develop and adopt energy- and resource-efficient building standards for all County new construction and major renovation.” Development of a policy to adopt high performance green building (HPGB) practices is a way for Multnomah County to address the negative impacts of building construction practices as well as to meet specific actions called for in the Local Action Plan on Global Warming. HPGB refers to practices that increase the efficiency with which buildings and their sites use energy, water, and materials, and reduce building impacts on human health and the environment. A cross-departmental Policy Workgroup was convened to develop a HPGB policy. Its mission was to develop high performance, energy and resource-efficient building standards for all Multnomah County building construction projects. After considering life cycle costs and benefits, operational integrity, flexibility, standardization, simplicity and practicality, the Policy Workgroup reached consensus on five recommendations:

1. High performance green building practices shall be utilized for all Multnomah County building construction projects.
2. U.S. Green Building Council Leadership in Energy and Environmental Design (LEED™) criteria shall be utilized as the metric to measure successful incorporation of high performance green building features into building construction projects.
3. The highest practical level of LEED™ criteria shall be achieved once life cycle costs are considered on a project-by-project basis.
4. The High Performance Green Building Policy shall be used as a guideline rather than a requirement for leased facilities.
5. Periodic reporting on progress in implementing the High Performance Green Building Policy shall be performed by Facilities and Property Management (FPM) and the Sustainability Initiative together.

A key assumption of these recommendations is that HPGB measures will not negatively impact the operations or services provided by Multnomah County departments or offices, and that program delivery requirements (for example public safety, security, public health, and accreditations) are the first priority. Policy implementation

anticipates FPM will need to train staff on LEED™ criteria as well as develop appropriate administrative procedures while operating within existing resources.

What is LEED™ and why is the Policy Workgroup recommending it? LEED™ is a voluntary, market-driven third party certification system based on existing, proven technology and designed for rating new and existing commercial, institutional, and multi-family residential buildings. LEED™ criteria are currently available for new construction with additional criteria in development for other building project types such as tenant improvements, operations and maintenance etc. Analysis performed by Portland State University students as part of their Masters in Business Administration found that the average up-front incremental cost for implementing LEED™ criteria is currently two percent. This level of expenditure typically yields life cycle savings of over ten times the initial investment. The reference section of this report includes links to their complete report, as well as a summary of other regional agencies that are using LEED™ criteria.

Many benefits can result to Multnomah County from adopting HPGB practices including:

- Lower Energy Bills
- Lower Water Bills
- Reduced Maintenance Costs
- Increased Employee Productivity
- Healthier Workspaces for Employees
- Minimized Waste
- Community Benefits
- Lower Environmental Impacts
- Reduced Dependence on Fossil Fuels

It is the conclusion of this Policy Workgroup that adopting a high performance green building policy for Multnomah County is a cost effective and sound business decision.

II. Mission

To develop high performance, energy and resource-efficient building standards for all Multnomah County building construction projects.

III. Goals

1. Yield cost savings to County taxpayers through reduced maintenance and operating costs.
2. Contribute to achieving goals included in the County's Local Action Plan on Global Warming.
3. Protect, conserve and enhance environmental resources while minimizing waste.
4. Provide a healthy work environment for employees, customers and the public.

IV. Introduction

In April of 2001 the Board of Commissioners for Multnomah County adopted a "Local Action Plan on Global Warming" to reduce total Multnomah County emission of greenhouse gases by 10 percent from 1990 levels by the year 2010. In that plan, several goals were identified for energy efficiency in buildings, renewable energy resources, waste reduction and recycling. Government actions were identified both for the short term (2003) and long term (2010). This High Performance Green Building (HPGB) Policy intends to meet the specific action included in the Local Action Plan on Global Warming to "Develop and adopt energy- and resource-efficient building standards for all City and County new construction and major renovation projects."

The High Performance Green Building Policy recommends energy and resource efficient building practices as well as practices that contribute to employee health and productivity. The Office of the Federal Environmental Executive defines green building as "the practice of 1) increasing the efficiency with which buildings and their sites use energy, water, and materials, and 2) reducing building impacts on human health and the environment, through better siting, design, construction, operation, maintenance, and removal – the complete building life

cycle.”

High performance green building practices consider the impact of building construction on the environment. For example, the City of Portland has identified:

“Development and construction practices are main contributors to the depletion of natural resources and a major cause of air and water pollution, solid waste, deforestation, toxic wastes, health hazards, global warming, and other negative consequences. Buildings use one-quarter of the entire world’s wood harvest. Buildings consume two-fifths of all material and energy flows. Fifty-four percent of U.S. energy consumption is directly or indirectly related to buildings and their construction. Building construction and operations account for thirty-five percent of U.S. CO₂ emissions.” *City of Portland Green Building Policy*

As a trustee of public money, Multnomah County makes investment decisions for County buildings that reflect both short term budgetary realities and long term asset values. With that in mind, the Policy Workgroup carefully analyzed and discussed the impact of alternate high performance green building policies. In addition, the policy workgroup solicited the assistance of several Masters in Business Administration (MBA) students from Portland State University. This team performed an analysis on “Building the Business Case for High Performance Green Building at Multnomah County.” As a result, this policy document provides information on the cost of high performance green building, as well as the long term benefits and justification to the County for investing in HPGB practices.

V. The Business Case for High Performance Green Building

The Policy Workgroup solicited the assistance of several Masters in Business Administration (MBA) students with Portland State University. As part of their project, these students conducted an analytical study titled “How LEED Certification Can Pay Off for Multnomah County.” The MBA study found:

“Comprehensive analysis of the financial costs and benefits of green building conducted to date find that a minimal up-front investment of about two percent of construction costs ... typically yields life cycle savings of over ten times the initial investments.” Additionally, “many green buildings with integrated design cost no more to build – or are even less costly than alternatives because resource efficient strategies often allow downsizing of more costly mechanical, electrical or structural systems. Owners of green buildings can also benefit from specialized financial and regulatory incentive programs, e.g. State of Oregon’s Business Energy Tax Credit.”

For the purpose of their study, the life of the building was assumed conservatively to be 25 years. The numerous cost benefits of HPGB described in the report include: energy, waste disposal, water, environmental, emissions, operations and maintenance. As part of the report, the MBA team also evaluated the recently completed Hillsdale Library, which aims to achieve LEEDTM gold certification. Their study found:

- “The experience from the Hillsdale Library demonstrates that while there are additional costs for LEEDTM certification, these costs are offset to a large degree by the Sustainable Building Business Energy Tax Credits from the Oregon Department of Energy and other financial incentive programs available in the region. When future energy savings, worker productivity and additional cost savings are factored in, the benefits of LEEDTM certification far outweigh the costs.”
- Based on a net present value calculation performed by the team, the energy savings alone for the new Hillsdale Library will save over \$195,000 over a 25 year life, and will pay for approximately 71% of the incremental costs for including green building features.

The executive summary from this study is attached as Appendix 1.

VI. High Performance Green Building Policy Recommendations

The Policy Workgroup recommends the following:

1. High performance green building practices shall be utilized for all Multnomah County building construction projects.

HPGB is a cost effective and sound business decision for Multnomah County. Numerous benefits to the environment, building occupant, long term facility operation and maintenance, and the County's bottom-line can be achieved through HPGB practices.

2. U.S. Green Building Council LEEDTM criteria shall be utilized as the metric to measure successful incorporation of high performance green building features into building construction projects.

A variety of HPGB certification systems have been developed and adopted by governmental agencies. In the Northwest region however, the two primary certification systems are PGE Earth Advantage and U.S. Green Building Council Leadership in Energy and Environmental Design (LEEDTM). LEEDTM is the most comprehensive and widely recognized performance standard. LEEDTM rating system has industry consensus and is research-based; whereas PGE's Earth Advantage program for commercial buildings has some level of future uncertainty (based upon discussions between the Policy Workgroup and PGE representatives.) Adoption of a common method of building performance evaluation ensures all levels of government and private sector are using the same set of criteria – demonstrating coordinated leadership. Around the globe, government and private organizations use high performance green building practices (see References section.) These organizations adopt standards, including certification requirements to:

- Evaluate the performance of a building against an explicit set of criteria, and
- Provide objective measurements of progress toward high performance green building goals, i.e., reduction in greenhouse gas emissions, provision of a healthy work environment, reduced operating costs, and environmental protection.

3. The highest practical level of LEEDTM criteria shall be achieved once life cycle costs are considered on a project-by-project basis.

Flexibility is critical to the successful achievement of LEEDTM criteria. In recommending LEED criteria for all building construction projects, the Policy Workgroup recognizes that certification is not possible for all projects. Therefore, no one level for LEEDTM certification is recommended for County construction projects. Instead, project specific calculations for LEEDTM criteria and potential certification costs and benefits should be made during the budgeting period. Based on the analysis from the MBA team, the average up-front incremental cost anticipated for incorporating LEEDTM criteria, including certification, is currently two percent.

4. The High Performance Green Building Policy shall be used as a guideline rather than a requirement for leased facilities.

Leased facilities are occupied by Multnomah County for varying time periods, with varying landlord stipulations. Investments in HPGB practices for existing leased spaces should be evaluated based on their feasibility and return on investments for remaining lease periods. In addition, when considering new spaces for lease, including condominium agreements with other agencies, an advantage should be given to high performance green buildings over conventional buildings. This would result in lower utility bills for Multnomah County as well as healthier building spaces for our employees. By leasing HPGB spaces, Multnomah County also sends a market signal to the building community that HPGB practices are important.

5. Periodic reporting on progress in implementing the High Performance Green Building Policy shall be performed by Facilities and Property Management (FPM) and the Sustainability Initiative together. It is important that FPM prepares for incorporation of high performance green building practices in upcoming projects by conducting staff training, developing applicable procedures, and monitoring performance of green building practices. A process of continuous improvement requires on-going progress measures and feedback to update and refine implementation strategies. As experience in HPGB practices is gained, different tools and strategies will emerge to facilitate the success of meeting HPGB goals. Periodic reporting should provide quantifiable measures (i.e., energy and water savings, reduction in greenhouse gases and percentage of LEED™ credits incorporated).

VII. Policy Implementation

FPM will train staff and utilize existing resources as required to successfully implement this policy. In addition to LEED™ guidelines, additional tools are available to County staff including: a “Green Guidebook for Facility Managers” developed exclusively for Multnomah County as well as “Creating a High Performance Workspace,” a City of Portland Tenant Improvement Guide.

1. All County departments and offices responsible for financing, planning, designing, developing, constructing, and managing County owned facilities and buildings are affected by this policy. County departments and offices should refer to FPM for appropriate administrative procedures to implement this high performance green building policy.
2. Project-by-project implementation of this policy is the responsibility of County Department/Office (D/O), FPM, Architect/Engineer team and the Sustainability Initiative in conjunction. The project team is responsible for evaluating the costs and benefits for implementing LEED™ criteria. Implementation of this HPGB policy shall be required to be documented in project files.
3. Project-specific justification and documentation shall be required. The criteria identified in the following section is recommended for use in development of project-specific justification for the use or non-use of specific LEED™ criteria.
4. The High Performance Green Building Policy shall not be applied retroactively to projects that have already been budgeted or are in design or construction prior to the date this policy is adopted, except where cost effective. Adding HPGB features late in the process can add costs that if not already budgeted may require cuts in other program components. However, HPGB criteria should still be evaluated and incorporated for these projects where possible and cost effective from a life cycle perspective.
5. FPM will develop the appropriate administrative procedures to implement this policy for the range of capital improvement projects impacted after this policy is approved. These recommendations do not include the detailed implementation steps required to administer this policy. Upon adoption of this policy, FPM will develop the administrative procedures and staff training needed to successfully implement high performance green building practices.

VIII. Criteria Used to Develop Policy Recommendations

In developing these policy recommendations, the Policy Workgroup considered and evaluated the following criteria:

1. *Life Cycle Cost:* Long term costs are important criteria used to recommend high performance green building practices for Multnomah County. The up-front design and construction costs required for

LEED™ as well as the life cycle savings for building operations and maintenance (such as energy, water, waste, and employee productivity) were considered to provide an overall cost benefit to Multnomah County.

2. *Operational Integrity / Program delivery:* Green building measures should not negatively impact the operations or services provided by Multnomah County departments or offices occupying the facility. The primary purpose of a building is to house the operations and services of its occupants. A successful HPGB policy would enhance the primary functions of the building, rather than act as a detriment. Program delivery requirements (for example public safety, security, public health, and accreditations) may override HPGB practices.
3. *Flexibility:* Flexibility is critical for different types of operations, asset management and program requirements. Multnomah County facilities have diverse uses, ranging from jails, clinics, libraries, and offices. In addition, FPM uses different guidelines for its facility portfolio depending on current occupancy, building conditions and long-range goals for the building.
4. *Simplicity and Practicality:* Required for any policy to be effective, the HPGB Policy must be simple to understand, and practical to implement. In particular, recognizing staff shortages within FPM and elsewhere in the County, this policy had to be one that would be reasonable to achieve with existing resources.
5. *Standardization:* Standardization promotes shared opportunities and information among government agencies. Using established and recognized criteria should decrease development and implementation cost. Aligning recommendations with established policies and practices used by other government agencies may provide opportunities to share training and experience with other regional governments.
6. *Benefits:* Both cost benefits and benefits that are not as easily quantified were considered by the Policy Workgroup and are discussed below.

IX. Benefit of High Performance Green Building to Multnomah County

There are many benefits to Multnomah County to adopt high performance green building practices. Just a few of these benefits are:

- **Lower Energy Bills** – Criteria for energy efficiency are a cornerstone of LEED™ certification. Included are prerequisites for minimum energy performance as well as additional credits for optimizing energy performance. The lower the energy used, the more credits a project can earn. Multnomah County's first experience applying LEED™ guidelines at the Hillsdale Library resulted in a building designed to be 20 percent more energy efficient than a building built to meet local energy codes. Actual energy bills that are beginning to come in support these savings estimates and are even exceeding design expectations at this point.
- **Lower Water Bills** – LEED™ criteria also emphasize water efficiency. Credits for water efficient landscaping, innovative wastewater technologies and water use reduction challenge project teams to design for lower water bills. For example, LEED™ credits for water conservation were achieved at Hillsdale Library by selecting native and drought-resistant plants and trees that eliminate the need for an irrigation system and have reduced need for pest control and maintenance. Stormwater from the roof was also re-routed into planted areas to hold and filter stormwater runoff. In addition, "low-flow" restroom faucets and toilets that conserve water were installed.
- **Reduced Maintenance Costs** – Application of high performance green building practices may also reduce maintenance costs in many instances. For example: improving air quality reduces the number of occupant complaints and time spent identifying and correcting air quality problems; installing low maintenance

landscaped areas reduces the dependence on water and chemical applications; and optimizing controls for building systems allows for more effective trouble-shooting and monitoring of systems by personnel.

- **Increased Employee Productivity** – Sustainable building practices can improve the productivity of workers, by making the work site a healthier and better place to work. Efficient lighting for example, can help people see better, which reduces mistakes, increases work quality, and boosts production. Optimal heating and cooling system can increase worker comfort and output. And, in a study of office worker performance and the indoor environment conducted by the California Energy Commission, better access to views consistently predicted better performance.
- **Healthier Workspaces for Employees** – High performance green buildings typically offer healthier and more satisfying work environments for tenants. Careful selection of building materials and chemicals used in a facility is particularly important. Use of less toxic materials can reduce exposure risks for employees and associated absenteeism.
- **Minimized Waste** – As construction and demolition (C&D) waste comprises a significant portion of the solid waste stream in the Portland Metro area, sustainable building design can boost recycling and recovery rates from a building project to over 90%. Currently, recycling C&D waste can offer a cost savings over tipping fees for landfill disposal of heavy, bulky waste typical of building projects. Waste minimization through high performance green building also helps to meet Portland Metro area C&D waste recycling requirements.
- **Community Benefits** – An additional benefit of high performance green building is job creation. “Public policies that encourage the local development of firms in [sustainable] industry could yield long-run benefits for workers, communities, and the entire regional economy. In particular, policies promoting the application of sustainable practices to the design, construction, and operation of public buildings could be an important part of a regional economic-development strategy.” (*Portland State University Center for Watershed and Community Health Report, Sustainable Practices, Public Buildings, and Jobs, 2001.*)
- **Lower Environmental Impacts** – Buildings leave a large environmental footprint. By incorporating high performance green building practices such as resource reuse, use of products with increased recycled content, or rapidly renewable materials, these impacts can be reduced.
- **Reduced Dependence on Fossil Fuels** – By including credits for alternative transportation, green power, and energy efficiency, LEED™ can aid in a transition to a renewable energy economy.

X. Definitions

- **High Performance Green Building** – Refers to building practices that are environmentally responsible and offer superior performance in a variety of areas, including functionality, energy and water efficiency, quality of the indoor environment, waste management and air emissions, site disturbance and storm water management, transportation options for occupants, and longevity (durability, adaptability to changing building user needs).
- **LEED™ Rating System** – LEED™ stands for Leadership in Energy and Environmental Design, and is a voluntary, consensus-based, market-driven green building rating system. It is based on existing proven technology and evaluates environmental performance from a “whole building” perspective. LEED™ is a third party certification system designed for rating new and existing commercial, institutional, and multi-family residential buildings. It contains prerequisites and credits in five categories: Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, and Indoor Environmental Quality. There are four rating levels: Certified, Silver, Gold, and Platinum. (*City of Seattle, Sustainable Building Policy, February 2000.*)
- **Life cycle cost** – Means the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs and disposal costs discounted over the lifetime of the product.

However, this definition does not include external costs (i.e., those not borne directly by the entity that owns and operates a product/service, such as environmental costs to society at large). Agencies are encouraged to consider all internal and external costs associated with a product, process, or activity throughout its entire life cycle—from raw materials acquisition to manufacture, recycling and final disposal. (U.S. Environmental Protection Agency, www.epa.gov/opptintr/epp/about/epptterms.htm)

- **Sustainable Building** – Integrates building materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction and operation of the built environment. (*City of Seattle, Sustainable Building Policy, February 2000*)

XI. References

Several documents and agencies were referenced in compiling these recommendations, including:

- City of Portland and Multnomah County Local Action Plan on Global Warming, April 2002. <http://mint/dbcs/sustainability/warming/Global%20Warming%20Action%20Plan.pdf>
- Multnomah County Green Guidebook for Facility Managers http://mint/dbcs/sustainability/green_bld/
- USGBC LEED™ Reference Manual <http://www.usgbc.org/>
- *City of Portland* – Green Building Policy http://www.green-rated.org/resctr_research.asp?id=3
“New construction and major retrofit projects undertaken by the City or its contractors shall meet the “Certified” level of Portland LEED™ Green Building Rating System. In addition, projects are encouraged to obtain the highest Portland LEED rating (Silver, Gold, or Platinum) possible. All projects must be registered and certified by the USGBC in accordance to its rules and procedures.”
- *State of Oregon* – Sustainability Plan for the Department of Administrative Services http://www.sustainableoregon.net/agency/DAS_report.cfm
“All state building construction and remodeling meet the equivalent of the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED™) SILVER rating.”
- *Washington State Correction* – <http://www.ga.wa.gov/eas/bcx/DOCMonroe-SOC-cx.pdf>
adopted LEED™ standards for WA jails and corrections facilities.
- *City of Seattle* – Seattle’s Sustainable Building Policy <http://www.cityofseattle.net/sustainablebuilding/SBpolicy.htm>
Uses the US Green Building Council LEED™ Rating System to evaluate City projects and sets a policy goal of Silver Level performance for City funded projects with over 5000 square feet of occupied space.
- *British Columbia, Canada* – <http://www.buildsmart.ca/pdfs/ASSESSMENT%20REPORT.PDF>
selected LEED™ as a building environmental assessment method for BC because:
 - 1) LEED™ was anticipated to find more widespread adoption in North America,
 - 2) Stakeholder agencies could actively participate in its future development and evolution, and
 - 3) LEED™ enjoyed greater awareness, recognition and use by the private sector and design professionals.
- *U.S. General Services Administration*-
http://www.gsa.gov/Portal/gsa/ep/contentView.do?P=PL&contentId=8154&contentType=GSA_OVERVIEW
“Utilizes LEED™ as a goal in design criteria to help apply principles of sustainable design and development to their facilities projects. LEED™ is a consensus based market-driven rating system that can serve both as criteria and as measurement for GSA building projects. Beginning in FY 2003 all new GSA building projects must meet criteria for basic LEED™ certification.”

How LEED Certification Can Pay Off for Multnomah County

Written by: *Josh Arnold, Eva Buder, Marci Shuman, and James Washburn*

Portland State University (School of Business Administration) prepared for Multnomah County High Performance Green Building Workgroup

Dr. Janet Hamilton - PSU Advisor

August 2004

Executive Summary

The High Performance Green Building Policy Workgroup of Multnomah County, Oregon is determining whether or not to propose a Green Building policy as a standard for new construction in Multnomah County. The intention of this report is to provide guidance and research support on green building policy certification and standards to help the Workgroup determine what level of green building and certification standard to propose for Multnomah County. This report includes a detailed analysis of green building costs and benefits, addresses issues relevant to Multnomah County, and includes a life-cycle cost-benefit analysis of the Hillsdale county library. The report concludes with a list of three potential options for the Workgroup: Keep the baseline or Earth Advantage standard, promote LEED design and planning without LEED certification and promote LEED design and planning with LEED certification. Our recommendation is to adopt a standard based on the usage and occupancy of the building. Buildings with high levels of usage and occupancy should achieve LEED Silver or Gold Certification because the greatest cost benefit is found in these levels of LEED certification.

Multnomah County is fortunate to have the opportunity to take advantage of local and regional resources that make LEED certification as inexpensive as possible. At the time of the writing of this report, the City of Portland and the State of Oregon had the most LEED certified projects per capita in the entire country. The Multnomah County area is home to a wealth of resources that can provide technical and financial assistance to the county. A brief explanation of some of the key resources available to the county follows:

The Oregon Department of Energy issues business energy tax credits for energy efficiency measures in green buildings. The County can generate cash payments by utilizing the pass-through option. See section 3.5.3 for specific details about how this program can benefit Multnomah County.

The Energy Trust of Oregon, the Earth Advantage Program, the Oregon Department of Energy and other local and regional experts may have technical and financial assistance available to the county, including opportunities for streamlined LEED certification, grants and other assistance.

Even without these resources available, the decision to invest in LEED certified high performance green buildings is one that pays dividends over the long-term. Our research shows that the premiums for green buildings are repaid ten-fold over the life of the building through energy savings, increased worker productivity, reduced water and sewage costs, improved indoor air quality and improved operational efficiencies. Our research culled information from several recently completed professional studies addressing the same issues for other jurisdictions, such as the City of Portland, the City of Seattle, the State of Oregon and the State of California.

In addition to conducting a thorough literature review on the topics of green buildings cost benefits analyses, we also looked at the energy performance of three Multnomah County libraries. We performed a life cycle analysis

for the Hillsdale library that has applied for LEED Gold certification. The results of our analysis shows that green buildings in Multnomah County have similar costs and benefits as those in other parts of the country.

Our report identifies three options for Multnomah County's High Performance Green Building Policy: Baseline, LEED planning but no certification requirement, and LEED certification.

We conclude that LEED certification is the best investment for the county, with a focus on high occupancy and high usage buildings to take advantage of the largest benefits from LEED certification, namely the energy efficiencies and increased worker productivity. We recommend that Multnomah County adopt a baseline LEED Silver certification policy for buildings with high usage and occupancy, with a goal of LEED Gold certification (or LEED Platinum, if warranted) where the higher occupancy and usage levels are present.

We provide a series of suggestions for Multnomah County on how best to approach their decision regarding the adoption and implementation of their High Performance Green Building Policy.

Among the highlights:

- Adopt a high performance building standard using LEED Silver as a baseline certification for projects of appropriate usage and occupancy.
- Encourage project managers to plan for Gold LEED certification (or LEED Platinum) where projects of high usage and occupancy are available.
- Develop a set of metrics that are important to Multnomah County and track the performance of the Hillsdale library, as well as other LEED projects, over time.
- Utilize local and statewide technical and financial resources, such as The Energy Trust of Oregon, Portland LEED Certification and the Oregon Department of Energy, among others, to help build the market for high performance green buildings.
- Continue to assess the benefits and costs of high performance buildings as part of the high performance policy.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/02/04
Agenda Item #: R-5
Est. Start Time: 10:30 AM
Date Submitted: 11/08/04

BUDGET MODIFICATION: -

Agenda Title: First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to Historic Preservation and Demolition in Compliance with Metro's Functional Plan and Declaring an Emergency

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested: December 2, 2004 Time Requested: 5 minutes
Department: Business and Community Services Division: Land Use & Transportation
Contact(s): Gary Clifford & Karen Schilling
Phone: 503-988-3043 Ext. 26782 I/O Address: 455/116
Presenter(s): Gary Clifford

General Information

1. What action are you requesting from the Board?

Adopt the ordinance as recommended by the Portland Planning Commission and Portland City Council.

2. Please provide sufficient background information for the Board and the public to understand this issue.

On October 11, 2001 the Board adopted Ordinance 967 (effective date January 1, 2002) adopting, in summary, the Portland Comprehensive Plan and zoning ordinance. The County and the City of Portland have been engaged in agreements enabling the City of Portland to provide planning services to achieve compliance with the Metro Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland. Since the adoption of Ordinance 967 and subsequently Ordinance 997, the attached ordinances have been passed by the City Council and therefore the County must adopt them pursuant to our intergovernmental agreement to keep the code up to date. Multnomah County and the City of

Portland entered into an Intergovernmental Agreement (IGA) to transfer land use planning responsibilities on January 1, 2002. The IGA lays out a process requiring the County to ensure that any City Council adopted amendments to the City comprehensive plan, zoning code and other regulations adopted by the County Board of Commissioners will be considered by the County Board of Commissioners at the earliest possible meeting. It also states "The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance" (unless adopted by emergency). The City will have taken action on all of the above items by the hearing date of this ordinance. If the County does not adopt these amendments, the IGA will be void and the County will be required to resume responsibility for planning and zoning administration within the affected areas.

3. Explain the fiscal impact (current year and ongoing).

NA

4. Explain any legal and/or policy issues involved.

State law requires a notice be placed in a newspaper of general circulation 10 days prior (11/22/04) to the BCC hearing. We request adoption of this ordinance by emergency to closely follow the City of Portland adoption dates (10/21/04) as stated in the IGA. Portland failed to provide the County notice of these items in time for the County to adopt them to coincide with the City's adoption date. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

5. Explain any citizen and/or other government participation that has or will take place.

The City included the County affected property owners in their noticing for these code revisions when required pursuant to the IGA and directed them to the City legislative process.

Required Signatures

Department/
Agency Director:

Robert A. Maestre

Date: 11/05/04

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to Historic Preservation and Demolition in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On September 9, 2004, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1048.
- f. Since the adoption of Ordinance 1048, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibit 1 and effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Portland Zoning Code to update regulations that protect Portland's historic resources amending demolition review procedures and adopt the historic Resources Code Amendments – Phase 2 report. (PDX Ord. #178832)	10/21/04
2	Exhibit A Historic Resources Code Amendments Phase 2	9/15/04
3	Exhibit B City Council Amendments	10/20/04

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: December 2, 2004

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Portland Zoning Code to update regulations that protect Portland's historic resources amending demolition review procedures and adopt the historic Resources Code Amendments – Phase 2 report.
(PDX Ord. #178832)
2. Exhibit A Historic Resources Code Amendments Phase 2
3. Exhibit B City Council Amendments

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

ORDINANCE No.

* Amend Title 33, Planning and Zoning to update regulations that protect Portland's historic resources, including amended demolition review procedures and zoning incentives, and adopt the Historic Resources Code Amendments—Phase 2 report. (Ordinance)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. Portland's *Comprehensive Plan* was adopted on October 6, 1980 by Ordinance No. 150580, acknowledged for compliance with Statewide Planning Goals on May 3, 1981, and updated as a result of periodic review in June 1988, January 1991, March 1991, September 1992, and May 1995.
2. Oregon Revised Statutes (ORS) 197.640 requires cities and counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up-to-date and in compliance with Statewide Planning Goals and State laws. Portland is also required to coordinate its review and update of the *Comprehensive Plan* and land use regulations with State plans and programs.
3. On October 26, 1995, the Land Conservation and Development Commission adopted OAR 660-16-040, which declares properties listed in the National Register of Historic Places ("National Register") to be historic resources of statewide significance. The rule requires local governments to protect through local historic protection regulations all sites listed in the National Register. The recommended code amendments meet this requirement by increasing protection of all individually designated National Register properties and properties classified as contributing in National Register Historic Districts.
4. The City adopted a new Zoning Code in November 1990, to be implemented on January 1, 1991.
5. During the adoption of the new Zoning Code, the Council recognized that the new code would occasionally need "fine-tuning" to resolve unanticipated issues. The Council additionally recognized that minor amendments to the code would periodically be required in order to maintain compliance with existing policy.
6. In late December 2000, the Bureau of Planning (BOP), in coordination with the Office of Planning and Development Review [OPDR, now the Bureau of Development Services (BDS)], initiated the "Historic Resources Code Amendments Project" (HRCAP), a package of amendments to Title 33, Planning and Zoning that would both refine the relationship between local and state regulations and improve clarity and usability of the Code without changing policy or intent of the regulations. The amendments were selected from a database of requests to amend the Code. This database includes all requests to

amend the Code. The requests were from BOP staff, OPDR staff, staff from other City agencies, and members of the public. It includes amendments that have been identified through other long-range planning efforts.

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7. The Historic Resources Code Amendments Project (HRCAP) is organized into two phases. In June 2001, Phase 1 introduced a package of amendments to the *Zoning Code*. The amendments aimed to refine the relationship between local and state regulations governing historic preservation planning, as well as improve the implementation of existing regulations. The amendments were primarily limited to technical word and structure changes. They also included a proposal to meet the original legislative intent of demolition review regulations; that is, to require a demolition review process for historic resources with a covenant with the City and historic resources listed in the National Register of Historic Places.
8. During Phase 1, the Planning Commission held three public hearings on the HRCAP proposals. The hearings occurred on July 24, 2001, October 9, 2001, and December 18, 2001. The Planning Commission determined that the proposed change to demolition review exceeded the scope of the HRCAP because it revised existing City policy instead of providing technical corrections to the *Zoning Code*. Planning Commission recommended that City Council consider clear policies and regulations to provide historic resources with stronger protection from threats of demolition.
9. On March 7 and April 17, 2002, the City Council held public hearings on the HRCAP Phase 1 project. Council adopted a number of technical corrections to the *Zoning Code* that became effective on July 20, 2002. City Council continued the hearings and directed the Bureau of Planning to begin Phase 2 of the project. Under Resolution No. 36076 (May 29, 2002), the Bureau of Planning was directed to extend demolition review to more historic resources, create incentives that promote preservation, and return to City Council. The resolution further stated Council's intent that the concept of demolition review should include the option of denying a demolition permit under appropriate circumstances.
10. The Mayor organized an Advisory Group to assist BOP staff as they responded to Council directives for phase 2. Composed of members from the preservation and development communities, the Advisory Group met with staff five times between June and September of 2002 to discuss preservation incentives and options for new demolition regulations. The BOP incorporated input from those meetings, as well as meetings with the public and other stakeholders, to develop findings for BOP's *Status Report* on the project, which was published on December 31, 2002. After presenting the report to City Council on January 15, 2003, comments from that hearing, as well as subsequent meetings with various stakeholders, were used to develop the recommended amendments.
11. On July 8, 2004 a notice for the July 19, 2004 public open house and September 9, 2004 City Council hearing (subsequently rescheduled to September 22, 2004) was mailed to approximately 2,900 owners of individually listed National Register properties and contributing properties in National Register Historic Districts and other interested parties.
12. On July 16, 2004 the *Bureau of Planning Recommended Historic Resources Code Amendments - Phase 2* report was published.
13. The Notice of Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on June 17, 2004, as required by ORS 197.610.

Notice was mailed to Metro on June 17, 2004, in compliance with Urban Growth Management Functional Plan requirements. A revised notice noting the rescheduled City Council hearing date was sent August 18, 2004

14. On September 15, 2005, staff revised portions of the recommended code amendments, in response to input from stakeholders. In particular, the demolition review approval criteria were revised for clarity and to make explicit that proposed new development on the site of the resource may be considered as part of the review.
15. The recommended amendments include new incentives that promote preservation by encouraging the use, renovation, and protection of historic resources. The recommended amendments also expand and strengthen the City's existing demolition review regulations to protect more historic resources, including those individually listed in the National Register of Historic Places and those classified as contributing in National Register Historic Districts. Other historic resources that hold a covenant with the City - currently just one property -- are already protected by demolition review.
16. The zoning incentive provisions are new and untested preservation tools. As a result, the Bureau of Planning has identified them for monitoring and evaluation as part of the City's ongoing Regulatory Improvement Program. In particular, the BOP will monitor the new use flexibility provisions in multi-dwelling zones and Central City industrial zones, to determine their effectiveness, identify unintended outcomes and, if necessary, amend the provisions.
17. During the HRCAP adoption process, the Mayor directed the Bureau of Planning to form a proactive historic preservation "SWAT Team" to help owners of historic resources implement preservation strategies and take advantage of incentives. The Historic Preservation Assistance Team (HPAT) will include representation from City bureaus and offices, as well as the private and nonprofit preservation, development and finance communities. Once formed, the HPAT will report to the Mayor. The multidisciplinary group will help property owners on a case-by-case basis through such means as identifying financial and regulatory incentives and providing technical assistance with code and other issues. By helping to define preservation program objectives and needed skills, the HPAT is also a limited first step in developing a more formal City Preservation Office.
18. The Mayor has directed the Bureau of Planning to develop a scope-of-work for a preservation program improvement project to follow adoption of the HRCAP, and to bring the scope-of-work to City Council as part of the annual budgetary process. Among other issues, the follow-up project will further evaluate the remaining "big picture" program improvements recommended by the HRCAP Advisory Group, such as creation of a City Preservation Office and an update of the City's Historic Resources Inventory.

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19. The recommended amendments implement or are consistent with *Statewide Planning Goals* and the *Portland Comprehensive Plan*, as described in the findings below.

Statewide Planning Goals Findings

20. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Because of the limited scope of the amendments in this ordinance, only the state goals addressed below apply.
21. Goal 1, Citizen Involvement, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. The amendments support this goal in the following ways:

- a. Following City Council's May 29, 2002 final public hearing on Phase 1 of the HRCAP project, City Council directed the Bureau of Planning to examine incentives that promote preservation and measures to expand demolition review to more historic resources. This began Phase 2 of the IIRCAP project. The Mayor convened an Advisory Group composed of members of the preservation and development communities to assist staff in examining the two issues.
- b. The Advisory Group met on June 27, July 18, August 5, August 19, and September 19, 2002 to discuss preservation incentives and options for new demolition regulations, along with strategies to improve the City's preservation program overall.
- c. On October 23, 2002, the BOP held a public meeting to seek comments from owners of properties listed in the National Register, as well as the general public. Notices were sent to owners of National Register properties, owners of Contributing properties in Historic Districts, interested parties, and individuals on the BOP's legislative mailing list and the Historic Landmarks Commission's mailing list.
- d. Bureau of Planning staff met with a number of citizen groups and stakeholders to present project information and gather public comments, including: the CorbettTerwilliger Lair Hill Neighborhood Association on November 6, 2002; the Oldtown/Chinatown Visions Committee on November 13, 2002; the SellwoodMoreland Improvement League on February 19, 2003, the Mt. Tabor Neighborhood Association on March 19, 2003; The Oldtown/Chinatown Land Use and Design Review Committee on April 11, 2003; the Friends of the Reservoirs on April 14, 2003, the Portland Business Alliance Housing Committee in November 2003; the Central Eastside Land Use Committee on December 2, 2003, and August 3, 2004; the Lower Albina Industrial Council in December 2003; the Portland Business Alliance on August 18, 2004; the Citywide Land Use Chairs Group on August 23, 2004; the Northwest District Association Land use Committee on August 24, 2004; and the Board of Southeast Uplift on September 9, 2004.
- e. On December 18, 2002, and again on July 21, 2004 Planning staff conducted a presentation to the American Institute of Architects (AIA) Historic Resources Committee.

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- f. Planning staff periodically met with and engaged in telephone and email exchanges with property owners, developers, members of the business and preservation communities and other interested parties in regards to project goals and provisions.
- g. The Bureau of Planning maintained and updated as needed a project web site that included basic project information, announcements of public events, project documents and staff contact information.
- h. The Portland Historic Landmarks Commission was briefed on phase 2 of the project on October 21, 2002; November 25, 2002; January 13, 2003; February 19, 2004; July 26, 2004; and August 9, 2004.
- i. The Portland Planning Commission was briefed on phase 2 of the project on April 9, 2002, and August 24, 2004.
- i. On January 15, 2003 the BOP presented the *Historic Resources Code Amendments Phase*

2: *Bureau of Planning Status Report to City Council*. This report was made available to the public on December 31, 2002. The BOP sent notices to owners of National Register properties, owners of contributing properties in Historic Districts, individuals on the BOP's legislative mailing list and the Historic Landmarks Commission's mailing list, and other interested persons, to inform them of the public hearing.

- k. On June 30, 2004, the BOP sent notice regarding an open house to be held on July 19, 2004 and a Portland City Council public hearing to be held on September 9, 2004 (subsequently rescheduled to September 22, 2004). Notice was sent to owners of National Register properties, owners of contributing properties in Historic Districts, individuals on the BOP's legislative mailing list and the Historic Landmarks Commission's mailing list, and other interested persons. An additional notice was sent on August 20, 2004 to the same parties noting the rescheduled City Council hearing.
 - l. On July 16, 2004, the BOP published the Bureau of Planning Recommended Historic Resources Code Amendments - Phase 2 Report. The report was made available to the public, posted on the BOP web site, and mailed to all those who requested copies.
 - m. On July 19, the BOP hosted a public open house on the HRCAP at the Multnomah County Central Library. Staff provided background information, the full project report, summary materials and staff contact information. BOP and Bureau of Development Services staff explained the proposals, answered questions and accepted public comments and suggestions.
 - n. On September 22, 2004, the City Council hold a public hearing to consider oral and written testimony on the Historic Resources Code Amendments - Phase 2. The hearing was continued to October 6, 2004 and again to October 21, 2004.
22. Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and

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actions are based on an understanding of the facts relevant to the decision. The amendments support this goal in the following ways:

- a. Title 33, Planning and Zoning, implements the policies of Portland's *Comprehensive Plan*. Proposed amendments ensure that there are processes that act as a basis for land use decisions. For example, the amendments establish a review procedure for considering demolition requests for a large group of Portland's most significant historic resources.
- b. By meeting with representatives of the State Historic Preservation Office at various times, BOP staff ensured that the amendments provided opportunities to an affected governmental unit that has programs and responsibilities within Portland to review and comment on provisions that implement land-use plans.

See also findings for Portland *Comprehensive Plan* Goal 1, Metropolitan Coordination, and its related policies and objectives.

23. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources, requires the** conservation and protection of resources, including historic resources. The amendments augment regulations that protect lands with sites, structures, and objects of local, state, regional, or national historical significance. The amendments support and directly implement this goal by creating a new and more intensive review process for certain demolition applications. They also enhance the ability of property owners to preserve historic properties. The amendments also support this goal in the following ways:

- a) By adding to incentives available to the City's significant historic resources. The proposed amendments include: a waiver of minimum housing density requirements; expanded transfer of development rights provisions; increased Central City parking ratios, increased flexibility for commercial uses in Central City industrial areas; easier means for accessing the zoning incentives; and extension of the incentives to more historic resources. The incentives will make it easier for owners to preserve, rehabilitate and reuse historic resources. They will also encourage other property owners to seek formal designation of their buildings.
- b) By expanding and strengthening the City's existing demolition review regulations to protect more historic resources. The properties affected by proposed demolition review regulations include all individually listed National Register properties and contributing properties in National Register-listed historic districts. There are thirteen designated Historic Districts in Portland: Alphabet, East Portland/Grand, Kenton Commercial, King's Hill, Ladd's Addition, Mount Tabor Park Reservoirs, New Chinatown/Japantown, Rocky Butte Scenic Drive, Skidmore Fountain/Old Town, South Portland, Thirteenth Avenue, Washington Park Reservoirs, and Yamhill Historic Districts. Under the proposed Type IV review process, the City Council could approve a proposal and allow a resource to be demolished, approve with conditions (such as partial preservation, other mitigation or additional delay time) or it could deny the proposal, which means the resource could not be demolished. This revises the existing review processes, currently limited to a delay period without

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authority to deny or condition approval, and replaces it with a process that provides an increased opportunity for public involvement and a higher level of scrutiny for demolition review applications, thus enhancing the level of protection for historic resources. See also findings for *Portland Comprehensive Plan* Goal 3, Neighborhoods, and its related policies and objectives.

24. **Goal 6, Air, Water, and Land Resource Quality, requires the maintenance and improvement** of the quality of air, water, and land resources. The amendments support this goal because preserving historic resources maintains the quality of air, water, and land resources in the State by not placing additional strain on the existing infrastructure. For example, because historic resources are often at least fifty years old and because they tend to be located in Portland's older, inner-city neighborhoods and business areas, new physical and operational services do not have to be established. They are already in place, with existing transit, sewer, water, and park systems capable of supporting extant historic development. In addition preservation and reuse of existing building stock helps relieve pressure to develop resource lands outside the Urban Growth Boundary.
25. **Goal 8, Recreational Needs, requires satisfaction of the recreational needs of both citizens** and visitors to the state. The amendments support this goal because they reinforce incentives for owners to preserve and maintain their significant historic properties helping to maintain

and create vital mixed-use areas that attract development and provide a sense of continuity with and pride of Portland's history. This sense of history fosters attractive development for shopping, dining, and offices that attract both citizens of and visitors to the State.

26. Goal 9, Economic Development, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support this goal because they provide new incentives for owners to preserve and maintain their significant historic properties. The preservation and rehabilitation of historic resources revitalizes neighborhoods and attract development, thereby stimulating a positive business climate and economic health. This goal is also supported in the following ways:

- a) By allowing more conditional and by-right uses for National Register properties in Central City industrial zones. This incentive adds increased flexibility for office and retail uses in the Central City Plan District thereby providing additional redevelopment and business options. Greater utilization of existing underdeveloped properties supports more efficient use of current infrastructure investments and operations. The adaptive reuse and/or restoration of historic properties also encourage reinvestment in the neighborhood by adjacent property owners.
- a) By increasing the number of zones where transfer of development rights is allowed. Transfer incentives give property owners more development options while promoting preservation of existing buildings.
- b) By removing the requirement for a historic preservation incentive review and renovation plan for certain existing incentives. These requirements pose burdens on

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owners of historic properties who face barriers otherwise absent for developers of new construction.

- c) By offering the same parking ratios to redevelopment projects in National Register properties that are offered to new construction projects in the Central City. In terms of parking ratios, owners of new buildings currently hold a competitive advantage over developers of existing buildings. This proposal would redress the imbalance.

27. Goal 10, Housing, requires provision for the housing needs of citizens of the state. The amendments support this for the reasons below. See also findings for Portland *Comprehensive Plan* Goal 4, Housing and Metro Title 1.

- a) By encouraging reinvestment in the public's largest capital asset—the existing building stock—through incentives that make it more economically feasible to retain and reuse historic buildings that are appropriate for housing.
- b) By allowing buildings in multi-dwelling areas zoned RH (High Density Residential) to transfer unused residential development potential to another similarly zoned site or to areas zoned RX (Central Residential) or EX (Central Employment). This incentive promotes the preservation of historic properties that are not built to the maximum housing potential for the site while permitting the allowed additional units of housing to be built on another site. This helps the City of Portland to meet future housing needs of the State.
- c) By allowing additional density in multi-dwelling areas zoned R1, R2, RH, and RX. An existing incentive that allows additional density in multi-dwelling zones was expanded to

include resources classified as contributing in National Register historic districts. This provision more than triples the number of historic properties eligible to take advantage of the incentive, thus increasing housing supply and helping to provide for the housing needs of the district and region.

- d) By clarifying the importance of historic preservation within the context of housing goals for Portland. Existing regulations can in some cases require a level of housing density that can compromise a historic property's appearance, its potential redevelopment use for housing, and/or the neighboring environment. By providing additional flexibility for meeting housing density requirements, a proposed incentive gives property owners more options for developing or adaptively reusing landmarks. Properties that could benefit include larger single-dwelling residences and other building types such as schools, offices, or institutions that are located in areas zoned for multi-dwelling use. Allowing minimum density requirements to be waived will help maintain these buildings' historic attributes and promote new options for meeting housing needs.

- 21. Goal 12, Transportation, requires provision of a safe, convenient, and economic transportation system. The amendments support this goal because they maintain the quality of the existing transportation system by not placing additional strain on it. For example, because historic resources are often at least 50 years old and because they

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generally are located in Portland's older inner-city neighborhoods and business areas, new transportation services and facilities do not have to be established. They are already in place, with the existing transportation system capable of supporting existing historic development. See also findings for Portland *Comprehensive Plan* Goal 6, Transportation, and its related policies and objectives.

- 22. Goal 13, Energy Conservation, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments support this goal in the following ways:

- a. By requiring demolition review for individually listed National Register properties and contributing resources in historic districts, the amendments encourage the preservation of historic resources. This conserves energy because the demolition of historic resources (and construction of replacement buildings) would consume a substantial amount of energy.
- b. Historic resources are often at least 50 years old, and they generally are located in Portland's older, inner-city neighborhoods and business areas. As such, physical and operational services for historic resources do not have to be established. They are already in place, with existing water, sewer, transit, street.

and park systems capable of supporting existing historical development.

- c. By encouraging the preservation and reuse of historic resources in the City many of which are well-served by transit, the amendments support the existing regional mass transit system and promote transit-oriented development, thereby supporting energy conservation goals.
23. Goal 14, Urbanization, requires provision of an orderly and efficient transition of rural lands to urban use. The amendments support this goal in the following ways:
- a. By facilitating preservation and rehabilitation of existing buildings and infrastructure, the amendments reduce the potential need for conversion of rural lands to urban uses.
 - b. By encouraging reinvestment in the public's largest capital asset—the existing building stock—the amendments contribute to the health and vitality of Portland's neighborhoods.

See also findings for Portland *Comprehensive Plan* Goal 2, Urban Development, and its related policies and objectives.

Metro Urban Growth Management Functional Plan Findings

24. Title 1, Requirements for Housing and Employment Accommodation, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The

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amendments are not inconsistent with this title as shown in the findings below. In addition, Portland Comprehensive Plan findings on Goals 4 and 5, Housing and Economic Development, and State Goals 9 and 10, Economic Development and Housing also support this goal.

- a. The amendments increase the housing potential in the City of Portland as follows. First, by allowing buildings in multi-dwelling areas zoned RH (High Density Residential) to transfer unused residential development potential to another similarly zoned site or to areas zoned RX (Central Residential) or EX (Central Employment). This incentive promotes preservation of historic properties that are not built to the maximum housing potential for the site while permitting the allowed additional units of housing to be built on another site. Second, the amendments increase housing potential by allowing additional density in multi-dwelling areas zoned R1, R2, RH, and RX. An existing incentive that allows additional density in multi-dwelling zones was expanded to include resources classified as contributing in National Register historic districts. This provision more than triples the number of historic properties eligible to take advantage of the incentive.
- b. Buildings that are listed in the National Register of Historic Places, locally designated Historic Landmarks, Conservation Landmarks, and Contributing properties in National Register Historic Districts are eligible to receive a number of new incentives under the amendments. Totalling less than 1,800 properties, this represents less than one percent of the buildings in the City of Portland.

- c. One new incentive facilitates reuse and renovation of historic resources in the R1, R2, and RH zones by allowing non-residential uses that are better suited to the building type (for example, community centers and meeting halls). This incentive is available only to historic structures whose last legal use was other than residential. This prevents conversion of existing housing to non residential use. Less than 50 properties are estimated to be eligible to use this incentive.
- d. Another new incentive proposed for historic properties waives minimum housing density requirements. The purpose of this incentive is to provide additional building configuration options for historic properties. Many of the affected properties (for example, very large single-family residences) were not designed to accommodate the number of housing units required under base zone regulations. This incentive is designed to facilitate development options that also preserve the architectural character of these significant historic buildings. The estimated number of all affected historic properties is approximately 700. However, of that number only a fraction are potentially able to take advantage of the incentive due to size and building type limitations.
- e. In February 2004, Metro again determined that the city is in conformance with Metro Title 1. The city's housing capacity is approximately 75,078 units, exceeding the target capacity of 70,704 units for the year 2017, according to Portland's February 1999 Functional Plan Compliance Report.

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- 25. Title 2 of the Functional Plan regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to the amount of parking permitted by use for jurisdictions in the region. A proposed incentive would apply the slightly increase maximum parking ratios for National Register properties in the Central City. This will not increase the size of the available "Preservation Parking Pool," but could result in a slight increase in the rate at which the pool is used up.
- 26. Title 3 of the Functional Plan protects the beneficial uses and functional values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to water quality and flood management conservation. Therefore, they do not affect the City's ability to meet Title 3.
- 27. Title 4 of the Functional Plan ensures that there is supportive retail development in Employment and Industrial areas, but it protects these areas from having retail that serves a larger market area. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to retail in employment and industrial areas. New allowances for increased flexibility for office and retail uses in National Register properties in Central City industrial zones increases opportunities for high density employment uses in the Central City Plan District. Retail uses larger than 12,000 square feet per site are prohibited, while larger office uses are allowed through a conditional use.
- 21. **Title 7** of the Functional Plan relates to Affordable Housing and recommends that local jurisdictions implement tools to facilitate development of affordable housing. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to affordable housing. The zoning incentives may in some instances help create opportunities for affordable housing by making rehabilitation of historic residential structures, or conversion of non-residential structures easier and less costly. Therefore, they do not affect the City's ability to meet Title 7.

Portland *Comprehensive Plan* Goals Findings

22. **Policy 1.1, Urban Growth Boundary**, calls for supporting the concept of an **Urban Growth Boundary** for the Portland Metropolitan area. The amendments support this policy because they promote greater efficiency in utilizing urban lands through incentives such as increased opportunities for transfer of development rights and increased flexibility for commercial uses in Central City industrial areas. By promoting higher density development within the City, the pressure to expand the Urban Growth Boundary is lessened.
23. **Policy 1.5, Compliance with Future Metro Planning Efforts**, calls for the review and update of Portland's *Comprehensive Plan* to comply with the *Regional Framework Plan*

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adopted by Metro. The amendments support this policy because, although the *Regional Framework Plan* does not address planning for historic resources, it does call for increased density throughout Portland. Preservation of significant historic resources maintains community character. Preserving an area's character is essential in order for residents to accept growth and higher density within their community. Therefore, the amendments contribute to the City's ability to comply with the *Regional Framework Plan*.

24. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because they encourage the retention of the character of established residential neighborhoods and business centers by promoting the preservation of existing housing and commercial stock. Preserving the city's historic resources enhances the city's unique urban character and identity and thus reinforces Portland as the center of the region.
25. **Policy 2.1, Population Growth**, calls for accommodating the projected increase in city households. The amendments support this policy because they contribute to the health and vitality of Portland's neighborhoods by encouraging reinvestment in the public's largest capital asset—the existing building stock. See also findings for *Statewide Planning Goal*, Goal 14, Urbanization.
26. **Policy 2.2, Urban Diversity**, calls for promotion of a range of living environments and employment opportunities for Portland residents. The amendments support this policy because mixed-use development increases the diversity and number of housing units available in the small-scale commercial centers of Portland's neighborhoods, and the amendments encourage the preservation of such development, often found in Portland's historic areas. Generally developed during the Streetcar Era, the city's historic areas are characterized by mixed-use developments with residential units that are an integral part of neighborhoods, serving as commercial and mixed-use centers and readily accessible by public transit. Preserving historic resources enhances the city's unique and diverse urban character and identity and adds to the range of built environment and neighborhood choices available to citizens.
27. **Policy 2.6, Open Space**, calls for providing opportunities for recreation and visual relief by preserving Portland's parks, golf courses, trails, parkways, and cemeteries. The amendments are consistent with this policy because they promote preservation of the historic and cultural resources of the City, which include parks and other open spaces.

28. Policy 2.9, Residential Neighborhoods, calls for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. The amendments support this policy because they include incentives that promote preservation of existing historic buildings that often anchor and help define a neighborhood. The adaptive reuse and/or restoration of historic properties also encourage reinvestment in the neighborhood by adjacent property owners.

Additionally, the amendments include a provision requiring demolition review for all individually listed National Register- properties, and structures listed as Contributing in Historic Districts. Because seventy percent of the City's Historic Districts fall within residentially zoned land, the amendments will help protect the historic character of such residential areas by requiring a higher level of review that provides more opportunity for public input. Preserving historic resources enhances the city's unique and diverse urban character and identity and adds to the range of built environment and neighborhood choices available to citizens.

29. Policy 2.10, Downtown Portland, reinforces the downtown's position as the principal commercial, service, cultural, and high density housing center in the City and region. The amendments support this policy in the following ways:
- a. The amendments reinforce the civic and historic character of the Downtown by encouraging the preservation of buildings that are significant to the commercial and cultural history of the City. Many significant historic buildings are located in Downtown Portland and contribute to its rich urban character and identity as the region's commercial and cultural center. By applying demolition review on those properties, and providing incentives that support their preservation, the amendments support maintaining Downtown as the heart of the city and region.
 - b. By encouraging reinvestment in the public's largest capital asset—the existing building stock—the incentives support the preservation of defining elements of Downtown's character. For example, FAR and residential density transfer support retaining and reusing existing historic buildings and parking ratio amendments provide the potential for creative parking solutions to serve existing under-parked buildings that compete for tenants with newer developments.
30. Policy 2.15, Living Closer to Work, calls for locating greater residential densities near major employment centers. The amendments support this policy because they provide new incentives for owners to preserve and maintain their significant historic properties, including residential buildings and other properties that are suitable for conversion to residential use. The preservation of historic resources within the City creates areas that attract development, thus contributing to the economic health and vitality of the City.
31. Policy **2.16, Strip Development**, calls for discouraging the development of new strip commercial areas and focusing future activity in such areas to create a more clustered pattern of commercial development. The amendments support this policy by encouraging the preservation or reuse of buildings in established commercial areas, thereby promoting greater efficiency in the utilization of urban lands.
32. Policy 2.21., Existing **Housing** Stock, calls for providing for full utilization of larger single-dwelling homes with conditions that preserve the character of the neighborhood and prevent speculation. The amendments support this policy by applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in

housing. Approximately 80 percent of the City's historic resources fall within residentially zoned land, and this amendment promotes the retention of existing housing stock in such areas.

33. Policy 2.24, Central **City Plan**, calls for continued investment within Portland's Central City while enhancing its attractiveness for work, recreation, and living. The amendments support this policy in the following ways:
 - a. By enhancing incentives for owners to preserve and maintain their significant historic properties in the Central City. The preservation of historic resources within the Central City creates areas that attract development and provide a sense of continuity with and pride in Portland's history. This sense of history fosters attractive development for offices, shopping, and dining, thus contributing to the health and vitality of the Central City. The incentives will also help encourage other property owners to seek historic designation and thus contribute over time to the preservation of the Central City's urban character and identity.
 - b. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in National Register-listed Historic Districts, the amendments encourage the conservation of existing sound building stock, including housing options and the region's most significant concentration of historic commercial structures.
34. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments support this goal in the following ways:
 - a. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in National Register-listed Historic Districts, the amendments reinforce the stability and diversity of Portland's neighborhoods, by helping to ensure diversity and continuity of the built environment over time.
 - b. By encouraging reinvestment in the public's largest capital asset—the existing building stock—the amendments contribute to the health and vitality of Portland's neighborhoods. For example, waiver of housing density requirements and expanded residential density transfer options help retain existing housing stock and provide new alternatives for adaptive reuse developments that include housing, which encourages the revitalization of neighborhoods.
35. **Policy 3.4, Historic Preservation**, calls for the preservation and retention of historic structures and areas throughout the city. The amendments support and directly implement this policy in the following ways:
 - a. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in National Register-listed Historic Districts, the amendments help ensure the preservation and retention of significant historic structures throughout the city. The demolition review process will ensure

that a thoughtful public process and an adequate exploration of alternatives to demolition are pursued prior to the destruction of the city's most cherished structures. Demolition review will also allow for actions that mitigate for the loss of the resource, such as photographic documentation or preservation of a facade, when demolition or partial demolition is determined to be appropriate. Demolition review with the authority to deny or condition approval of demolition has been identified as standard best preservation practice in hundreds of jurisdictions across the country.

- b. The new and amended preservation incentives increase the options available to property owners for retaining and reusing existing historic structures. They also encourage other property owners to seek formal historic designation, thus helping to ensure diversity and continuity of the built environment over time, as well as providing tangible links between citizens and their collective past.
36. Policy 3.5, Neighborhood Involvement, provides for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood. The amendments support this policy by creating a demolition review process for an increased number of historic resources. Demolition review will include notification of nearby property owners and affected neighborhood associations and will allow for direct public input into the decision-making process.
37. Goal 4, Housing, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they provide incentives for owners to preserve and maintain their significant historic residential properties. They also provide increased options for redevelopment of older buildings that retain or increase housing. As density increases over time and new development occurs, the retention of older residential structures helps ensure a diversity of residential and lifestyle options as well as supporting visually rich and livable neighborhoods. See also the findings for *Statewide Planning Goal, Goal 10, Housing* and for Metro Title 1.
38. **Policy 4.3, Sustainable Housing**, calls for encouraging housing that supports sustainable **development patterns by promoting the efficient use of land, conservation of** natural resources, easy access to public transit **and other efficient modes of transportation, easy** access to services and parks, resource-efficient design and construction, and the use of renewable energy resources. The amendments support this policy in the following ways:
- a. By providing options for residential density transfer and additional use flexibility, the amendments support reinvestment in the existing building stock which supports land conservation and an efficient land use pattern.
 - b. By allowing additional density in multi-dwelling areas zoned R1, R2, RH, and RX, the amendments expanded the number of eligible properties to buildings classified as contributing in National Register historic districts. This **provision more** than triples the number of historic properties eligible to take advantage of the incentive, thus

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increasing housing supply and helping provide for the housing needs of current and future households.

- c. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in Historic Districts, the amendments encourage the preservation of historic resources, which conserves natural resources since the demolition of historic resources and any new development on a given site would consume a substantial amount of energy.
39. Policy 4.5, Housing Conservation, calls for restoring, rehabilitating, and conserving existing sound housing as one method of maintaining housing as a physical asset that contributes to an area's desired character. The amendments support and directly implement this policy in the following ways:
- a. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in Historic Districts, the amendments encourage the conservation of extant housing and encourage its rehabilitation. Approximately 80 percent of the City's historic resources fall within residentially zoned land.
 - b. By encouraging reinvestment in historic buildings, the amendments support the enhancement of neighborhood character and identity. The incentives for housing density allowances and residential density transfer provide options for retaining and reusing existing housing stock.
40. Goal 5, Economic Development, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because they enhance incentives that encourage preservation of historic resources within the City. This enhances urban character and creates areas that attract development, thereby stimulating the economic health of those areas. In addition, historic resources can be marketed as tourist attractions, which supports the city's economic development. See also findings for *Statewide Planning Goal, Goal 9, Economic Development*.
41. Policy 5.1, Urban Development **and** Revitalization, calls for encouraging investment in the development, redevelopment, rehabilitation, and adaptive reuse of urban land and buildings for employment and housing opportunities. The amendments support this policy because they reinforce incentives for owners to preserve and maintain their historic resources. The preservation of historic resources creates areas that attract housing development and employment opportunities. The amended demolition review process and new and enhanced preservation incentives will encourage development scenarios that include building rehabilitation and adaptive reuse of existing buildings.
42. Objective E, calls for defining and developing Portland's cultural, historic, recreational, educational, and environmental assets as important marketing and image-building tools of the city's business districts and neighborhoods. The amendments support and directly implement this objective because they promote the preservation of Portland's historic
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- resources, thereby maintaining and enhancing the character of the neighborhoods and areas in which they are located and thus enhancing the distinctive public image of those areas. In addition, historic resources can be marketed as tourist attractions, which supports the city's economic development.
43. **Policy 5.6, Area Character and Identity Within Designated Commercial Areas**, calls for the

promotion and enhancement of the special character and identity of Portland's designated commercial areas. Insofar as designated Historic Districts encompass commercial areas, the amendments support this policy because they include a provision that raises the level of review for the demolition of contributing structures in Historic Districts. This amendment provides greater protection of the special character and identity of commercial areas that fall within Portland's Historic Districts. In addition many individually listed historic resources often serve as center pieces or landmarks in the city's commercial areas. By requiring a public review process prior to their demolition and by increasing incentives that help preserve and rehabilitate these resources the amendments will enhance and preserve character-defining buildings that anchor many commercial districts.

44. Objective E, calls for working with local businesses, neighbors, and property owners, as well as City-recognized business and neighborhood associations, to identify and designate historical landmarks, Historic Districts, and Historic Conservation Districts within commercial areas. The amendments support this objective because demolition review requires the notification of affected nearby property owners, as well as City-recognized business and neighborhood associations. Thus, stakeholders are involved in the process of reviewing applications for demolition and thus have the opportunity to help preserve significant historic resources located within commercial areas. By strengthening the City's preservation program overall, and by tying historic designation to stronger protections as well as increased flexibility for redevelopment through the use of incentives, the amendments will also encourage citizen's to identify and designate new landmarks and historic districts as well.
45. **Policy 5.8, Diversity and Identity in Industrial Areas**, calls for the protection of a variety of efficient, safe, and attractive industrial sanctuary and mixed employment areas in Portland. The amendments support this policy because they provide a new incentive
- that allows increased flexibility for commercial uses in designated resources in **Central City industrial areas, where smaller** and older industrial buildings that are functionally obsolete for many modern industrial applications have resulted in less than optimal utilization of the building stock. The amendments will provide new options for use of existing buildings with employment-dense businesses that are consistent with the desired character of the city's inner city industrial areas and that support a diversity of building configurations and locational needs. Allowing flexibility in use will help ensure diverse and adaptable inner-city industrial areas, while the narrow scope of the amendments (National Register and Contributing buildings in historic districts), conditional use review requirements and development standards will ensure that these activities will be compatible with the surrounding area.

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46. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments support this goal because by supporting preservation and reuse of existing historic buildings, many of which are in the transit-rich Central City and along main streets, they support an efficient development pattern that concentrates development in areas with existing transportation infrastructure and transit service. For example, because historic resources are often at least fifty years old and because they tend to be located in Portland's inner-city neighborhoods and business areas, new transit services do not have to be established. They are already in place, with the existing transportation system capable of supporting extant historic development. In this way, the amendments help promote efficient movement of people and goods while preserving neighborhood livability. See also findings for *Statewide Planning Goals*, Goal 12, Transportation.

47. Policy 6.12, Regional and City Travel Patterns calls for supporting the use of the street system consistent with its state, regional, and city classifications and its classification descriptions. The amendments support this policy because they encourage the preservation of older development along traditional transit corridors, established business centers, and pedestrian districts, which thus supporting the existing transportation system and classification scheme.
 48. Policy 6.17, Coordinate Land Use and Transportation, calls for implementing the *Comprehensive Plan* Map and the 2040 Growth Concept through long-range transportation and land use planning and the development of efficient and effective transportation projects and programs. The amendments support this policy by strengthening and encouraging the preservation of historic buildings in mixed-use centers and along main streets, which creates an urban form conducive to an interconnected transportation network of transit, walking, and bicycling.
 49. **Policy 6.18, Adequacy of Transportation Facilities**, calls for ensuring that amendments to the *Comprehensive Plan* and use regulations are consistent with the identified function and capacity of affected transportation facilities. The amendments are consistent with this policy by strengthening and encouraging the preservation of historic buildings which by definition are already existing, and thus have been accounted for in long-range transportation planning.
 50. **Policy 6.19, Transit-Oriented Development**, calls for reinforcing the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers. The amendments support this policy by strengthening and encouraging the preservation of historic buildings in mixed-use centers and along main streets, which supports the transit network. The preservation incentives, such as the allowances for increased commercial uses in Central City industrial areas will provide redevelopment options that more efficiently use existing buildings in areas well-served by transit
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51. **Policy 6.22, Pedestrian Transportation**, calls for planning for, and completion of, a pedestrian network that increases the opportunities for walking to shopping and services, institutional and recreational destinations, employment, and transit. The amendments support this policy because they strengthen and encourage the preservation of historic mixed-use centers, thereby creating an urban form conducive to an interconnected transportation network of transit, walking, and bicycling.
 52. **Policy 6.27, Off-Street Parking** calls for regulating off-street parking to promote good urban form and the vitality of commercial and employment areas. The amendments are consistent with this policy because they amend parking ratios for historic resources in the Central City in such a way that historic buildings may creatively solve parking deficiencies and thereby maintain their competitiveness with new development, without increasing the overall supply of "preservation parking" in the parking pool.
 53. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. The amendments support this goal because they encourage the preservation of historic resources, which would maintain the quality of Portland's air, water, and land resources by not placing additional strain on the existing infrastructure. For example, because historic resources are often at least fifty years old and because they tend to be located in Portland's older, inner-city neighborhoods and business areas new physical and operational services do not have to be established. They are already

in place, with existing transit, sewer, water, and park systems capable of supporting existing development.

54. **Policy 8.4, Ride Sharing, Bicycling, Walking, and Transit**, calls for promoting the use of alternative modes of transportation such as ridesharing, bicycling, walking, and transit throughout the metropolitan area. The amendments support this policy because they strengthen and encourage the preservation of historic mixed-use centers, thereby creating an urban form conducive to an interconnected transportation network of transit, walking, and bicycling.
55. **Policy 8.14, Natural Resources**, calls for conserving significant natural and scenic resource sites and values through a combination of programs which involve zoning and other land use controls, purchase, preservation, intergovernmental coordination, conservation, and mitigation. The amendments support this policy by augmenting regulations that protect lands with sites, structures, and objects of local, state, regional, or national historical significance. They also enhance the ability of property owners to preserve and rehabilitate historic properties, thereby reducing demolition and total redevelopment and the attendant use of resources such as wood and other construction materials.
56. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for **citizen involvement** in the land use decision-making process. The amendments support this **goal for the reasons found** in the findings for Statewide Planning Goal 1, Citizen Involvement.

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57. **Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures**, requires that all proposed amendments to implementing ordinances be reviewed by the Planning Commission prior to action by the City Council. The amendments comply with the policy because the Planning Commission held three public hearings on the HRCAP Phase I proposals and recommended that City Council consider clear policies and regulations to provide historic resources with stronger protection from threats of demolition. With adoption of the Phase I amendments in 2002, City Council directed the Bureau of Planning to extend demolition review to more historic resources, create new incentives that promote preservation, and to return to City Council (Resolution No. 36076 May 29, 2002).
58. **Policy 10.9, Land Use Approval Criteria and Decisions**, requires that the approval criteria that are stated with a specific land use review reflect the findings that must be made to approve the request. The amendments support this policy because new demolition review procedure includes clearly stated criteria that form the basis for decisions on demolition applications.
59. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments support this policy because they augment and clarify existing historic preservation regulations in a clear and concise way.
60. **Objective B**, calls for assuring good administration of land use regulations by: keeping regulations simple; using clear and objective standards where ever possible; maintaining consistent procedures and limiting their number; establishing specific approval criteria for all land use reviews; emphasizing administrative procedures for land use reviews; and avoiding overlapping reviews. The amendments support this objective by specifying a clear procedure for demolition review with specific standards and approval criteria thus helping assure good

administration of land use regulations. Historic preservation incentives language has also been clarified.

61. Goal 11F, Parks and Recreation, calls for maximizing the quality, safety and usability of parklands and facilities through the efficient maintenance and operation of park improvements, preservation of parks and open space, and equitable allocation of active and passive recreation opportunities for the citizens of Portland. The amendments are consistent with this goal because they include a provision that establishes the highest level of review for the demolition of Historic Landmarks that are individually listed in the National Register and contributing resources in Historic Districts. These resources include several of Portland's parks and recreational facilities.
62. Goal 12, Urban Design, calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments support this goal in the following ways:

- a. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in Historic Districts, the

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amendments call for the preservation and retention of historic structures throughout the city. Many of these resources are significant to the commercial and cultural history of the City and contribute to its rich urban character.

- b. By encouraging reinvestment in the public's largest capital asset—the existing building stock—the amendments contribute to the health, vitality and urban character of the City. The new zoning incentives provide options for retaining and reusing existing historic buildings that help define the City's urban character and architectural legacy.

65. **Policy 12.1, Portland's Character**, calls for enhancing and extending Portland's attractive identity. The amendments support this policy because they add both protective measures and incentives to regulations affecting Portland's significant historic resources. Insofar as these resources contribute to the City's character and identity, preserving them will help implement this goal.
66. **Policy 12.3, Historic Preservation**, calls for enhancing the City's identity through the protection of Portland's significant historic resources. The amendments support and directly implement this policy because they add both protective measures and incentives to regulations affecting Portland's significant historic resources.
67. **Objective C**, calls for maintaining a process that creates opportunities for those interested in the preservation of Portland's significant historic resources to participate in the review of development projects that propose to alter or remove historic resources. The amendments support this objective by applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in Historic Districts. The process provides those interested in the preservation of Portland's
- significant historic resources an opportunity to participate and identify redevelopment solutions that preserve the resource or mitigate for its loss.
68. **Objective E**, calls for protecting potentially significant historic structures from demolition until the City can determine the significance of the structure and explore alternatives to demolition. The amendments support this objective by applying demolition review to Historic Landmarks

that are individually listed in the National Register and contributing resources in Historic Districts, thus encouraging the exploration of alternatives to demolition and/or actions that could mitigate for the loss.

69. Policy 12.6, Preserve Neighborhoods, calls for preserving and supporting the qualities of individual neighborhoods that help to make them attractive places. The amendments support this policy in the following ways:

- a. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in Historic Districts, the amendments reinforce the stability and diversity of Portland's neighborhoods and protect historic structures that anchor and define the built environment of neighborhoods.
- b. By encouraging reinvestment in the public's largest capital asset - the existing building stock - the amendments contribute to the health and vitality of Portland's neighborhoods. The new zoning incentives provide options for retaining and reusing

existing historic buildings that help define the neighborhood character and urban fabric.

Central City Plan Findings

70. Portland City Council adopted the ***Central City Plan*** in 1988 and portions of the plan have been updated since that time.

The *Historic Resources Code Amendments* are limited in scope. The proposed amendments focus on two areas: adding to incentives available to historic resources, and strengthening existing demolition review regulations to protect more historic resources. Incentives include, but are not limited to, increased flexibility for commercial uses in Central City industrial zones. Those incentives are limited to industrial zones in the Central City in order to more strictly preserve land in the City's other industrial areas, such as the Columbia Corridor, for "hard" industrial uses and because the majority of the designated historic properties in industrial areas are within the Central City. The increased flexibility for commercial uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The allowances facilitate preservation and reuse of these structures and thus help preserve and enhance the economic vitality and diverse urban character of the Central City.

71. Policy 1, Economic Development, calls for building upon the Central City as the economic heart of the region and guiding the Central City's growth to foster the city's prosperity and livability. The amendments support this policy because they provide new incentives for owners to preserve and maintain their significant historic properties. The preservation of historic resources within the Central City creates areas that attract development, thereby stimulating a positive business climate and economic health. Increased flexibility for commercial uses in Central City industrial zones and amended maximum parking ratios will help property owners and businesses to preserve and rehabilitate their buildings and compete more effectively with new development. See also findings for Portland *Comprehensive Plan* Goal 9, Economic Development.

72. Policy 3, Housing, calls for maintaining the Central City's status as Oregon's principal high density housing area by keeping housing production in pace with new job creation

The amendments support this policy in the following ways:

- a. By encouraging reinvestment in the existing building stock with incentives that make it more economically feasible to retain historic buildings that are appropriate for housing.
- b. By allowing additional density in multi-dwelling areas zoned R1, R2, RH, and RX. An existing incentive that allows additional density in multi-dwelling zones was expanded to include resources classified as contributing in National Register historic districts. This provision more than triples the number of historic properties eligible to

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take advantage of the incentive, thus increasing housing supply and helping provide for the housing needs of current and future households.

- c. By allowing buildings in multi-dwelling areas zoned RH (High Density Residential) to transfer unused residential development potential to another similarly zoned site or to areas zoned RX (Central Residential) or EX (Central Employment). This incentive promotes the preservation of historic properties which are not built to the maximum housing potential for the site while permitting the allowed additional units of housing to be built on another site. This helps the City of Portland to meet future housing needs of the State.
 - d. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in Historic Districts, the amendments encourage the conservation of extant sound housing since approximately 80 percent of the City's historic resources are located within residentially zoned land.
73. Policy 4, Transportation, calls for improving accessibility to the Central City from the rest of the region, and to extend the Central City's ability to accommodate growth. This policy also calls for extending the light rail system, as well as actions that will maintain and improve other forms of transit and the street and highway system, while preserving
- and enhancing the city's livability. The amendments are consistent with this goal because they do not place additional strains on the existing transportation system. For example, because historic resources are at least 50 years old and because they are generally located in Portland's inner-city neighborhoods and business areas, new transportation services and facilities do not have to be established. They are already in place, with the existing transportation system capable of supporting extant historic development. In this way, the amendments help promote efficient movement of people and goods while preserving neighborhood livability. See also findings for Portland *Comprehensive Plan* Goal 6, Transportation.
74. Policy 11, Historic Preservation, calls for preserving and enhancing the historically and architecturally important buildings and places and promoting the creation of our own legacy of the future. The amendments support this policy in the following ways:
- a. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in Historic Districts, the amendments support the preservation and retention of historic structures and districts and provide for a public review process prior to the demolition of Central City historic resources.
 - b. By encouraging reinvestment in the public's largest capital asset—the existing building stock—the amendments contribute to the health and vitality of Portland's neighborhoods. The new zoning incentives provide options for retaining and reusing existing historic buildings that help define the Central City's character and identity.

See also findings for Portland *Comprehensive Plan* Goal 12, Urban Design, and its related policies and objectives.

75. **Policy 12, Urban Design**, calls for enhancing the Central City as a livable, walkable area that focuses on the Willamette River and captures the glitter and excitement of city living. The amendments are consistent with this policy in the following ways:
- a. By applying demolition review to Historic Landmarks that are individually listed in the National Register and contributing resources in Historic Districts, the amendments support the preservation of historic structures and districts, many of which are significant to the commercial and cultural history of the Central City and contribute to its urban character.
 - b. By encouraging reinvestment in the existing building stock, the amendments contribute to the health and vitality of the City. The new zoning incentives provide options for retaining and reusing the historic buildings that help define the Central City's urban character, livability, and architectural legacy.
63. **Policy 18: Lower Albina**, calls for strengthening the economic development of the district as an industrial employment area while preserving its historic buildings and providing a connection for pedestrians to the Willamette River. This amendments support this policy in the following ways:
- a. By allowing more conditional and by-right uses for National Register properties in industrial zones, including Lower Albina. This incentive adds increased flexibility for office and retail uses and thus additional redevelopment and business options. New Conditional Use approval criteria facilitate siting office uses in historic buildings, while ensuring they will not significantly impact the transportation system, nearby industrial uses or alter the overall industrial character of the area. Greater utilization of existing properties supports more efficient use of current infrastructure and attracts new investment.
 - b. By providing incentives that encourage the adaptive reuse and/or restoration of historic properties, the amendments promote reinvestment in the neighborhood by adjacent property owners, thus helping to attract new development and stimulating the economic health of the area.

See also the findings for *Comprehensive Plan* Policy 5.8, Diversity and Identity in Industrial Areas.

64. **Policy 20: Central Eastside**, calls for strengthening the economic development of the district as an industrial employment area while preserving its historic buildings and providing a connection for pedestrians to the Willamette River. This amendments support this policy in the following ways:
- a. By allowing more conditional and by-right uses for National Register properties in industrial zones, including Lower Albina. This incentive adds increased flexibility for office and retail uses and thus additional redevelopment and business options. New
 - Conditional Use approval criteria facilitate siting office uses in historic buildings, while ensuring they will not significantly impact the transportation system, nearby

industrial uses or alter the overall industrial character of the area. Greater utilization of existing properties supports more efficient use of current infrastructure and attracts new investment.

- b. By providing incentives that encourage the adaptive reuse and/or restoration of historic properties, the amendments promote reinvestment in the neighborhood by adjacent property owners, thus helping to attract new development and stimulating the economic health of the area.

See also the findings for *Comprehensive Plan* Policy 5.8, Diversity and Identity in Industrial Areas.

65. **Central City Transportation Management Plan.** Portland City Council adopted the *Central City Transportation Management Plan (CCTMP)*, in September 1995 to promote economic vitality, livability, and environmental quality in the Central City. The policy most clearly pertinent to the proposed amendments relates to parking.
66. **Policy 4: Parking,** calls for managing the supply of off- and on-street parking to improve mobility, support economic development, promote the use of alternative modes, and minimize impacts on adjacent neighborhoods. The regulations of the CCTMP allocate fewer “preservation parking” spaces in five of the seven downtown sectors. This means that parking allocations for existing buildings, including National Register properties, are lower than for the new buildings that compete with them for tenants. The amendments are consistent with this policy in that they address an existing imbalance in the current regulations by creating parity between resources listed in the National Register and new development. Affecting only National Register properties, this change will not add to the preservation parking pool, although use of the available parking in the pool may occur at a slightly faster rate.

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NOW, THEREFORE, the Council directs:

- a. Exhibit A, the *Bureau of Planning Recommended Historic Resources Code Amendments Phase 2* report and its appendices, dated July 16, 2004, revised September 15, 2004, and as amended by Exhibit B, are hereby adopted. Exhibits A and B are attached to and incorporated into this Ordinance.
- b. Title 33, Planning and Zoning of the Code of the City of Portland, Oregon, is amended as shown in Appendix D of Exhibit A, as amended in Exhibit B.
- c. A new Type IV Demolition Review procedure is established for applications for demolition of historic resources that are: individually listed in the National Register; contributing resources in Historic Districts; resources that have taken advantage of an incentive for historic preservation; and/or resources that have a preservation agreement. The specific amount of the fee is to be set by the Bureau of Developments Services (BDS).

d. The commentary in Exhibits A and B is adopted as legislative intent and as further findings;

Section 2. The Council declares that an emergency exists because important and irreplaceable historic resources may be lost unless the new incentives and demolition review provisions of this ordinance become effective immediately; therefore, this ordinance shall be in full force and effect from and after its date of passage.

Passed by the Council, OCT 2 12004

GARY BLACKMER

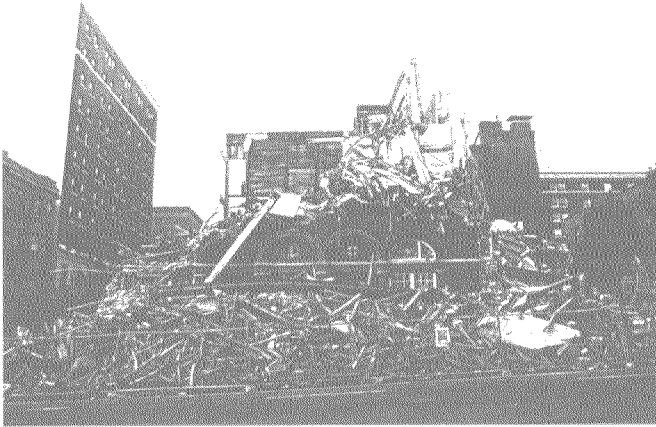
of the City of Portland

By

Auditor

Deputy

Mayor Vera Katz
Nicholas Starin
October 20, 2004



Historic Resources Code Amendments Phase 2

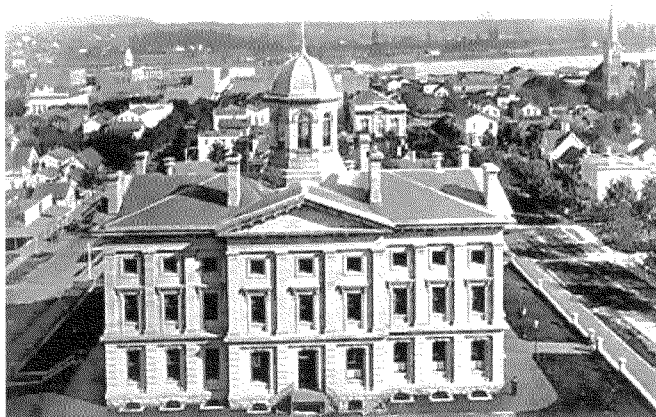


Exhibit A

**Bureau of Planning
Recommended Draft**

July 16, 2004

(Appendix D Revised September 15, 2004)



CITY OF PORTLAND, OREGON
BUREAU OF
Planning

EXISTING INCENTIVES FOR HISTORIC RESOURCES

Incentives for historic resources are designed to encourage the use, renovation, and protection of historic resources. Some incentives make preservation more attractive to property owners by allowing flexibility in how the property may be used. They can also provide economic opportunities. Finally, incentives provide a wider benefit to communities and neighborhoods by encouraging preservation activities, encouraging new listings, and stimulating economic development.

Access to incentives depends on a resource's status. For example, all resources individually listed in the National Register of Historic Places have access to state and local preservation incentives. Many properties located in historic districts also have access to such incentives. Grants and loans are available to projects that qualify in target areas, such as urban renewal areas. Information about the historic status of resources is available online at www.portlandmaps.com and by calling Liza Mickle with the Bureau of Planning Bureau at 503-823-7666.

This report provides general information about several existing incentives for historic resources. It is divided into three sections: regulatory incentives, financial incentives, and procedural incentives.

REGULATORY INCENTIVES

The Portland Zoning Code encourages preservation of National Register properties and Historic and Conservation Landmarks by offering zoning incentives that loosen some zoning restrictions.

Most of the following incentives can be found in the *Zoning Code* in Chapter 33.445, Historic Resource Protection Overlay Zone, which specifically addresses historic resources. Additional incentives are in Chapter 33.140, Employment and Industrial Zones; Chapter 33.510, Central City Plan District; and Chapter 33.531, Guild's Lake Industrial Sanctuary Plan District.

For additional information about these incentives, contact Liza Mickle at the Bureau of Planning (503-823-7666). The *Zoning Code* chapters and specific regulations can also be viewed online at www.planning.ci.portland.or.us

BUILDING CODE "FLEX" GUIDE

Note: This guide is provided for informational purposes only. Readers who have suggestions for improvements or revisions are encouraged to contact the Bureau of Development Services (BDS). Any proposed revisions would be required to follow the BDS process for such changes. For more information, contact Lori Lee Graham at 503-823-3448.



TOPIC: Fire and Life-Safety Guide for Existing Buildings (FLEX Guide)-UBC/1/#1

CODE: Structural Specialty Code: 1998 Edition

REVISED: July 15, 2004

REFERENCE: Section 104.2.8 and Various – Structural Specialty Code

SUBJECT: Alternate Design, Methods and Materials of Construction for Existing and Historic Buildings

QUESTION: Are there alternate design, methods and materials of construction that are deemed to meet the intent of the code and provide an acceptable, equivalent level of fire and life safety in existing and historic buildings?

RESPONSE: The modification of existing buildings always creates unique challenges. Quite often the application of the Oregon Structural Specialty Code (OSSC) provisions for new construction do not practically address the unique circumstances of existing buildings. However, under Sections 104.2.7 and Section 104.2.8 of the OSSC, the building official may approve modifications or alternate methods of construction that meet the intent of the OSSC.

Appendix B

PORTLAND DEVELOPMENT COMMISSION INCENTIVES

This section outlines new financial incentives for historic preservation attained through amendments to the Portland Development Commission's Seismic Loan and Development Opportunities Services programs. For more information on these incentives contact Ross Plambeck, 823-3226.

Appendix C

Seismic & National Register Loan Program

The Portland Development Commission's seismic loan program is intended to upgrade the safety and use of Class B and Class C commercial buildings in the Central City.

This program will help us reach a number of Central City goals. These goals include upgrading the life-safety of B&C buildings and bringing them to more productive use; increasing the number and quality of jobs in the Central City; and encouraging private investment in older/historic buildings while preserving Portland's stock of historically designated buildings.

Buildings eligible for the program must be either unreinforced masonry (URMs) and/or properties on the National Register for Historic Places. Buildings listed on the Register will be expected to apply the 20% Federal Income Tax Credit to the sources of funds. The loan program is structured in a two step process that includes 1.) preliminary analysis to determine the magnitude of costs, potential funding gap and feasibility of the seismic improvements; and 2.) funding the "hard costs" of the actual physical seismic improvements identified in the preliminary analysis. PDC staff will assist with loan application preparation and the PDC Loan Committee will review all applications.

Proposed Additional Eligibility for Historic Buildings

Loans for buildings individually listed on the National Register of Historic Places and buildings identified as contributing in historic districts will be eligible for loan funding to include all "hard costs" of rehabilitation using the same program criteria for approval. Additional program funding is subject to PDC Board approval and amendments to the current program.

Development Opportunities Services (DOS) Program

The Portland Development Commission (PDC) has designed the Development Opportunity Services (DOS) Program for property owners in targeted neighborhoods in the city of Portland. The purpose of the DOS Program is to assist property owners (and, in some cases, tenants) with seed money and in evaluating development project feasibility by providing real estate development expertise and technical assistance. It also supports PDC goals of revitalization by bringing new development and jobs to Portland. Funding is available on a first-come-first-serve basis for specific pre-development activities prior to construction, including architectural planning studies, building inspection, engineering reports, market assessments, environmental studies and real estate financial analysis. DOS funding is only available for professional services related to planning for development and does not cover the preparation of construction drawings, permitting or any of the actual construction costs. PDC will grant one DOS project per

property. All materials produced through a DOS project are available for public review and use.

Proposed Additional Funding for Historic Buildings

Additional funding earmarked specifically for buildings individually listed on the National Register of Historic Places and buildings identified as "contributing" in historic districts listed on the Register will be eligible on a first-come-first serve basis using the same program criteria for approval. Additional program funding is subject to availability in selected urban renewal areas with PDC Board approval and amendments to the current program.

DOS Project Managers (PDC staff) assist property owners in formulating development programs, coordinating consultants' work and evaluating development feasibility.

Program Guidelines

Eligible Projects: Development projects may include rehabilitation or redevelopment of existing structures or new development on vacant land. Properties must be zoned for mixed-use or high-density housing development (single-family zoned land is not eligible). DOS applicants must have site control - ownership or an option on the property - to be eligible. Applicants will be required to incorporate community strategies and visions in their development plans. Projects must have a reasonable chance of being carried out (built) within 3-5 years to be eligible for funding. Types of projects can include commercial office/retail, mixed-use housing/commercial, or industrial - depending on the zoning and use requirements of the subject property. PDC's Development Director has final authority for projects and services eligibility.

Eligible Areas: The Development Opportunity Services (DOS) Program is applicable in some PDC urban renewal areas and target areas specified by the Bureau of Housing and Community Development. These are areas where strategies and plans are in place that meet PDC and citywide revitalization goals. Please call 503-823-3200 if you have any questions about project eligibility.

Letter of Agreement: The contract between PDC and the property owner will be in the form of a letter agreement which specifies the location of the property, the development concept, and the scope and cost of pre-development services. The agreement will also identify the terms of the contract, funding level and expiration date.

Disbursement of Funds: The property owner is responsible for paying the consultants' invoices in full. The property owner then submits a copy of the invoice(s) along with a proof of payment to PDC for reimbursement. PDC will reimburse up to 80 percent of the cost of the pre-development services (architect's fees, engineering fees, market

assessments, etc.) up to a total of \$12,000. The property owner is responsible for 20 percent of the pre-development service costs and/or any amount in-excess of PDC's contribution. Permits and fees paid to government agencies are not reimbursable.

Project Management: PDC staff work with the property owner to identify and manage pre-development consultants and evaluate development options. The property owner is the main contact with the hired consultants, however the DOS Project Manager is available for assistance on the project. All work products generated from the DOS project (including maps, financial information, electronic files) are kept on file at PDC and are open for public review.

DOS Project Steps

- Property owner submits DOS Application. If property is eligible, PDC staff meets with property owner to tour property and discuss owner's vision and goals for development. If owner's vision and goals for development meet area revitalization goals, staff drafts scope-of-work with input from property owner.
- Property owner interviews and solicits proposals from a minimum of three development consultants appropriate for their scope of work.
- Property owner selects preferred consultant(s) to complete the DOS, with assistance as needed from PDC staff.
- PDC staff prepares Letter of Agreement with property owner based on selected consultant(s) proposal; property owner finalizes contract with selected consultant(s).
- When the Letter of Agreement is approved, a kick-off meeting is scheduled with owner, PDC staff, and consultant(s) - "the team".
- Property owner works with consultant(s) to complete scope of work and schedules meetings with team to review work in progress.
- Property owner and team review work products and assess for feasibility of project implementation. After final payments and reimbursements have been made, the DOS project is closed.

RECOMMENDED ZONING CODE CHANGES

HOW TO READ THIS APPENDIX

This Appendix contains recommended changes to the historic preservation provisions of *Title 33, Planning and Zoning*. Odd-numbered pages show actual code language with the proposed changes. Language to be added is underlined. Language to be deleted is shown with a ~~strike-through~~. Even-numbered pages contain commentary on the proposed changes.

Note: This appendix contains two revisions to the July 16, 2004 draft:

1. Changes to proposed **Section 33.730.031, Type IV Procedure**, that clarify that public comments will be accepted at Historic Landmarks Commission meetings where Demolition Review requests are reviewed by the Commission and that correct technical errors. See pages D-50 through D-53
2. Changes to **Section 33.846.080, Demolition Review**, that clarify the Demolition Review approval criteria language while retaining the intent of allowing approval paths that take into account either economic hardship and/or the full spectrum of public policy goals as embodied in the *Comprehensive Plan*. In addition, the possibility of mitigation for the loss of the resource has been explicitly added as factor that may be taken into consideration. See pages D-66 and D-67.

Appendix D

DEMOLITION REVIEW

A SUMMARY OF PORTLAND'S REGULATORY HISTORY AND REGULATORY PRACTICES AND TRENDS IN OTHER CITIES



Appendix E

Historic Resources Code Amendments Phase 2

Exhibit B

**City Council Amendments
to the Bureau of Planning Recommended Draft**

October 20, 2004



**CITY OF PORTLAND, OREGON
BUREAU OF
Planning**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1054

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to Historic Preservation and Demolition in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On September 9, 2004, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1048.
- f. Since the adoption of Ordinance 1048, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibit 1 and effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Portland Zoning Code to update regulations that protect Portland's historic resources amending demolition review procedures and adopt the historic Resources Code Amendments – Phase 2 report. (PDX Ord. #178832)	10/21/04
2	Exhibit A Historic Resources Code Amendments Phase 2	9/15/04
3	Exhibit B City Council Amendments	10/20/04

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

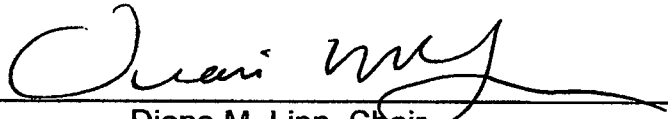
Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION:

December 2, 2004



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

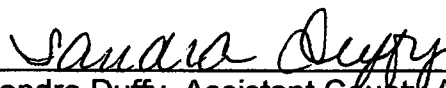
By 
Sandra Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Portland Zoning Code to update regulations that protect Portland's historic resources amending demolition review procedures and adopt the historic Resources Code Amendments – Phase 2 report.
(PDX Ord. #178832)
2. Exhibit A Historic Resources Code Amendments Phase 2
3. Exhibit B City Council Amendments

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: 12/02/04

Agenda Item #: R-6

Est. Start Time: 10:35 AM

Date Submitted: 11/08/04

Requested Date: December 2, 2004

Time Requested: 5 minutes

Department: DBCS

Division: Land Use & Transportation Program

Contact/s: Michael Phillips P.E., Interim County Engineer, x29628
Patrick Hinds P.L.S., C.W.R.E., Project Support, x83712

Phone: 503-988-3712

Ext.:

I/O Address: 455/215

Presenters: Patrick Hinds

Agenda Title: RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian and Bicyclist Bridge Over Beaver Creek in the City of Troutdale

NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.

1. What action are you requesting from the Board? What is the department/agency recommendation?

We are requesting that the Board approve the resolution authorizing the Land Use and Transportation Program to begin negotiations for the purchase of real property associated with the construction of a pedestrian bridge over Beaver Creek in the City of Troutdale and to use condemnation if necessary.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The present bridge on Historic Columbia River Highway, located in the City of Troutdale, is a narrow bridge that presents a dangerous crossing, especially for the increasing number of bicyclists and pedestrians using this bridge. The City of Troutdale operates a park adjacent to the bridge and a small portion of the City Park will be required for the proposed new bike/pedestrian bridge. The proposed bridge will reduce congestion and greatly improve safety at this crossing.

After providing extensive opportunities for public involvement and design review by citizens, Friends of Beaver Creek, Division of State Lands, Oregon Department of Fish and Wildlife, Army Corp of Engineers, State Historic Preservation Office, consultants

David Evans and Associates, the City of Troutdale, and Multnomah County Land Use and Transportation Program, a bridge design was selected that accomplishes the Land Use and Transportation Program's safety goal while maintaining the historic character of this scenic area.

3. Explain the fiscal impact (current year and ongoing).

This is a one-time expenditure for materials and construction activities. Maintenance expenses are not expected to significantly increase over current costs to maintain the bridge. Multnomah County will provide \$245,000 for this project. The Oregon Transportation Investment Act will provide approximately \$1,500,000 for this project.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.

- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.

Negotiations to purchase impacted property at fair market value will be made in good faith. No relocation assistance is required for this project. The impacted properties are

a large residential lot with a single family home and a portion of the City of Troutdale's Glenn Otto Park. The properties are described on the attached Exhibits A and A-1 and are shown on Exhibits B and B-1. If real property cannot be purchased through negotiations, the use of condemnation may be necessary, as the present right of way can not accommodate an additional structure.

5. Explain any citizen and/or other government participation that has or will take place.

In addition to a City of Troutdale Council meeting, two separate public meetings were held. The Land Use and Transportation Program received comments and design review from the Division of State Lands, the Oregon Department of Fish and Wildlife, the U.S. Army Corp of Engineers; the State Historic Preservation Office, and Friends of Beaver Creek, a local community group.

Required Signatures:

Department/Agency Director: Robert A Maestre

Date: 11/08/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian and Bicyclist Bridge Over Beaver Creek in the City of Troutdale

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire the real property described in the attached Exhibits A and B for the purpose of improving safety for vehicles, pedestrians, and bicyclists as they cross Beaver Creek on the Historic Columbia River Highway, a County road.
- b. The project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- c. It is necessary to acquire immediate possession of the property to allow construction to proceed and be completed on schedule and within budgetary limitations.

The Multnomah County Board of Commissioners Resolves:

1. It is necessary to acquire the property for the purpose of building a separate bridge structure so that pedestrians and bicyclists are not required to use the narrow, historic bridge presently crossing Beaver Creek.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of such property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-179

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian and Bicyclist Bridge Over Beaver Creek in the City of Troutdale

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire the real property described in the attached Exhibits A and B for the purpose of improving safety for vehicles, pedestrians, and bicyclists as they cross Beaver Creek on the Historic Columbia River Highway, a County road.
- b. The project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- c. It is necessary to acquire immediate possession of the property to allow construction to proceed and be completed on schedule and within budgetary limitations.

The Multnomah County Board of Commissioners Resolves:

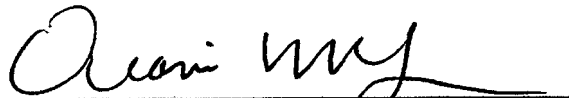
1. It is necessary to acquire the property for the purpose of building a separate bridge structure so that pedestrians and bicyclists are not required to use the narrow, historic bridge presently crossing Beaver Creek.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of such property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.

6. There is authorized the creation of a fund in the amount of the estimate of just compensation for the property which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 2nd day of December, 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

A tract of land situated in the S.E. one-quarter of Section 25, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, being more particularly described as follows:

Commencing at a 1" iron pipe marking the point of intersection of two tangents of that 190.80 foot radius curve beginning at Station 528+86.71 and ending at Station 531+49.66 of Historic Columbia River Hwy., County Road No. 917; thence N62°12'54"E, along the easterly tangent line and the centerline of said Historic Columbia River Highway, a distance of 252.30 feet to Centerline Station 532+44.57 of said Historic Columbia River Highway; thence S27°47'06"E, a distance of 30.00 feet to a point on the southeasterly right-of-way line of said Historic Columbia River Highway, also being the point of beginning of the herein described tract of land; thence S27°47'06"E, a distance of 20.00 feet; thence S72°47'06"E, a distance of 42.43 feet to a point being 80.00 feet southeasterly of, when measured at right angle to, said centerline of Historic Columbia River Highway; thence N62°12'54"E, a distance of 54 feet more or less to the centerline of Beaver Creek; thence northeasterly, along said creek centerline, a distance of 70 feet more or less to a point on said southeasterly right-of-way line; thence S62°12'54"W, along said southeasterly right-of-way line, a distance of 130 feet, more or less, to the point of beginning.

Containing 4,819 square feet more or less.

As shown on the map found at Page 2 of this Exhibit. In the event of a conflict or discrepancy between the map and the written legal description, the written legal description shall prevail.

Bearing and Station information is based on centerline data per SN 59069, Multnomah County Survey Records, and by said reference is made a part thereof.

MULTNOMAH COUNTY

(SANDY, OR)

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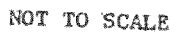


EXHIBIT B

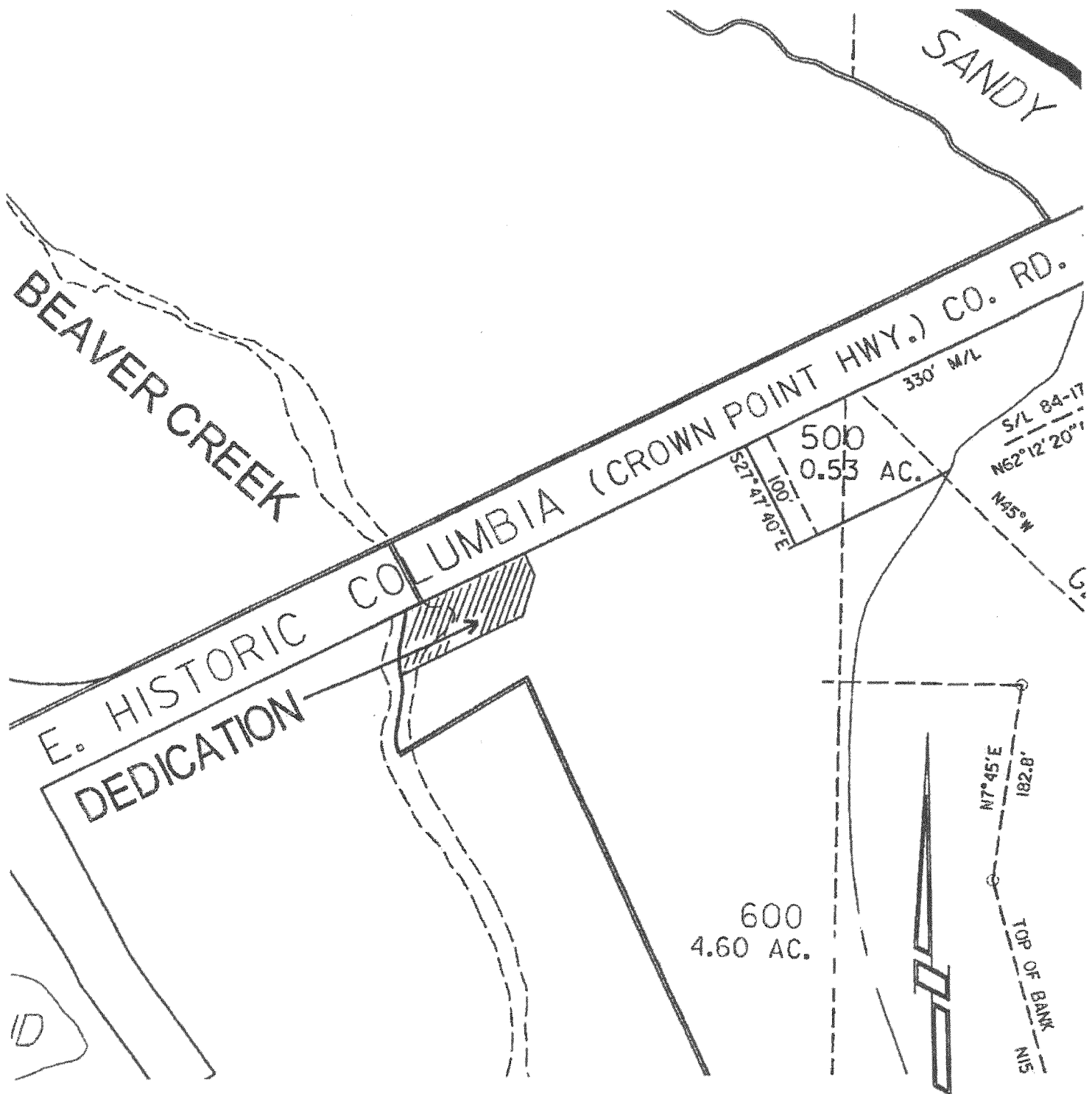
A tract of land situated in the S.E. one-quarter of Section 25, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, being more particularly described as follows:

Commencing at a 1" iron pipe marking the point of intersection of two tangents of that 190.80 foot radius curve beginning at Station 528+86.71 and ending at Station 531+49.66 of Historic Columbia River Highway, County Road No. 917; thence N62°12'54"E, along the easterly tangent line and the centerline of said Historic Columbia River Highway, a distance of 381.92 feet to Centerline Station 533+74.18 of said Historic Columbia River Highway; thence S27°47'06"E, a distance of 30.00 feet to a point of intersection being the southeasterly right-of-way line of said Historic Columbia River Highway and the approximate centerline of Beaver Creek, also being the point of beginning of the herein described tract of land; thence N62°12'54"E, along said southeasterly right-of-way line, a distance of 107 feet more or less; thence S27°47'06"E, a distance of 20.00; thence S17°12'54"W, a distance of 42.43 feet to a point being 80.00 feet southeasterly of, when measured at right angle to, said centerline of Historic Columbia River Highway; thence S62°12'54"W, a distance of 122 feet more or less to the centerline of Beaver Creek; thence northeasterly, along said creek centerline, a distance of 70 feet more or less to the point of beginning.

Containing 6,104 square feet more or less.

As shown on the map found at Page 2 of this Exhibit. In the event of a conflict or discrepancy between the map and the written legal description, the written legal description shall prevail.

Bearing and Station information is based on centerline data per SN 59069, Multnomah County Survey Records, and by said reference is made a part thereof.



NOT TO SCALE

Exhibit B
Page 2 of 2

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: December 2, 2004

Agenda Item #: R-7

Est. Start Time: 10:40 AM

Date Submitted: 11/08/04

Requested Date: December 2, 2004

Time Requested: 5 minutes

Department: DBCS

Division: Land Use & Transportation Program

Contact/s: Michael Phillips P.E., Interim County Engineer, x29628
Patrick Hinds P.L.S., C.W.R.E., Proj. Support, x83712

Phone: 503-988-5050

Ext.: 83712

I/O Address: 455 / 215

Presenters: Patrick Hinds

Agenda Title Resolution Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Installing a Traffic Signal

**NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.**

1. What action are you requesting from the Board? What is the department/agency recommendation?

We are requesting that the Board approve the resolution authorizing the Land Use and Transportation Program to begin negotiations for the purchase of real property associated with the installation of traffic signals at the intersection of N.E. 257th Avenue and S.E. Hensley Road, situated in the City of Troutdale, and to use condemnation if necessary.

2. Please provide sufficient background information for the Board and the public to understand this issue.

As East County continues to develop, traffic demands increase, thereby causing a greater need to control vehicle movements at intersections. A new subdivision containing approximately 300 homes is under construction on S.W. Hensley Road. To safely facilitate the increase in traffic on S.W. Hensley (a City of Troutdale street), the intersection at N.E. 257th requires the installation of a traffic light. N.E. 257th Avenue is a Major Arterial linking the City of Troutdale and the City of Gresham. In addition, 257th links U.S. Highway 26 with Interstate Highway 84.

3. Explain the fiscal impact (current year and ongoing).

This is a one-time expenditure for material and construction activities. Maintenance expenses are not expected to significantly increase over current costs to maintain N.E.

257th. One hundred percent of the cost of this project is being funded by the developer of the above-mentioned subdivision.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.

- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?

- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.

Negotiations to purchase impacted property at fair market value will be made in good faith. No relocation assistance is required for this project. The impacted properties are a large apartment complex and a duplex. The properties are described on the attached Exhibits A and A-1 and are shown on Exhibits B and B-1. If real property cannot be purchased through negotiations, the use of condemnation may be necessary, as the existing right of way can not accommodate the mast arm poles and electronic controller boxes for the traffic lights.

5. Explain any citizen and/or other government participation that has or will take place.

No public notice or comments are required for this project.

Required Signatures:

Department/Agency Director: Robert A Maestre

Date: 11/08/04

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Condemnation and Immediate Possession of Real Property Necessary for
the Purpose of Installing a Traffic Signal

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire the real property interests more particularly described in the attached Exhibits A and B for the construction of a road improvement project, consisting of the installation of a traffic control signal and related work at the intersection of NE 257th Avenue (a county road) with SW Hensley Road (a city street), in the City of Troutdale.
- b. The County Engineer has concluded this traffic signal will significantly improve the safety of this intersection.
- c. The project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- d. It is necessary to acquire immediate possession of the property to allow construction to proceed and be completed on schedule and within budgetary limitations.

The Multnomah County Board of Commissioners Resolves:

1. It is necessary to acquire the property interests described in Exhibits A and B for the purposes of the above-described road project at the intersection of NE 257th Avenue with SW Hensley Road, in the City of Troutdale.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of such property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-180

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Installing a Traffic Signal

The Multnomah County Board of Commissioners Finds:

- a. It is necessary for Multnomah County to acquire the real property interests more particularly described in the attached Exhibits A and B for the construction of a road improvement project, consisting of the installation of a traffic control signal and related work at the intersection of NE 257th Avenue (a county road) with SW Hensley Road (a city street), in the City of Troutdale.
- b. The County Engineer has concluded this traffic signal will significantly improve the safety of this intersection.
- c. The project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- d. It is necessary to acquire immediate possession of the property to allow construction to proceed and be completed on schedule and within budgetary limitations.

The Multnomah County Board of Commissioners Resolves:

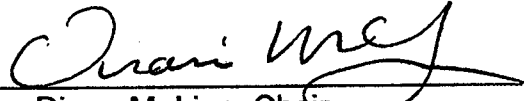
1. It is necessary to acquire the property interests described in Exhibits A and B for the purposes of the above-described road project at the intersection of NE 257th Avenue with SW Hensley Road, in the City of Troutdale.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of such property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.

5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.
6. There is authorized the creation of a fund in the amount of the estimate of just compensation for the property, which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 2nd day of December, 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

Parcel 1

Deed for Road Purposes

The easterly 5.00 feet of the northerly 90.00 feet of that tract of land conveyed to Donna S. Duvall, John C. Winquist and Jemima C. Winquist by Warranty Deed, Doc. No. 2000-00151261, Multnomah County Deed Records, situated in the S.W. One-quarter of Section 35, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

The northerly 90.00 feet of said "Duvall - Winquist Tract" that lies easterly of a line being 50.00 feet westerly of, when measured at right angles to, the centerline of N.E. 257th Drive, County Road No. 4931.

Containing 450 square feet more or less.

Parcel 2

Easement for Signal Construction and Maintenance

The easterly 10.00 feet of the northerly 90.00 feet of that tract of land conveyed to Donna S. Duvall, John C. Winquist and Jemima C. Winquist by Warranty Deed, Doc. No. 2000-00151261, Multnomah County Deed Records, situated in the S.W. One-quarter of Section 35, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

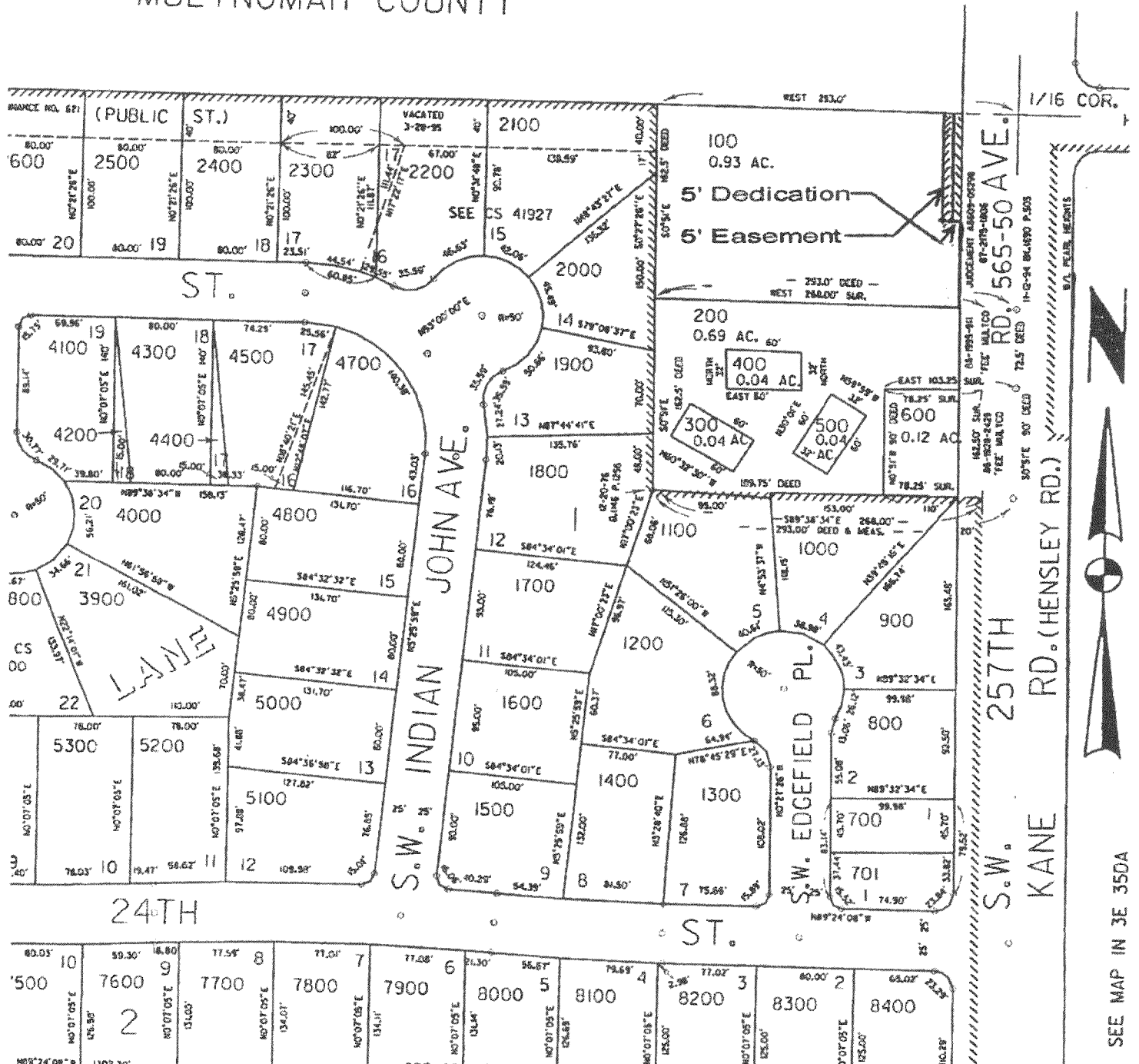
The northerly 90.00 feet of said "Duvall - Winquist Tract" that lies easterly of a line being 55.00 feet westerly of, when measured at right angles to, the centerline of N.E. 257th Drive, County Road No. 4931.

Excluding here from that portion afore described in Exhibit "A".

Containing 450 square feet more or less.

As shown on the map found at Page 2 of this Exhibit. In the event of a conflict or discrepancy between the map and the written legal description, the written legal description shall prevail.

SECTION 35 T.1N. R.3E. W.M.
MULTNOMAH COUNTY



SEE MAP IN 3E 35DA

EXHIBIT B

Easement for Traffic Control Devices

A portion of Lot 6, Block 1, "Pearl Heights", Multnomah County Plat Records, situated in the S.E. One-quarter of Section 35, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of said Lot 6; thence N00°07'05"E, along the west line of said Lot 6, a distance of 64.46 feet to the point of beginning; thence N45°31'32"E, along the chord of that curve encompassing the Northwest corner said Lot 6, a distance of 28.48 feet; thence along the arc of said curve, being a 20.00 foot radius curve to the left through a central angle of 90°48'55" (the chord of which bears S45°31'32"W, a distance of 28.48 feet) an arc length of 31.70 feet to the point of beginning.

Containing 117 square feet more or less.

As shown on the map found at Page 2 of this Exhibit. In the event of a conflict or discrepancy between the map and the written legal description, the written legal description shall prevail.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/02/04
Agenda Item #: R-8
Est. Start Time: 10:45 AM
Date Submitted: 11/23/04

BUDGET MODIFICATION: -

Agenda Title: First Reading and Possible Adoption of a Proposed ORDINANCE Adopting New Provisions in Chapter 7 of the Multnomah County Code for the Review of Demands for Compensation under Oregon Revised Statutes Chapter 197 as Amended by Ballot Measure 37 Passed November 2, 2004, and Declaring an Emergency

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested: December 2, 2004 Time Requested: 15 minutes
Department: Business and Community Services Division: LUT
Contact(s): Karen Schilling/Derrick Tokos/Sandy Duffy
Phone: 503-988-5050 Ext. 29635 I/O Address: 455116
Presenter(s): Karen Schilling/Derrick Tokos/Sandy Duffy

General Information

1. What action are you requesting from the Board?

Adopt the ordinance to implement Measure 37 and declare an emergency

2. Please provide sufficient background information for the Board and the public to understand this issue.

Ballot Measure 37 requires governments to pay property owners, modify or waive regulations or forego enforcement when certain land use restriction reduce the value of their property. The provisions of this measure specifically apply to local government land use regulations, directly impacting Multnomah County's Land Use Planning program for unincorporated areas. County agreements with the cities of Portland and Troutdale to provide planning services for urban unincorporated areas, and other County services or programs that work with or are subject to land use planning regulations, might also be impacted. This measure is a statutory amendment effective on December 2, 2004.

This ordinance outlines the procedure for claimants to file a claim and how the Land Use Planning program intends to process the claims.

3. Explain the fiscal impact (current year and ongoing).

The impact to the County's resources for Land Use Planning, Assessment and Taxation, and the Attorney's office is unknown at this time. The measure does not identify a revenue source for paying claims and there are no estimates as to the dollar value of claims that are likely to be filed.

Multnomah County is implementing a full-cost recovery system for processing claims. A \$2,000 deposit will be received as part of filing a claim. The balance will be invoiced or refunded to claimants when the final decision has been made by the Board. The ordinance allows a lien to be placed on the property if a claimant does not pay the fee.

4. Explain any legal and/or policy issues involved.

There are a couple policy issues regarding the ordinance. The first issue is how to handle waivers. The County intends to issue waivers that are specific to the property owner, not the property. The County has two options in the future when a property owner desires to sell their property. The County can consider the waived land use restriction a non-conforming use or determine that when property is sold or transferred out of the family that the use is void or invalid. This determination would require the property owner to return the land to its former use i.e., removing structures that may be allowed through a Measure 37 waiver so that farm and/or forest land is preserved for future generations.

The ordinance recommends that the waived land use restriction become a non-conforming use when property is sold or transferred out of the family.

5. Explain any citizen and/or other government participation that has or will take place.

The County's process for filing and making a decision regarding a Measure 37 claim will include noticing neighboring properties within 750 feet of the property and allowing those property owners to provide comment to the County Land Use Planning staff prior to writing a staff report. A public hearing will be held by the Board of County Commissioners prior to making a decision on compensation or modifying or waiving the land use regulation.

Required Signatures

Department/
Agency Director:

Robert A Maestre

Date: 11-23-04

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Adopting New Provisions in Chapter 7 of the Multnomah County Code for the Review of Demands for Compensation under Oregon Revised Statutes Chapter 197 as Amended by Ballot Measure 37 Passed November 2, 2004, and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. On November 2, 2004, the voters of the State of Oregon approved Ballot Measure 37 that amended Oregon Revised Statutes Chapter 197 to require governments pay compensation to present owners of real property if land use regulations restrict the use of the property such that it reduces its fair market value or, in the alternative, forego enforcement of the regulation (waiver) which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property.
- b. Ballot Measure 37 provides that in order to receive compensation or waiver of a land use regulation, a present owner of real property (claimant) must make a written "demand for compensation" (claim) to the government entity enacting or enforcing a land use regulation that allegedly restricts the use of their property in this manner.
- c. Ballot Measure 37 authorizes the county to adopt and apply procedures for processing compensation claims.
- d. It is in the interest of the citizens of Multnomah County to adopt such procedures to ensure fair and timely review of claims and to protect the public from the detrimental effects to the public health, safety, and welfare that would result from the granting of non-meritorious claims, county wishes to do this by providing a process for the orderly review of claims; establishing a minimum amount of factual and analytical information a claimant must provide in order to file a claim; defining key terms and clarifying ambiguities in the text of the ballot measure; and establishing a fee to offset the cost to the general public of evaluating claims.
- e. Waiver or modification of land use regulations may negatively impact the fair market value of neighboring properties. It is in the public interest that the county provide notice of claims to these citizens and provide an avenue for protecting their reasonable investment-backed expectations where they have relied upon land use regulations in purchasing real property by allowing them to seek to recover from the claimant the amount of their damages through "Private Right of Action" in circuit court.

Multnomah County Ordains As Follows:

Section 1. Chapter 7, Business and Community Services, of the Multnomah County Code is amended to add Section 7.500 *et. seq.* as follows:

7.500 PURPOSE.

The purpose of this subchapter is to implement Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004, and to:

- establish a procedure to process demands for compensation (claims) quickly, openly, thoroughly, and consistent with the law;
- enable present real property owners (claimants) making claims to have an adequate and fair opportunity to present their claims to the county's Board of County Commissioners (Board);
- provide the Board with the factual and analytical information necessary to adequately and fairly consider claims;
- ascertain county liability for compensation apart from State of Oregon (state) and Metropolitan Service District (Metro) liability;
- take appropriate action under the alternatives provided by law; to preserve and protect limited public funds;
- preserve and protect the interests of the community by providing for public input into the process of reviewing claims; and
- establish a record of decisions capable of withstanding legal review.

7.505 DEFINITIONS.

For purposes of this subchapter the following definitions shall apply:

APPRAISAL. A written appraisal concluding to Fair Market Value of real property prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon pursuant to ORS Chapter 674 and meeting the appraisal requirements set forth in Uniform Standards of Professional Appraisal Practice (USPAP). In the case of commercial or industrial property, the term "appraisal" additionally means a written appraisal concluding to Fair Market Value prepared by an appraiser holding an MAI qualification (Member Appraisal Institute), as demonstrated by written certificate.

CLAIM. The "written demand for compensation" required to be made by an "owner" of "real property" under Ballot Measure 37. Demands shall not be considered made under Ballot Measure 37 until the county accepts the demand as complete, i.e. meeting the requirements for making a demand under this subchapter.

CLAIMANT. Present owner(s) of real property. See definition for "owner."

DEMAND. "Claim" and "written demand for compensation" as defined herein.

DIRECTOR. The Planning Director for Multnomah County.

EXEMPT LAND USE REGULATION. Those land use regulations that are specifically listed as exempt from compensation or waiver requirements as set forth in Ballot Measure 37 and in MCC 7.510.

FAMILY MEMBER. The wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the real property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the real property.

LAND USE. A physical improvement on real property related to use of the land or an activity which is conducted on real property (examples: residential use, commercial use, industrial use, community service use, farm use or forest use). A further division of real property is not a land use.

LAND USE REGULATION. Includes:

- (1) Any statute regulating the use of land or any interest therein;
- (2) Administrative rules and goals of the Land Conservation and Development Commission;
- (3) Multnomah County's comprehensive plan, zoning ordinance, land division ordinance, or transportation ordinance of Multnomah County; and,
- (4) Metropolitan Service District regional framework plans, functional plans, planning goals and objectives.

OWNER. The present owner(s) of real property, or any interest therein, which is the subject of a claim. The owner is a person who is the sole fee simple owner of the real property or all joint owners whose interests add up to a fee simple interest in property, including all persons who represent all recorded interests in property, such as co-owners, holders of less than fee simple interests, leasehold owners, and security interest holders.

PROPERTY. Private real property, or interest therein, as described in a deed or other legal instrument, which existed on the date of the claim.

REDUCTION IN VALUE. The difference in the fair market value, if any, of the property with certain land use regulations enforced or applied; and the fair market value of the subject property without those land use regulations enforced or applied to the property.

RESTRICTS THE USE. A land use regulation that prohibits a land use or limits the manner in which it can be established on the property.

VALID CLAIM. A claim submitted by the owner of real property that is subject to a land use regulation enacted and/or enforced by Multnomah County that restricts the use of the private real property in a manner that reduces the fair market value of the real property and meets all the requirements of MCC 7.500 *et. seq.*.

WRITTEN DEMAND FOR COMPENSATION. "Claim" or "demand" as defined herein.

7.510 APPLICABILITY AND EXCEPTIONS.

(A) An owner of private real property located within unincorporated Multnomah County may file a claim under this subchapter if county enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of Ballot Measure 37, which amended Oregon Revised

Statutes Chapter 197, and it restricts the use of private real property, or any interest therein, and has the effect of reducing the fair market value of the property, or any interest therein.

(B) This subchapter, in compliance with ORS Chapter 197, as amended by Ballot Measure 37, does not allow claims for certain categories of regulations which may reduce the fair market value of the property, or any interest therein. The categories of regulations that are exempt from claims for compensation include the following:

- (1) A regulation restricting or prohibiting activities commonly and historically recognized as public nuisances under common law and the criminal laws of Oregon and Multnomah County;
- (2) A regulation restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
- (3) A regulation required to comply with federal law;
- (4) A regulation restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing; or
- (5) A regulation enacted prior to the date of acquisition of the real property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

7.515 SCOPE OF CLAIMS.

(A) An owner of private real property located within unincorporated Multnomah County, or an owner of contiguous parcels purchased at the same time, who asserts a right to compensation under ORS 197, as amended by Ballot Measure 37, shall make a claim for compensation as provided in this subchapter. Owners of noncontiguous properties must file separate claims.

(B) A claim must be submitted for each land use regulation which the owner asserts restricts the use of a property and has the effect of reducing the fair market value of the property.

(C) If an owner wishes to assert that more than one regulation restricts use of the property, and has the effect of reducing the fair market value of the property, all claims regarding that property must be filed simultaneously and considered by the county simultaneously.

(D) Separate claims must be submitted for each parcel of real property.

(E) Claims based on regulations that contain discretionary criteria for approval of development on a property may only be filed after Multnomah County has enforced its regulations through approval or denial of a land use application. Such an approval or denial is necessary to establish whether a particular land use regulation "restricts the use" of a property.

(F) No claims will be accepted for those properties situated within the Columbia River Gorge National Scenic Act area. These properties are exempt from ORS 197, as amended by Ballot Measure 37. The county comprehensive plan and zoning code provisions applicable to these properties are regulations required to comply with federal law.

7.520 CONTENT OF WRITTEN CLAIM.

(A) A Claim pursuant to MCC 7.510 shall only be submitted to and accepted for review by the Director, or the Director's designee, and shall include the following information:

- (1) A description of the private real property for which the owner is claiming compensation, including the street address and either a legal description or a County Tax Assessor's description of the property, specifically identifying whether the claim relates to real property other than land or, to a portion of the ownership less than fee simple absolute;
- (2) The name, address, and telephone number of all owners and anyone with an interest in the property, including lien holders, trustees, renters, and lessees, together with a description of the ownership interest of each;
- (3) The date the claimant acquired ownership of or an interest in the private real property and a copy of the document which provides proof of first ownership;
- (4) A title report, including title history, current within 30 days prior to the claim date, verifying the ownership or interests in the private real property;
- (5) If the claim is based upon the date a family member acquired the property, then documentation sufficient to establish the familial relationship along with a chain of title showing continual ownership;
- (6) Copies of any Covenants, Conditions and Restrictions (CCR's), leases, or other encumbrances applicable to the real property;
- (7) Identification of the specific land use regulation which restricts the owner's use of the real property, and for which the owner is claiming compensation;
- (8) A statement describing the manner in which, and the extent to which, the regulation restricts the use of the private real property and has the effect of reducing the fair market value of the property for which the owner is claiming compensation;
- (9) The amount of the claim, based upon the alleged reduction in value, supported by an appraisal of the private real property for which the owner is asserting a claim. If the value of the claim exceeds \$10,000, then copies of two appraisals, prepared by different appraisers, must be included;
- (10) A statement of the relief sought by the owner, such as a monetary payment in a specific amount; waiver of the applicable regulation; or modification of the applicable regulation. If a modification of the regulation is sought, then a description of the desired modification must be included;
- (11) Payment of any required claim processing fee; and
- (12) The signature of the claimant.

(B) The Director shall conduct a completeness review within 30 days after submittal of the claim and shall advise the owner, in writing, of any material remaining to be submitted. Once all of the required materials for a complete claim are received, the Director shall declare the claim complete and send the notice required by MCC 7.530(A) and (B).

(C) Commencement of the 180-day period allowed for local government claim procedures prior to any cause of action being authorized for the owner in circuit court as specified in Oregon Revised Statutes Chapter 197 starts on the date the Director deems the claim complete and accepts it for filing.

7.525 CLAIM PROCESSING FEES.

(A) The Claim Processing Fees shall cover the actual administrative costs to county for processing a claim. An owner shall pay a retainer of \$2000 at the time they submit a claim to the Director. Following final action by the county on the claim, the Director shall provide an accounting of the actual administrative costs, including staff and legal costs, that the county incurred in reviewing and acting on the claim. County shall refund any excess funds from the retainer to the owner within 30 days after the final decision, or shall bill for additional costs not covered by the retainer.

(B) A billing for the amount of the unpaid administrative costs for processing the claim shall be forwarded by certified or registered mail, return receipt requested, to the owner. Payment shall be made to the Director within 30 days from the billing date set out on the bill.

(C) If the property owner does not pay the amount due within 30 days of the billing date, county may pursue collection, including filing a lien on the property. The lien is perfected by filing it with the County Recorder's Office in the deed records indicating the amount of the lien, the basis for the lien and the property to which the lien attaches.

(D) The lien provided for in subsection (C) shall be given priority over all liens except those for taxes and assessments and shall include interest at 0.5% per month accruing from the date the billing is sent to the owner of the property.

(E) The lien provided for in subsection (C) shall be foreclosed in the manner prescribed by state law for the enforcement of liens and collection of assessments.

(F) In compliance with MCC 37.0560, no permits will be approved on properties with a lien for unpaid processing fees required by this subsection.

(G) County shall collect reasonable attorney's fees and costs for collection of the debt, which may be made part of the lien and the debt.

7.530 CLAIM REVIEW PROCESS.

(A) After a claim for compensation is declared complete pursuant to MCC 7.520(C), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate.

(B) The Director's notice under subsection (A) shall:

(1) Indicate the date that the claim was filed;

(2) State the basis of the claim, the amount of the compensation sought and the land use regulation that the owner asserts gives rise to a claim;

(3) Identify the property by the street address or other easily understood geographical reference;

(4) State that persons noticed may provide written comments on the claim, and provide the date written comments are due;

(5) Indicate a timeframe within which the Board will take action on the claim and identify how interested persons can learn of the specific date the Board will meet on the matter, once a meeting date is set;

(6) Provide the name and phone number of a county representative who can be contacted for additional information; and

(7) State that a copy of the claim and the supporting documents submitted by the owner are available for inspection at no cost, or that copies will be provided at reasonable cost.

(C) Written comments regarding a demand may be submitted to the Director by any interested person. Comments must be received by the Director within 14 days from the date of the notice required under subsections (A) and (B) above. The owner shall have an additional 7 days after the deadline set out above to respond to any written comments received by the Director. It is the duty of the owner to determine if comments have been received by the Director.

(D) The Director shall prepare a staff report for the Board within 30 days after the comment period has ended. The report shall apply the standards of Oregon Revised Statutes Chapter 197, as implemented through this subchapter, to the claim and shall include options for Board action.

(E) After the Director has completed a draft staff report, the Director shall send a copy of it to Assessment and Taxation for review of the appraisal(s) submitted by the owner and shall send a copy of it to the County Attorney's Office for review. Assessment and Taxation and the County Attorney's Office will have 30 days for review.

(F) After the Director receives the comments from Assessment and Taxation and the County Attorney's Office, the Director will finalize the staff report and make it available to the public at least 10 days prior to the Board meeting.

(G) The Board shall conduct a public hearing before taking final action on the claim. The procedures for the hearing must include, but are not limited to staff presentation and public testimony, followed by deliberation and a decision by the Board.

(H) The Board's options for its decision include, but are not limited to the following:

(1) Find the claim invalid and issue a Board Order to deny the claim based on one or more of the following findings:

(a) The land use regulation does not restrict the use of the private real property;

(b) The fair market value of the property is not reduced by the enactment, enforcement or application of the land use regulation;

(c) The demand was not timely filed;

(d) The owner failed to comply with the requirements for making a demand as set forth in this subchapter;

(e) The owner is not the present property owner, or the property was not owned by a family member or the claimant was not the property owner at the time the land use regulation was enacted, enforced or applied;

(f) The land use regulation is an exempt regulation as defined in Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004;

(g) The land use regulation in question is not an enactment of the county;

(h) The county has not taken final action to enact, or enforce the land use regulation to the property;

(i) The owner is not entitled to compensation under Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004, for a reason other than those provided herein.

(2) Find the claim valid and issue a Board Order to award compensation, either in the amount requested, or in some other amount supported by the evidence in the record, subject to the availability and appropriation of funds for that purpose;

(3) Find the claim valid and issue a Board Order to modify the regulation which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property; or

(4) Find the claim valid and issue a Board Order to waive the regulation which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property.

(I) If the Board modifies or waives the challenged county land use regulation in response to a claim by owner, the modification or waiver is valid only as to the owner during owner's ownership of the property for those regulations listed in the claim which were found by the Board to be valid; all other current regulations remain in effect. The Board may, at its discretion, reinstate any or all of the land use regulations in effect at the time the owner acquired the property. A Board waiver is not a waiver of any state law or Metro Code provision.

(J) The final decision on a claim shall be made by the Board. After review the Board shall, under the standards of Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37 determine whether compensation is granted, the amount of compensation if any, whether any exceptions to the requirement for compensation apply or whether the regulation should be modified, removed or deemed not to apply to the property. A copy of the Board Order shall be sent by mail to the owner and to each individual or entity that participated in the Director or Board process, provided a mailing address was provided to the Director as part of the claim process.

(K) Waiver of a county land use regulation does not constitute a waiver of any corresponding state statutes.

(L) A decision by the Board to waive or modify a land use regulation shall be personal to the owner and shall automatically become invalid and void upon transfer of any ownership interest in the subject property. Upon transfer of any ownership interest in the subject property, any use of the property that is not consistent with regulations in effect at the time of transfer, shall be deemed to be a nonconforming use and all state laws, rules and county code provisions relating to nonconforming uses shall be applicable.

(M) If the Board issues an Order finding that an owner has a valid claim and granting compensation or a modification or a waiver, the owner shall record a copy of the Order in the Recorder's Office of Multnomah County. The Order must include a legal description of the subject property.

(N) This subchapter shall be interpreted in a manner consistent with Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, Passed November 2, 2004, and other implementing statutes or regulations and as interpreted by Oregon appellate courts.

7.535 CONDITIONS OF APPROVAL, REVOCATION OF DECISION.

(A) The Board may establish any relevant conditions of approval for compensation, should compensation be granted, or for any other action taken under MCC 7.530 of this subchapter.

(B) Failure to comply with any condition of approval is grounds for revocation of the approval of the claim, grounds for recovering any compensation paid and grounds for revocation of any other action taken under this subchapter.

(C) In the event the owner, or the owner's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the conditions of approval, the Director may institute a revocation or modification proceeding before the Board under the same process for Board review of a claim under this subchapter.

7.540 EX PARTE CONTACTS, CONFLICT OF INTEREST AND BIAS.

The following rules govern any challenges to Board participation in the review or hearings regarding compensation claims:

(A) Any factual information obtained by a member of the Board outside the information provided by Director or county staff, or outside of the formal written comments process or hearing will be deemed an *ex parte* contact. A member of the Board that has obtained any material factual information through an *ex parte* contact must declare the content of that contact, and allow any interested party to rebut the substance of that contact. This rule does not apply to contacts between county staff and a member of the Board.

(B) Whenever a member of the Board, or any member of their immediate family or household, has a financial interest in the outcome of a particular demand or lives within the area entitled to notice of the demand, that member of the Board shall not participate in the deliberation or decision on that application.

(C) All decisions on demands must be fair, impartial and based on the applicable review standards and the evidence in the record. Any member of the Board who is unable to render a decision on this basis must refrain from participating in the deliberation or decision on that matter.

7.545 ATTORNEY FEES ON DELAYED COMPENSATION.

(A) If a demand under Oregon Revised Statutes Chapter 197 and MCC 7.500 *et. seq.* is denied or not fully paid within 180 days of the date of filing a completed demand, the owner's reasonable attorney fees and expenses necessary to collect compensation will be added as additional compensation provided compensation is awarded to the owner. If such demand is denied, not fully paid, or other action taken under Oregon Revised Statutes Chapter 197, within 180 days of the date of filing a completed demand, and the owner commences suit or action to collect compensation, if county is the prevailing party in such action, then county shall be entitled to any sum which a court, including any appellate court, may adjudge reasonable as attorney's fees.

(B) In the event county is the prevailing party and is represented by "in-house" counsel, the prevailing party shall nevertheless be entitled to recover reasonable attorney fees based upon the reasonable time incurred and the attorney fee rates and charges reasonably and generally charged and paid in Multnomah County, Oregon for the type of legal services performed.

7.550 AVAILABILITY OF FUNDS TO PAY CLAIMS.

Compensation can only be paid based on the availability and appropriation of funds for this purpose.

7.555 PRIVATE RIGHT OF ACTION.

If the Board's approval of a claim by removing or modifying a land use regulation causes a reduction in value of other property located in Multnomah County, the affected party shall have a cause of action in state circuit court to recover from the claimant the amount of the reduction, and shall also be entitled to attorney's fees.

7.560 APPLICABLE STATE LAW.

For all demands filed, the applicable state laws are those portions of Oregon Revised Statutes Chapter 197 added or made a part of said Chapter by Ballot Measure 37, passed on November 2, 2004 and/or as amended, modified or clarified by subsequent amendments or regulations adopted by the Oregon State Legislature, Oregon State Administrative Agencies or MCC 7.500 *et. seq.* Any demand that has not been processed completely under this subchapter shall be subject to any such amendments, modifications, clarifications or other actions taken at the state level and this subchapter shall be read in a manner so as not to conflict with such amendments, modifications, clarifications or other actions taken at the state level.

Section 2. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the effective

date of ORS Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004 and effective December 2, 2004, and it is essential to have a process in place for reviewing demands under the law on the effective date of Ballot Measure 37 therefore, this Ordinance is effective on December 2, 2004.

FIRST READING AND ADOPTION: December 2, 2004

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Dianne M. Linn, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra. N. Duffy, Assistant County Attorney

2241 N. Menzies Drive
Portland, Oregon 97217-8220
November 22, 2004

Chair and County Commissioners
Multnomah Building
501 S.E. Hawthorne Boulevard #600
Portland, Oregon

Dear Chair and County Commissioners:

As a member of the League of Women Voters I voted against Measure 37. Now that it is a fact, I strongly urge you to keep the citizens involved in any compensation process. This can be done by establishing claim procedures that involve public notice, public review and public testimony by interested parties. When a landowner files a claim, neighbors and the public at large have a vested interest in the outcome and must have a say in the review process and discussion making.

Thank you for allowing me to express my views and those of my organization - the League of Women Voters.

Sincerely,

Jeanne Pulliam
Jeanne Pulliam
503-810-5521

Andy
NOV 22 2004

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Adopting New Provisions in Chapter 7 of the Multnomah County Code for the Review of Demands for Compensation under Oregon Revised Statutes Chapter 197 as Amended by Ballot Measure 37 Passed November 2, 2004, and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. On November 2, 2004, the voters of the State of Oregon approved Ballot Measure 37 that amended Oregon Revised Statutes Chapter 197 to require governments to pay compensation to present owners of real property if land use regulations restrict the use of the property such that it reduces its fair market value or, in the alternative, forego enforcement of the regulation (waiver) which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property.
- b. Ballot Measure 37 provides that in order to receive compensation or waiver of a land use regulation, a present owner of real property (claimant) must make a written "demand for compensation" (claim) to the government entity enacting or enforcing a land use regulation that allegedly restricts the use of their property in this manner.
- c. Ballot Measure 37 authorizes the county to adopt and apply procedures for processing compensation claims.
- d. It is in the interest of the citizens of Multnomah County to adopt such procedures to ensure fair and timely review of claims and to protect the public from the detrimental effects to the public health, safety, and welfare that would result from the granting of non-meritorious claims. The County wishes to do this by providing a process for the orderly review of claims; establishing a minimum amount of factual and analytical information a claimant must provide in order to file a claim; defining key terms and clarifying ambiguities in the text of the ballot measure; and establishing a fee to offset the cost to the general public of evaluating claims.
- e. Waiver or modification of land use regulations may negatively impact the fair market value of neighboring properties. It is in the public interest that the county provide notice of claims to these citizens and provide an avenue for protecting their reasonable investment-backed expectations where they have relied upon land use regulations in purchasing real property by allowing them to seek to recover from the claimant the amount of their damages through "Private Right of Action" in circuit court.
- f. Ballot Measure 37 is directed at a landowner's ability to establish a use on an existing property, not to create new properties. Accordingly, land division laws that define what is necessary to create new conveyable pieces of real property are not subject to this measure. A division of land is not a use of land. To accept otherwise harms the public, going beyond the voter mandate and creating circumstances where lots or parcels, created as a result of a modification or waiver of a land use regulation, cannot be built upon. New parcels or lots would be subject to land use laws in effect on the date they are formed because they would not have existed at the time the claim was filed. Further, a new owner is not entitled to a waiver or modification that might allow development because the measure provides that they are personal to the claimant. For these reasons the measure cannot be read to provide a right to divide land, meaning that land division

laws are subject to a claim only to the extent that they prevent the establishment of a use on an existing property.

Multnomah County Ordains As Follows:

Section 1. Chapter 7, Business and Community Services, of the Multnomah County Code is amended to add Section 7.500 *et. seq.* as follows:

7.500 PURPOSE.

The purpose of this subchapter is to implement Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004, and to:

- establish a procedure to process demands for compensation (claims) quickly, openly, thoroughly, and consistent with the law;
- enable present real property owners (claimants) making claims to have an adequate and fair opportunity to present their claims to the county's Board of County Commissioners (Board);
- provide the Board with the factual and analytical information necessary to adequately and fairly consider claims;
- ascertain county liability for compensation apart from State of Oregon (sState) and Metropolitan Service District (Metro) liability;
- take appropriate action under the alternatives provided by law;
- -to preserve and protect limited public funds;
- preserve and protect the interests of the community by providing for public input into the process of reviewing claims; and
- establish a record of decisions capable of withstanding legal review.

7.505 DEFINITIONS.

For purposes of this subchapter the following definitions shall apply:

APPRAISAL. A written appraisal concluding to Fair Market Value of real property prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon pursuant to ORS Chapter 674 and meeting the appraisal requirements set forth in Uniform Standards of Professional Appraisal Practice (USPAP). In the case of commercial or industrial property, the term "appraisal" additionally means a written appraisal concluding to Fair Market Value prepared by an appraiser holding an MAI qualification (Member Appraisal Institute), as demonstrated by written certificate.

CLAIM. The "written demand for compensation" required to be made by an "owner" of "real property" under Ballot Measure 37. Demands shall not be considered made under Ballot Measure 37 until

the county accepts the demand as complete, i.e. meeting the requirements for making a demand under this subchapter.

CLAIMANT. Present owner(s) of real property. See definition for "owner."

DEMAND. "Claim" and "written demand for compensation" as defined herein.

DIRECTOR. The Planning Director for Multnomah County.

EXEMPT LAND USE REGULATION. Those land use regulations that are specifically listed as exempt from compensation or waiver requirements as set forth in Ballot Measure 37 and in MCC 7.510.

FAMILY MEMBER. The wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the real property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the real property.

LAND USE. A physical improvement on real property related to use of the land or an activity which is conducted on real property (examples: residential use, commercial use, industrial use, community service use, farm use or forest use). A further division of real property is not a land use.

LAND USE REGULATION. Includes:

- (1) Any statute regulating the use of land or any interest therein;
- (2) Administrative rules and goals of the Land Conservation and Development Commission;
- (3) Multnomah County's comprehensive plan, zoning ordinance, land division ordinance, or transportation ordinance of Multnomah County; and,
- (4) ~~Metro's Metropolitan Service District~~ regional framework plans, functional plans, planning goals and objectives.

OWNER. The present owner(s) of real property, or any interest therein, which is the subject of a claim. The owner is a person who is the sole fee simple owner of the real property or all joint owners whose interests add up to a fee simple interest in property, including all persons who represent all recorded interests in property, such as co-owners, holders of less than fee simple interests, leasehold owners, and security interest holders.

PROPERTY. Private real property, or interest therein, as described in a deed or other legal instrument, which existed on the date of the claim.

REDUCTION IN VALUE. The difference in the fair market value, if any, of the property with certain land use regulations enforced or applied; and the fair market value of the subject property without those land use regulations enforced or applied to the property.

RESTRICTS THE USE. A land use regulation that prohibits a land use or limits the manner in which it can be established on the property.

VALID CLAIM. A claim submitted by the owner of real property that is subject to a land use regulation enacted and/or enforced by Multnomah County that restricts the use of the private real property in a manner that reduces the fair market value of the real property and meets all the requirements of MCC 7.500 *et. seq.*

WRITTEN DEMAND FOR COMPENSATION. "Claim" or "demand" as defined herein.

7.510 APPLICABILITY AND EXCEPTIONS.

(A) An owner of private real property located within unincorporated Multnomah County may file a claim under this subchapter if the county enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of Ballot Measure 37, which amended Oregon Revised Statutes Chapter 197, and it restricts the use of private real property, or any interest therein, and has the effect of reducing the fair market value of the property, or any interest therein.

(B) This subchapter, in compliance with ORS Chapter 197, as amended by Ballot Measure 37, does not allow claims for certain categories of regulations which may reduce the fair market value of the property, or any interest therein. The categories of regulations that are exempt from claims for compensation include the following:

(1) A regulation restricting or prohibiting activities commonly and historically recognized as public nuisances under common law and the criminal laws of Oregon and Multnomah County;

(2) A regulation restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;

a) The County Hillside Development zoning overlay is necessary to protect public health and safety and minimize pollution, ensuring that earthwork on steep slopes or areas susceptible to sloughing or debris flows is undertaken such that it does not compromise slope stability or cause excessive erosion.

b) Grading and Erosion Control regulations are building codes necessary to protect public health and safety and minimize pollution by limiting soil erosion attributed to earthwork, and

c) Flood Hazard regulations are building codes necessary to protect health and safety to minimize loss due to flood conditions and allow property owners within the County to participate in the National Flood Insurance Program.

(3) A regulation required to comply with federal law;

a) No claims will be accepted for those properties situated within the Columbia River Gorge National Scenic Act area. These properties are exempt from ORS 197, as amended by Ballot Measure 37. The county comprehensive plan and zoning code provisions applicable to these properties are regulations required to comply with federal law.

(4) A regulation restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing; or

(5) A regulation enacted prior to the date of acquisition of the real property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

(C) Land division regulations, except where they restrict the use of a property.

7.515 SCOPE OF CLAIMS.

(A) An owner of private real property located within unincorporated Multnomah County, or an owner of contiguous parcels purchased at the same time, who asserts a right to compensation under ORS 197, as amended by Ballot Measure 37, shall make a claim for compensation as provided in this subchapter. Owners of noncontiguous properties must file separate claims.

(B) A claim must be submitted for each land use regulation which the owner asserts restricts the use of a property and has the effect of reducing the fair market value of the property.

(C) If an owner wishes to assert that more than one regulation restricts use of the property, and has the effect of reducing the fair market value of the property, all claims regarding that property must be filed simultaneously and considered by the county simultaneously.

(D) Separate claims must be submitted for each parcel of real property.

(E) Claims based on regulations that contain discretionary criteria for approval of development on a property may only be filed after Multnomah County has enforced its regulations through approval or denial of a land use application. Such an approval or denial is necessary to establish whether a particular land use regulation "restricts the use" of a property.

(F) ~~No claims will be accepted for those properties situated within the Columbia River Gorge National Scenic Act area. These properties are exempt from ORS 197, as amended by Ballot Measure 37. The county comprehensive plan and zoning code provisions applicable to these properties are regulations required to comply with federal law.~~

7.520 CONTENT OF WRITTEN CLAIM.

(A) A Claim pursuant to MCC 7.510 shall only be submitted to and accepted for review by the Director, or the Director's designee, and shall include the following information:

(1) A description of the private real property for which the owner is claiming compensation, including the street address and either a legal description or a County Tax Assessor's description of the property-, specifically identifying whether the claim relates to real property other than land or, to a portion of the ownership less than fee simple absolute;

(2) The name, address, and telephone number of all owners and anyone with an interest in the property, including lien holders, trustees, renters, and lessees, together with a description of the ownership interest of each;

(3) The date the claimant acquired ownership of or an interest in the private real property and a copy of the document which provides proof of first ownership;

(4) A title report, including title history, current within 30 days prior to the claim date, verifying the ownership or interests in the private real property;

(5) If the claim is based upon the date a family member acquired the property, then documentation sufficient to establish the familial relationship along with a chain of title showing continual ownership;

(6) Copies of any Covenants, Conditions and Restrictions (CCR's), leases, or other encumbrances applicable to the real property;

(7) Identification of the specific land use regulation which restricts the owner's use of the real property, and for which the owner is claiming compensation;

(8) A statement describing the manner in which, and the extent to which, the regulation restricts the use of the private real property and has the effect of reducing the fair market value of the property for which the owner is claiming compensation;

(9) The amount of the claim, based upon the alleged reduction in value, supported by an appraisal of the private real property for which the owner is asserting a claim. If the value of the claim exceeds \$10,000, then copies of two appraisals, prepared by different appraisers, must be included;

(10) A statement of the relief sought by the owner, such as a monetary payment in a specific amount; waiver of the applicable regulation; or modification of the applicable regulation. If a modification of the regulation is sought, then a description of the desired modification must be included;

(11) Payment of any required claim processing fee; and

(12) The signature of the claimant.

(B) The Director shall conduct a completeness review within 30 days after submittal of the claim and shall advise the owner, in writing, of any material remaining to be submitted. Once all of the required materials for a complete claim are received, the Director shall declare the claim complete and send the notice required by MCC 7.530(A) and (B).

(C) Commencement of the 180-day period allowed for local government claim procedures prior to any cause of action being authorized for the owner in circuit court as specified in Oregon Revised Statutes Chapter 197 starts on the date the Director deems the claim complete and accepts it for filing.

7.525 CLAIM PROCESSING FEES.

(A) The Claim Processing Fees shall cover the actual administrative costs to county for processing a claim. An owner shall pay a retainer of \$2000 at the time they submit a claim to the Director. Following final action by the county on the claim, the Director shall provide an accounting of the actual administrative costs, including staff and legal costs, that the county incurred in reviewing and acting on the claim. County shall refund any excess funds from the retainer to the owner within 30 days after the final decision, or shall bill for additional costs not covered by the retainer.

(B) A billing for the amount of the unpaid administrative costs for processing the claim shall be forwarded by certified or registered mail, return receipt requested, to the owner. Payment shall be made to the Director within 30 days from the billing date set out on the bill.

(C) If the property owner does not pay the amount due within 30 days of the billing date, county may pursue collection, including filing a lien on the property. The lien is perfected by filing it with the County Recorder's Office in the deed records indicating the amount of the lien, the basis for the lien and the property to which the lien attaches.

(D) The lien provided for in subsection (C) shall be given priority over all liens except those for taxes and assessments and shall include interest at 0.5% per month accruing from the date the billing is sent to the owner of the property.

(E) The lien provided for in subsection (C) shall be foreclosed in the manner prescribed by state law for the enforcement of liens and collection of assessments.

(F) In compliance with MCC 37.0560, no permits will be approved on properties with a lien for unpaid processing fees required by this subsection.

(G) County shall collect reasonable attorney's fees and costs for collection of the debt, which may be made part of the lien and the debt.

7.530 CLAIM REVIEW PROCESS.

(A) After a claim for compensation is declared complete pursuant to MCC 7.520(~~CB~~), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate.

(B) The Director's notice under subsection (A) shall:

(1) Indicate the date that the claim was filed;

(2) State the basis of the claim, the amount of the compensation or waiver sought and the land use regulation that the owner asserts gives rise to a claim;

(3) Identify the property by the street address or other easily understood geographical reference;

(4) State that persons noticed may provide written comments on the claim, and provide the date written comments are due;

(5) Indicate a timeframe within which the Board will take action on the claim and identify how interested persons can learn of the specific date the Board will meet on the matter, once a meeting date is set;

(6) Provide the name and phone number of a county representative who can be contacted for additional information; and

(7) State that a copy of the claim and the supporting documents submitted by the owner are available for inspection at no cost, or that copies will be provided at reasonable cost.

(C) Written comments regarding a demand may be submitted to the Director by any interested person. Comments must be received by the Director within 14 days from the date of the notice required under subsections (A) and (B) above. The owner shall have an additional 7 days after the deadline set out above to respond to any written comments received by the Director. It is the duty of the owner to determine if comments have been received by the Director.

(D) The Director shall prepare a draft staff report ~~for the Board~~ within 30 days after the comment period has ended. The report shall apply the standards of Oregon Revised Statutes Chapter 197, as implemented through this subchapter, to the claim, ~~and shall include options for Board action.~~

(E) After the Director has completed a draft staff report, the Director shall send a copy of it to Assessment and Taxation for review of the appraisal(s) submitted by the owner and shall send a copy of it to the County Attorney's Office for review. Assessment and Taxation and the County Attorney's Office will have 30 days for review.

(F) After the Director receives the comments from Assessment and Taxation and the County Attorney's Office, the Director will prepare a final ~~finalize the~~ staff report and make it available to the public at least 10 days prior to the Board meeting. The final staff report shall include options for Board action.

(G) The Board shall conduct a public hearing before taking final action on the claim. The procedures for the hearing must include, but are not limited to staff presentation and public testimony, followed by deliberation and a decision by the Board.

(H) The Board's options for its decision include, but are not limited to the following:

(1) Find the claim invalid and issue a Board Order to deny the claim based on one or more of the following findings:

(a) The land use regulation does not restrict the use of the private real property;

(b) The fair market value of the property is not reduced by the enactment, enforcement or application of the land use regulation;

(c) The demand was not timely filed;

(d) The owner failed to comply with the requirements for making a demand as set forth in this subchapter;

(e) The owner is not the present property owner, or the property was not owned by a family member or the claimant was not the property owner at the time the land use regulation was enacted, enforced or applied;

(f) The land use regulation is an exempt regulation as defined in Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004;

(g) The land use regulation in question is not an enactment of the county;

(h) The county has not taken final action to enact, or enforce the land use regulation to the property;

(i) The owner is not entitled to compensation under Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004, for a reason other than those provided herein.

(2) Find the claim valid and issue a Board Order to award compensation, either in the amount requested, or in some other amount supported by the evidence in the record, subject to the availability and appropriation of funds for that purpose;

(3) Find the claim valid and issue a Board Order to modify the regulation which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property; or

(4) Find the claim valid and issue a Board Order to waive the regulation which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property.

(I) If the Board modifies or waives the challenged county land use regulation in response to a claim by owner, the modification or waiver is valid only as to the owner during owner's ownership of the property for those regulations listed in the claim which were found by the Board to be valid; all other current regulations remain in effect. The Board may, at its discretion, reinstate any or all of the land use regulations in effect at the time the owner acquired the property. A Board waiver is not a waiver of any state law or Metro Code provision.

(J) The final decision on a claim shall be made by the Board. After review the Board shall, under the standards of Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37 determine whether compensation is granted, the amount of compensation if any, whether any exceptions to the requirement for compensation apply or whether the regulation should be modified, removed or deemed not to apply to the property. A copy of the Board Order shall be sent by mail to the owner and to each individual or entity that participated in the Director or Board process, provided a mailing address was provided to the Director as part of the claim process.

(K) Waiver of a county land use regulation does not constitute a waiver of any corresponding state statutes.

(L) A decision by the Board to waive or modify a land use regulation shall be personal to the owner, and if not acted upon, and shall automatically become invalid and void upon transfer of any ownership interest in the subject property. Upon transfer of any ownership interest in the subject property, any use of the property that is not consistent with regulations in effect at the time of transfer, shall be deemed to be a nonconforming use and all state laws, rules and county code provisions relating to nonconforming uses shall be applicable.

(M) If the Board issues an Order finding that an owner has a valid claim and granting compensation or a modification or a waiver, the owner shall record a copy of the Order in the Recorder's Office of Multnomah County. The Order must include a legal description of the subject property.

(N) This subchapter shall be interpreted in a manner consistent with Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, Passed November 2, 2004, and other implementing statutes or regulations and as interpreted by Oregon appellate courts.

7.535 CONDITIONS OF APPROVAL, REVOCATION OF DECISION.

(A) The Board may establish any relevant conditions of approval for compensation, should compensation be granted, or for any other action taken under MCC 7.530 of this subchapter.

(B) Failure to comply with any condition of approval is grounds for revocation of the approval of the claim, grounds for recovering any compensation paid and grounds for revocation of any other action taken under this subchapter.

(C) In the event the owner, or the owner's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the conditions of approval, the Director may institute a revocation or modification proceeding before the Board under the same process for Board review of a claim under this subchapter.

7.540 EX PARTE CONTACTS, CONFLICT OF INTEREST AND BIAS.

The following rules govern any challenges to Board participation in the review or hearings regarding compensation claims:

(A) Any factual information obtained by a member of the Board outside the information provided by Director or county staff, or outside of the formal written comments process or hearing will be deemed an *ex parte* contact. A member of the Board that has obtained any material factual information through an *ex parte* contact must declare the content of that contact, and allow any interested party to rebut the substance of that contact. This rule does not apply to contacts between county staff and a member of the Board.

(B) Whenever a member of the Board, or any member of their immediate family or household, has a financial interest in the outcome of a particular demand or lives within the area entitled to notice of the demand, that member of the Board shall not participate in the deliberation or decision on that application.

(C) All decisions on demands must be fair, impartial and based on the applicable review standards and the evidence in the record. Any member of the Board who is unable to render a decision on this basis must refrain from participating in the deliberation or decision on that matter.

7.545 ATTORNEY FEES ON DELAYED COMPENSATION.

(A) If a demand under Oregon Revised Statutes Chapter 197 and MCC 7.500 *et. seq.* is denied or not fully paid within 180 days of the date of filing a completed demand, the owner's reasonable attorney fees and expenses necessary to collect compensation will be added as additional compensation provided compensation is awarded to the owner. If such demand is denied, not fully paid, or other action taken under Oregon Revised Statutes Chapter 197, within 180 days of the date of filing a completed demand, and the owner commences suit or action to collect compensation, if county is the prevailing party in such action, then county shall be entitled to any sum which a court, including any appellate court, may adjudge reasonable as attorney's fees.

(B) In the event county is the prevailing party and is represented by "in-house" counsel, the prevailing party shall nevertheless be entitled to recover reasonable attorney fees based upon the reasonable time incurred and the attorney fee rates and charges reasonably and generally charged and paid in Multnomah County, Oregon for the type of legal services performed.

7.550 AVAILABILITY OF FUNDS TO PAY CLAIMS.

Compensation can only be paid based on the availability and appropriation of funds for this purpose.

7.555 PRIVATE RIGHT OF ACTION.

If the Board's approval of a claim by removing or modifying a land use regulation causes a reduction in value of other property located in Multnomah County, the affected party shall have a cause of action in state circuit court to recover from the claimant the amount of the reduction, and shall also be entitled to attorney's fees.

7.560 APPLICABLE STATE LAW.

For all demands filed, the applicable state laws are those portions of Oregon Revised Statutes Chapter 197 added or made a part of said Chapter by Ballot Measure 37, passed on November 2, 2004 and/or as amended, modified or clarified by subsequent amendments or regulations adopted by the Oregon State Legislature, Oregon State Administrative Agencies or MCC 7.500 *et. seq.* Any demand that has not been processed completely under this subchapter shall be subject to any such amendments, modifications, clarifications or other actions taken at the state level and this subchapter shall be read in a manner so as not to conflict with such amendments, modifications, clarifications or other actions taken at the state level.

Section 2. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the effective

date of ORS Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004 and effective December 2, 2004, and it is essential to have a process in place for reviewing demands under the law on the effective date of Ballot Measure 37 therefore, this Ordinance is effective on December 2, 2004.

FIRST READING AND ADOPTION: December 2, 2004

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Dianne M. Linn, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra. N. Duffy, Assistant County Attorney

BOGSTAD Deborah L

From: DUFFY Sandra N
Sent: Tuesday, November 30, 2004 11:29 AM
To: BOGSTAD Deborah L; SCHUURMANS Stephanie L
Cc: SCHILLING Karen C; TOKOS Derrick I; CREAM Christopher D; SOWLE Agnes
Subject: RE: Quick question...

Deb, here is the ordinance with one more change (changing the retainer fee from \$2000 to \$1500) in a version with the changes underlined and the other with the changes accepted and ready for signatures.

Here is an outline of the procedures:

- ❖ *Motion will be made and seconded to adopt the ordinance and declare an emergency*
- ❖ *Staff will give its presentation including the changes to the ordinance that have been made since last Tuesday when the proposed ordinance was released to the public*
- ❖ *Motion will be made and seconded to amend the ordinance; vote taken*
- ❖ *Vote on the original Motion, as amended.*

Sandy

-----Original Message-----

From: BOGSTAD Deborah L
Sent: Tuesday, November 30, 2004 9:52 AM
To: DUFFY Sandra N; SCHUURMANS Stephanie L
Subject: RE: Quick question...

Thanks Sandy – I've posted the redlined version to the agenda packet folder on the web.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

-----Original Message-----

From: DUFFY Sandra N
Sent: Tuesday, November 30, 2004 9:15 AM
To: SCHUURMANS Stephanie L; BOGSTAD Deborah L
Subject: RE: Quick question...

Here are: ordinance with amendments and a "clean copy" with the amendments accepted. It is possible that the Board will make more changes (by motion) and a new final document will have to be prepared for Diane's signature.

11/30/2004

Sandy

-----Original Message-----

From: SCHUURMANS Stephanie L

Sent: Tuesday, November 30, 2004 8:10 AM

To: DUFFY Sandra N

Subject: Quick question...

I'm revising the Chair's script for this Thursday's meeting, and I was wondering if you were still going to provide amendments to the Measure 37 Ordinance.

Stephanie Schuurmans, Staff Assistant

Multnomah County Board Clerk's Office

501 SE Hawthorne Blvd. Suite 600

Portland, OR 97214-3587

(503) 988-3277

(503) 988-3013 fax

<http://www.co.multnomah.or.us/cc/index.shtml>

stephanie.l.schuurmans@co.multnomah.or.us

11/30/2004

11.30.04
Amendments

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Adopting New Provisions in Chapter 7 of the Multnomah County Code for the Review of Demands for Compensation under Oregon Revised Statutes Chapter 197 as Amended by Ballot Measure 37 Passed November 2, 2004, and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. On November 2, 2004, the voters of the State of Oregon approved Ballot Measure 37 that amended Oregon Revised Statutes Chapter 197 to require governments to pay compensation to present owners of real property if land use regulations restrict the use of the property such that it reduces its fair market value or, in the alternative, forego enforcement of the regulation (waiver) which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property.
- b. Ballot Measure 37 provides that in order to receive compensation or waiver of a land use regulation, a present owner of real property (claimant) must make a written "demand for compensation" (claim) to the government entity enacting or enforcing a land use regulation that allegedly restricts the use of their property in this manner.
- c. Ballot Measure 37 authorizes the county to adopt and apply procedures for processing compensation claims.
- d. It is in the interest of the citizens of Multnomah County to adopt such procedures to ensure fair and timely review of claims and to protect the public from the detrimental effects to the public health, safety, and welfare that would result from the granting of non-meritorious claims. The County wishes to do this by providing a process for the orderly review of claims; establishing a minimum amount of factual and analytical information a claimant must provide in order to file a claim; defining key terms and clarifying ambiguities in the text of the ballot measure; and establishing a fee to offset the cost to the general public of evaluating claims.
- e. Waiver or modification of land use regulations may negatively impact the fair market value of neighboring properties. It is in the public interest that the county provide notice of claims to these citizens and provide an avenue for protecting their reasonable investment-backed expectations where they have relied upon land use regulations in purchasing real property by allowing them to seek to recover from the claimant the amount of their damages through "Private Right of Action" in circuit court.
- f. Ballot Measure 37 is directed at a landowner's ability to establish a use on an existing property, not to create new properties. Accordingly, land division laws that define what is necessary to create new conveyable pieces of real property are not subject to this measure. A division of land is not a use of land. To accept otherwise harms the public, going beyond the voter mandate and creating circumstances where lots or parcels, created as a result of a modification or waiver of a land use regulation, cannot be built upon. New parcels or lots would be subject to land use laws in effect on the date they are formed because they would not have existed at the time the claim was filed. Further, a new owner is not entitled to a waiver or modification that might allow development because the measure provides that they are personal to the claimant. For these reasons the measure cannot be read to provide a right to divide land, meaning that land division

laws are subject to a claim only to the extent that they prevent the establishment of a use on an existing property.

Multnomah County Ordains As Follows:

Section 1. Chapter 7, Business and Community Services, of the Multnomah County Code is amended to add Section 7.500 *et. seq.* as follows:

7.500 PURPOSE.

The purpose of this subchapter is to implement Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004, and to:

- establish a procedure to process demands for compensation (claims) quickly, openly, thoroughly, and consistent with the law;
- enable present real property owners (claimants) making claims to have an adequate and fair opportunity to present their claims to the county's Board of County Commissioners (Board);
- provide the Board with the factual and analytical information necessary to adequately and fairly consider claims;
- ascertain county liability for compensation apart from State of Oregon (~~s~~State) and Metropolitan Service District (Metro) liability;
- take appropriate action under the alternatives provided by law;
- -to preserve and protect limited public funds;
- preserve and protect the interests of the community by providing for public input into the process of reviewing claims; and
- establish a record of decisions capable of withstanding legal review.

7.505 DEFINITIONS.

For purposes of this subchapter the following definitions shall apply:

APPRAISAL. A written appraisal concluding to Fair Market Value of real property prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon pursuant to ORS Chapter 674 and meeting the appraisal requirements set forth in Uniform Standards of Professional Appraisal Practice (USPAP). In the case of commercial or industrial property, the term "appraisal" additionally means a written appraisal concluding to Fair Market Value prepared by an appraiser holding an MAI qualification (Member Appraisal Institute), as demonstrated by written certificate.

CLAIM. The "written demand for compensation" required to be made by an "owner" of "real property" under Ballot Measure 37. Demands shall not be considered made under Ballot Measure 37 until

the county accepts the demand as complete, i.e. meeting the requirements for making a demand under this subchapter.

CLAIMANT. Present owner(s) of real property. See definition for “owner.”

DEMAND. “Claim” and “written demand for compensation” as defined herein.

DIRECTOR. The Planning Director for Multnomah County.

EXEMPT LAND USE REGULATION. Those land use regulations that are specifically listed as exempt from compensation or waiver requirements as set forth in Ballot Measure 37 and in MCC 7.510.

FAMILY MEMBER. The wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the real property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the real property.

LAND USE. A physical improvement on real property related to use of the land or an activity which is conducted on real property (examples: residential use, commercial use, industrial use, community service use, farm use or forest use). A further division of real property is not a land use.

LAND USE REGULATION. Includes:

- (1) Any statute regulating the use of land or any interest therein;
- (2) Administrative rules and goals of the Land Conservation and Development Commission;
- (3) Multnomah County’s comprehensive plan, zoning ordinance, land division ordinance, or transportation ordinance of Multnomah County; and,
- (4) ~~Metro’s~~^{politan} ~~Service District~~ regional framework plans, functional plans, planning goals and objectives.

OWNER. The present owner(s) of real property, or any interest therein, which is the subject of a claim. The owner is a person who is the sole fee simple owner of the real property or all joint owners whose interests add up to a fee simple interest in property, including all persons who represent all recorded interests in property, such as co-owners, holders of less than fee simple interests, leasehold owners, and security interest holders.

PROPERTY. Private real property, or interest therein, as described in a deed or other legal instrument, which existed on the date of the claim.

REDUCTION IN VALUE. The difference in the fair market value, if any, of the property with certain land use regulations enforced or applied; and the fair market value of the subject property without those land use regulations enforced or applied to the property.

RESTRICTS THE USE. A land use regulation that prohibits a land use or limits the manner in which it can be established on the property.

VALID CLAIM. A claim submitted by the owner of real property that is subject to a land use regulation enacted and/or enforced by Multnomah County that restricts the use of the private real property in a manner that reduces the fair market value of the real property and meets all the requirements of MCC 7.500 *et. seq.*

WRITTEN DEMAND FOR COMPENSATION. "Claim" or "demand" as defined herein.

7.510 APPLICABILITY AND EXCEPTIONS.

(A) An owner of private real property located within unincorporated Multnomah County may file a claim under this subchapter if the county enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of Ballot Measure 37, which amended Oregon Revised Statutes Chapter 197, and it restricts the use of private real property, or any interest therein, and has the effect of reducing the fair market value of the property, or any interest therein.

(B) This subchapter, in compliance with ORS Chapter 197, as amended by Ballot Measure 37, does not allow claims for certain categories of regulations which may reduce the fair market value of the property, or any interest therein. The categories of regulations that are exempt from claims for compensation include the following:

(1) A regulation restricting or prohibiting activities commonly and historically recognized as public nuisances under common law and the criminal laws of Oregon and Multnomah County;

(2) A regulation restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;

a) The County Hillside Development zoning overlay is necessary to protect public health and safety and minimize pollution, ensuring that earthwork on steep slopes or areas susceptible to sloughing or debris flows is undertaken such that it does not compromise slope stability or cause excessive erosion.

b) Grading and Erosion Control regulations are building codes necessary to protect public health and safety and minimize pollution by limiting soil erosion attributed to earthwork, and

c) Flood Hazard regulations are building codes necessary to protect health and safety to minimize loss due to flood conditions and allow property owners within the County to participate in the National Flood Insurance Program.

(3) A regulation required to comply with federal law;

a) No claims will be accepted for those properties situated within the Columbia River Gorge National Scenic Act area. These properties are exempt from ORS 197, as amended by Ballot Measure 37. The county comprehensive plan and zoning code provisions applicable to these properties are regulations required to comply with federal law.

(4) A regulation restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing; or

(5) A regulation enacted prior to the date of acquisition of the real property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

(C) Land division regulations, except where they restrict the use of a property.

7.515 SCOPE OF CLAIMS.

(A) An owner of private real property located within unincorporated Multnomah County, or an owner of contiguous parcels purchased at the same time, who asserts a right to compensation under ORS 197, as amended by Ballot Measure 37, shall make a claim for compensation as provided in this subchapter. Owners of noncontiguous properties must file separate claims.

(B) A claim must be submitted for each land use regulation which the owner asserts restricts the use of a property and has the effect of reducing the fair market value of the property.

(C) If an owner wishes to assert that more than one regulation restricts use of the property, and has the effect of reducing the fair market value of the property, all claims regarding that property must be filed simultaneously and considered by the county simultaneously.

(D) Separate claims must be submitted for each parcel of real property.

(E) Claims based on regulations that contain discretionary criteria for approval of development on a property may only be filed after Multnomah County has enforced its regulations through approval or denial of a land use application. Such an approval or denial is necessary to establish whether a particular land use regulation "restricts the use" of a property.

(F) ~~No claims will be accepted for those properties situated within the Columbia River Gorge National Scenic Act area. These properties are exempt from ORS 197, as amended by Ballot Measure 37. The county comprehensive plan and zoning code provisions applicable to these properties are regulations required to comply with federal law.~~

7.520 CONTENT OF WRITTEN CLAIM.

(A) A Claim pursuant to MCC 7.510 shall only be submitted to and accepted for review by the Director, or the Director's designee, and shall include the following information:

(1) A description of the private real property for which the owner is claiming compensation, including the street address and either a legal description or a County Tax Assessor's description of the property-, specifically identifying whether the claim relates to real property other than land or, to a portion of the ownership less than fee simple absolute;

(2) The name, address, and telephone number of all owners and anyone with an interest in the property, including lien holders, trustees, renters, and lessees, together with a description of the ownership interest of each;

(3) The date the claimant acquired ownership of or an interest in the private real property and a copy of the document which provides proof of first ownership;

(4) A title report, including title history, current within 30 days prior to the claim date, verifying the ownership or interests in the private real property;

(5) If the claim is based upon the date a family member acquired the property, then documentation sufficient to establish the familial relationship along with a chain of title showing continual ownership;

(6) Copies of any Covenants, Conditions and Restrictions (CCR's), leases, or other encumbrances applicable to the real property;

(7) Identification of the specific land use regulation which restricts the owner's use of the real property, and for which the owner is claiming compensation;

(8) A statement describing the manner in which, and the extent to which, the regulation restricts the use of the private real property and has the effect of reducing the fair market value of the property for which the owner is claiming compensation;

(9) The amount of the claim, based upon the alleged reduction in value, supported by an appraisal of the private real property for which the owner is asserting a claim. If the value of the claim exceeds \$10,000, then copies of two appraisals, prepared by different appraisers, must be included;

(10) A statement of the relief sought by the owner, such as a monetary payment in a specific amount; waiver of the applicable regulation; or modification of the applicable regulation. If a modification of the regulation is sought, then a description of the desired modification must be included;

(11) Payment of any required claim processing fee; and

(12) The signature of the claimant.

(B) The Director shall conduct a completeness review within 30 days after submittal of the claim and shall advise the owner, in writing, of any material remaining to be submitted. Once all of the required materials for a complete claim are received, the Director shall declare the claim complete and send the notice required by MCC 7.530(A) and (B).

(C) Commencement of the 180-day period allowed for local government claim procedures prior to any cause of action being authorized for the owner in circuit court as specified in Oregon Revised Statutes Chapter 197 starts on the date the Director deems the claim complete and accepts it for filing.

7.525 CLAIM PROCESSING FEES.

(A) The Claim Processing Fees shall cover the actual administrative costs to county for processing a claim. An owner shall pay a retainer of ~~\$1500~~~~2000~~ at the time they submit a claim to the Director. Following final action by the county on the claim, the Director shall provide an accounting of the actual administrative costs, including staff and legal costs, that the county incurred in reviewing and acting on the claim. County shall refund any excess funds from the retainer to the owner within 30 days after the final decision, or shall bill for additional costs not covered by the retainer.

(B) A billing for the amount of the unpaid administrative costs for processing the claim shall be forwarded by certified or registered mail, return receipt requested, to the owner. Payment shall be made to the Director within 30 days from the billing date set out on the bill.

(C) If the property owner does not pay the amount due within 30 days of the billing date, county may pursue collection, including filing a lien on the property. The lien is perfected by filing it with the County Recorder's Office in the deed records indicating the amount of the lien, the basis for the lien and the property to which the lien attaches.

(D) The lien provided for in subsection (C) shall be given priority over all liens except those for taxes and assessments and shall include interest at 0.5% per month accruing from the date the billing is sent to the owner of the property.

(E) The lien provided for in subsection (C) shall be foreclosed in the manner prescribed by state law for the enforcement of liens and collection of assessments.

(F) In compliance with MCC 37.0560, no permits will be approved on properties with a lien for unpaid processing fees required by this subsection.

(G) County shall collect reasonable attorney's fees and costs for collection of the debt, which may be made part of the lien and the debt.

7.530 CLAIM REVIEW PROCESS.

(A) After a claim for compensation is declared complete pursuant to MCC 7.520(~~CB~~), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate.

(B) The Director's notice under subsection (A) shall:

- (1) Indicate the date that the claim was filed;
- (2) State the basis of the claim, the amount of the compensation or waiver sought and the land use regulation that the owner asserts gives rise to a claim;
- (3) Identify the property by the street address or other easily understood geographical reference;
- (4) State that persons noticed may provide written comments on the claim, and provide the date written comments are due;
- (5) Indicate a timeframe within which the Board will take action on the claim and identify how interested persons can learn of the specific date the Board will meet on the matter, once a meeting date is set;
- (6) Provide the name and phone number of a county representative who can be contacted for additional information; and
- (7) State that a copy of the claim and the supporting documents submitted by the owner are available for inspection at no cost, or that copies will be provided at reasonable cost.

(C) Written comments regarding a demand may be submitted to the Director by any interested person. Comments must be received by the Director within 14 days from the date of the notice required under subsections (A) and (B) above. The owner shall have an additional 7 days after the deadline set out above to respond to any written comments received by the Director. It is the duty of the owner to determine if comments have been received by the Director.

(D) The Director shall prepare a draft staff report ~~for the Board~~ within 30 days after the comment period has ended. The report shall apply the standards of Oregon Revised Statutes Chapter 197, as implemented through this subchapter, to the claim, ~~and shall include options for Board action.~~

(E) After the Director has completed a draft staff report, the Director shall send a copy of it to Assessment and Taxation for review of the appraisal(s) submitted by the owner and shall send a copy of it to the County Attorney's Office for review. Assessment and Taxation and the County Attorney's Office will have 30 days for review.

(F) After the Director receives the comments from Assessment and Taxation and the County Attorney's Office, the Director will prepare a finalize the staff report and make it available to the public at least 10 days prior to the Board meeting. The final staff report shall include options for Board action.

(G) The Board shall conduct a public hearing before taking final action on the claim. The procedures for the hearing must include, but are not limited to staff presentation and public testimony, followed by deliberation and a decision by the Board.

(H) The Board's options for its decision include, but are not limited to the following:

(1) Find the claim invalid and issue a Board Order to deny the claim based on one or more of the following findings:

(a) The land use regulation does not restrict the use of the private real property;

(b) The fair market value of the property is not reduced by the enactment, enforcement or application of the land use regulation;

(c) The demand was not timely filed;

(d) The owner failed to comply with the requirements for making a demand as set forth in this subchapter;

(e) The owner is not the present property owner, or the property was not owned by a family member or the claimant was not the property owner at the time the land use regulation was enacted, enforced or applied;

(f) The land use regulation is an exempt regulation as defined in Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004;

(g) The land use regulation in question is not an enactment of the county;

(h) The county has not taken final action to enact, or enforce the land use regulation to the property;

(i) The owner is not entitled to compensation under Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004, for a reason other than those provided herein.

(2) Find the claim valid and issue a Board Order to award compensation, either in the amount requested, or in some other amount supported by the evidence in the record, subject to the availability and appropriation of funds for that purpose;

(3) Find the claim valid and issue a Board Order to modify the regulation which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property; or

(4) Find the claim valid and issue a Board Order to waive the regulation which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property.

(I) If the Board modifies or waives the challenged county land use regulation in response to a claim by owner, the modification or waiver is valid only as to the owner during owner's ownership of the property for those regulations listed in the claim which were found by the Board to be valid; all other current regulations remain in effect. The Board may, at its discretion, reinstate any or all of the land use regulations in effect at the time the owner acquired the property. A Board waiver is not a waiver of any state law or Metro Code provision.

(J) The final decision on a claim shall be made by the Board. After review the Board shall, under the standards of Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37 determine whether compensation is granted, the amount of compensation if any, whether any exceptions to the requirement for compensation apply or whether the regulation should be modified, removed or deemed not to apply to the property. A copy of the Board Order shall be sent by mail to the owner and to each individual or entity that participated in the Director or Board process, provided a mailing address was provided to the Director as part of the claim process.

(K) Waiver of a county land use regulation does not constitute a waiver of any corresponding state statutes.

(L) A decision by the Board to waive or modify a land use regulation shall be personal to the owner, and if not acted upon, and shall automatically become invalid and void upon transfer of any ownership interest in the subject property. Upon transfer of any ownership interest in the subject property, any use of the property that is not consistent with regulations in effect at the time of transfer, shall be deemed to be a nonconforming use and all state laws, rules and county code provisions relating to nonconforming uses shall be applicable.

(M) If the Board issues an Order finding that an owner has a valid claim and granting compensation or a modification or a waiver, the owner shall record a copy of the Order in the Recorder's Office of Multnomah County. The Order must include a legal description of the subject property.

(N) This subchapter shall be interpreted in a manner consistent with Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, Passed November 2, 2004, and other implementing statutes or regulations and as interpreted by Oregon appellate courts.

7.535 CONDITIONS OF APPROVAL, REVOCATION OF DECISION.

(A) The Board may establish any relevant conditions of approval for compensation, should compensation be granted, or for any other action taken under MCC 7.530 of this subchapter.

(B) Failure to comply with any condition of approval is grounds for revocation of the approval of the claim, grounds for recovering any compensation paid and grounds for revocation of any other action taken under this subchapter.

(C) In the event the owner, or the owner's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the conditions of approval, the Director may institute a revocation or modification proceeding before the Board under the same process for Board review of a claim under this subchapter.

7.540 EX PARTE CONTACTS, CONFLICT OF INTEREST AND BIAS.

The following rules govern any challenges to Board participation in the review or hearings regarding compensation claims:

(A) Any factual information obtained by a member of the Board outside the information provided by Director or county staff, or outside of the formal written comments process or hearing will be deemed an *ex parte* contact. A member of the Board that has obtained any material factual information through an *ex parte* contact must declare the content of that contact, and allow any interested party to rebut the substance of that contact. This rule does not apply to contacts between county staff and a member of the Board.

(B) Whenever a member of the Board, or any member of their immediate family or household, has a financial interest in the outcome of a particular demand or lives within the area entitled to notice of the demand, that member of the Board shall not participate in the deliberation or decision on that application.

(C) All decisions on demands must be fair, impartial and based on the applicable review standards and the evidence in the record. Any member of the Board who is unable to render a decision on this basis must refrain from participating in the deliberation or decision on that matter.

7.545 ATTORNEY FEES ON DELAYED COMPENSATION.

(A) If a demand under Oregon Revised Statutes Chapter 197 and MCC 7.500 *et. seq.* is denied or not fully paid within 180 days of the date of filing a completed demand, the owner's reasonable attorney fees and expenses necessary to collect compensation will be added as additional compensation provided compensation is awarded to the owner. If such demand is denied, not fully paid, or other action taken under Oregon Revised Statutes Chapter 197, within 180 days of the date of filing a completed demand, and the owner commences suit or action to collect compensation, if county is the prevailing party in such action, then county shall be entitled to any sum which a court, including any appellate court, may adjudge reasonable as attorney's fees.

(B) In the event county is the prevailing party and is represented by "in-house" counsel, the prevailing party shall nevertheless be entitled to recover reasonable attorney fees based upon the reasonable time incurred and the attorney fee rates and charges reasonably and generally charged and paid in Multnomah County, Oregon for the type of legal services performed.

7.550 AVAILABILITY OF FUNDS TO PAY CLAIMS.

Compensation can only be paid based on the availability and appropriation of funds for this purpose.

7.555 PRIVATE RIGHT OF ACTION.

If the Board's approval of a claim by removing or modifying a land use regulation causes a reduction in value of other property located in Multnomah County, the affected party shall have a cause of action in state circuit court to recover from the claimant the amount of the reduction, and shall also be entitled to attorney's fees.

7.560 APPLICABLE STATE LAW.

For all demands filed, the applicable state laws are those portions of Oregon Revised Statutes Chapter 197 added or made a part of said Chapter by Ballot Measure 37, passed on November 2, 2004 and/or as amended, modified or clarified by subsequent amendments or regulations adopted by the Oregon State Legislature, Oregon State Administrative Agencies or MCC 7.500 *et. seq.* Any demand that has not been processed completely under this subchapter shall be subject to any such amendments, modifications, clarifications or other actions taken at the state level and this subchapter shall be read in a manner so as not to conflict with such amendments, modifications, clarifications or other actions taken at the state level.

Section 2. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the effective

date of ORS Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004 and effective December 2, 2004, and it is essential to have a process in place for reviewing demands under the law on the effective date of Ballot Measure 37 therefore, this Ordinance is effective on December 2, 2004.

FIRST READING AND ADOPTION: December 2, 2004

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Dianne M. Linn, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra. N. Duffy, Assistant County Attorney

#7

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12.02.04

SUBJECT: Fee

AGENDA NUMBER OR TOPIC: R-8

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Kathleen Worman

ADDRESS: 57588 Bay View Ridge

CITY/STATE/ZIP: Warren

PHONE: _____ DAYS: _____

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: Fee \$1500. is too high. Need to provide
waivers for indigent, handicapped or otherwise ~~difficulties~~ difficulties

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

(R-8) MEETING DATE: 12/2/04
SUBJECT: Measure 37 Ord Amendments

AGENDA NUMBER OR TOPIC: _____

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Michael Lang

ADDRESS: 522 SW 5th Ave, Ste. 720

CITY/STATE/ZIP: Portland

PHONE: DAYS: 503 241 3762, #105 EVES: _____

EMAIL: michael@gorgefriends.org FAX: 503-241-3873

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



FRIENDS OF THE COLUMBIA GORGE

**Testimony regarding Multnomah County's Draft Measure 37 Ordinance
Before the Board of County Commissioners
By Michael Lang, Conservation Director
December 2, 2004**

Thank you for the opportunity to provide comments on Multnomah County's draft ordinance to implement Measure 37. Friends of the Columbia Gorge (Friends) is a non-profit organization with members in 3000 households dedicated to protecting and enhancing the resources of the Columbia River Gorge.

Friends believes that it is important for Multnomah County to adopt an ordinance that is fair to all citizens of the county, ensures a fair and timely review for Measure 37 claims and ensures an open public process and opportunities for citizen involvement. The draft ordinance meets all of these criteria.

Most importantly, we want to ensure that any ordinance adopted will accurately reflect the Federal Supremacy Clause of the U.S. Constitution (Art. VI, paragraph 2) and the federal preemption doctrine, which establishes that federal law is the supreme law of the land that that federal law preempts state law where there is a conflict. Measure 37 acknowledges federal preemption by exempting land use laws that are required to implement federal laws like the Columbia River Gorge National Scenic Area Act. The draft Measure 37 ordinance further clarifies that Measure 37 does not apply to land use regulations within the National Scenic Area.

Within the National Scenic Area, fairness, compensation and waivers are already addressed in the following ways. In the Gorge, the Special Management Areas have the most restrictive zoning. Up until the year 2001, all landowners within the Special Management Areas had the opportunity to apply for compensation from the federal government by offering to sell their land to the Forest Service with values based upon uses allowed prior to the passage of the Scenic Area Act in 1986. If three years passed from the date of the offer and the Forest Service did not purchase the property, then the property was rezoned to allow more uses. In addition, the National Scenic Area rules already contain a safety valve to ensure that landowners are not deprived of all economic uses. Consistent with the U.S. Constitution's "takings" provision, the "special review rule" requires the waiver of scenic area land use rules in order to allow an economic use on private property if the landowner would otherwise be deprived of all reasonable economic use.

Thank you very much for considering these comments.

#3

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 12/2/09

SUBJECT: MEASURE 37 ORDINANCE

AGENDA NUMBER OR TOPIC: R-8

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: NATHAN BAKER

ADDRESS: 522 SW 5TH AVE., SUITE 720

CITY/STATE/ZIP: PORTLAND, OR 97204-2400

PHONE: DAYS: 503-241-3762 x101 EVES:

EMAIL: nathan@gorgefriends.org FAX:

SPECIFIC ISSUE: Friends supports the protection of the
Columbia River Gorge National Scenic Area (sec. 7.510(3)(a))

WRITTEN TESTIMONY:

* I will accompany Michael Lang

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

12.02.04

MEETING DATE:

11/8/04

SUBJECT:

Ballot 37

AGENDA NUMBER OR TOPIC:

R-8

FOR:

AGAINST:

X

THE ABOVE AGENDA ITEM

NAME:

Peter F Fry

ADDRESS:

123 NW Littlepage PO Box 312

CITY/STATE/ZIP:

Portland, OR 97205

PHONE:

DAYS:

503 2742744

EVES:

EMAIL:

FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

December 1, 2004

To Multnomah County Commission

Re: Chapter 5.75 Claims under ORS Chapter 197

I recommend the following language:

"The value and validity of a Measure 37 claim shall be (is best) established by the denial of a development proposal based on findings that the development proposal violates criteria that are stayed by Ballot Measure 37."

This accomplishes the following purposes:

- 1) Establishes the validity of the development proposal. The vast majority of development aspirations are unattainable due to market demand market, competence of owners, and/or site conditions. An assertion that a specific development can occur on a specific property is speculative at best and deceptive at worst.
- 2) Methods do not exist to accurately determine the loss of value affected by a regulation when examined isolated from the value created by a development. The development's value can not be determined without it being tested through the development process. Predevelopment values are often estimated; substantial evidence exist that predevelopment values are consistently wrong.
- 3) An approval of a development is never determined by a single regulation or collection of regulations. A single regulation can determine whether or not a development can be considered. A proposal that finds that this specific regulation should be waived due to measure 37 only unlocks the door to a process that may or may not result in value.
- 4) If a claim's value is established by a development process then scarce resources for attorneys, architects, and engineers will be diverted back to the production of equity through land development and away from the enormous consumption of the empty rhetoric of the court system.
- 5) A jurisdiction can truly weigh the benefits or liability of waiving the regulation and granting the proposal or paying compensation based on a real proposal, not a speculative assertion.

#5

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

*****This form is a public record*****

MEETING DATE: 2 DEC 04

SUBJECT: MEASURE 37

AGENDA NUMBER OR TOPIC: R-8

FOR: _____ **AGAINST:** _____ **THE ABOVE AGENDA ITEM**

NAME: BOB LEPPER

ADDRESS: PO BOX 94

CITY/STATE/ZIP: TROUTDALE OR 97060

PHONE: **DAYS:** 503-695-5276

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: NO

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

~~140-10LEAVE~~

#6

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

*****This form is a public record*****

MEETING DATE: Dec 2, 2004

SUBJECT: R8 - M37 ordinance

AGENDA NUMBER OR TOPIC: R8

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Mike Hrykewicz

ADDRESS: _____

CITY/STATE/ZIP: Portland, OR

PHONE: _____ DAYS: _____

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: Adoption of M37 ordinance

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1055

Adopting New Provisions in Chapter 7 of the Multnomah County Code for the Review of Demands for Compensation under Oregon Revised Statutes Chapter 197 as Amended by Ballot Measure 37 Passed November 2, 2004, and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. On November 2, 2004, the voters of the State of Oregon approved Ballot Measure 37 that amended Oregon Revised Statutes Chapter 197 to require governments to pay compensation to present owners of real property if land use regulations restrict the use of the property such that it reduces its fair market value or, in the alternative, forego enforcement of the regulation (waiver) which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property.
- b. Ballot Measure 37 provides that in order to receive compensation or waiver of a land use regulation, a present owner of real property (claimant) must make a written "demand for compensation" (claim) to the government entity enacting or enforcing a land use regulation that allegedly restricts the use of their property in this manner.
- c. Ballot Measure 37 authorizes the county to adopt and apply procedures for processing compensation claims.
- d. It is in the interest of the citizens of Multnomah County to adopt such procedures to ensure fair and timely review of claims and to protect the public from the detrimental effects to the public health, safety, and welfare that would result from the granting of non-meritorious claims. The County wishes to do this by providing a process for the orderly review of claims; establishing a minimum amount of factual and analytical information a claimant must provide in order to file a claim; defining key terms and clarifying ambiguities in the text of the ballot measure; and establishing a fee to offset the cost to the general public of evaluating claims.
- e. Waiver or modification of land use regulations may negatively impact the fair market value of neighboring properties. It is in the public interest that the county provide notice of claims to these citizens and provide an avenue for protecting their reasonable investment-backed expectations where they have relied upon land use regulations in purchasing real property by allowing them to seek to recover from the claimant the amount of their damages through "Private Right of Action" in circuit court.
- f. Ballot Measure 37 is directed at a landowner's ability to establish a use on an existing property, not to create new properties. Accordingly, land division laws that set out the procedures necessary to create new conveyable pieces of real property are not subject to this measure. A division of land is not a use of land. To interpret otherwise harms the public, going beyond the voter mandate and creating circumstances where lots or parcels, created as a result of a modification or waiver of a land use regulation, cannot be built upon. New parcels or lots would be subject to land use laws in effect on the date they are formed because they would not have existed at the time the claim was filed. Further, a new owner is not entitled to a waiver or modification that might allow development because the measure provides that they are personal to the claimant. For these reasons the measure cannot be read to provide a right to divide land,

meaning that land division laws are subject to a claim only to the extent that they prevent the establishment of a use on an existing property.

Multnomah County Ordains As Follows:

Section 1. Chapter 7, Business and Community Services, of the Multnomah County Code is amended to add Section 7.500 *et. seq.* as follows:

7.500 PURPOSE.

The purpose of this subchapter is to implement Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004, and to:

- establish a procedure to process demands for compensation (claims) quickly, openly, thoroughly, and consistent with the law;
- enable present real property owners (claimants) making claims to have an adequate and fair opportunity to present their claims to the county's Board of County Commissioners (Board);
- provide the Board with the factual and analytical information necessary to adequately and fairly consider claims;
- ascertain county liability for compensation apart from State of Oregon (State) and Metropolitan Service District (Metro) liability;
- take appropriate action under the alternatives provided by law;
- to preserve and protect limited public funds;
- preserve and protect the interests of the community by providing for public input into the process of reviewing claims; and
- establish a record of decisions capable of withstanding legal review.

7.505 DEFINITIONS.

For purposes of this subchapter the following definitions shall apply:

APPRAISAL. A written appraisal concluding to Fair Market Value of real property prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon pursuant to ORS Chapter 674 and meeting the appraisal requirements set forth in Uniform Standards of Professional Appraisal Practice (USPAP). In the case of commercial or industrial property, the term "appraisal" additionally means a written appraisal concluding to Fair Market Value prepared by an appraiser holding an MAI qualification (Member Appraisal Institute), as demonstrated by written certificate.

CLAIM. The "written demand for compensation" required to be made by an "owner" of "real property" under Ballot Measure 37. Demands shall not be considered made under Ballot Measure 37 until

the county accepts the demand as complete, i.e. meeting the requirements for making a demand under this subchapter.

CLAIMANT. Present owner(s) of real property. See definition for “owner.”

DEMAND. “Claim” and “written demand for compensation” as defined herein.

DIRECTOR. The Planning Director for Multnomah County.

EXEMPT LAND USE REGULATION. Those land use regulations that are specifically listed as exempt from compensation or waiver requirements as set forth in Ballot Measure 37 and in MCC 7.510.

FAMILY MEMBER. The wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the real property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the real property.

LAND USE. A physical improvement on real property related to use of the land or an activity which is conducted on real property (examples: residential use, commercial use, industrial use, community service use, farm use or forest use). A further division of real property is not a land use.

LAND USE REGULATION. Includes:

- (1) Any statute regulating the use of land or any interest therein;
- (2) Administrative rules and goals of the Land Conservation and Development Commission;
- (3) Multnomah County’s comprehensive plan, zoning ordinance, land division ordinance, or transportation ordinance of Multnomah County; and,
- (4) Metro’s regional framework plans, functional plans, planning goals and objectives.

OWNER. The present owner(s) of real property, or any interest therein, which is the subject of a claim. The owner is a person who is the sole fee simple owner of the real property or all joint owners whose interests add up to a fee simple interest in property, including all persons who represent all recorded interests in property, such as co-owners, holders of less than fee simple interests, leasehold owners, and security interest holders.

PROPERTY. Private real property, or interest therein, as described in a deed or other legal instrument, which existed on the date of the claim.

REDUCTION IN VALUE. The difference in the fair market value, if any, of the property with certain land use regulations enforced or applied; and the fair market value of the subject property without those land use regulations enforced or applied to the property.

RESTRICTS THE USE. A land use regulation that prohibits a land use or limits the manner in which it can be established on the property.

VALID CLAIM. A claim submitted by the owner of real property that is subject to a land use regulation enacted and/or enforced by Multnomah County that restricts the use of the private real property

in a manner that reduces the fair market value of the real property and meets all the requirements of MCC 7.500 *et. seq.*

WRITTEN DEMAND FOR COMPENSATION. "Claim" or "demand" as defined herein.

7.510 APPLICABILITY AND EXCEPTIONS.

(A) An owner of private real property located within unincorporated Multnomah County may file a claim under this subchapter if the county enacts or enforces a new land use regulation or enforces a land use regulation enacted prior to the effective date of Ballot Measure 37, which amended Oregon Revised Statutes Chapter 197, and it restricts the use of private real property, or any interest therein, and has the effect of reducing the fair market value of the property, or any interest therein.

(B) This subchapter, in compliance with ORS Chapter 197, as amended by Ballot Measure 37, does not allow claims for certain categories of regulations which may reduce the fair market value of the property, or any interest therein. The categories of regulations that are exempt from claims for compensation include the following:

(1) A regulation restricting or prohibiting activities commonly and historically recognized as public nuisances under common law and the criminal laws of Oregon and Multnomah County;

(2) A regulation restricting or prohibiting activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, pollution control regulations, including, but not limited to the following:

a) The County Hillside Development zoning overlay is necessary to protect public health and safety and minimize pollution, ensuring that earthwork on steep slopes or areas susceptible to sloughing or debris flows is undertaken such that it does not compromise slope stability or cause excessive erosion,

b) Grading and Erosion Control regulations are building codes necessary to protect public health and safety and minimize pollution by limiting soil erosion attributed to earthwork, and

c) Flood Hazard regulations are building codes necessary to protect health and safety to minimize loss due to flood conditions and allow property owners within the County to participate in the National Flood Insurance Program.

(3) A county regulation required to comply with federal law; and specifically no claims will be accepted for those properties situated within the Columbia River Gorge National Scenic Act area. These properties are exempt from ORS 197, as amended by Ballot Measure 37. The county comprehensive plan and zoning code provisions applicable to these properties are regulations required to comply with federal law.

(4) A regulation restricting or prohibiting the use of a property for the purpose of selling pornography or performing nude dancing; or

(5) A regulation enacted prior to the date of acquisition of the real property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

(6) Land division regulations, except where they restrict the use of a property.

7.515 SCOPE OF CLAIMS.

(A) An owner of private real property located within unincorporated Multnomah County, or an owner of contiguous parcels purchased at the same time, who asserts a right to compensation under ORS 197, as amended by Ballot Measure 37, shall make a claim for compensation as provided in this subchapter. Owners of noncontiguous properties must file separate claims.

(B) A claim must be submitted for each land use regulation which the owner asserts restricts the use of a property and has the effect of reducing the fair market value of the property.

(C) If an owner wishes to assert that more than one regulation restricts use of the property, and has the effect of reducing the fair market value of the property, all claims regarding that property must be filed simultaneously and considered by the county simultaneously.

(D) Separate claims must be submitted for each parcel of real property.

(E) Claims based on regulations that contain discretionary criteria for approval of development on a property may only be filed after Multnomah County has enforced its regulations through approval or denial of a land use application. Such an approval or denial is necessary to establish whether a particular land use regulation "restricts the use" of a property.

7.520 CONTENT OF WRITTEN CLAIM.

(A) A Claim pursuant to MCC 7.510 shall only be submitted to and accepted for review by the Director, or the Director's designee, and shall include the following information:

(1) A description of the private real property for which the owner is claiming compensation, including the street address and either a legal description or a County Tax Assessor's description of the property, specifically identifying whether the claim relates to real property other than land or, to a portion of the ownership less than fee simple absolute;

(2) The name, address, and telephone number of all owners and anyone with an interest in the property, including lien holders, trustees, renters, and lessees, together with a description of the ownership interest of each;

(3) The date the claimant acquired ownership of or an interest in the private real property and a copy of the document which provides proof of first ownership;

(4) A title report, including title history, current within 30 days prior to the claim date, verifying the ownership or interests in the private real property;

(5) Copies of any land use decisions claimant believes are related to the claim.

(6) If the claim is based upon the date a family member acquired the property, then documentation sufficient to establish the familial relationship along with a chain of title showing continual ownership;

(7) Copies of any Covenants, Conditions and Restrictions (CCR's), leases, or other encumbrances applicable to the real property;

(8) Identification of the specific land use regulation which restricts the owner's use of the real property, and for which the owner is claiming compensation;

(9) A statement describing the manner in which, and the extent to which, the regulation restricts the use of the private real property and has the effect of reducing the fair market value of the property for which the owner is claiming compensation;

(10) The amount of the claim, based upon the alleged reduction in value, supported by an appraisal of the private real property for which the owner is asserting a claim. If the value of the claim exceeds \$10,000, then copies of two appraisals, prepared by different appraisers, must be included;

(11) A statement of the relief sought by the owner, such as a monetary payment in a specific amount; waiver of the applicable regulation; or modification of the applicable regulation. If a modification of the regulation is sought, then a description of the desired modification must be included;

(12) Payment of any required claim processing fee; and

(13) The signature of the claimant.

(B) The Director shall conduct a completeness review within 30 days after submittal of the claim and shall advise the owner, in writing, of any material remaining to be submitted. Once all of the required materials for a complete claim are received, the Director shall declare the claim complete and send the notice required by MCC 7.530(A) and (B).

(C) Commencement of the 180-day period allowed for local government claim procedures prior to any cause of action being authorized for the owner in circuit court as specified in Oregon Revised Statutes Chapter 197 starts on the date the Director deems the claim complete and accepts it for filing.

7.525 CLAIM PROCESSING FEES.

(A) The Claim Processing Fees shall cover the actual administrative costs to county for processing a claim. An owner shall pay a retainer of \$1500 at the time they submit a claim to the Director. Following final action by the county on the claim, the Director shall provide an accounting of the actual administrative costs, including staff and legal costs, that the county incurred in reviewing and acting on the claim. County shall refund any excess funds from the retainer to the owner within 30 days after the final decision, or shall bill for additional costs not covered by the retainer.

(B) A billing for the amount of the unpaid administrative costs for processing the claim shall be forwarded by certified or registered mail, return receipt requested, to the owner. Payment shall be made to the Director within 30 days from the billing date set out on the bill.

(C) If the property owner does not pay the amount due within 30 days of the billing date, county may pursue collection, including filing a lien on the property. The lien is perfected by filing it with the County Recorder's Office in the deed records indicating the amount of the lien, the basis for the lien and the property to which the lien attaches.

(D) The lien provided for in subsection (C) shall be given priority over all liens except those for taxes and assessments and shall include interest at 0.5% per month accruing from the date the billing is sent to the owner of the property.

(E) The lien provided for in subsection (C) shall be foreclosed in the manner prescribed by state law for the enforcement of liens and collection of assessments.

(F) In compliance with MCC 37.0560, no permits will be approved on properties with a lien for unpaid processing fees required by this subsection.

(G) County shall collect reasonable attorney's fees and costs for collection of the debt, which may be made part of the lien and the debt.

7.530 CLAIM REVIEW PROCESS.

(A) After a claim for compensation is declared complete pursuant to MCC 7.520(B), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate.

(B) The Director's notice under subsection (A) shall:

- (1) Indicate the date that the claim was filed;
- (2) State the basis of the claim, the amount of the compensation or waiver sought and the land use regulation that the owner asserts gives rise to a claim;
- (3) Identify the property by the street address or other easily understood geographical reference;
- (4) State that persons noticed may provide written comments on the claim, and provide the date written comments are due;
- (5) Indicate a timeframe within which the Board will take action on the claim and identify how interested persons can learn of the specific date the Board will meet on the matter, once a meeting date is set;
- (6) Provide the name and phone number of a county representative who can be contacted for additional information; and
- (7) State that a copy of the claim and the supporting documents submitted by the owner are available for inspection at no cost, or that copies will be provided at reasonable cost.

(C) Written comments regarding a demand may be submitted to the Director by any interested person. Comments must be received by the Director within 14 days from the date of the notice required under subsections (A) and (B) above. The owner shall have an additional 7 days after the deadline set out above to respond to any written comments received by the Director. It is the duty of the owner to determine if comments have been received by the Director.

(D) The Director shall prepare a draft staff report within 30 days after the comment period has ended. The report shall apply the standards of Oregon Revised Statutes Chapter 197, as implemented through this subchapter, to the claim.

(E) After the Director has completed a draft staff report, the Director shall send a copy of it to Assessment and Taxation for review of the appraisal(s) submitted by the owner and shall send a copy of it to the County Attorney's Office for review. Assessment and Taxation and the County Attorney's Office will have 30 days for review.

(F) After the Director receives the comments from Assessment and Taxation and the County Attorney's Office, the Director will prepare a final staff report and make it available to the public at least 10 days prior to the Board meeting. The final staff report shall include options for Board action.

(G) The Board shall conduct a public hearing before taking final action on the claim. The procedures for the hearing must include, but are not limited to staff presentation and public testimony, followed by deliberation and a decision by the Board.

(H) The Board's options for its decision include, but are not limited to the following:

(1) Find the claim invalid and issue a Board Order to deny the claim based on one or more of the following findings:

(a) The land use regulation does not restrict the use of the private real property;

(b) The fair market value of the property is not reduced by the enactment, enforcement or application of the land use regulation;

(c) The demand was not timely filed;

(d) The owner failed to comply with the requirements for making a demand as set forth in this subchapter;

(e) The owner is not the present property owner, or the property was not owned by a family member or the claimant was not the property owner at the time the land use regulation was enacted, enforced or applied;

(f) The land use regulation is an exempt regulation as defined in Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004;

(g) The land use regulation in question is not an enactment of the county;

(h) The county has not taken final action to enact, or enforce the land use regulation to the property;

(i) The owner is not entitled to compensation under Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004, for a reason other than those provided herein.

(2) Find the claim valid and issue a Board Order to award compensation, either in the amount requested, or in some other amount supported by the evidence in the record, subject to the availability and appropriation of funds for that purpose;

(3) Find the claim valid and issue a Board Order to modify the regulation which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property; or

(4) Find the claim valid and issue a Board Order to waive the regulation which restricts the use beyond those restrictions in place on the property at the time the owner acquired the property.

(I) If the Board modifies or waives the challenged county land use regulation in response to a claim by owner, the modification or waiver is valid only as to the owner during owner's ownership of the property for those regulations listed in the claim which were found by the Board to be valid; all other current regulations remain in effect. The Board may, at its discretion, reinstate any or all of the land use regulations in effect at the time the owner acquired the property. A Board waiver is not a waiver of any state law or Metro Code provision.

(J) The final decision on a claim shall be made by the Board. After review the Board shall, under the standards of Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37 determine whether compensation is granted, the amount of compensation if any, whether any exceptions to the requirement for compensation apply or whether the regulation should be modified, removed or deemed not to apply to the property. A copy of the Board Order shall be sent by mail to the owner and to each individual or entity that participated in the Director or Board process, provided a mailing address was provided to the Director as part of the claim process.

(K) Waiver of a county land use regulation does not constitute a waiver of any corresponding state statutes.

(L) A decision by the Board to waive or modify a land use regulation shall be personal to the owner, and if not acted upon, shall automatically become invalid and void upon transfer of any ownership interest in the subject property. Upon transfer of any ownership interest in the subject property, any use of the property that is not consistent with regulations in effect at the time of transfer, shall be deemed to be a nonconforming use and all state laws, rules and county code provisions relating to nonconforming uses shall be applicable.

(M) If the Board issues an Order finding that an owner has a valid claim and granting compensation or a modification or a waiver, the owner shall record a copy of the Order in the Recorder's Office of Multnomah County. The Order must include a legal description of the subject property.

(N) This subchapter shall be interpreted in a manner consistent with Oregon Revised Statutes Chapter 197, as amended by Ballot Measure 37, Passed November 2, 2004, and other implementing statutes or regulations and as interpreted by Oregon appellate courts.

7.535 CONDITIONS OF APPROVAL, REVOCATION OF DECISION.

(A) The Board may establish any relevant conditions of approval for compensation, should compensation be granted, or for any other action taken under MCC 7.530 of this subchapter.

(B) Failure to comply with any condition of approval is grounds for revocation of the approval of the claim, grounds for recovering any compensation paid and grounds for revocation of any other action taken under this subchapter.

(C) In the event the owner, or the owner's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the conditions of approval, the Director may institute a revocation or modification proceeding before the Board under the same process for Board review of a claim under this subchapter.

7.540 EX PARTE CONTACTS, CONFLICT OF INTEREST AND BIAS.

The following rules govern any challenges to Board participation in the review or hearings regarding compensation claims:

(A) Any factual information obtained by a member of the Board outside the information provided by Director or county staff, or outside of the formal written comments process or hearing will be deemed an *ex parte* contact. A member of the Board that has obtained any material factual information through an *ex parte* contact must declare the content of that contact, and allow any interested party to rebut the substance of that contact. This rule does not apply to contacts between county staff and a member of the Board.

(B) Whenever a member of the Board, or any member of their immediate family or household, has a financial interest in the outcome of a particular demand or lives within the area entitled to notice of the demand, that member of the Board shall not participate in the deliberation or decision on that application.

(C) All decisions on demands must be fair, impartial and based on the applicable review standards and the evidence in the record. Any member of the Board who is unable to render a decision on this basis must refrain from participating in the deliberation or decision on that matter.

7.545 ATTORNEY FEES ON DELAYED COMPENSATION.

(A) If a demand under Oregon Revised Statutes Chapter 197 and MCC 7.500 *et. seq.* is denied or not fully paid within 180 days of the date of filing a completed demand, the owner's reasonable attorney fees and expenses necessary to collect compensation will be added as additional compensation provided compensation is awarded to the owner. If such demand is denied, not fully paid, or other action taken under Oregon Revised Statutes Chapter 197, within 180 days of the date of filing a completed demand, and the owner commences suit or action to collect compensation, if county is the prevailing party in such action, then county shall be entitled to any sum which a court, including any appellate court, may adjudge reasonable as attorney's fees.

(B) In the event county is the prevailing party and is represented by "in-house" counsel, the prevailing party shall nevertheless be entitled to recover reasonable attorney fees based upon the reasonable time incurred and the attorney fee rates and charges reasonably and generally charged and paid in Multnomah County, Oregon for the type of legal services performed.

7.550 AVAILABILITY OF FUNDS TO PAY CLAIMS.

Compensation can only be paid based on the availability and appropriation of funds for this purpose.

7.555 PRIVATE RIGHT OF ACTION.

If the Board's approval of a claim by removing or modifying a land use regulation causes a reduction in value of other property located in Multnomah County, the affected party shall have a cause of

action in state circuit court to recover from the claimant the amount of the reduction, and shall also be entitled to attorney's fees.

7.560 APPLICABLE STATE LAW.

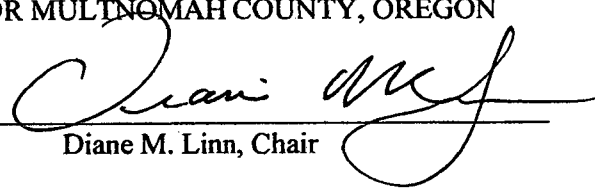
For all demands filed, the applicable state laws are those portions of Oregon Revised Statutes Chapter 197 added or made a part of said Chapter by Ballot Measure 37, passed on November 2, 2004 and/or as amended, modified or clarified by subsequent amendments or regulations adopted by the Oregon State Legislature, Oregon State Administrative Agencies or MCC 7.500 *et. seq.* Any demand that has not been processed completely under this subchapter shall be subject to any such amendments, modifications, clarifications or other actions taken at the state level and this subchapter shall be read in a manner so as not to conflict with such amendments, modifications, clarifications or other actions taken at the state level.

Section 2. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the effective

date of ORS Chapter 197, as amended by Ballot Measure 37, passed November 2, 2004 and effective December 2, 2004, and it is essential to have a process in place for reviewing demands under the law on the effective date of Ballot Measure 37 therefore, this Ordinance is effective on December 2, 2004.

FIRST READING AND ADOPTION: December 2, 2004

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Sandra N. Duffy, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 12-02-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/02/04
Agenda Item #: R-9
Est. Start Time: 11:10 AM
Date Submitted: 11/08/04

BUDGET MODIFICATION: BCS - 05

Agenda Title: **Budget Modification BCS-05 Reclassifying Nineteen Positions in County**
Business Services

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested: December 2, 2004 Time Requested: 5 mins
Department: Business and Community Services Division: _____
Contact(s): Dan Kaplan
Phone: 988-5015 Ext. 22203 I/O Address: 503/4
Presenter(s): Dan Kaplan and CBS Division Managers

General Information

1. What action are you requesting from the Board?

Approve reclass requests for listed positions:

Position Title (Old)	Position Title (New)	Position Number	FTE
Administrative Analyst	Administrative Analyst, Sr	702019	1.0
Finance Specialist 1	Systems Operator	704570	1.0
Finance Supervisor	Finance Manager	702172	1.0
Finance Technician	Finance Specialist 1	704756	1.0
Finance Technician	Finance Specialist 1	704780	1.0
HR Analyst 2	Administrative Analyst	709601	1.0
HR Analyst, Sr	HR Manager 1	706000	1.0
HR Manager 1	HR Manager 2	700655	1.0

HR Manager 2	HR Manager, Sr	700801	1.0
HR Analyst 2, unrep	HR Analyst 2, rep	704130	1.0
HR Technician	HR Analyst 1	706410	1.0
HR Technician	HR Analyst 1	703307	1.0
IT Supervisor	Development Analyst, Sr	702044	1.0
Office Assistant 2	Systems Operator	707604	1.0
Program Development Tech	Program Development Spec	706307	1.0
Program Supervisor	Facilities Specialist 3	700146	1.0
Property Management Spec.	Property Management Spec., Sr.	711401	1.0
Systems Administrator	Systems Administrator, Sr	703248	1.0
Desktop Support Specialist	Desktop Support Specialist Sr	707054	1.0

2. Please provide sufficient background information for the Board and the public to understand this issue.

Human Resources has reviewed and approved the reclassifications of several positions. The decision process used by the Classification and Compensation Unit for each position is attached to this agenda placement request.

3. Explain the fiscal impact (current year and ongoing).

Budget modification document detail is attached. In general, M&S accounts are reduced and personal services accounts are increased by \$89,576 to pay for the impact of reclassifications. Except for the Risk Fund, there is no net increase in the size of the individual budgets due to this reclassification. The Risk Fund is increased by \$3,667 due to insurance related adjustments.

Ongoing costs will be recovered through rates.

4. Explain any legal and/or policy issues involved.

Employees have the right to request evaluation of the appropriateness of their classifications. The Classification/Compensation Unit has a formal process for evaluating these requests. The reclassifications for which approval is sought in this request have been reviewed by the Classification/Compensation Unit and the positions have been found to be wrongly classed. By contract and under our personnel rules, we are required to compensate employees appropriately based on these findings.

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

5. Explain any citizen and/or other government participation that has or will take place.

None

ATTACHMENT A

Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- What revenue is being changed and why?
The Risk Fund service reimbursement revenue is increased by \$3,667 due to increased service reimbursements from wage adjustments!
- What budgets are increased/decreased?
Personal services budgets are increased in Facilities Management, IT, CBS Admin, HR, and Finance Operations. M&S budgets are similarly reduced to offset the Personal Services increase.
- What do the changes accomplish?
The changes budget the cost of the reclassified positions.
- Do any personnel actions result from this budget modification? Explain.
Reclassifications of existing positions.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
Any changes will be covered within existing cost centers.
- Is the revenue one-time-only in nature?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

Contingency Request

If the request is a Contingency Request, please answer all of the following in detail:

- Why was the expenditure not included in the annual budget process?
- What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- Why are no other department/agency fund sources available?
- Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?
- Has this request been made before? When? What was the outcome?

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- Who is the granting agency?
- Specify grant (matching, reporting and other) requirements and goals.
- Explain grant funding detail – is this a one time only or long term commitment?
- What are the estimated filing timelines?
- If a grant, what period does the grant cover?
- When the grant expires, what are funding plans?
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

ATTACHMENT B

BUDGET MODIFICATION: BCS - 05

Required Signatures

Department/
Agency Director:



Date: 11/08/04

Budget Analyst:



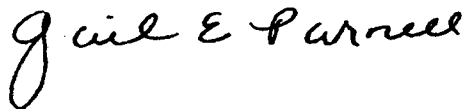
Date: 11/16/04

Department HR:



Date: 11/16/04

Countywide HR:



Date: 11/16/04

ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).**ANNUALIZED = CURRENT YEAR Change**

Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3506	9715	61279	HR Manager 1	700655	(1.00)	(70,620)	(20,353)	(11,907)	(102,880)
3506	9621	61279	HR Manager 2	700655	1.00	74,560	21,488	12,124	108,172
3500	9670	61297	HR Analyst 2	704130	(1.00)	(57,675)	(16,593)	(11,190)	(85,358)
3500	6103	61297	HR Analyst 2	704130	1.00	58,896	16,974	11,262	87,132
3503	6412	61302	Systems Administrator, Senior	703248	1.00	71,080	20,485	11,932	103,498
3503	6414	61302	Systems Administrator	703248	(1.00)	(62,451)	(17,998)	(11,458)	(91,907)
3505	9361	61983	Program Supervisor	700146	(1.00)	(62,906)	(18,130)	(11,483)	(92,518)
3505	6016	61983	Facilities Specialist 3	700146	1.00	62,906	18,130	11,483	92,518
3505	6113	61983	Property Management Specialist	711401	(1.00)	(47,005)	(13,547)	(10,608)	(71,160)
3505	6114	61983	Property Management Specialist Sr	711401	1.00	52,790	16,214	10,926	78,931
3500	9670	62001	HR Analyst 2	709601	(0.75)	(38,426)	(10,498)	(8,021)	(54,945)
3500	9006	62001	Administrative Analyst	709601	0.75	36,426	10,498	8,021	54,945
3503	9451	62817	IT Supervisor	702044	(1.00)	(71,361)	(20,566)	(11,948)	(103,875)
3503	6406	62817	Development Analyst, Senior	702044	1.00	73,002	21,039	12,038	106,080
3503	6403	64050	Desktop Specialist	707054	(1.00)	(39,200)	(11,297)	(10,179)	(60,676)
3503	6404	64050	Desktop Specialist Sr	707054	1.00	44,226	12,746	10,455	67,427
3503	6029	64175	Finance Specialist 1	704570	(1.00)	(40,612)	(11,704)	(10,257)	(62,573)
3503	6401	64175	Systems Operator	704570	1.00	41,704	12,019	10,317	64,040
3503	6001	64175	Office Assistant 2	707604	(1.00)	(28,160)	(8,116)	(9,572)	(45,848)
3503	6401	64175	Systems Operator	707604	1.00	38,363	11,056	10,133	59,552
3506	9621	64219	HR Manager 2	700801	(1.00)	(81,783)	(23,570)	(12,521)	(117,874)
3506	9669	64219	HR Manager, Senior	700801	1.00	89,918	25,914	12,968	128,801
3506	9748	64219	HR Analyst Senior	706000	(1.00)	(69,304)	(19,973)	(11,835)	(101,112)
3506	9715	64219	HR Manager 1	706000	1.00	69,304	19,973	11,835	101,112
3506	9670	64219	HR Analyst 2	709601	(0.25)	(12,142)	(3,499)	(2,674)	(18,315)
3506	9006	64219	Administrative Analyst	709601	0.25	12,142	3,499	2,674	18,315
3506	9061	64225	HR Technician	703307	(1.00)	(39,757)	(11,458)	(10,210)	(61,425)
3506	9080	64225	HR Analyst 1	703307	1.00	39,757	11,458	10,210	61,425
3506	6101	64226	HR Technician	706410	(1.00)	(38,609)	(11,127)	(10,146)	(59,883)
3506	9080	64226	HR Analyst 1	706410	1.00	46,524	13,120	10,527	69,171
3506	9006	64230	Administrative Analyst	702019	(1.00)	(52,716)	(15,193)	(10,922)	(78,831)
3506	9005	64230	Administrative Analyst Senior	702019	1.00	58,146	16,758	11,221	86,124
3506	6020	64234	Program Development Technician	706307	(1.00)	(38,315)	(11,042)	(10,130)	(59,488)
3506	6021	64234	Program Development Specialist	706307	1.00	41,704	12,019	10,317	64,040
3506	9335	64235	Finance Supervisor	702172	(1.00)	(67,265)	(19,386)	(11,723)	(98,373)
3506	9336	64235	Finance Manager	702172	1.00	70,872	20,425	11,921	103,218
3506	6027	64351	Finance Technician	704756	(1.00)	(36,925)	(10,642)	(10,054)	(57,621)
3506	6029	64351	Finance Specialist 1	704756	1.00	38,168	11,000	10,122	59,290
3506	6027	64351	Finance Technician	704780	(1.00)	(34,341)	(9,897)	(9,912)	(54,150)
3506	6029	64351	Finance Specialist 1	704780	1.00	34,674	9,993	9,930	54,597
TOTAL ANNUALIZED CHANGES					-	66,689	19,220	3,667	89,576

Budget Modification or Amendment ID: BCS-05

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	71-00	3506	20		710001		60000	229,647	235,077	5,430	66,689	Salary increase due to reclass
2	71-00	3506	20		710001		60130	72,012	73,577	1,565	19,220	
3	71-00	3506	20		710001		60140	45,930	46,229	299	3,667	
4	71-00	3506	20		710001		60100	15,000	7,706	(7,294)		Offset against Temporary
5												
6	71-20	3500	20		705200		60000	391,567	395,507	3,940		Salary increase due to reclass
7	71-20	3500	20		705200		60130	86,946	88,081	1,135		
8	71-20'	3500'	20		705200		60140	60,130	60,347	217		
9	71-20'	3500'	20		705200		60210	10,000	7,800	(2,200)		Offset against Rental
10	71-20'	3500'	20		705200		60240	12,500	10,300	(940)		Offset against Supplies
11	71-20'	3500'	20		705200		60260	40,000	37,848	(2,152)		Offset against Education and Training
12												
13	71-20	3506	20		712605		60000	238,717	245,632	6,915		
14	71-20	3506	20		712605		60130	88,798	70,791	1,993		
15	71-20	3506	20		712605		60140	49,086	49,466	380		
16	71-20	3506	20		712605		60260	2,528	0	(2,528)		
17	71-20	3506	20		712605		60120	10,318	3,558	(6,760)		
18												
19	71-20	3506	20		712004		60000	293,403	301,538	8,135		Salary increase due to reclass
20	71-20	3506	20		712004		60130	95,727	98,072	2,345		
21	71-20	3506	20		712004		60140	59,667	60,114	447		
22	71-20	3506	20		712004		60160	15,000	10,000	(5,000)		Offset against Printing
23	71-20	3506	20		712004		60240	25,500	20,258	(1,675)		Offset against Supplies
24	71-20	3506	20		712004		60100	10,000	5,748	(4,252)		Offset against Temporary
25												
26	71-10	3506	20		711200		60000	510,384	513,753	3,369		Salary increase due to reclass
27	71-10	3506	20		711200		60130	198,176	199,153	977		
28	71-10	3506	20		711200		60140	193,839	194,025	186		
29	71-10	3506	20		711200		60240	13,000	8,448	(4,552)		Offset against Supplies
30												
31	71-30	3503	20		709525		60000	573,529	584,824	11,295		Salary increase due to reclass
32	71-30	3503	20		709525		60130	165,911	169,166	3,255		
33	71-30	3503	20		709525		60140	111,987	112,608	621		
34	71-30	3503	20		709525		60240	13,530	8,430	(5,100)		Offset against Supplies
35	71-30	3503	20		709525		60260	35,000	28,000	(7,000)		Offset against Education and Training

Budget Modification or Amendment ID: BCS-05

EXPENDITURES & REVENUES

Budget/Fiscal Year: 05

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
36	71-30	3503	20		709525		60180	11,477	8,405	(3,071)		Offset against Printing
37												
38	71-30	3503	20		709510		60000	256,427	265,056	8,629		Salary increase due to reclass
39	71-30	3503	20		709510		60130	146,428	148,915	2,487		
40	71-30	3503	20		709510		60140	84,392	84,867	475		
41	71-30	3503	20		709510		60110	22,600	13,010	(9,590)		Offset against Temporary
42	71-30	3503	20		709510		60260	30,950	28,950	(2,001)		Offset against Education and Training
43												
44	71-10'	3506'	20		711201		60000	256,427	260,034	3,607		Salary increase due to reclass
45	71-10'	3506'	20		711201		60130	49,890	50,930	1,040		
46	71-10'	3506'	20		711201		60140	12,794	12,992	198		
47	71-10'	3506'	20		711201		60260	2,000	0	(2,000)		Offset against Education and Training
48	71-10'	3506'	20		711201		60220	1,000	227	(773)		
49	71-10	3506	20		711201		60240	4,600	2,528	(2,072)		
50												
	71-30	3503	20		709604		60000	414,837	416,478	1,641		
	71-30	3503	20		709604		60130	119,969	120,442	473		
	71-30	3503	20		709604		60140	79,119	79,209	90		
	71-30	3503	20		709604		60260	14,000	11,796	(2,204)		
51												
52	71-30	3503'	20'		709155'		60000	1,633,731	1,638,757	5,026		Salary increase due to reclass
53	71-30	3503'	20'		709155'		60130	472,081	473,529	1,448		
54	71-30	3503'	20'		709155'		60140	347,018	347,294	276		
55	71-30	3503'	20'		709155'		60240	30,000	23,250	(6,750)		Offset against Supplies
56												
57	71-10	3506	20		711602		60000	338,882	340,458	1,576		Salary increase due to reclass
58	71-10	3506	20		711602		60130	97,088	97,542	454		
59	71-10	3506	20		711602		60140	75,273	75,360	87		
60	71-10	3506	20		711602		60260	2,800	683	(2,117)		Offset against Education and Training
61												
62	71-20	3500	20		708400		60000	126,271	127,592	1,321		Salary increase due to reclass
63	71-20	3500	20		708400		60130	36,391	36,772	381		
64	71-20	3500	20		708400		60140	75,273	75,346	73		
65	71-20	3500	20		708400		60260	2,800	1,025	(1,775)		Offset against Education and Training
66												

Budget Modification or Amendment ID: **BCS-05****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
87	71-50	3505	20		902350		60000	291,174	298,959	5,785		
68	71-50	3505	20		902350		60130	83,916	85,583	1,667		
69	71-50	3505	20		902350		60140	60,497	60,815	318		
70	71-50	3505	20		902350		60260	3,500	0	(3,500)		
71	71-50	3505	20		902575		80240		(4,270)	(4,270)		
72												
73	71-20	3500	0020			705210	50316		(3,667)	(3,667)		Insurance Revenue
74	71-20	3500	0020			705210	60330		3,667	3,667		Offsetting expenditure
75										0	89,576	Total - Page 1
										0	89,576	GRAND TOTAL

Addendum to Agenda Placement Request BCS-05 – Reclass of Business Services Positions
Decision Process Used by Classification and Compensation Unit by position

Administrative Analyst reclassified to Administrative Analyst, Sr

Position #: 702019

Summary of position purpose and main job functions:

The position coordinates the development of DCBS department budget (\$184MM) and then manages it throughout the fiscal year. The position is part of the DCBS Management Team. The position coordinates the DCBS budget development utilizing a team from the four divisions and two programs. The position coordinates ongoing financial monitoring, working closely with budget personnel from each division, coordinates with the County Budget Office to resolve budgetary and fiscal issues, and prepares for audits by the Budget Office. The position coordinates development and preparation of budget decision packages, and assists staff in developing and justifying budget proposals. The position contributes to developing budget policy and process improvements within the Department. The position determines service rate structures for the CBS functional areas – IT, HR, fleet, facilities and finance. The position develops SAP reports for financial and procurement function management, and trains program managers in the use of the reports. Tasks executed to perform these duties include complex financial analysis, trending analysis, expense and revenue forecasting, and identification of enhancements to revenue and expenditure control and financial reporting.

Review of class specifications:

Current Class Administrative Analyst

Class Definition: *This is the full journey-level class within the Administrative Analyst series. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit. This class is distinguished from the Senior Administrative Analyst in that the latter performs more complex administrative support functions and exercises direct supervision over a small group typically consisting of one to four professional and/or technical workers*

Fit analysis for class: The position completes work that is more complex than identified above. A review of the duties of the classification and the duties of the position shows that the position completes a few of the duties in this class. The majority of the duties performed in this class are less complex work than the position being reviewed

Proposed Class Administrative Analyst, Sr

Class Definition: *To perform a variety of advanced professional administrative and/or technical support activities within a division or department; to provide management support services in the areas of: contracts management... management analysis... finance, and other related services; to plan, organize... technical support activities within a division or department; to provide complex staff assistance. This is the advanced journey-level class within the Administrative Analyst series. Employees perform the most difficult and responsible types of duties assigned to classes within this series... This class is distinguished from the Administrative Services Officer in that the latter is responsible, at the department or major division level, for a larger staff, organizational policy development, strategic planning; and for the coordination of intra-divisional, interdepartmental, or interagency special projects.*

Fit analysis for class: The position falls within this classification definition. The duties performed by the position match the duties performed within this classification.

Finance Specialist 1 reclassified to Systems Operator Position #: 704570

Summary of position purpose and main job functions:

This position deals with new wireless technologies, including Blackberries (both wireless and voice), staffing the repair line, telecom support of Voice Mail, and the ACD system repair with Remedy support. The position analyzes client communication needs, and provides hardware and software changes to meet those needs. The incumbent works with suppliers to provide wireless technology customer support to County clients, including cellular, pagers, and wireless modems.

Review of class specification:

Current Class **Finance Specialist 1**

Class Definition: *Under general supervision, performs routine accounting, and/or fiscal management duties*

Fit analysis for class: This position does not fit this classification.

Proposed Class **System Operator**

Class Definition: *Operates, monitors, and controls computer equipment in operating systems environment.*

Common Duties of the classification are: Maintains computer operations running scheduled jobs for the County. Set up and operate applicable data processing and peripheral equipment. Conduct system and database back-ups on a routine basis. Identify and resolve computer production problems. Respond to questions and inquiries from system users. Maintains production and activity logs, and conducts regular system back-ups. Monitors equipment operations and resolves first-level issues; escalates non-routine problems to Sr. Systems Operator or supervisor. Provides first-level internal customer help; enters issues into tracking system; if not resolvable at this level may escalate problems to more senior operator or supervisor.

Fit analysis for class: This position fits under the System Operator classification.

Finance Supervisor reclassified to Finance Manager

Position #: 702172

Summary of position purpose and main job functions:

The position manages the Accounts Payable function within DBCS. The position is responsible for multiple distinct sub-programs and supervises through lead workers. The position operates at a policy level, and represents the program with other Departments and with external entities.

Review of class specification(s)

Current Class **Finance Supervisor**

Class Definition: *Under limited supervision, supervises fiscal staff and financial functions of a departmental work unit or a discrete County-wide fiscal program activity or function; and performs advanced professional accounting, auditing and/or fiscal management duties. The Finance Supervisor classification is an operational first line supervisor classification. At one time, the position did these duties, but the position has assumed policy level and administrative responsibilities that are beyond the scope to the Finance Supervisor classification.*

Proposed Class **Finance Manager**

Class Definition: *Under direction and through subordinate supervisor(s) and/or lead worker(s), plans, manages and supervises fiscal staff and multiple, distinct financial functions of a large County department; or plans, manages and supervises a discrete Countywide fiscal program activity or function.*

Fit analysis for class: The position's present duties and responsibilities fit within this class definition. The best classification fit for position # 702172 is judged to be Finance Manager (JCN: 9336).

Finance Technician reclassified to Finance Specialist 1**Position #: 704756**Summary of position purpose and main job functions:

Process invoices for payment in an accurate and timely manner. Decide on handling of invoices with discrepancies – consult with affected parties, return for correction, or override and process. Assure compliance with County policy and standards. Reconcile routine transactions. Audit, research and provide payment history reports, in response to financial inquiries by departments, on a project basis. Examine and troubleshoot original invoices, PO's, and back-up documentation for completeness and accuracy. Perform the 3-way match to verify concurrence between PO and the invoice. Process the release orders. Audit Nextel billings; research and verify compliance, maintain records, and create reports for comparison purposes. Process journal entries for the Ghost Account. Process and verify co-workers goods receipt documents.

Review of class specifications:**Current Class Finance Technician**

Class Definition: Under general supervision, performs a variety of specialized, technical, and paraprofessional accounting support work in the preparation, review and maintenance of financial records. The position performs routine technical support to various fiscal work units including accounts payable, accounts receivable, purchasing... and the like; receives, verifies for accuracy and maintains supporting records... such as billings, payments, reimbursements, deposits, and petty cash. Evaluates records, reports and accounting documents for accuracy; traces... and investigates transactions to resolve questionable data and takes corrective action; performs routine account reconciliation and initiates appropriate course of action. Compiles records and summarizes fiscal data; creates routine reports, correspondence and related documents; posts, adjusts and reconciles designated accounts and balances. Using established criteria and guidelines, provides information and assistance to other work units, vendors and to the public... Codes and otherwise prepares documents for processing; verifies and prepares invoices, billings, purchase orders, vouchers, warrants, statements and the like for disposition.

Fit analysis for class: The work assigned to the position, is covered under all of the descriptions of this specification. However, the position also completes duties not covered here.

Proposed Class Finance Specialist 1

Class Definition: Under general supervision, performs routine accounting, and/or fiscal management duties. The position performs routine operational functions including accounts payable, accounts receivable, contracts invoicing... and the like; maintains records; creates reports; performs routine account reconciliation and prepares related deposits, invoices, payments... and schedules. Evaluates routine fiscal transactions, procedures and practices and determines and initiates appropriate action... Prepares routine periodic and annual expenditure, revenue, budget and other reports; assists in the preparation of required annual financial statements... Conducts routine audits within functional area to ensure compliance with required County, State, Federal or grant program procedures and requirements; examines, analyzes and verifies documents to ensure adherence to established controls and accepted professional standards. Analyzes data and creates routine financial reports, statements and projections to assist in the development of budgets and for budget monitoring and/or auditing; monitors expenditures to assure budget compliance; prepares and reviews documentation for interagency and intergovernmental services, expenditures and bills.

Fit analysis for class: This classification is a good fit for duties of the position. The ability to initiate an override of discrepancies in invoices places it in this class. The positions completion of audits, examining transaction history to determine what happened, was it correct, how it can be corrected, place it within this class.

Finance Technician reclassified to Finance Specialist 1**Position #: 704780**Summary of position purpose and main job functions:

Process invoices for payment in an accurate and timely manner. Decide on handling of invoices with discrepancies – consult with affected parties, return for correction, or override and process. Assure compliance with County policy and standards. Reconcile routine transactions. Audit, research and provide payment history reports, in response to financial inquiries by departments, on a project basis. Examine and troubleshoot original invoices, PO's, and back-up documentation for completeness and accuracy. Perform the 3-way match to verify concurrence between PO and the invoice. Process the release orders. Audit Nextel billings; research and verify compliance, maintain records, and create reports for comparison purposes. Process journal entries for the Ghost Account. Process and verify co-workers goods receipt documents.

Review of class specifications:**Current Class Finance Technician**

Class Definition: Under general supervision, performs a variety of specialized, technical, and paraprofessional accounting support work in the preparation, review and maintenance of financial records. The position performs routine technical support to various fiscal work units including accounts payable, accounts receivable, purchasing... and the like; receives, verifies for accuracy and maintains supporting records... such as billings, payments, reimbursements, deposits, and petty cash. Evaluates records, reports and accounting documents for accuracy; traces... and investigates transactions to resolve questionable data and takes corrective action; performs routine account reconciliation and initiates appropriate course of action. Compiles records and summarizes fiscal data; creates routine reports, correspondence and related documents; posts, adjusts and reconciles designated accounts and balances. Using established criteria and guidelines, provides information and assistance to other work units, vendors and to the public... Codes and otherwise prepares documents for processing; verifies and prepares invoices, billings, purchase orders, vouchers, warrants, statements and the like for disposition.

Fit analysis for class: The work assigned to the position, is covered under all of the descriptions of this specification. However, the position also completes duties not covered here.

Proposed Class Finance Specialist 1

Class Definition: Under general supervision, performs routine accounting, and/or fiscal management duties. The position performs routine operational functions including accounts payable, accounts receivable, contracts invoicing... and the like; maintains records; creates reports; performs routine account reconciliation and prepares related deposits, invoices, payments... and schedules. Evaluates routine fiscal transactions, procedures and practices and determines and initiates appropriate action... Prepares routine periodic and annual expenditure, revenue, budget and other reports; assists in the preparation of required annual financial statements... Conducts routine audits within functional area to ensure compliance with required County, State, Federal or grant program procedures and requirements; examines, analyzes and verifies documents to ensure adherence to established controls and accepted professional standards. Analyzes data and creates routine financial reports, statements and projections to assist in the development of budgets and for budget monitoring and/or auditing; monitors expenditures to assure budget compliance; prepares and reviews documentation for interagency and intergovernmental services, expenditures and bills.

Fit analysis for class: This classification is a good fit for duties of the position. The ability to initiate an override of discrepancies in invoices places it in this class. The positions completion of audits, examining transaction history to determine what happened, was it correct, how it can be corrected, place it within this class.

HR Analyst 2 re-classed to Administrative Analyst

Position #: 709601

Summary of position purpose and main job functions:

The position provides high-level administrative support to the Human Resources Director. The position's duties fall within the scope of Administrative Analyst. The position's duties require the incumbent to be familiar with Human Resources Operations and procedures, but at a level typical of Administrative Analysts found in other specialized work units in the county.

Review of class specification:

Current Class **HR Analyst 2**

Class Definition: *To provide professional and technical support in a variety of human resources areas or in a single human resources area within an operating unit or within central human resources; to perform the responsibilities of a human resources generalist with broad knowledge or of a human resources specialist with advanced knowledge of a single discipline. Functional areas include, but are not limited to: affirmative action, benefits, classification, compensation, human resources information systems, employee relations/complaint investigation, labor relations, general human resources administration, organizational development, recruitment and selection, training, unemployment insurance claims, records management, risk management, and safety.*

Fit analysis for class: The position provides high level administrative support to the HR Director. The position is neither an HR generalist nor an HR specialist position. Human Resources Analyst 2 is not a good fit for the position.

Current Class **Administrative Analyst**

Class Definition: To perform a variety of responsible professional, technical, and analytical work in providing administrative support services within a division or department; and to provide a variety of management services in the areas of finance administration, personnel administration, management analysis, training, purchasing, contract management, property management, public information, data processing, office support, and other related services and functions.

Fit analysis for class: The position being reviewed fits this definition.

HR Analyst, Sr reclassified to HR Manager 1**Position #: 706000**Summary of position purpose and main job functions:

The position was assigned responsibility on or near 10/1/2003, for the 6-member payroll unit of the County. This includes supervision, planning and management. Individual activities include compliance and implementation with payroll related policies, year-end payroll actions for calendar year and fiscal year; manage change in the business processes, as well as performance management of the staff. The position also provides interface with the SAP Support Team, Basis Team and Developers, and provides support of the HR modules in SAP to other County units. The position co-facilitates the HR Maintainer Users support group. The position responds to third step grievances, as assigned. The position works on proposed HR Policy initiatives and changes necessary as they interrelate to changing federal and state regulations and laws. The position assures compliance with required governmental reporting to IRS, SSA, and state and federal taxation entities.

Review of class specification:**Current Class HR Analyst, Sr**

Class Definition: *This is the advanced journey level of the Human Resource Analyst classification series. Work is performed independently, governed by general objectives and broad policy guidelines. Incumbents are considered subject matter experts and provide advice and counsel to department human resources managers, managers of operating departments and central human resources managers; serve as top advisor within assigned area of responsibility.*

Fit analysis for class: This is a lower level of responsibility than the position being reviewed. Common duties performed by the class are not up to the level of the position being reviewed.

Proposed Class HR Manager 1

Class Definition: *The top human resources position in a small departmental human resources unit, or the manager of a specific discipline within the centralized human resources function. The position may exercise full supervision over a small staff. The position is responsible for developing and managing program services, developing, and managing the budget associated with the program area. The position provides management, leadership and support to human resources within a department or the county's central human resources function. Provide advice and counsel to human resources staff and to management staff seeking human resources assistance.*

Fit analysis for class: The position being reviewed fits this definition. Common duties performed by this position are a match to the Human Resource Manager 1 classification.

HR Manager 1 reclassified to HR Manager 2

Position #: 700655

On March 25, 2004, the County entered into an agreement with Sikorra & Associates to conduct a review of the classifications of County HR Manager 2 positions. Position #700655 was reviewed in this process. The consultant found that the position was incorrectly classified as an HR Manager 1, and reclassified it to HR Manager 2.

The consultant's decision was based on county class specifications and a current position description. The consultant found that your position matched the following:

The distinguishing features of the Human Resources Manager 2 classification indicate that positions allocated to this classification will be the top human resources management position in a decentralized organizational structure for the county, the second tier of management within a diverse central human resources function, or the top management position in a specialized central county human resources function.

Current Class HR Manager 1

Class Definition: *The top human resources position in a small departmental human resources unit, or the manager of a specific discipline within the centralized human resources function. The position may exercise full supervision over a small staff. The position is responsible for developing and managing program services, developing, and managing the budget associated with the program area. The position provides management, leadership and support to human resources within a department or the county's central human resources function. Provide advice and counsel to human resources staff and to management staff seeking human resources assistance.*

Fit analysis for class: The position being reviewed fits this definition. Common duties performed by this position are a match to the Human Resource Manager 1 classification.

Proposed Class HR Manager 2

Class Definition: *To provide professional and technical support in a variety of human resources areas or in a single human resources area within an operating unit or within central human resources; to perform the responsibilities of a human resources generalist with broad knowledge or of a human resources specialist with advanced knowledge of a single discipline. Functional areas include, but are not limited to: affirmative action, benefits, classification, compensation, human resources information systems, employee relations/complaint investigation, labor relations, general human resources administration, organizational development, recruitment and selection, training, unemployment insurance claims, records management, risk management, and safety.*

Fit analysis for class: The position provides high level administrative support to the HR Director. The position is neither an HR generalist nor an HR specialist position. Human Resources Analyst 2 is not a good fit for the position.

HR Manager 2 reclassified to HR Manager Sr Position #: 700801

On appeal this position was determined fit the Human Resources Manager, Sr. classification. Using class specifications and the position description to make the original determination, the consultant found that the position met the following distinguishing criteria:

The distinguishing features of the Human Resources Manager 2 classification indicate that positions allocated to this classification will be the top human resources management position in a decentralized organizational structure for the county, the second tier of management within a diverse central human resources function, or the top management position in a specialized central county human resources function.

Additional information explained in greater detail the diversity and complexity of the duties of the position, the consultant found that the position met the distinguishing characteristics of Human Resources Manager, Sr:

This is the second unclassified, executive level. This is top human resources management position in a diverse, complex and critical central human resources function. In addition to the requirements of a Human Resources Manager 2, this level requires knowledge, skill and ability to integrate diverse and competing interests, develop and implement innovative and comprehensive solutions in major policy areas, and assume a leadership role in facilitation, consensus and collaboration on a broad range of highly complex countywide issues involving human resources practitioners, union representatives, county executives, managers and elected officials.

HR Analyst 2, unrepresented reclassified to HR Analyst 2, represented Position #: 704130

Based upon the outcome of study to clarify the representation status of positions in the Classifications of Human Resources Technician, Human Resources Analyst 1 and Human Resources Analyst 2, a determination has been made that this position is performing job duties that do not exempt it from union representation.

Position 704130 will be reclassified from unrepresented Human Resources Analyst 2 – JCN: 9670 to represented Human Resources Analyst – JCN: 6103 effective October 1, 2004.

HR Technician reclassified to HR Analyst 1

Position #: 706410

Review of class specification:

Current Class **HR Technician**

Class definition: *To provide paraprofessional support in a variety of human resources areas or in a single human resources area within an operating unit or within central human resources; to provide technical assistance to human resources staff, applicants and employees in the daily procedural and administrative functions of a human resources program; to research, compile and summarize data; to initiate and prepare personnel actions; to answer and refer questions and inquiries.*

Proposed Class: **HR Analyst 1**

Class definition: *To provide professional and technical support in a variety of human resources areas or in a single human resources area within an operating unit or within central human resources; to perform the responsibilities of a human resources generalist with broad knowledge or of a human resources specialist with advanced knowledge of a single discipline. Functional areas include, but are not limited to: affirmative action, benefits, classification, compensation, human resources information systems, employee relations/complaint investigation, labor relations, general human resources administration, organizational development, recruitment and selection, training, unemployment insurance claims, records management, risk management, and safety.*

Fit analysis for class: The complexity and responsibility of the position's duties have increased from a paraprofessional level to a professional level. The classification of Human Resources Analyst 1 is the proper classification for the position. The duties and responsibilities of the position are such that it does not have a community of interest with the general unit of county employees, and the position is classified management.

HR Technician reclassified to HR Analyst 1**Position #: 703307****Summary of position purpose and main job functions:**

Provide complex reports, gather and provide statistical analysis of data in support of Health Department service programs, procedures and leave administration. Provide analysis of business and operating needs of different Health Department work programs. Provide consultation to department managers/supervisors on a wide range of issues, including FMLA/OFDA, other federal and state regulations and laws. The position is the main contact point for SAP, and the generation of information needed by the department. The position completes the management of records for employees, including new hire, termination, seniority, and Ethnicity reports. The position serves as HR Maintainer. Position completes special projects as assigned.

Review of class specification:

Current Class **HR Technician**

Class definition: *To provide paraprofessional support in a variety of human resources areas or in a single human resources area within an operating unit or within central human resources; to provide technical assistance to human resources staff, applicants and employees in the daily procedural and administrative functions of a human resources program; to research, compile and summarize data; to initiate and prepare personnel actions; to answer and refer questions and inquiries.*

Fit analysis for class: The classification is good for the daily operational support function. The job under analysis here has moved into the longer-range areas, consistent with a professional support function.

Proposed Class **HR Analyst 1**

Class Definition: *To provide professional and technical support in a variety of human resources areas or in a single human resources area within an operating unit or within central human resources; to perform the responsibilities of a human resources generalist with broad knowledge or of a human resources specialist with advanced knowledge of a single discipline.*

Functional areas include, but are not limited to: affirmative action, benefits, classification, compensation, human resources information systems, employee relations/complaint investigation, labor relations, general human resources administration, organizational development, recruitment and selection, training, unemployment insurance claims, records management, risk management, and safety. Positions in this class perform the administration of established policy, records management, and routine contacts with employees, managers and job applicants. Work is recurring with some variation from established policies and procedures and involves a low to moderate level of complexity. Decisions made or actions taken that require policy interpretation or variation from established policies and procedures typically require higher-level review prior to being acted upon.

Fit analysis for class: The position under consideration here has generalist duties, across a range of HR functions, as described in this classification. There range of complexity as seen in the position, fits the description of the duties performed by the job. The position fits within this classification.

IT Supervisor reclassified to Development Analyst, Sr Position #: 702044

Summary of position purpose and main job functions:

The position performs tasks relating to the reporting, decision support and data warehousing for the Health Department. This includes the extraction/downloading to auxiliary databases, assisting the department in coordinating, developing, testing, training and rolling out both production and ad hoc reports. Define user needs, coordinate resources, perform adequate testing, and roll out final product. Serve as liaison between County IT and the Health Department for HIPPA related items.

Review of class specifications:

Current Class **IT Supervisor**

Class Definition: *Supervises IT staff and coordinates IT projects. Responsible for direct supervision of employees who have similar technical or functional responsibilities in one or more of the following areas: computer operations and support, applications development, voice & data networking, database development, operating system software.*

Fit analysis for class: The duties of the position being reviewed do not include staff supervision, so this is not an appropriate classification.

Proposed Class **Development Analyst, Sr**

Class Definition: *Analyzes, develops, tests and documents business and database applications for mainframe, midrange, client servers, Internet and/or PC technologies. Position differs from the Development Analyst in having a higher level of responsibility (more complex programming languages), problem solving and experience. Works more independently and occasionally provides work guidance to less experienced Development Analysts.*

Fit analysis for class: The duties of the position fit within this classification, as mapped in the recent class/comp study.

Office Assistant 2 reclassified to Systems Operator

Position #: 707604

Summary of position purpose and main job functions:

This position deals with new wireless technologies, including Blackberries (both wireless and voice), staffing the repair line, telecom support of Voice Mail, and the ACD system repair with Remedy support. The position analyzes client communication needs, and provides hardware and software changes to meet those needs. The incumbent works with suppliers to provide wireless technology customer support to County clients, including cellular, pagers, and wireless modems.

Review of class specification

Current Class **Office Assistant 2**

Class Definition: *To perform a wide variety of general clerical duties as required in assigned department*

Fit analysis for class: This position does not fit this classification.

Proposed Class **System Operator**

Class Definition: *Operates, monitors, and controls computer equipment in operating systems environment.*

Common Duties of the classification are: Maintains computer operations running scheduled jobs for the County. Set up and operate applicable data processing and peripheral equipment. Conduct system and database back-ups on a routine basis. Identify and resolve computer production problems. Respond to questions and inquiries from system users. Maintains production and activity logs, and conducts regular system back-ups. Monitors equipment operations and resolves first-level issues; escalates non-routine problems to Sr. Systems Operator or supervisor. Provides first-level internal customer help; enters issues into tracking system; if not resolvable at this level may escalate problems to more senior operator or supervisor.

Fit analysis for class: This position fits under the System Operator classification.

Program Development Tech reclassified to Program Development Specialist Position #: 706307

Summary of position purpose and main job functions:

The position represents the County in community outreach efforts for the MWESB program. It identifies contractors, connects them with potential contracting opportunities for the County and our partnering agencies. The position represents the County and needs a knowledge of the MWESB program, its policies and procedures. The position establishes vendor outreach events, workshops, training programs with potential contractors that include wide dissemination of upcoming contracting opportunities. Assists firms in obtaining State MWESB certification. Maintains knowledge of the scope of work and services provided by MWESB firms. Links Multnomah County contracting opportunities that match the services of MWESB contractors. Provides direct assistance conducting meetings with MWESB firms in possible procurement opportunities. Provides advice to vendors on the Sheltered Market Program i.e. bonding, bidding and insurance. The position assists the county staff in soliciting MWESB firms for contracting opportunities. Coordinate, enhance and participate in providing input to development and implementation of the programs. Serve as county liaison at community and public meetings. Facilitates, participates and prepares meetings and outreach events in training efforts, technical assistance, business planning, contracting opportunities, and subcontracting issues. Attend and participate in meetings with outside groups, including Oregon Association of Entrepreneurs, Hispanic Metropolitan Chamber of Commerce, Philippine American Chamber of Commerce and Oregon Native American Chamber of Commerce. Coordinates the annual Qualified Rehabilitation Facilities Workshop for County staff. It is apparent now that the main work done, is in the outreach efforts, with the local commercial community, with some emphasis per se on the contacts themselves, such as preparing contracts for signature routing, SAP creations of requisition, O/A & release orders, and the creation and tracking of MWESB program expenditures.

Review of class specification

Current Class Program Development Technician

Class Definition: *To provide technical and administrative assistance in the research, design, development, implementation, monitoring and evaluation of programs, projects, contracts or grants. This class is distinguished from the Program Development Specialist class, which performs the full range of duties as assigned including the research, design, development, implementation, monitoring and evaluation of programs, projects or grants. The Program Development Technician class provides technical and administrative support assistance within established procedures.*

Fit analysis for class: The position performs duties of this class, but many are above and beyond this class, in responsibility and skill level. The main emphasis of the position's work is beyond this class.

Proposed Class Program Development Specialist

Class Definition: *To provide research, planning, design, development, implementation, monitoring and evaluation of programs, projects or grants. This is the full journey level class within the Program Development Specialist series. Employees within this class are distinguished from the Program Development Technician by the performance of the full range of duties as assigned including the research, design, development, implementation, monitoring and evaluation of programs, projects or grants. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.*

Fit analysis for class: This a good fit for the position. It covers the individual responsibility and initiative needed for the duties of the position.

Program Supervisor reclassified to Facilities Specialist 3

Position #: 700146

Summary of position purpose and main job functions:

Real property resource planning, asset portfolio analysis and management, the acquisition and disposal of County owned real property. The position prepares surplus properties for disposal, completes the disposal, manages inter / intra- governmental issues and resolutions around property acquisition and disposal. It also identifies and recommends opportunities for acquisition and leasing of properties.

Review of class specification

Current Class **Program Supervisor**

Class Definition: *The basic purpose of the work in this two-level classification series is to carry out the objectives and goals of a section or program. To supervise, direct, coordinate, evaluate and participate in the activities of a section or one or more programs or administrative functions; this is the first full supervisory level. This class is distinguished by the responsibility for supervising a small program, section or unit that includes professional staff. Primary emphasis is on assigning work, developing work procedures, establishing work schedules and monitoring work performed by subordinates.*

Fit analysis for class: The position does not supervise employees, and does not fit under this classification.

Proposed Class **Facilities Specialist 3**

Class Definition: *To perform, coordinate, and lead advanced journey level facilities planning, construction, property management, and building data management duties involving a wide variety of complex and specialized technical, client service, and other functions such as building profiling/data systems, environmental and OSHA compliance, multi-agency construction and renovation, and complex property management and focal point services for Countywide facilities. This is the advanced journey level class in the Facilities Specialist series.... Employees perform the most difficult and responsible types of duties assigned to classes within this series including complex specialty planning and building data management functions, property management required for multi-agency centers with complex mechanical and security systems, or specialty construction for jails, clinics, libraries, or mixed use/multi-tenant centers.*

Fit analysis for class: The position is a good match for this classification with the higher level of work performed, without the supervision element.

Property Management Spec. reclassified to Property Management Spec., Sr Position #: 711401

Summary of position purpose and main job functions:

Develop, coordinate and negotiate terms and provisions of real property transactions. Close those transactions. Serve as technical advisor for real estate activities involving leases, permits, easements, IGAs, as both lessee and lessor. Manage real property agreements to assure adequate performance and compliance to meet expectations and audit requirements. Enter applicable information into SAP. Monitor real estate expenses, revenues, and financial data and report as required to County programs, property owners, tenants, County Attorney, A&T and Central Finance. Generate documents to translate real property related actions into actionable documents. Act as point person to in process and procedure development related to real property transactions.

Review of class specifications:

Current Class Property Management Specialist

Class Definition: *Performs technical work involving the maintenance, planning and disposition of real property especially as it relates to performing lease searches, determining lease terms and conditions, IGAs, and subleasing. The position plans, coordinates, negotiates and closes County real property transactions. Monitor financial data regarding lease cost payments and other real property expenses. Provide information to Fiscal as required. Act as technical advisor for County real estate activities, especially those involving leasing. Monitor County real property transactions to ensure compliance and performance meet County expectations. Provide information to management regarding real property expenses.... Assist in developing procedures, processes and documentation for County real property transactions. Prepare process and approve lease documents for County, as both lessee and lessor.*

Fit analysis for class: Duties of the position involving the overall property purchase, sale and marketing strategies and execution of property actions, are not covered by this classification

Proposed Class **Property Management Specialist Sr**

Class Definition: *Provides real property expertise in the areas of real estate planning, property management, and real property transactions including purchase and sale negotiations and property marketing. The position develops, coordinates, researches, negotiates terms and provisions, and closes County real property transactions, including determining real estate goals to be achieved and ensuring transactions are in alignment with goals. Resolve disputes regarding boundaries, easements and covenants with interested and/or vested parties. Act as internal consultant by providing advice and proposals regarding real estate activities for the County. Participate in both short- and long-term real property forecasting including analysis and planning for current and future County property needs. Monitor real property expenses and related financial data and report to Fiscal as necessary. Manage County real property agreements ensuring adequate performance through on-going monitoring and analysis. Assist Section Manager in budget preparation including providing input relating to property expenses and recommendations regarding capital outlays. Act as point person in process and procedure development relating to real property transactions, including documentation. Prepare RFOs for sale of real property and RFPs for appraisal and development related activities.*

Fit analysis for class: The class description covers the more advanced real property transactions, involving overall responsibility for property sale, purchase and leasing that the position does. This classification includes the preparation of RFOs and RFPs that the position completes. This classification is the best fit for the position

Systems Administrator reclassified to Systems Administrator, Sr Position #: 703248

Review of class specification:

Current Class **Systems Administrator**

Class definition: *Provides systems administration and programming support for County enterprise system infrastructure applications, utilities and programs that manage hardware and software resources.*

Fit analysis for class: The position does this work, but at a level better described by the Systems Administrator, Sr. Classification

Proposed class **Systems Administrator, Sr**

Class definition: *Provides high-level systems administration and programming support for County enterprise WAN services and system infrastructure applications, utilities and programs that manage hardware and software resources.*

Fit analysis for class: Differs from the Systems Administrator in having a higher level of responsibility, problem-solving and experience. The position works more independently and occasionally provides work guidance to less experienced Systems Administrators. Due to the complexity and responsibility of the position's duties, the classification of Systems Administrator, Sr. is the best classification fit.

Desktop Support Specialist reclassified to Desktop Support Specialist, Sr. Position #: 707054

After reviewing the documentation presented and the and class specifications for Development Analyst and Development Analyst, Sr., Class/Comp has determined that (subject to any required Board approval) the new position reviewed as request number 102 will be allocated to Development Analyst Sr. – JCN: 6406.

Facts:

The position applies expert level knowledge to analyze, develop, test and document business and database applications. The position works independently and does more complex programming using a higher level of problem solving than is typical of the Development Analyst classification.

The position fits the definition of Development Analyst, Sr.

AGENDA PLACEMENT REQUEST

BUD MOD DCHS-05

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-10 DATE 12-02-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only:

Meeting Date: December 2, 2004

Agenda Item #: R-10

Est. Start Time: 11:15 AM

Date Submitted: 11/08/04

Requested Date: December 2, 2004

Time Requested: 5 mins

Department: County Human Services

Division:

Contact/s: Al Stickel/Chris Yager

Phone: 503 988-3691

Ext.: 84135/26777

I/O Address: 166/7

Presenters: Patricia Pate

Agenda Title: Budget Modification DCHS-05 Increasing the Mental Health and Addiction Services Budget by \$785,172 to Reflect Funding Revisions to the State Mental Health Grant Award that Increase Non-Residential Adult Outpatient Mental Health Funds (Service Element 20)

NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Department of County Human Services recommends approval of budget modification DCHS-05.

2. Please provide sufficient background information for the Board and the public to understand this issue.

This budget modification reflects changes to our 2003-2005 biennium County Financial Assistance Contract (CFAC) through amendment #35. The funds are allocated via service element (SE) 20. The purpose of these funds is to eliminate the waitlist for civilly committed patients awaiting state hospital placement and to facilitate persons moving from acute care or long-term care services to community based services. The funding will provide case management and crisis services for adults with severe and persistent

mental illness who, are in the State Hospital, on the State Hospital waitlist, in an Extended Care Management Unit program, in an acute care facility, in jail, or are at immediate risk of hospitalization or incarceration.

3. Explain the fiscal impact (current year and ongoing).

This modification increases revenue for service element 20 by \$785,172 with a corresponding increase in Pass Through services. Professional services for the Chief of Staff are reduced by \$13,034 to fund increased Finance Shared Service expenses of \$13,034. Service reimbursement from the General Fund to the Business Service Fund increases by \$13,034.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ **What revenue is being changed and why?** State Mental Health Grant revenue to reflect amendment FAA #35.
- ❖ **What budgets are increased/decreased?** Mental Health Safety Net budget increases by \$785,172 and Finance Shared Services increases by \$13,034.
- ❖ **What do the changes accomplish?** Brings the budget in line to reflect amendment FAA #35. The purpose of these funds is to eliminate waitlist for civilly committed patients awaiting state hospital placement.
- ❖ **Do any personnel actions result from this budget modification? Explain.**
N/A
- ❖ **Is the revenue one-time-only in nature?** No
- ❖ **If a grant, what period does the grant cover?** 2003-2005 biennium award
- ❖ **When the grant expires, what are funding plans?** On going grant.

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues.

N/A

5. Explain any citizen and/or other government participation that has or will take place.

N/A

Required Signatures:

Department/Agency Director:



Date: 11/08/04

Budget Analyst



By:

Date: 11/08/04

Dept/Countywide HR

By:

Date:

BUDGET MODIFICATION DCHS-05

EXPENDITURES & REVENUES

Budget Fiscal Year: 04/05

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Ln No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1	20-80	82020			MA SN MC DIVERT 20	50190	0	(785,172)	(785,172)		IG-OP-Fed Thru State
2	20-80	82020			MA SN MC DIVERT 20	60160	0	785,172	785,172		Pass Through
3											
4	26-00	1000			CHSCOS.CGF	60170	50,442	37,408	(13,034)		Professional Services
5	20-80	1000			MA SA BS CGF	60360	767,954	780,988	13,034		Finance Ops Shared Service
6											
7	71-10	3506		711100		50310		(13,034)	(13,034)		Svc Reim Finance Shared Services
8	71-10	3506		711100		60240		13,034	13,034		Supplies
9											
10											
11											
12											
13											
14											
15											
16											
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26											
27											
28											
29											
									0	0	Total - Page 1
									0	0	GRAND TOTAL

AGENDA PLACEMENT REQUEST

BUD MOD DCHS-06

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-11 DATE 12-02-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only:

Meeting Date: December 2, 2004

Agenda Item #: R-11

Est. Start Time: 11:20 AM

Date Submitted: 11/08/04

Requested Date: December 2, 2004

Time Requested: 5 mins

Department: County Human Services

Division: Domestic Violence

Contact/s: Al Stickel/Chris Yager

Phone: 503 988-3691

Ext.: 84135/26777

I/O Address: 166/7

Presenters: Patricia Pate

Agenda Title: Budget Modification DCHS-06 Increasing the Domestic Violence Budget by \$131,250 to Reflect a US Department of Justice Safe Havens Supervised Visitation and Safe Exchange Program Grant

**NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.**

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Department of County Human Services recommends approval of budget modification DCHS-06.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The department received permission from the Board on February 24, 2004 (R-5) to apply for this grant from the US Department of Justice Office on Violence Against Women, Safe Havens Supervised Visitation and Safe Exchange Grant Program (Supervised Visitation Program). The grant award is for \$350,000 over a 2-year period and provides an opportunity for communities to support the supervised visitation and safe exchange of children, by and between parents, in situations involving domestic violence, child abuse, sexual assault, or stalking. This grant award provides funding for the continuation of the YMCA of Greater Portland, Safety Matters program that presently provides safe visitation and exchange for children of Domestic Violence victims. The grant funds a part

time project coordinator and project manager. Some of the current duties will then be reassigned to other existing positions (program development specialist & program development tech), which will increase by a total of .32 FTE. Funding is for the 3rd and 4th year of the grant project. This is a new grant award, separate from the first and second year award.

3. Explain the fiscal impact (current year and ongoing).

Grant revenue increases by \$131,250; renewable through 9/30/06 for a total of \$350,000. Pass Through expenses increase by \$86,394 for victim advocacy and direct client assistance. Professional services increase by \$3,300 for security at the Gateway facility. Personnel expenditures increase by \$17,753 (\$23,059 on going). Materials & Supplies increase by \$10,531. Grant paid indirect expenses increase by \$1,098 and \$1,979 for Shared Services. Service reimbursements from the Fed/State Fund increase to the following funds: \$1,926 Telecommunications; \$50 Motor Pool; \$8,233 Building Management; \$319 General and \$3,155 to Insurance. Department grant paid indirect revenue increases by \$779 with corresponding increase in expense.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ **What revenue is being changed and why?** Recognize new grant revenue of \$131,250 from US Department of Justice, Office of Violence Against Women.
- ❖ **What budgets are increased/decreased?** Domestic Violence budget increases by \$113,956. Director's Office budget increases by \$779. Internal Service provider's budgets increase overall by \$12,175.
- ❖ **What do the changes accomplish?** Provides resources to continue to support the supervised visitation and safe exchange of children of Domestic Violence victims.
- ❖ **Do any personnel actions result from this budget modification? Explain** Yes, 0.32 FTE increase (.42 annualized) in Domestic Violence Staffing; consisting of a .06 FTE Program Development Specialist (.08 FTE annualized) and .26 FTE Program Development Technician (0.34 FTE annualized).
- ❖ **Is the revenue one-time-only in nature?** No.
- ❖ **If a grant, what period does the grant cover?** October 2004 – September 2006.
- ❖ **When the grant expires, what are funding plans?** Implementation plans include a sliding fee scale that will allow for some level of self-sufficiency by the agency providing services. Additional funding will require research during the grant period of other options to increase the ability of the service to become self-sufficient. An advisory committee that presently meets monthly will be utilized to address and research this issue.

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**

- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues.

N/A

5. Explain any citizen and/or other government participation that has or will take place.

The Supervised Visitation Program project has an advisory committee made up of community stakeholders and partners. Presently, the membership includes law enforcement, judicial membership, attorneys, DV service providers, batter's intervention service providers, supervised visitation service providers, DCHS and DHS staff and community members with a past history of domestic violence or a strong desire to implement social change that will reduce domestic violence.

The grant is a partnership with the YMCA of Greater Portland, Catholic Charities – El Programa Hispano, Ecumenical Ministries – Russian Oregon Social Services and VOA Family Center.

Required Signatures:

Department/Agency Director:



Date: 11/08/04

Budget Analyst

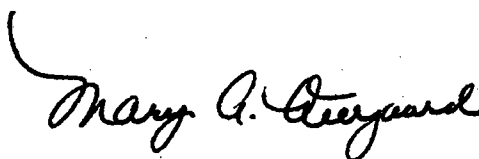
By:



Date: 11/08/04

Dept/Countywide HR

By:



Date: 09/20/04

Budget Modification or Amendment ID: **DCHS-06****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	20-30	21044	40			DV03 CRD.SAFE2	50170	-	(131,250)	(131,250)		IG-OP Direct Fed
2	20-30	21044	40			DV03 CRD.SAFE2	60000	-	11,484	11,484		Base [703062 & 701648]
3	20-30	21044	40			DV03 CRD.SAFE2	60120	-	459	459		COLA [703062 & 701648]
4	20-30	21044	40			DV03 CRD.SAFE2	60130	-	3,312	3,312		Fringe [703062 & 701648]
5	20-30	21044	40			DV03 CRD.SAFE2	60140	-	2,498	2,498		Insurance [703062 & 701648]
6	20-30	21044	40			DV03 CRD.SAFE2	60160	-	86,394	86,394		Pass Through Payments
7	20-30	21044	40			DV03 CRD.SAFE2	60170	-	3,300	3,300		Professional Services
8	20-30	21044	40			DV03 CRD.SAFE2	60180	-	50	50		Printing
9	20-30	21044	40			DV03 CRD.SAFE2	60240	-	2,912	2,912		Supplies
10	20-30	21044	40			DV03 CRD.SAFE2	60260	-	7,569	7,569		Education & Training
11	20-30	21044	40			DV03 CRD.SAFE2	60370	-	1,926	1,926		Telecommunications
12	20-30	21044	40			DV03 CRD.SAFE2	60410	-	50	50		Motorpool Services
13	20-30	21044	40			DV03 CRD.SAFE2	60430	-	8,233	8,233		Building Management Svcs
14	20-30	21044	40			DV03 CRD.SAFE2	60350	-	319	319		Indirect Costs - Central .27%
15	20-30	21044	40			DV03 CRD.SAFE2	60355	-	779	779		Indirect Costs - Dept .66%
16	20-30	21044	40			DV03 CRD.SAFE2	60360	-	1,664	1,664		Finance Opertions - 1.66%
17	20-30	21044	40			DV03 CRD.SAFE2	60365	-	302	302		HR Operations - 1.70%
18												
19	20-30	1000	40			DV03 SVC.CGF	60000	22,466	24,688	2,222		Base (703062, 712036, 711792)
20	20-30	1000	40			DV03 SVC.CGF	60130	6,474	7,114	640		Fringe (703062, 712036, 711792)
21	20-30	1000	40			DV03 SVC.CGF	60140	5,096	6,265	1,169		Insurance (703062, 712036, 711792)
22												
23	20-30	1000	40			DV03 CRD.CGF	60000	80,690	77,960	(2,730)		Base [701648]
24	20-30	1000	40			DV03 CRD.CGF	60130	23,255	22,466	(789)		Fringe [701648]
25	20-30	1000	40			DV03 CRD.CGF	60140	17,495	16,983	(512)		Insurance [701648]
26												
27	26-00	1000	40			CHSDO.IND1000	50370	(144,673)	(145,452)	(779)		Dept Indirect Revenue
28	26-00	1000	40			CHSDO.IND1000	60240	5,661	6,427	766		Supplies
29	26-00	1000	40			CHSDO.IND1000	60360	7,659	7,672	13		Finance Operations - 1.66%
										0	0	Total - Page 1
										0	0	GRAND TOTAL

Budget Modification or Amendment ID: **DCHS-06****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
30	70-01	3500			705210		50316		(3,155)	(3,155)		Insurance Rev
31	70-01	3500			705210		60330		3,155	3,155		Claims Paid
32												
33	19	1000			9500001000		50310		(319)	(319)		Central Indirect Rev to GF
34	19	1000			9500001000		60470		319	319		CGF Contingency Expense
35												
36	70-03	3503			709525		50310		(1,926)	(1,926)		Central Telecomm Revenue
37	70-03	3503			709525		60200		1,926	1,926		Central Telecomm Exp
38												
39	90-40	3501			904100		50310		(50)	(50)		Central Motor Pool Revenue
40	90-40	3501			904100		60240		50	50		Central Motor Pool Exp
41												
42	90-20	3505			902575		50310		(8,233)	(8,233)		Central Facilities Revenue
43	90-20	3505			902575		60240		8,233	8,233		Central Facilities Exp
44												
45	71-10	3506			711100		50310		(1,664)	(1,664)		Svc Reim Fin Shared Service
46	71-10	3506			711100		60240		1,664	1,664		Supplies
47												
48	71-20	3506			712006		50310		(302)	(302)		Svc Reim HR Shared Service
49	71-20	3506			712006		60240		302	302		Supplies
50												
51												
52												
53												
54												
55												
56												
57												
58												
										0	0	Total - Page 2
										0	0	GRAND TOTAL

[illegible]

AGENDA PLACEMENT REQUEST

BUD MOD DCHS-07

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-12 DATE 12-02-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only:

Meeting Date: December 2, 2004

Agenda Item #: R-12

Est. Start Time: 11:25 AM

Date Submitted: 11/08/04

Requested Date: December 2, 2004

Time Requested: 5 mins

Department: County Human Services

Division: Domestic Violence

Contact/s: Al Stickel/Chris Yager

Phone: 503 988-3691

Ext.: 84135/26777

I/O Address: 166/7

Presenters: Patricia Pate

Agenda Title: Budget Modification DCHS-07 Increasing the Domestic Violence Budget by \$23,881 to Reflect a National Institute of Health/National Institute of Nursing Research Grant Award for Workplace Strategies to Prevent Violence Program, in Collaboration with Oregon Health & Sciences University

**NOTE: If Ordinance, Resolution, Order or Proclamation, provide exact title.
For all other submissions, provide clearly written title.**

1. **What action are you requesting from the Board? What is the department/agency recommendation?**
The Department of County Human Services recommends approval of budget modification DCHS-07.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
The total grant award is for \$28,658 from September 1, 2004 to August 31, 2005. The grant provides funding for the Domestic Violence Program Manager 1 to spend 10% of her time acting as one of the Principal Investigators to conduct research. Focus group studies and surveys will be conducted with interpersonal violence perpetrators to gain information on workplace policies that will help increase battered women's safety and access to community resources. The current duties of the Program Manager 1 involving

work with the Family Violence Coordinating Council will be reassigned to an existing Program Development Specialist, increasing that position by 0.13 FTE.

3. Explain the fiscal impact (current year and ongoing).

Grant revenue increases by \$23,881. This grant is renewable annually through 8/31/09. Personnel costs increase by \$8,047 (\$9,657 for first year). Materials & Supplies expenses increase by \$13,316 for research supplies, WEB training, conferences and long distance telephone costs. Professional Services expenditures increase by \$1,916 for translation services. Grant paid indirect and Shared Services expenses increase by \$215 and \$387, respectively. Increased reimbursements from the Fed/State fund will be made to the following funds: \$1,293 Insurance Fund; \$167 Communications Fund; and \$62 General Fund. Department grant paid indirect revenue increases by \$153 with a corresponding increase in expenses.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ **What revenue is being changed and why?** New grant funding of \$23,881 from National Institutes of Health and Nursing Research.
 - ❖ **What budgets are increased/decreased?** Domestic Violence budget increases by \$23,881. Director's Office budget increases by \$153. Internal Service provider's budgets increase overall by \$1,909.
 - ❖ **What do the changes accomplish?** Provides resources to develop effective culturally competent community partnered interventions and policies to prevent interpersonal violence.
 - ❖ **Do any personnel actions result from this budget modification? Explain.** Yes. 0.13 FTE increase (.15 FTE annualized) in Domestic Violence staffing – Program Development Specialist.
 - ❖ **Is the revenue one-time-only in nature?** No
 - ❖ **If a grant, what period does the grant cover?** September 1, 2004 to August 31, 2005, renewable annually through August 31, 2009.
 - ❖ **When the grant expires, what are funding plans?** None
- NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**

- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues.
N/A.

5. Explain any citizen and/or other government participation that has or will take place.
N/A.

Required Signatures:

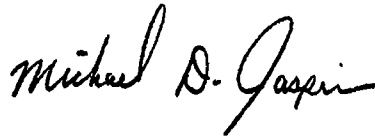
Department/Agency Director:



Date: 11/08/04

Budget Analyst

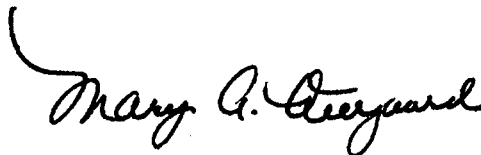
By:



Date: 11/08/04

Dept/Countywide HR

By:



Date: 09/23/04

Budget Modification or Amendment ID: **DCHS-07****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	20-30	32148	40			DV03 CRD.NIH	50190	-	(23,881)	(23,881)		IG-OP-Fed Thru State
2	20-30	32148	40			DV03 CRD.NIH	60000	-	5,085	5,085		Permanent (701648)
3	20-30	32148	40			DV03 CRD.NIH	60120	-	203	203		Premium (COLA)
4	20-30	32148	40			DV03 CRD.NIH	60130	-	1,466	1,466		Fringe (701648)
5	20-30	32148	40			DV03 CRD.NIH	60140	-	1,293	1,293		Insurance (701648)
5	20-30	32148	40			DV03 CRD.NIH	60170	-	1,916	1,916		Professional Services
6	20-30	32148	40			DV03 CRD.NIH	60240	-	895	895		Supplies
7	20-30	32148	40			DV03 CRD.NIH	60260	-	12,254	12,254		Education & Training
8	20-30	32148	40			DV03 CRD.NIH	60370	-	167	167		Telephone
9	20-30	32148	40			DV03 CRD.NIH	60350	-	62	62		Indirect Central (.27%)
10	20-30	32148	40			DV03 CRD.NIH	60355	-	153	153		Indirect Dept (.66%)
11	20-30	32148	40			DV03 CRD.NIH	60360	-	250	250		Finance Operations (1.66%)
12	20-30	32148	40			DV03 CRD.NIH	60365	-	137	137		HR Operations (1.70%)
13												
14	26-00	1000	40			CHSDO.IND1000	50370	(144,673)	(144,826)	(153)		Dept Indirect Revenue
15	26-00	1000	40			CHSDO.IND1000	60240	5,661	5,814	153		Supplies
16												
17	70-01	3500	20		705210		50316		(1,293)	(1,293)		Insurance Revenue
18	70-01	3500	20		705210		60330		1,293	1,293		Claims Paid
19												
20	70-03	3503	20		709525		50310		(167)	(167)		Svc Reimb F/S to Telecom
21	70-03	3503	20		709525		60200		167	167		Communications
22												
23	71-10	3506	20		711100		50310		(250)	(250)		Svc Reim Fin Shared Service
24	71-10	3506	20		711100		60240		250	250		Supplies
25												
26	71-20	3506	20		712006		50310		(137)	(137)		Svc Reim HR Shared Service
27	71-20	3506	20		712006		60240		137	137		Supplies
28												
										0	0	Total - Page 1
										0	0	GRAND TOTAL

Budget Modification or Amendment ID: **DCHS-07****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
30	19	1000	20		9500001000		50310		(62)	(62)		Svc Reimb F/S to CGF
31	19	1000	20		9500001000		60470		62	62		Contingency
32												
33												
34												
35												
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54												
55												
56												
57												
58												
										0	0	Total - Page 2
										0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6021	63260	Program Development Spec	711641	0.15	6,102	1,759	1,552	9,413
1000	9615	63260	Program Manager 1	701648	(0.10)	(6,102)	(1,759)	(1,552)	(9,413)
1505	9615	63260	Program Manager 1	701648	0.10	6,102	1,759	1,552	9,413
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.15	6,102	1,759	1,552	9,413

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR - 10 Months (83.3%)			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6021	63260	Program Development Spec	711641	0.13	5,085	1,466	1,293	7,844
1000	9615	63260	Program Manager 1	701648	(0.08)	(5,085)	(1,466)	(1,293)	(7,844)
1505	9615	63260	Program Manager 1	701648	0.08	5,085	1,466	1,293	7,844
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.13	5,085	1,466	1,293	7,844

Note:

CGF funding from Chiquita Rollins was freed up with new NIH Grant funding: -.08 FTE (PM1) and +.13 FTE (PDS)